

## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2201**

Kolodin Floor Amendment

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1. Removes the specification that any cause of action against a Public Power Entity or Electric Utility that is related to a wildfire, all of the elements must be proven by clear and convincing evidence.
  2. Removes the specification that in an action to recover any damages that result from a wildfire, neither consequential property nor exemplary or punitive bodily injury or property damages must be recovered.
  3. Removes the prohibition that a class action brought under Arizona rule of civil procedure from being maintained for any cause of action against a Public Power Entity or Electric Utility related to a wildfire.
  4. Makes technical and conforming changes.

Amendment explanation prepared by B. Santillan Ramos

Phone Number 6-3046

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2/24/2025

ADDITIONAL COW  
KOLODIN FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2201  
(Reference to House engrossed bill)

Amendment instruction key:  
[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.  
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.  
[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.  
[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.  
<<Green carets>> indicate a section added to the bill.  
<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 30, Arizona Revised Statutes, is amended by adding  
3 chapter 7, to read:

4 CHAPTER 7  
5 WILDFIRE MITIGATION PLANNING  
6 ARTICLE 1. GENERAL PROVISIONS

7 30-901. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "ATTACHOR" MEANS ANY CABLE TELEVISION SYSTEM OR PROVIDER OF  
10 TELECOMMUNICATIONS OR BROADBAND COMMUNICATION SERVICES THAT OWNS OR  
11 OPERATES EQUIPMENT THAT IS ATTACHED TO A POLE, DUCT OR CONDUIT OR THAT IS  
12 OTHERWISE LOCATED WITHIN A RIGHT-OF-WAY THAT IS OWNED OR CONTROLLED BY A  
13 PUBLIC POWER ENTITY, PROVIDED THAT THE ATTACHING ENTITY IS A CURRENT PARTY  
14 TO AND IN COMPLIANCE WITH AN ATTACHMENT AGREEMENT WITH THE PUBLIC POWER  
15 ENTITY.

16 2. "ELECTRIC UTILITY" HAS THE SAME MEANING PRESCRIBED IN SECTION  
17 40-1301.

18 3. "GOVERNING BODY" MEANS THE GOVERNING BODY OF A PUBLIC POWER  
19 ENTITY.

20 4. "PUBLIC POWER ENTITY" MEANS ANY MUNICIPAL CORPORATION OR  
21 POLITICAL SUBDIVISION THAT OWNS AND OPERATES FACILITIES THAT GENERATE,  
22 TRANSMIT OR DISTRIBUTE ELECTRIC ENERGY FOR SALE TO RETAIL CUSTOMERS IN  
23 THIS STATE.

24 5. "PUBLIC SAFETY POWER SHUT OFF" MEANS THE INTENTIONAL TEMPORARY  
25 SHUT OFF OF POWER DURING CERTAIN WEATHER OR ENVIRONMENTAL CONDITIONS TO  
26 REDUCE THE RISK OF WILDFIRES.

27 6. "WILDFIRE" MEANS ANY UNWANTED, UNPLANNED OR UNCONTROLLED FIRE  
28 THAT IGNITES VEGETATION WITHIN A WILDLAND OR NATURAL AREA, INCLUDING:

1 (a) FORESTS.  
2 (b) GRASSLANDS.  
3 (c) PRAIRIES.  
4 (d) ANY AREAS THAT INTERFACE BETWEEN WILDLAND OR NATURAL AND URBAN  
5 AREAS.  
6 7. "WILDFIRE MITIGATION PLAN" MEANS A PLAN THAT IS SUBMITTED TO THE  
7 GOVERNING BODY IN ACCORDANCE WITH THIS CHAPTER.  
8 30-902. Cause of action; exclusive means of recovery; legal duty  
9 A. THIS CHAPTER DOES NOT ESTABLISH A NEW CAUSE OF ACTION. IF THERE  
10 IS A CONFLICT BETWEEN THIS CHAPTER AND ANY OTHER STATE LAW, THIS CHAPTER  
11 CONTROLS.  
12 B. EXCEPT AS OTHERWISE AGREED TO IN WRITING OR ESTABLISHED BY  
13 FEDERAL LAW, THIS CHAPTER ESTABLISHES THE EXCLUSIVE MEANS OF RECOVERY FROM  
14 A PUBLIC POWER ENTITY FOR CLAIMS OR DAMAGES THAT RESULT FROM WILDFIRES.  
15 C. THIS CHAPTER DOES NOT ESTABLISH ANY ADDITIONAL LEGAL DUTY THAT  
16 SUPPORTS ANY CLAIM THAT WOULD NOT OTHERWISE ALREADY EXIST.  
17 D. IN ANY CAUSE OF ACTION AGAINST A PARENT, SUBSIDIARY OR OTHER  
18 CORPORATE AFFILIATE OF A PUBLIC POWER ENTITY THAT IS RELATED TO A  
19 WILDFIRE, THAT PARENT, SUBSIDIARY OR OTHER CORPORATE AFFILIATE OF THE  
20 PUBLIC POWER ENTITY SHALL BE TREATED THE SAME AS AND CONSIDERED EQUIVALENT  
21 TO A PUBLIC POWER ENTITY FOR THE PURPOSES OF SECTION 30-904.  
22 E. IN ANY CAUSE OF ACTION AGAINST A PUBLIC POWER ENTITY THAT IS  
23 RELATED TO A WILDFIRE, AN ATTACHOR SHALL BE CONSIDERED TO BE A PUBLIC  
24 POWER ENTITY FOR THE PURPOSES OF SECTION 30-904 WITH RESPECT TO ANY  
25 LIABILITY THAT MAY BE ALLEGED TO HAVE ARISEN OUT OF THE ATTACHOR'S  
26 EQUIPMENT.  
27 30-903. Wildfire mitigation plan  
28 A. A PUBLIC POWER ENTITY SHALL PREPARE AND SUBMIT A WILDFIRE  
29 MITIGATION PLAN TO THE PUBLIC POWER ENTITY'S GOVERNING BODY FOR REVIEW AND  
30 APPROVAL. THE PUBLIC POWER ENTITY MAY USE THE SUBMISSION AS AN UPDATE TO  
31 THE LAST APPROVED WILDFIRE MITIGATION PLAN. THE PUBLIC POWER ENTITY SHALL  
32 SUBMIT THE WILDFIRE MITIGATION PLAN TO THE PUBLIC POWER ENTITY'S GOVERNING  
33 BODY ON OR BEFORE MAY 1, 2026 AND EVERY EVEN-NUMBERED YEAR THEREAFTER  
34 UNLESS THE GOVERNING BODY ORDERS OTHERWISE. BEFORE A PUBLIC POWER ENTITY  
35 SUBMITS A WILDFIRE MITIGATION PLAN TO THE GOVERNING BODY, THE PUBLIC POWER  
36 ENTITY SHALL CONSULT WITH A STATE OR FEDERAL LAND MANAGEMENT OR FIRE  
37 PROTECTION AGENCY THAT HAS AUTHORITY IN THE PUBLIC POWER ENTITY'S SERVICE  
38 TERRITORY, AS APPLICABLE, AS TO THE CONTENT OF THE WILDFIRE MITIGATION  
39 PLAN.  
40 B. A WILDFIRE MITIGATION PLAN IS DEEMED APPROVED WHEN SUBMITTED TO  
41 THE GOVERNING BODY. A PUBLIC POWER ENTITY MAY UPDATE THE PUBLIC POWER  
42 ENTITY'S WILDFIRE MITIGATION PLAN AS NEEDED. ANY SUBMISSION OF AN UPDATED  
43 PLAN IS DEEMED APPROVED WHEN SUBMITTED TO THE GOVERNING BODY.  
44 C. THE GOVERNING BODY SHALL REVIEW THE SUBMITTED WILDFIRE  
45 MITIGATION PLAN TO ENSURE THAT THE PLAN:  
46 1. COMPLIES WITH THIS CHAPTER AND ALL APPLICABLE RULES AND  
47 REGULATIONS.  
48 2. IS REASONABLE.  
49 3. IS IN THE PUBLIC INTEREST.

1 D. THE GOVERNING BODY MAY REQUEST ADDITIONAL INFORMATION OR A  
2 MODIFICATION TO THE SUBMITTED WILDFIRE MITIGATION PLAN WITHIN ONE HUNDRED  
3 TWENTY DAYS AFTER RECEIPT OF THE WILDFIRE MITIGATION PLAN BY PROVIDING  
4 WRITTEN NOTICE TO THE PUBLIC POWER ENTITY. A WILDFIRE MITIGATION PLAN  
5 REMAINS APPROVED WHILE THE PUBLIC POWER ENTITY MAKES A GOOD FAITH EFFORT  
6 TO ADDRESS THE GOVERNING BODY'S REQUEST.

7 E. WITHIN NINETY DAYS AFTER RECEIPT OF THE NOTICE PRESCRIBED IN  
8 SUBSECTION D OF THIS SECTION, THE PUBLIC POWER ENTITY SHALL REVISE THE  
9 PUBLIC POWER ENTITY'S WILDFIRE MITIGATION PLAN TO ADDRESS THE GOVERNING  
10 BODY'S REQUEST. THE GOVERNING BODY HAS SIXTY DAYS TO CONSIDER THE PUBLIC  
11 POWER ENTITY'S RESPONSE AND ANY PROPOSED ADDITIONAL INFORMATION OR  
12 MODIFICATION TO THE WILDFIRE MITIGATION PLAN. IF THE GOVERNING BODY DOES  
13 NOT TAKE ANY ACTION WITHIN SIXTY DAYS TO REJECT THE WILDFIRE MITIGATION  
14 PLAN OR ANY PORTION OF THE WILDFIRE MITIGATION PLAN, THE WILDFIRE  
15 MITIGATION PLAN IS DEEMED APPROVED. THE WILDFIRE MITIGATION PLAN IS  
16 DEEMED APPROVED DURING THE PENDENCY OF ANY REHEARING OR JUDICIAL ACTION  
17 THAT SEEKS REVIEW OF THE GOVERNING BODY'S REJECTION OF THE WILDFIRE  
18 MITIGATION PLAN OR ANY PORTION OF THE WILDFIRE MITIGATION PLAN.

19 F. THE WILDFIRE MITIGATION PLAN SHALL INCLUDE THE FOLLOWING:

20 1. A DESCRIPTION OF AREAS WITHIN THE GEOGRAPHIC REGION WHERE THE  
21 PUBLIC POWER ENTITY'S FACILITIES MAY BE SUBJECT TO A HEIGHTENED RISK OF  
22 WILDFIRE.

23 2. A DESCRIPTION OF THE PROCEDURES AND STANDARDS THAT THE PUBLIC  
24 POWER ENTITY WILL USE TO INSPECT AND OPERATE THE PUBLIC POWER ENTITY'S  
25 INFRASTRUCTURE TO MITIGATE THE RISK OF WILDFIRES.

26 3. A DESCRIPTION OF THE KEY INDIVIDUALS OR POSITION TITLES OF THOSE  
27 PERSONS WHO ARE RESPONSIBLE FOR IMPLEMENTING THE WILDFIRE MITIGATION PLAN.

28 4. A DESCRIPTION OF PROCEDURES FOR DEENERGIZING POWER LINES AND  
29 DISABLING RECLOSERS TO MITIGATE POTENTIAL WILDFIRES OR PROVIDE A PUBLIC  
30 SAFETY POWER SHUT OFF PLAN.

31 5. A PLAN FOR VEGETATION MANAGEMENT.

32 6. A SUMMARY OF THE PROCEDURES THE PUBLIC POWER ENTITY INTENDS TO  
33 USE TO RESTORE THE PUBLIC POWER ENTITY'S ELECTRICAL SYSTEM IN THE EVENT OF  
34 A WILDFIRE.

35 7. A DESCRIPTION OF COMMUNITY OUTREACH AND PUBLIC AWARENESS  
36 EFFORTS.

37 8. A DESCRIPTION OF POTENTIAL PARTICIPATION, IF APPLICABLE, WITH  
38 STATE OR LOCAL WILDFIRE PROTECTION EFFORTS.

39 9. A DESCRIPTION OF HOW THE PUBLIC POWER ENTITY WILL MONITOR  
40 COMPLIANCE WITH THE WILDFIRE MITIGATION PLAN.

41 G. A PUBLIC POWER ENTITY MAY REFERENCE PROCEDURES AND STANDARDS  
42 THAT ARE NOT SPECIFICALLY ENUMERATED IN THE WILDFIRE MITIGATION PLAN IN  
43 LIEU OF THE REQUIREMENTS UNDER SUBSECTION F OF THIS SECTION. REFERENCED  
44 MATERIAL MUST BE INCLUDED AS ATTACHMENTS TO THE WILDFIRE MITIGATION PLAN  
45 SUBMISSION.

46 30-904. Liability for causing wildfires; severability

47 ~~[A. FOR ANY CAUSE OF ACTION AGAINST A PUBLIC POWER ENTITY THAT IS~~  
48 ~~RELATED TO A WILDFIRE, ALL OF THE ELEMENTS MUST BE PROVEN BY CLEAR AND~~  
49 ~~CONVINCING EVIDENCE.]~~



1           2. "COMMISSION" MEANS THE CORPORATION COMMISSION.  
2           3. "ELECTED BOARD" MEANS THE GOVERNING BODY OF AN ELECTRIC UTILITY  
3 THAT IS SELECTED BY VOTERS OR MEMBERS OF AN ELECTRIC COOPERATIVE IN AN  
4 ELECTION.  
5           4. "ELECTRIC UTILITY":  
6           (a) MEANS:  
7           (i) ANY PERSON, BUSINESS ORGANIZATION, PUBLIC SERVICE CORPORATION,  
8 ELECTRIC COOPERATIVE OR OTHER LEGAL ENTITY THAT OWNS AND OPERATES  
9 FACILITIES FOR THE GENERATION, TRANSMISSION OR DISTRIBUTION OF ELECTRIC  
10 ENERGY FOR SALE TO RETAIL CUSTOMERS IN THIS STATE.  
11           (ii) ANY GENERATION AND TRANSMISSION COOPERATIVE OPERATING IN THIS  
12 STATE.  
13           (b) DOES NOT INCLUDE A PUBLIC POWER ENTITY.  
14           5. "PUBLIC POWER ENTITY" MEANS A PUBLIC POWER ENTITY AS DEFINED IN  
15 SECTION 30-901.  
16           6. "PUBLIC SAFETY POWER SHUT OFF" MEANS THE INTENTIONAL TEMPORARY  
17 SHUT OFF OF POWER DURING CERTAIN WEATHER OR ENVIRONMENTAL CONDITIONS TO  
18 REDUCE THE RISK OF WILDFIRES.  
19           7. "WILDFIRE" MEANS ANY UNWANTED, UNPLANNED OR UNCONTROLLED FIRE  
20 THAT IGNITES VEGETATION WITHIN A WILDLAND OR NATURAL AREA, INCLUDING:  
21           (a) FORESTS.  
22           (b) GRASSLANDS.  
23           (c) PRAIRIES.  
24           (d) ANY AREAS THAT INTERFACE BETWEEN WILDLAND OR NATURAL AND URBAN  
25 AREAS.  
26           8. "WILDFIRE MITIGATION PLAN" MEANS A PLAN THAT IS SUBMITTED TO THE  
27 COMMISSION OR ELECTED BOARD IN ACCORDANCE WITH THIS CHAPTER.  
28           40-1302. Cause of action; exclusive means of recovery; legal duty  
29           A. THIS CHAPTER DOES NOT ESTABLISH A NEW CAUSE OF ACTION. IF THERE  
30 IS A CONFLICT BETWEEN THIS CHAPTER AND ANY OTHER STATE LAW, THIS CHAPTER  
31 CONTROLS.  
32           B. EXCEPT AS OTHERWISE AGREED TO IN WRITING OR ESTABLISHED BY  
33 FEDERAL LAW, THIS CHAPTER ESTABLISHES THE EXCLUSIVE MEANS OF RECOVERY FROM  
34 AN ELECTRIC UTILITY FOR CLAIMS OR DAMAGES THAT RESULT FROM WILDFIRES.  
35           C. THIS CHAPTER DOES NOT ESTABLISH ANY ADDITIONAL LEGAL DUTY THAT  
36 SUPPORTS ANY CLAIM THAT WOULD NOT OTHERWISE ALREADY EXIST.  
37           D. IN ANY CAUSE OF ACTION AGAINST A PARENT, SUBSIDIARY OR OTHER  
38 CORPORATE AFFILIATE OF AN ELECTRIC UTILITY THAT IS RELATED TO A WILDFIRE,  
39 THAT PARENT, SUBSIDIARY OR OTHER CORPORATE AFFILIATE OF THE ELECTRIC  
40 UTILITY SHALL BE TREATED THE SAME AS AND CONSIDERED EQUIVALENT TO AN  
41 ELECTRIC UTILITY FOR THE PURPOSES OF SECTION 40-1304.  
42           E. IN ANY CAUSE OF ACTION AGAINST AN ELECTRIC UTILITY THAT IS  
43 RELATED TO A WILDFIRE, ANY ATTACHOR SHALL BE CONSIDERED TO BE AN ELECTRIC  
44 UTILITY FOR THE PURPOSES OF SECTION 40-1304 WITH RESPECT TO ANY LIABILITY  
45 THAT MAY BE ALLEGED TO HAVE ARISEN OUT OF THE ATTACHOR'S EQUIPMENT.  
46           40-1303. Wildfire mitigation plan  
47           A. EXCEPT AS PROVIDED IN SUBSECTION H OF THIS SECTION, AN ELECTRIC  
48 UTILITY SHALL PREPARE AND SUBMIT A WILDFIRE MITIGATION PLAN TO THE  
49 COMMISSION FOR REVIEW AND APPROVAL. THE ELECTRIC UTILITY MAY USE THE

1 SUBMISSION AS AN UPDATE TO THE LAST APPROVED WILDFIRE MITIGATION PLAN.  
2 THE ELECTRIC UTILITY SHALL SUBMIT THE WILDFIRE MITIGATION PLAN TO THE  
3 COMMISSION ON OR BEFORE MAY 1, 2026 AND EVERY EVEN-NUMBERED YEAR  
4 THEREAFTER. BEFORE AN ELECTRIC UTILITY SUBMITS A WILDFIRE MITIGATION PLAN  
5 TO THE COMMISSION, THE ELECTRIC UTILITY SHALL CONSULT WITH A STATE OR  
6 FEDERAL LAND MANAGEMENT OR FIRE PROTECTION AGENCY THAT HAS AUTHORITY IN  
7 THE ELECTRIC UTILITY'S SERVICE TERRITORY, AS APPLICABLE, AS TO THE CONTENT  
8 OF THE WILDFIRE MITIGATION PLAN.

9 B. THE WILDFIRE MITIGATION PLAN IS DEEMED APPROVED WHEN SUBMITTED  
10 TO THE COMMISSION. AN ELECTRIC UTILITY MAY UPDATE THE ELECTRIC UTILITY'S  
11 WILDFIRE MITIGATION PLAN AS NEEDED. ANY SUBMISSION OF AN UPDATED PLAN IS  
12 DEEMED APPROVED WHEN SUBMITTED TO THE COMMISSION.

13 C. THE COMMISSION SHALL REVIEW THE SUBMITTED WILDFIRE MITIGATION  
14 PLAN TO ENSURE THAT THE PLAN:

15 1. COMPLIES WITH THIS CHAPTER AND ALL APPLICABLE RULES AND  
16 REGULATIONS.

17 2. IS REASONABLE.

18 3. IS IN THE PUBLIC INTEREST.

19 D. THE COMMISSION MAY REQUEST ADDITIONAL INFORMATION OR A  
20 MODIFICATION TO THE SUBMITTED WILDFIRE MITIGATION PLAN WITHIN ONE HUNDRED  
21 TWENTY DAYS AFTER RECEIPT OF THE WILDFIRE MITIGATION PLAN BY PROVIDING  
22 WRITTEN NOTICE TO THE ELECTRIC UTILITY. A WILDFIRE MITIGATION PLAN  
23 REMAINS APPROVED WHILE THE ELECTRIC UTILITY MAKES A GOOD FAITH EFFORT TO  
24 ADDRESS THE COMMISSION'S REQUEST.

25 E. WITHIN NINETY DAYS AFTER RECEIPT OF THE NOTICE PRESCRIBED IN  
26 SUBSECTION D OF THIS SECTION, THE ELECTRIC UTILITY SHALL REVISE THE  
27 ELECTRIC UTILITY'S WILDFIRE MITIGATION PLAN TO ADDRESS THE COMMISSION'S  
28 REQUEST. THE COMMISSION HAS SIXTY DAYS TO CONSIDER THE ELECTRIC UTILITY'S  
29 RESPONSE AND ANY PROPOSED ADDITIONAL INFORMATION OR MODIFICATION TO THE  
30 WILDFIRE MITIGATION PLAN. IF THE COMMISSION DOES NOT TAKE ANY ACTION  
31 WITHIN SIXTY DAYS TO REJECT THE WILDFIRE MITIGATION PLAN OR ANY PORTION OF  
32 THE WILDFIRE MITIGATION PLAN, THE WILDFIRE MITIGATION PLAN IS DEEMED  
33 APPROVED. THE WILDFIRE MITIGATION PLAN IS DEEMED APPROVED DURING THE  
34 PENDENCY OF ANY REHEARING OR JUDICIAL ACTION PURSUANT TO SECTION 40-253 OR  
35 40-254 OR ANY OTHER REHEARING OR JUDICIAL ACTION THAT SEEKS REVIEW OF THE  
36 COMMISSION'S REJECTION OF THE WILDFIRE MITIGATION PLAN OR ANY PORTION OF  
37 THE WILDFIRE MITIGATION PLAN.

38 F. THE WILDFIRE MITIGATION PLAN SHALL INCLUDE THE FOLLOWING:

39 1. A DESCRIPTION OF AREAS WITHIN THE GEOGRAPHIC REGION WHERE THE  
40 UTILITIES FACILITIES MAY BE SUBJECT TO A HEIGHTENED RISK OF WILDFIRE.

41 2. A DESCRIPTION OF THE PROCEDURES AND STANDARDS THAT THE ELECTRIC  
42 UTILITY WILL USE TO INSPECT AND OPERATE THE ELECTRIC UTILITY'S  
43 INFRASTRUCTURE TO MITIGATE THE RISK OF WILDFIRES.

44 3. A DESCRIPTION OF THE KEY INDIVIDUALS OR POSITION TITLES OF THOSE  
45 PERSONS WHO ARE RESPONSIBLE FOR IMPLEMENTING THE WILDFIRE MITIGATION PLAN.

46 4. A DESCRIPTION OF PROCEDURES FOR DEENERGIZING POWER LINES AND  
47 DISABLING RECLOSERS TO MITIGATE POTENTIAL WILDFIRES OR PROVIDE A PUBLIC  
48 SAFETY POWER SHUT OFF PLAN.

49 5. A PLAN FOR VEGETATION MANAGEMENT.

1 6. A SUMMARY OF THE PROCEDURES THE ELECTRIC UTILITY INTENDS TO USE  
2 TO RESTORE THE ELECTRIC UTILITY'S ELECTRICAL SYSTEM IN THE EVENT OF A  
3 WILDFIRE.

4 7. A DESCRIPTION OF COMMUNITY OUTREACH AND PUBLIC AWARENESS  
5 EFFORTS.

6 8. A DESCRIPTION OF POTENTIAL PARTICIPATION, IF APPLICABLE, WITH  
7 STATE OR LOCAL WILDFIRE PROTECTION EFFORTS.

8 9. A DESCRIPTION OF HOW THE ELECTRIC UTILITY WILL MONITOR  
9 COMPLIANCE WITH THE WILDFIRE MITIGATION PLAN.

10 G. AN ELECTRIC UTILITY MAY REFERENCE PROCEDURES AND STANDARDS THAT  
11 ARE NOT SPECIFICALLY ENUMERATED IN THE WILDFIRE MITIGATION PLAN IN LIEU OF  
12 THE REQUIREMENTS UNDER SUBSECTION F OF THIS SECTION. REFERENCED MATERIAL  
13 MUST BE INCLUDED AS ATTACHMENTS TO THE WILDFIRE MITIGATION PLAN  
14 SUBMISSION.

15 H. ON OR BEFORE MAY 1, 2026 AND EVERY EVEN-NUMBERED YEAR THEREAFTER  
16 UNLESS AN ELECTRIC UTILITY'S GOVERNING BOARD ORDERS OTHERWISE, AN ELECTRIC  
17 UTILITY THAT IS GOVERNED BY AN ELECTED BOARD SHALL SUBMIT A COPY OF THE  
18 ELECTRIC UTILITY'S WILDFIRE MITIGATION PLAN TO THE ELECTED BOARD, INSTEAD  
19 OF THE COMMISSION, FOR REVIEW AND APPROVAL. THE ELECTED BOARD SHALL  
20 REPLACE THE ROLE OF THE COMMISSION FOR THE PURPOSES OF THIS SECTION.  
21 BEFORE AN ELECTRIC UTILITY SUBMITS A WILDFIRE MITIGATION PLAN TO THE  
22 ELECTED BOARD, THE ELECTRIC UTILITY SHALL CONSULT WITH A STATE OR FEDERAL  
23 LAND MANAGEMENT OR FIRE PROTECTION AGENCY THAT HAS AUTHORITY IN THE  
24 ELECTRIC UTILITY'S SERVICE TERRITORY, AS APPLICABLE, AS TO THE CONTENT OF  
25 THE WILDFIRE MITIGATION PLAN.

26 40-1304. Liability for causing wildfires; severability

27 ~~[A. FOR ANY CAUSE OF ACTION AGAINST AN ELECTRIC UTILITY THAT IS  
28 RELATED TO A WILDFIRE, ALL OF THE ELEMENTS MUST BE PROVEN BY CLEAR AND  
29 CONVINCING EVIDENCE.]~~

30 ~~[B.]~~ [A.] AN ELECTRIC UTILITY THAT SUBSTANTIALLY ACTS IN COMPLIANCE  
31 WITH THE APPROVED WILDFIRE MITIGATION PLAN IS DEEMED TO MEET THE STANDARD  
32 OF CARE FOR A REASONABLY PRUDENT ELECTRIC UTILITY UNLESS THERE IS ~~[CLEAR  
33 AND CONVINCING]~~ EVIDENCE OF WILFULL, INTENTIONAL OR RECKLESS MISCONDUCT.  
34 A FAILURE TO COMPLY WITH AN APPROVED WILDFIRE MITIGATION PLAN DOES NOT  
35 CONSTITUTE NEGLIGENCE PER SE. A PUBLIC POWER ENTITY'S OR ELECTRIC  
36 UTILITY'S WILDFIRE MITIGATION PLAN SHALL NOT BE ADMISSIBLE AS EVIDENCE  
37 AGAINST ANOTHER PUBLIC POWER ENTITY OR ELECTRIC UTILITY IN A CIVIL ACTION  
38 THAT AROSE OUT OF A WILDFIRE.

39 ~~[C.]~~ [B.] AN ELECTRIC UTILITY SHALL NOT BE APPORTIONED ANY FAULT  
40 FOR THE IGNITION OF A WILDFIRE FROM SOURCES THAT ARE OUTSIDE OF THE  
41 ELECTRIC UTILITY'S CONTROL, INCLUDING LIGHTNING STRIKES OR ACTIONS BY  
42 THIRD PARTIES.

43 ~~[D.]~~ [C.] AN ELECTRIC UTILITY SHALL NOT BE APPORTIONED ANY FAULT  
44 FOR VEGETATION OR OTHER WILDFIRE RISKS OUTSIDE OF THE ELECTRIC UTILITY'S  
45 RIGHT-OF-WAY, LEASE OR OTHER PROPERTY RIGHTS OR AREAS IN WHICH THE  
46 ELECTRIC UTILITY HAS BEEN DELAYED IN ACCESSING OR DENIED ACCESS TO FOR  
47 PURPOSES OF PERFORMING VEGETATION MANAGEMENT.

48 ~~[E.]~~ [D.] AN ELECTRIC UTILITY HAS SOLE DISCRETION REGARDING WHEN  
49 REENERGIZATIONS IS APPROPRIATE. AN ELECTRIC UTILITY SHALL NOT BE



1 APPORTIONED ANY FAULT FOR THE ELECTRIC UTILITY'S DECISION TO DEENERGIZE OR  
2 NOT DEENERGIZE, INCLUDING FAULT FOR INTERRUPTED SERVICE.

3 ~~[F.] [E.]~~ A CLAIM FOR CONDEMNATION OR INVERSE CONDEMNATION SHALL  
4 NOT EXIST AGAINST AN ELECTRIC UTILITY RELATED TO WILDFIRES.

5 ~~[G. IN AN ACTION PURSUANT TO THIS SECTION TO RECOVER ANY DAMAGES~~  
6 ~~THAT RESULT FROM A WILDFIRE, NEITHER CONSEQUENTIAL PROPERTY DAMAGES NOR~~  
7 ~~EXEMPLARY OR PUNITIVE BODILY INJURY OR PROPERTY DAMAGES SHALL BE~~  
8 ~~RECOVERED.]~~

9 ~~H. CLASS ACTIONS BROUGHT UNDER THE ARIZONA RULES OF CIVIL PROCEDURE~~  
10 ~~SHALL NOT BE MAINTAINED FOR ANY CAUSE OF ACTION AGAINST AN ELECTRIC~~  
11 ~~UTILITY RELATED TO A WILDFIRE.]~~

12 ~~[I.] [E.]~~ IF ANY PROVISION OF THIS CHAPTER OR ITS APPLICATION TO  
13 ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, THE INVALIDITY DOES NOT  
14 AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS CHAPTER THAT CAN BE GIVEN  
15 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION AND TO THIS END THE  
16 PROVISIONS OF THIS CHAPTER ARE SEVERABLE.

17 Enroll and engross to conform

18 Amend title to conform

ALEXANDER KOLODIN

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02/24/2025

08:17 AM

H: BSR/ljs