

TO BE PUBLISHED IN THE OFFICIAL REPORTS

OFFICE OF THE ATTORNEY GENERAL
State of California

ROB BONTA
Attorney General

OPINION	:	
	:	
	:	No. 26-202
of	:	
	:	
	:	September 29, 2026
ROB BONTA	:	
Attorney General	:	
	:	
SUSAN DUNCAN LEE	:	
Deputy Attorney General	:	

THE HONORABLE MARK GONZALEZ, ASSEMBLYMEMBER, has requested an opinion relating to wages of certain skilled tree trimmers.

QUESTION PRESENTED AND CONCLUSION

Public Utilities Code section 8386.6(b) provides that, “All qualified line clearance tree trimmers shall be paid no less than the prevailing wage rate for a first period apprentice electrical utility lineman as determined by the Director of Industrial Relations.” Does this provision apply to qualified line clearance tree trimmers employed by local publicly owned electric utilities and nonprofit electrical cooperatives?

No, Public Utilities Code section 8386.6(b) does not apply to qualified line clearance tree trimmers employed by local publicly owned electric utilities or nonprofit electrical cooperatives. It applies only to qualified line clearance tree trimmers employed by electrical corporations.

BACKGROUND

Statute and Issue Presented

Public Utilities Code section 8386.6 establishes qualifications and wages for certain electrical line clearance tree trimmers. Section 8386.6 states:

(a) *All electrical line clearance tree trimmers performing work to comply with the vegetation management requirements in an electrical corporation's wildfire mitigation plan shall be qualified line clearance tree trimmers*, or trainees under the direct supervision and instruction of qualified line clearance tree trimmers, as provided in the High-Voltage Electrical Safety Orders (Group 2 (commencing with Section 2700) of Subchapter 5 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations) of the Department of Industrial Relations.

(b) *All qualified line clearance tree trimmers* shall be paid no less than the prevailing wage rate for a first period apprentice electrical utility lineman as determined by the Director of Industrial Relations.¹

The question here is whether subdivision (b) is limited, like subdivision (a), to qualified line clearance tree trimmers who are “performing work to comply with the vegetation management requirements in an electrical corporation’s wildfire mitigation plan,” or whether subdivision (b) applies more broadly to “all” qualified line clearance tree trimmers without that limitation. Answering this question will require us to consider not only the text of the statute, but also the broader statutory context within which it occurs and the intentions of the Legislature in enacting it.²

¹ Pub. Util. Code, § 8386.6, italics added.

California Code of Regulations, title 8, section 2700 states:

Qualified Line Clearance Tree Trimmer. A person who has completed a minimum of 18 months-related training and on-the-job experience and is familiar with the special techniques and hazards involved in line clearance tree trimming operations.

Qualified Line Clearance Tree Trimmer Trainee. Any worker regularly assigned to a line clearance tree trimming crew and undergoing on-the-job training who, in the course of such training, has demonstrated the ability to perform the assigned duties safely at that level of training.

See also Cal. Code Regs., tit. 8, §§ 2950-2951 (line clearance tree trimming operations).

² See *Prang v. Los Angeles County Assessment Appeals Bd.* (2024) 15 Cal.5th 1152, 1170.

Types of Utilities

Section 8386.6(a) refers to “electrical corporations,” one of several types of utilities that supply electricity to Californians. Public Utilities Code section 218 defines “electrical corporation” as “every corporation or person owning, controlling, operating, or managing any electric plant for compensation within this state” The term “corporation” means “a corporation, a company, an association, and a joint stock association.”³ Municipal agencies are not included in these definitions.

Privately owned electrical corporations (also known as investor-owned utilities, or “IOUs”) supply roughly three-quarters of the energy sold to California consumers.⁴ There are six investor-owned electrical corporations in California; the three largest are Pacific Gas and Electric, San Diego Gas and Electric, and Southern California Edison.⁵ Investor-owned electrical corporations are regulated by the Public Utilities Commission, which sets rates, issues regulations, and monitors compliance.⁶

Local publicly owned electric utilities (also known as publicly owned utilities, or “POUs”) account for most of the remaining quarter of the utility market in California.⁷ Public Utilities Code section 224.3 defines “local publicly owned electric utility” as “a municipality or municipal corporation operating as a ‘public utility’ furnishing electric service” Publicly owned utilities are public agencies governed by locally elected or appointed officials, and not subject to regulation by the Public Utilities Commission.⁸ There are more than 40 publicly owned utilities in California, the two largest being the

³ Pub. Util. Code, § 204.

⁴ Gabriel Petek, Legis. Analyst’s Office, Assessing California’s Climate Policies—Residential Electricity Rates in California (Jan. 2025) pp. 3-4.

⁵ *Ibid.*

⁶ Cal. Const., art. XII, §§ 3, 4 (PUC regulatory authority over public utilities); see Pub. Util. Code, §§ 218 (defining “electrical corporation”), 451 (PUC authority to fix just and reasonable rates). For purposes of wildfire mitigation planning, investor-owned electrical corporations also report to the Office of Energy Infrastructure Safety, within the Natural Resources Agency. (Pub. Util. Code, § 8385, subds. (a)(6), (b).)

⁷ Gabriel Petek, Legis. Analyst’s Office, Assessing California’s Climate Policies—Residential Electricity Rates in California (Jan. 2025) pp. 3-4.

⁸ *County of Inyo v. Public Utilities. Com.* (1980) 26 Cal.3d 154, 164-166 (absent express statutory authority, PUC has no jurisdiction over municipally owned utilities).

Los Angeles Department of Water and Power and the Sacramento Municipal Utility District.⁹

The remaining portion of the retail electricity market is supplied by nonprofit electrical cooperatives.¹⁰ An electrical cooperative is a “private corporation or association organized for the purposes of transmitting or distributing electricity exclusively to its stockholders or members at cost.”¹¹ For purposes of the statutes relevant to this Opinion, electrical cooperatives are treated the same as local publicly owned electric utilities.¹² In the interest of readability, the analysis and conclusion in this Opinion refer only to publicly owned utilities, but should be understood as incorporating and applying equally to nonprofit electrical cooperatives.

Formation of the Statute

Public Utilities Code section 8386.6 was enacted in 2019 (effective January 1, 2020) to address a pressing need for more vegetation management around electrical power lines to mitigate wildfire risks.¹³ The new statute was chaptered within the Public Utilities Code, Division 4.1 (Provisions Applicable to Privately Owned and Publicly Owned Public Utilities), Chapter 6 (Wildfire Mitigation).

Chapter 6, which was enacted in 2016, generally requires electrical corporations, publicly owned electric utilities, and electrical cooperatives to construct, maintain, and operate electrical lines and equipment in a manner that minimizes the risk of catastrophic wildfire.¹⁴ The chapter requires all electric utilities to prepare annual mitigation plans and submit them to state authorities for review.¹⁵ Some of the provisions of Chapter 6

⁹ Gabriel Petek, Legis. Analyst’s Office, Assessing California’s Climate Policies—Residential Electricity Rates in California (Jan. 2025) pp. 3-4.

¹⁰ *Ibid.*; see Pub. Util. Code, § 2776.

¹¹ Pub. Util. Code, § 2776 (defining “electrical cooperative”).

¹² See *id.*, §§ 8385, subd. (a)(2) (defining “electrical cooperative” for purposes of Chapter 6), 8387 (duties of local publicly owned electric utilities and electrical cooperatives relating to wildfire risk mitigation).

¹³ Assem. Com. on Utilities and Energy, Rep. on Sen. Bill No. 247 (2019-2020 Reg. Sess.) June 24, 2019, p. 1.

¹⁴ Pub. Util. Code, §§ 8385-8389.

¹⁵ *Id.*, §§ 8386, 8387.

apply to investor-owned electrical corporations,¹⁶ some apply to publicly owned utilities,¹⁷ and some apply to both.¹⁸

Despite this mandatory wildfire planning, electrical infrastructure continued to cause large and damaging wildfires in California.¹⁹ For example, in 2018, Pacific Gas & Electric electrical equipment ignited the devastating Camp Fire in Butte County, which eventually caused many deaths and destroyed the entire town of Paradise, California.²⁰ In response to such events, the Legislature redoubled its efforts to address electrical-line hazards and enacted section 8386.6.²¹ Vegetation management by large investor-owned utilities was a key concern of the Legislature as it deliberated on Senate Bill 247 (2019), the bill that enacted section 8386.6.²² To address this concern, SB 247 added provisions requiring vegetation management progress reports, auditing, and oversight for investor-owned utilities, as well as adding minimum training and wage requirements for the tree trimmers who would be employed to do the line-clearance work.²³

Legislative reports indicate that, at the time, the state of the labor market for skilled tree trimmers was dire, featuring high demand for scarce workers, high injury rates, and depressed wages. An analysis of SB 247 by the Assembly Committee on Natural Resources explained:

¹⁶ E.g., *id.*, §§ 8386 (duties of privately owned electrical corporations to reduce wildfire risk, submit plans), 8386.1 (penalties for non-compliance), 8386.2 (requiring safety culture assessments), 8386.3 (implementation and oversight of safety plans), 8386.4 (wildfire cost recovery rate cases), 8388.5 (expedited utility undergrounding program).

¹⁷ E.g., *id.*, § 8387 (duties of publicly owned utilities and electrical cooperatives to reduce wildfire risk, submit plans).

¹⁸ E.g., *id.*, §§ 8385 (definitions and scope), 8388 (contracts to procure electricity generated from biomass).

¹⁹ Assem. Com. on Natural Resources, analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.), as amended July 2, 2019, pp. 3-4.

²⁰ See Gabriel Petek, Legis. Analyst's Office, *Allocating Utility Wildfire Costs: Options and Issues for Consideration* (June 2019) pp. 3-4.

²¹ Assem. Com. on Natural Resources, analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.), as amended July 2, 2019, pp. 4-6.

²² *Id.*; see also Gabriel Petek, Legis. Analyst's Office, *Allocating Utility Wildfire Costs: Options and Issues for Consideration* (June 2019) pp. 3-4.

²³ See Stats. 2019, ch. 406, § 1 (amending Pub. Util. Code, § 8386.3 to address reporting, auditing, and oversight), § 2 (adding § 8386.6 to address qualification and wage requirements).

Tree work includes the inspection and assessment of the vegetation and the trimming, pruning, felling, and removal of trees, shrubs and bushes. It involves climbing trees, using portable ladders, working at heights while using hand and portable power tools, working near energized overhead or downed power lines, feeding chippers, and other hazardous operations. Accidents related to tree work can result in severe traumatic injuries and deaths. . . .

The author reports that since 2013, more than 1,400 people have been killed performing this work in the United States, and many more have been injured.

Some utility vegetation management is done by utility employees, but much of the work is contracted out to third parties. Aggressive vegetation management work has been triggered by the increasing threat of wildfires throughout the state and has exhausted the available workforce. Anecdotal reports are that companies are frantic for workers and are recruiting off the street and from states around the west. The author and sponsor report that this has resulted in the recruitment of anyone in the sight path of a tree contractor and lax oversight of safety training and practices. They additionally report that “because of the immigration status of many workers, many injuries go unreported and payment for this highly dangerous work is very low.”²⁴

ANALYSIS

The Text of Section 8386.6 Can Reasonably Be Read Two Different Ways

Section 8386.6 has two subdivisions. Subdivision (a) requires all tree trimmers to be “qualified line clearance tree trimmers” as defined in Department of Industrial Relations regulations:

(a) All electrical line clearance tree trimmers performing work to comply with the vegetation management requirements in an electrical corporation’s wildfire mitigation plan shall be qualified line clearance tree trimmers, or trainees under the direct supervision and instruction of qualified line clearance tree trimmers, as provided in the High-Voltage Electrical Safety Orders (Group 2 (commencing with Section 2700) of

²⁴ Assem. Com. on Natural Resources, analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.), as amended July 2, 2019, pp. 5-6.

Subchapter 5 of Chapter 4 of Division 1 of Title 8 of the California Code of Regulations) of the Department of Industrial Relations.²⁵

This provision expressly limits itself to work performed “to comply with the vegetation management requirements in an electrical corporation’s wildfire mitigation plan.” For purposes of this provision, “electrical corporation” means an investor-owned electrical corporation, as defined above.²⁶

Subdivision (b) does not contain the same limiting language. Instead, it states:

(b) *All qualified line clearance tree trimmers* shall be paid no less than the prevailing wage rate for a first period apprentice electrical utility lineman as determined by the Director of Industrial Relations.²⁷

There is more than one way to interpret subdivision (b). It could refer to the same category of tree trimmers referenced in subdivision (a)—that is, tree trimmers who are “performing work to comply with the vegetation management requirements in an electrical corporation’s wildfire mitigation plan.” On the other hand, it could be a stand-alone wage rule, applying to all “qualified line clearance tree trimmers” without limitation.²⁸ To resolve the issue, we engage in the process of statutory construction.

“Our fundamental task in interpreting a statute is to determine the Legislature’s intent so as to effectuate the law’s purpose.”²⁹ First we consider the words of the statute, because “statutory language is generally the most reliable indicator of legislation’s intended purpose.”³⁰ “We consider the ordinary meaning of the relevant terms, related provisions, terms used in other parts of the statute, and the structure of the statutory scheme.”³¹ “We also read words in the context of the statute as a whole; we do not, in other words, lift selected words out of a statute and examine them sans the statutory

²⁵ Pub. Util. Code, § 8386.6, subd. (a), italics added; see Cal. Code Regs., tit. 8, § 2700 (defining “qualified line clearance tree trimmer”).

²⁶ Pub. Util. Code, § 8385, subd. (a)(3); see *id.*, § 218 (defining “electrical corporation”).

²⁷ *Id.*, § 8386.6, subd. (b), italics added; see Cal. Code Regs., tit. 8, §§ 2950-2951 (regulations of the Department of Industrial Relations governing line clearance tree trimming operations).

²⁸ Cal. Code Regs., tit. 8, § 2700 (defining “qualified line clearance tree trimmer”).

²⁹ *Prang v. Los Angeles County Assessment Appeals Bd.*, *supra*, 15 Cal.5th at p. 1170.

³⁰ *McHugh v. Protective Life Ins. Co.* (2021) 12 Cal.5th 213, 227.

³¹ *Ibid.*; see *Prang v. Los Angeles County Assessment Appeals Bd.*, *supra*, 15 Cal.5th at p. 1170.

framework of which they are a part.”³² “If we find the statutory language ambiguous or subject to more than one interpretation, we may look to extrinsic aids, including legislative history or purpose to inform our views.”³³ “Ultimately, we must select the construction that comports most closely with the apparent intent of the Legislature, with a view to promoting rather than defeating the general purpose of the statute, and avoid an interpretation that would lead to absurd consequences.”³⁴

We start with the words of the statute. Subdivision (a) provides: “All electrical line clearance tree trimmers performing work to comply with the vegetation management requirements in an electrical corporation’s wildfire mitigation plan shall be *qualified line clearance tree trimmers*” as defined by state regulation.³⁵ The regulation in question defines a “qualified line clearance tree trimmer” as “a person who has completed a minimum of 18 months[]related training and on-the-job experience and is familiar with the special techniques and hazards involved in line clearance tree trimming operations.”³⁶ In other words, subdivision (a) requires that all tree trimmers doing wildfire mitigation work for electrical corporations must have a minimum of 18 months training and experience. Subdivision (a) thus imposes a minimum-qualifications requirement for line clearance tree trimmers. Importantly for our purposes, it is also expressly limited to tree trimmers working for “electrical corporations.” The provision does not mention local publicly owned electric utilities or electrical cooperatives.

In subdivision (b), the same phrase reappears: “All *qualified line clearance tree trimmers* shall be paid no less than the prevailing wage rate for a first period apprentice electrical utility lineman as determined by the Director of Industrial Relations.” Thus, where subdivision (a) imposes a minimum qualifications requirement, subdivision (b) imposes a minimum wage requirement. In our view, one reasonable reading of section 8386.6 is to see it as imposing two separate requirements on a single category of tree trimmers, namely, those hired by an electrical corporation to perform specified wildfire mitigation work.

On the other hand, subdivision (b) omits the qualifying phrase “performing work to comply with the vegetation management requirements in an electrical corporation’s wildfire mitigation plan.” Ordinary rules of statutory construction require that we not

³² *Doe v. Kachru* (2025) 115 Cal.App.5th 175, 198.

³³ *City of Los Angeles v. PricewaterhouseCoopers, LLP* (2024) 17 Cal.5th 46, 64, citations omitted.

³⁴ *Ibid.*, internal quotation marks and citations omitted.

³⁵ Pub. Util. Code, § 8386.6, subd. (a), italics added.

³⁶ Cal. Code Regs., tit. 8, § 2700.

read language into a statute that the Legislature has intentionally omitted.³⁷ Reading subdivision (b) in isolation—without incorporating the language from subdivision (a) limiting “qualified line clearance tree trimmers” to those doing specific work for investor-owned electrical corporations—could lead to a conclusion that the provision applies to all qualified line clearance tree trimmers in the state, including those working for publicly owned utilities.

We have examined Chapter 6 for context clues as to whether section 8386.6 is intended to apply exclusively to investor-owned electrical corporations, or to all electrical utilities including publicly owned utilities. As noted above, some of the provisions of Chapter 6 apply to electrical corporations, some apply to publicly owned utilities, and a few apply to both. Relevant here, section 8386 applies exclusively to electrical corporations, requiring them to create a wildfire mitigation plan. Sections 8386.1 through 8386.4 and 8386.6 contain additional requirements for these wildfire plans, including penalties for non-compliance;³⁸ safety culture assessments;³⁹ state agency approval of wildfire plans;⁴⁰ approval of related costs;⁴¹ and, in section 8386.6, minimum experience requirements for tree trimmers implementing electrical corporation wildfire plans.⁴² Section 8387 applies exclusively to publicly owned utilities, requiring them to prepare their own wildfire mitigation plans, subject to different statutory requirements. The Legislature’s decision to place section 8386.6 among the sections pertaining to investor-owned electrical corporations, and before the section addressing public-utility wildfire mitigation, provides some evidence that section 8386.6 was intended to apply only to electrical corporations. The inference is weakened by section 8386.5, which addresses neither investor-owned nor publicly owned utilities, but instead requires a memorandum of understanding between state agencies responsible for wildfire planning.

In sum, nothing in the text or context of section 8386.6 compels one reading instead of another. Resolving the tension between these competing interpretations requires us to look beyond the text “to appropriate extrinsic sources, such as the statute’s purpose, legislative history, and public policy.”

³⁷ Code Civ. Proc., § 1858 (purpose of construction of statute “is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted”).

³⁸ Pub. Util. Code, § 8386.1.

³⁹ *Id.*, § 8386.2.

⁴⁰ *Id.*, § 8386.3.

⁴¹ *Id.*, § 8386.4.

⁴² *Id.*, § 8386.6, subd. (a).

Legislative History and Context Demonstrate that the Qualifying Language in Subdivision (a) Also Applies to Subdivision (b)

When the language of a statute is unclear or ambiguous, we may review legislative history materials to ascertain what the Legislature intended.⁴³ These materials can include bill analyses prepared by staff for legislative committees considering the relevant bill.⁴⁴ Legislative history may reveal a wide variety of factors that “illuminate the legislative design,” including historical events, circumstances existing at the time of the enactment, objects the Legislature meant to achieve, evils it meant to avoid, and the existence of legislation upon the same and related subjects.⁴⁵ We have already reviewed parts of the legislative history to explain how section 8386.6 was conceived and added to Public Utilities Code, Division 4.1, Chapter 6, pertaining to wildfire mitigation. We now revisit the same material but for another purpose: to understand whether the Legislature intended subdivision (b) of section 8386.6 to be limited to the same category of tree trimmers as subdivision (a), or whether the Legislature intended instead that subdivision (b) should apply more broadly than subdivision (a).

Our review of the legislative history persuades us that the Legislature intended for subdivision (b) to be limited to the same group of workers as subdivision (a). The legislative record demonstrates that this measure was focused exclusively on investor-owned electrical corporations. As introduced, Senate Bill 247 “would require the Department of Forestry and Fire Protection (CalFIRE) to oversee the vegetation management of *electrical corporations*, including identifying the list of trees to trim.”⁴⁶ The legislative record overwhelmingly indicates that the Legislature intended for both subdivisions of section 8386.6 to apply to the same category of tree trimmers performing work for electrical corporations.⁴⁷ And, consistent with the legislative record, all other

⁴³ See *Prang v. Los Angeles County Assessment Appeals Bd.*, *supra*, 15 Cal.5th at p. 1170.

⁴⁴ See *People v. Preston* (2015) 239 Cal.App.4th 415, 422.

⁴⁵ *Ibid.*

⁴⁶ Sen. Com. on Energy, Utilities and Communications, Analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.) as amended Mar. 14, 2019, p. 1, italics added; see Sen. Com. on Natural Resources and Water, Analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.) as amended Mar. 14, 2019, p. 1 (“This bill requires the CalFIRE to oversee the vegetation management of *electrical corporations*, including identifying the list of trees to trim”) (italics added).

⁴⁷ Office of Assem. Floor Analyses, Sen. 3d reading analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.) as amended Sept. 3, 2019, p. 1 (“This bill requires the California Public Utilities Commission’s Wildfire Safety Division (CPUC) to audit vegetation management done by *electrical corporations (IOUs) and establishes wage and qualification*

(continued...)

legislative amendments enacted by SB 247 focused exclusively on regulating investor-owned electrical corporations.⁴⁸ The Legislature’s sole focus in enacting this legislation was electrical corporations, the big investor-owned utilities that had been responsible for many disastrous fires in the immediately preceding years.

Given the conditions at the time, SB 247’s exclusive focus on investor-owned utilities makes sense: The Legislature had already enacted a statutory scheme for mitigating wildfire risk associated with trees and other vegetation growing around high-voltage lines. Both investor-owned and publicly owned utilities had already been required to prepare wildfire risk mitigation plans, to have them reviewed and approved, and to carry them out.⁴⁹ And yet electrical equipment owned by investor-owned

requirements for all individuals doing vegetation management for an IOU)” (italics added); Sen. Rules Com. Off. Of Sen. Floor Analyses, Analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.) as amended Sept. 3, 2019, p. 1 (“This bill proposes several changes related to the vegetation management requirements of *electrical corporations*, including . . . specifying qualifications and prevailing wages for line clearance tree trimmers”) (italics added); Sen. Rules Com., Off. of Sen. Floor Analyses, 3d reading analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.), as amended Apr. 29, 2019, p. 1 (“This bill proposes several changes related to the vegetation management requirements of *electrical corporations*, including: (1) require the Department of Forestry and Fire Protection (Cal FIRE) to audit the vegetation management of *electrical corporations*; (2) require specified training and qualifications for workforce conducting vegetation management . . .”) (italics added); Sen. Com. on Appropriations, Analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.) as amended May 13, 2019, p. 1 (“This bill requires the California Department of Forestry and Fire Protection (CalFire) to oversee the vegetation management of *electrical corporations*”) (italics added); Assem. Com. on Utilities and Energy, Analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.) as amended June 26, 2019, p. 1 (“Addresses issues related to vegetation management by *electrical corporations (IOUs)* to mitigate wildfire risks associated with electrical lines and vegetation”) (italics added); Assem. Com. on Natural Resources, Analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.) as amended July 2, 2019, p. 1 (“Requires . . . Department of Forestry and Fire Protection (CAL FIRE) to audit an *Investor Owned Utility’s (IOU)* work to complete the vegetation management requirements in its wildfire mitigation plan”) (italics added); Assem. Com. on Appropriations, Analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.) as amended Aug. 12, 2019, p. 1 (“This bill requires the Department of Forestry and Fire Protection (Calfire) to audit the work of each *electrical corporation* to implement its vegetation management plan as approved by the California Public Utilities Commission (CPUC) in the *electrical corporation’s* wildfire mitigation plan”) (italics added).

⁴⁸ See Stats. 2019, ch. 406, § 1 (amending Public Utilities Code section 8386.3 to add electrical corporation reporting and auditing requirements).

⁴⁹ See Pub. Util. Code, §§ 8386, 8387.

electrical corporations continued to cause wildfires, including some of the most destructive fires California had ever experienced.⁵⁰ The Legislature therefore sought to address that specific problem head on, with a targeted solution aimed at specific actors.

Section 8386.6 Should Not Be Construed to Undercut the Prevailing Wage Law

In construing a statute, we may also consider other statutes that might bear on the meaning of the statute at issue, and we construe statutes so as to avoid anomalous results.⁵¹ Section 8386.6’s invocation of both “the prevailing wage rate” and the Director of the Department of Industrial Relations compels us to consider how this statute relates to California’s prevailing wage law.

The prevailing wage law is a well-established body of law set forth in the Labor Code, and supported by a system of regulations and administrative procedures.⁵² It provides that “workers employed on public works” shall be paid “not less than the general prevailing rate” of wages for similar work.⁵³ The law establishes a regulatory framework within the Department of Industrial Relations for determining and administering prevailing wage rates.⁵⁴ The Director of the Department of Industrial Relations determines the general prevailing wage rate “for each craft, classification, or type of worker needed to execute” public works contracts.⁵⁵ To do so, the director “shall ascertain and consider the applicable wage rates established by collective bargaining agreements and the rates that may have been predetermined for federal public works, within the locality and in the nearest labor market area.”⁵⁶

⁵⁰ See Assem. Com. on Natural Resources, analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.), as amended July 2, 2019, pp. 3-4; see also Gabriel Petek, Legis. Analyst’s Office, Allocating Utility Wildfire Costs: Options and Issues for Consideration (June 2019) pp. 3-4.

⁵¹ *Wilshire Ins. Co. v. Tuff Boy Holding, Inc.* (2001) 86 Cal.App.4th 627, 636.

⁵² See Lab. Code, § 1720 et seq. (prevailing wage law); Cal. Code Regs., tit. 8, §§ 2700-2989.1 (Division of Industrial Safety High-Voltage Electrical Safety Orders); see generally Department of Industrial Relations, Director’s General Prevailing Wage Determinations, <https://www.dir.ca.gov/oprl/DPreWageDetermination.htm> (as of Sept. 27, 2026).

⁵³ Lab. Code, § 1771; see generally *id.*, § 1720 et seq. (prevailing wage law).

⁵⁴ See *id.*, §§ 1770, 1771, 1773; Cal Code Regs., tit. 8, §§ 16000-16418 (administration, scope, wage determinations, registration of public works, records, etc.), 16450-16464 (compliance monitoring and enforcement), 17201-17270 (hearings).

⁵⁵ Lab. Code, § 1770.

⁵⁶ *Id.*, § 1773.

The prevailing wage law does not apply to work performed by *employees* of a public agency. Labor Code section 1771 states, “This section is applicable only to work performed under contract, and is not applicable to work carried out by a public agency with its own forces.” The reason why public employees are excluded from the protections of the prevailing wage law is that they already enjoy job security, benefits, and merit-based wages by virtue of their public employment. The prevailing wage law’s overall purpose “subsumes within it a number of specific goals” including “to compensate nonpublic employees with higher wages for the absence of job security and employment benefits enjoyed by public employees.”⁵⁷

From time to time, the Legislature incorporates the whole body of prevailing wage law into another statutory scheme. When it does so, it uses language like this: “All public works constructed pursuant to this chapter shall comply with Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.”⁵⁸ There are many such instances.⁵⁹ Notably, however, in this case the Legislature did not use its usual language invoking the body of prevailing wage law as a whole, leading us to conclude that it did not intend to incorporate the whole prevailing wage law here.⁶⁰

Section 8386.6 departs substantially from the usual processes associated with the prevailing wage law. Rather than delegating the classification and associated wage determinations to the Director of the Department of Industrial Relations, section 8386.6 predetermines both the classification and the minimum wage for tree trimmers who are doing prescribed wildfire mitigation work. Moreover, section 8386.6 requires tree trimmers be paid the prevailing wage rate for *electrical utility line workers*, a different craft from tree trimmers.⁶¹ In fact, the Department of Industrial Relations has been establishing and publishing prevailing wage rates for utility-line-clearance tree trimmers

⁵⁷ *Kaanaana v. Barrett Business Services, Inc.* (2021) 11 Cal.5th 158, 166, quoting *Lusardi Construction Co. v. Aubry* (1992) 1 Cal.4th 976, 987.

⁵⁸ Gov. Code, § 5956.8.

⁵⁹ E.g., Gov. Code, §§ 5977, 63036; Health & Saf. Code, §§ 50675.4, 50898.2; Pen. Code, § 7010; Pub. Contract Code, §§ 10128, 22194; Pub. Resources Code, § 21189.81; Pub. Util. Code, § 3354; Sts. & Hy. Code, § 27189; see generally Pub. Resources Code, § 80200, subd. (a)(1).

⁶⁰ See *Briggs v. Eden Council for Hope & Opportunity* (1999) 19 Cal.4th 1106, 1117.

⁶¹ Compare General Prevailing Wage Determination—Tree Trimmer (High Voltage Line Clearance) (2024 hourly rate ranging from \$39.55 to \$64.02), <https://perma.cc/PJ4W-FU4Z>, and Predetermined Increase (2025-2026 adjustments), <https://perma.cc/49QN-LV62>, with General Prevailing Wage Determination—Electrical Utility Lineman (Apprentice) (2025-2026 first period apprentice hourly rate \$65.67), <https://perma.cc/58QT-9MC3>.

since 1999.⁶² The bill language applying a different craft's wage rate was recognized during legislative deliberations as "atypical," but was nevertheless adopted as a way to address a pressing need to expand and train the then-available workforce. An analysis of SB 247 prepared by the Senate Rules Committee explained:

In addition to the required qualifications, this bill also requires clearance tree trimmers to be paid no less than the prevailing wage rate for a first period apprentice electrical utility lineman, as determined by the Department of Industrial Relations (DIR)

The DIR also states: "the prevailing wage rates are usually based on rates specified in collective bargaining agreements." However, this bill ties the wage rate from one trade to another, which seems atypical. The sponsor responds that the tie to the linemen wage is needed because "the current tree trimmer wage rate is very low because of the nature of the workforce. As an immigrant, frequently undocumented workforce, it has been very hard to even get them to report injuries for fear of being fired. They cannot be organized to take collective job action and as a result, they have no bargaining power. Consequently, the existing contracts have very low wage rates. We would not want those low rates to become the sanctioned prevailing wage rate."⁶³

Thus, it appears that the Legislature intended section 8386.6(b) to impose an atypical wage rule to address a distressed sector of the labor market, with the specific goal of speeding up the skilled tree work necessary to mitigate dangerous conditions around high-voltage electrical lines. And, as explained above, the Legislature was specifically focused on dangerous conditions around electrical lines operated by electrical corporations. Section 8386.6(b) appears to be a reasonable exercise of legislative power within that intended context. In our view, however, applying the provision more broadly would lead to unexpected results. "It is a fundamental rule of statutory construction that statutes should be construed to avoid anomalies."⁶⁴

If applied without limitation, one of the anomalous results of section 8386.6(b) would be to collapse the prevailing wage rate for tree trimmers with the rate for utility line workers. Recall that subdivision (b) states, "*All* qualified line clearance tree trimmers shall be paid no less than the prevailing wage rate for a first period apprentice electrical utility lineman as determined by the Director of Industrial Relations." Applied literally, the provision would mean that *no* qualified line clearance tree trimmer could be

⁶² See Department of Industrial Relations, Office of the Director—Research, General Prevailing Wage Determination for Tree Trimmer (Line Clearance) (Aug. 22, 1999).

⁶³ Sen. Rules Com., analysis of Sen. Bill No. 247 (2019-2020 Reg. Sess.) p. 6.

⁶⁴ *City of Cotati v. Cashman* (2002) 29 Cal.4th 69, 76.

paid the prevailing wage for tree trimmers, even though the Director of the Department of Industrial Relations has been determining prevailing wage rates for that craft since 1999.⁶⁵ In the prevailing wage laws, the Legislature delegated quasi-legislative authority to the Director to establish classifications of work and to establish pay scales for those classifications.⁶⁶ The Legislature is presumptively aware of that delegated authority, and aware that the Director has been exercising and continues to exercise authority over tree trimmer wages in this manner.⁶⁷ If the Legislature intended section 8386.6 to curtail the Director’s continuing authority over tree trimmer wages, we would expect it to express that intention more prominently and in clearer terms than appear in section 8386.6(b).⁶⁸

Further, if applied without limitation, another anomalous result of section 8386.6(b) would be to interfere in labor relations between publicly owned utilities and their regular employees. As explained above, the prevailing wage law does not apply to the regular employees of public agencies.⁶⁹ But reading section 8386.6(b) in isolation—as an atypical wage rule that is neither embedded in prevailing wage law nor limited by subdivision (a) to the wildfire management context—would mean that the expected limitations of the prevailing wage law would not apply either. Thus, the electrical-line worker wage would apply not just to investor-owned utilities but also to publicly owned utilities; and not just to *contracted* public utility workers, who are ordinarily subject to prevailing wage laws, but also to the *regular employees* of publicly owned utilities, who are not. This could lead to complex and unexpected consequences, because the regular employees of a public agency are generally compensated according to the terms of their

⁶⁵ Cf. General Prevailing Wage Determination—Tree Trimmer (High Voltage Line Clearance) (2024 hourly rates), <https://perma.cc/J8AR-ZDEB>, and Predetermined Increase (2025-2026 adjustments), <https://perma.cc/8LM2-V5MY>; see generally Lab. Code, § 1770 (Director to determine prevailing wages).

⁶⁶ See Lab. Code, § 1773.5, subd. (d) (“The director shall have quasi-legislative authority to determine . . . types of work under the prevailing wage laws”).

⁶⁷ See *Shear Development Co., LLC v. California Coastal Com.* (2026) 19 Cal.5th 334, 369 (may presume Legislature aware of existing laws); *Moore v. California State Bd. Of Accountancy* (1992) 2 Cal.4th 999, 1017-1018 (may presume Legislature aware of longstanding administrative practice and construction of statute); *Ahn v. Parisotto* (2025) 114 Cal.App.5th 697, 705 (may presume Legislature aware of existing laws).

⁶⁸ See, e.g., *Shear Development Co., LLC v. California Coastal Com.*, *supra*, 19 Cal.5th at p. 369 (“Changing ‘a’ to ‘the’ . . . would be a remarkably obscure and unlikely way of restricting the number of principal permitted uses”); *Hohenshelt v. Superior Court* (2025) 18 Cal.5th 310, 335 (“When a statute is enacted against a ‘legal backdrop,’ we assume the background legal rules continue to apply absent a ‘definitive indication’ that the Legislature intended to displace them”).

⁶⁹ Lab. Code, § 1771.

contracts with the public agency. Many such contracts are negotiated through collective bargaining between a public employee union and the local agency. But interpreting section 8386.6(b) as containing no limitations could unsettle those bargaining relationships by requiring publicly owned utilities to pay qualified line clearance tree trimmers the statutory wage, rather than the regular compensation that had been bargained for. This could affect the utility's budget as well as all parties' negotiating positions going forward. It could also give rise to complex questions respecting negotiated compensation and service credits, among other potential issues.⁷⁰

What is more, reading section 8386.6(b) to go beyond the wildfire management context of subdivision (a) would apply the electrical-line worker wage not just to investor-owned electrical corporations and publicly owned utilities, but to all the world, including homeowners and private commercial enterprises. The rule would apply not just to vegetation management carried out for wildfire mitigation purposes, but to any work performed by any qualified line clearance tree trimmer.⁷¹ Assuming the presence of high-voltage power lines in the area, it would apply to a homeowner hiring a tree trimmer to prune unsightly tree limbs in their front yard; to a business owner hiring a tree trimmer to groom the palm trees in their parking lot; to a school, a park, or a town hiring a tree trimmer to reduce tree litter or remove weak branches from public plantings. None of these cases would be covered by existing prevailing wage laws, but they would all be covered by a literal reading of section 8386.6(b).⁷² Tellingly, the legislative record for SB 247 is silent on the possibility that local public agencies or private property owners could be subject to such a new and unexpected wage rule. The Legislature's silence on the issue convinces us that the Legislature never contemplated such a possibility.

Courts are generally reluctant to conclude that a substantial statutory change can be accomplished by legislative misdirection, such as inserting a broad wage law into a narrow statute designed to enhance vegetation management around electrical utility lines. At the federal level, the United States Supreme Court has observed that Congress "does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions—it does not, one might say, hide elephants in mouseholes."⁷³ California

⁷⁰ *City of Cotati v. Cashman*, *supra*, 29 Cal.4th at p. 76; *Allen v. Sully-Miller Contracting Co.* (2002) 28 Cal.4th 222, 227.

⁷¹ Cf. Pub. Util. Code, § 1720, subd. (c) (generally excluding private residential projects on private property from scope of statute).

⁷² See Lab. Code, § 1720, subd. (a) (prevailing wage law does not apply to public entities using regular employees), subd. (c) (prevailing wage law does not apply to private projects on private property); cf. *id.*, §§ 1171-1207 (general minimum wage laws).

⁷³ *Whitman v. American Trucking Associations* (2001) 531 U.S. 457, 468.

courts express similar misgivings.⁷⁴ Likewise, we are unwilling to construe subdivision (b) as a stand-alone wage statute that ignores the balanced provisions of the prevailing wage laws and circumvents the entire skilled job classification of utility line clearance tree trimmers.⁷⁵

CONCLUSION

For all the reasons stated above, we conclude that Public Utilities Code section 8386.6(b) does not apply to qualified line clearance tree trimmers employed by local publicly owned electric utilities or nonprofit electrical cooperatives.

⁷⁴ E.g., *Garcia v. McCutchen* (1997) 16 Cal.4th 469, 482; *In re Christian S.* (1994) 7 Cal.4th 768, 782; *Ailanto Properties, Inc. v. City of Half Moon Bay* (2006) 142 Cal.App.4th 572, 589.

⁷⁵ *State Building & Construction Trades Council of California v. Duncan* (2008) 162 Cal.App.4th 289, 323.