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House Bill 227 Sponsor Statement

"An Act relating to liability of an electric utility for contact between vegetation and the utility's facilities."

House Bill 227 protects Alaska's electric utilities and their ratepayers from paying for damage caused by vegetation that falls from outside an electric utility's legal right-of-way and contacts a utility's electric facilities.

If HB 227 becomes law, electric utilities would not be liable for damage caused by vegetation outside their easements contacting electric facilities. For vegetation inside an easement, electric utilities could still face liability under existing negligence standards. In cases where the location of vegetation or the cause of the damage is disputed, a court would have to determine whether the protection provided by this bill applies.

This bill does not prevent electric utilities from being sued. It provides a court with clear direction on when liability does and does not apply in a situation where vegetation contacts powerlines or other electric infrastructure. HB 227 accomplishes this by:

- making clear in statute that electric utilities may not be held liable for costs, property damage, death, or personal injury resulting from contact between vegetation and the utility's facilities if the vegetation is located or originated outside the boundaries of the utility's real property, lease, permit, easement, or right-of-way.
- HB 227 also makes clear that a utility is not liable for cutting, girdling, or otherwise injuring or removing vegetation if part of the trunk of the vegetation is inside the boundaries of the utility's real property, lease, permit, easement, or right-of-way.

Importantly, the bill does not preclude civil liability if the utility itself causes vegetation to contact the utilities' facilities.

Alaska's electric utilities diligently maintain their rights-of-way to prevent damage to powerlines and other infrastructure. Those electric utilities should not be held liable for damage caused by vegetation outside of their legal control.

By passing HB 227, the Legislature will help protect Alaska utilities and their ratepayers from potential increases in rates due to a situation that is outside the control of an electric utility.

If you have additional questions, please contact Ryan McKee, at 907-465-4859, in my office.