

***Section 1.** AS 09.65 is amended by adding a new section to read:

Sec. 09.65.086. Civil liability of electric utility for fires from contact between vegetation and utility facilities.

(a) A utility offering electrical service to the public for compensation under a certificate of public convenience and necessity issued by the former Alaska Public Utilities Commission or the Regulatory Commission of Alaska under AS 42.05.221 may not be held liable for property damage, death, or personal injury resulting from fires caused by contact between vegetation and the utility's facilities if

(1) the vegetation was located entirely outside the boundaries of the utility's real property, lease, permit, easement, or right-of-way and the utility did not cause ~~caused~~ the vegetation to enter the boundaries of the utility's real property, lease, permit, easement, or right-of-way, or come into contact with any portion of the utility's facilities, and

(2) at the time of the fire, the electric utility was in compliance with a wildland protection plan filed with and approved by the Regulatory Commission of Alaska pursuant to AS 42.05.XXX.

(b) If an electric utility identifies vegetation along but outside of its real property, lease, permit, easement, or right-of-way that poses a particular hazard as defined in the electric utility's filed and approved wildland protection plan, it may enter onto the property and perform vegetation management pursuant to the wildland protection plan. The electric utility may not be held liable for trespass as long as its actions are limited to those necessary to comply with the wildland protection plan.

(c) Nothing in this section shall shield a utility from liability for property damage, death, or personal injury caused by a utility's negligence in maintaining the utility's real property, lease, permit, easement, or right of way and the utility's facilities thereon.

***Sec. 2. 42.05.XXX. Wildland fire protection plan for an electric utility.**

(a) The commission shall make rules to implement this section, including:

(1) Rules establishing procedures for the review and approval of a wildland fire protection plan;

(2) Rules establishing the procedures for the review and approval of annual expenditures for the implementation of a wildland fire protection plan; and

(3) Any other rules that the commission determines are necessary to protect the public interest and implement this section.

(b) An electric utility shall prepare a wildland fire protection plan in accordance the requirements of this section. The plan must include:

(1) a description of areas within the service territory of the qualified utility that may be subject to a heightened risk of wildland fire;

(2) a description of the procedures, standards, and time frames that the qualified utility will use to inspect and operate its infrastructure;

(3) a description of the procedures and standards that the qualified utility will use to perform vegetation management. Such procedures and standards must be compliant with the ANSI A300 Integrated Vegetation Management Standard – Part 7, or a similar standard;

(4) a description of proposed modifications or upgrades to facilities and preventative programs that the qualified utility will implement to reduce the risk of its electric facilities initiating a wildland fire;

(5) a description of procedures for de-energizing power lines and disabling reclosers to mitigate potential wildland fires taking into consideration:

(A) the ability of the qualified utility to reasonably access the proposed power line to be de-energized;

(B) the balance of the risk of wildland fire with the need for continued supply of electricity to a community; and

(C) any potential impact to public safety, first responders, and health and communication infrastructure;

(6) a description of the procedures the qualified utility intends to use to restore its electrical system in the event of a wildland fire;

(7) a description of the costs for the implementation of the plan, including system improvements and upgrades;

(8) a description of community outreach and public awareness efforts before and during a wildland fire season; and

(9) a description of potential participation, if applicable, with state or local wildland fire protection plans.

(c) An electric utility shall submit the wildland fire protection plan described in this section to the commission:

(1) on or before October 1, 2021; and

(2) on or before October 1 of every third year after calendar year 2020.

(d) The commission shall:

(1) review the plan submitted pursuant to this section; and

(2) consider input from:

(A) the State Division of Forestry established in in Section 47.17.020

(B) any other appropriate federal, state, or local entity that chooses to provide input; and

(C) other interested persons who choose to provide input.

(e) The commission shall approve a wildland fire protection plan submitted pursuant to this section if the plan:

(1) is reasonable and in the public interest; and

(2) appropriately balances the costs of implementing the plan with the risk of a potential wildland fire.

(f) No later than October 1, 2021, and each year after 2021, a qualified utility shall submit to the commission a report detailing the qualified utility's compliance with the electric utility's wildland fire protection plan.

The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. This Act applies to civil lawsuits against electric utilities filed on or after the effective date of this Act.