

ALASKA STATE LEGISLATURE

SESSION:
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House Energy Committee,
Co-Chair

Community and Regional
Affairs Committee

State Affairs Committee

Joined Armed Services
Committee

REPRESENTATIVE KY HOLLAND

HB 252 Version A Sectional Analysis (34-LS0802\H)

Section 1: Amends AS 09.65 to incentivize public utilities to adopt a wildland fire mitigation plan (WMP) by offering limited liability protections if they adopt such a plan.

- This section creates a presumption of non-negligence if a utility causes or fails to prevent a wildfire, so long as it has adopted and implemented a WMP which has been approved by the Department of Natural Resources.
- A utility may still be held liable if it causes vegetation to make contact with powerlines, if vegetation contact with powerlines occurs in an area that it has a responsibility to maintain, or if it performs unauthorized work outside of its property or right-of-way.
- A utility is protected from liability for removing vegetation in accordance with its WMP.
- The owner of an adjacent property is protected from liability for damages caused by a utility working that property.
- Under this section, a utility and the owner of adjacent property may voluntarily enter an agreement governing the utility's maintenance of vegetation on the adjacent property.

Section 2: Outlines the required elements of a wildland fire mitigation plan. The plan must:

- Be in writing, describe the property where the utility operates and adjacent properties, and be approved by the Department of Natural Resources.
- Assess the risk of a wildfire starting in the area that the utility is responsible for maintaining, or starting outside and spreading into that area.
- Contain procedures for: the inspection and maintenance of utility infrastructure, de-energizing powerlines in high-risk periods, vegetation management, wildfire detection, notification of emergency response agencies, and maintenance of access routes.
- Balance the potential impacts to health, safety, and commerce before the utility de-energizes powerlines in periods of high wildfire risk.
- Require the utility to notify owners and occupants of an adjacent property, as well as DNR, if its assessment shows vegetation conditions creating a high risk of a wildfire igniting.

Section 3: Applies Section 1 to civil lawsuits occurring on or after the Act's effective date.