

HOUSE BILL NO. 252

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HOLLAND

Introduced: 1/16/26

Referred: Prefiled

A BILL**FOR AN ACT ENTITLED**

1 **"An Act relating to liability of an electric utility for contact between vegetation and the**
2 **utility's facilities; and relating to electric utility wildland fire mitigation plans."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

5 **Sec. 09.65.086. Civil liability of electric utility for contact between**
6 **vegetation and utility facilities.** (a) Except as provided in (b), (e), and (g) of this
7 section, a utility offering electrical service to the public for compensation under a
8 certificate of public convenience and necessity issued by the former Alaska Public
9 Utilities Commission or the Regulatory Commission of Alaska under AS 42.05.221
10 may not be held liable for costs, property damage, death, or personal injury resulting
11 from contact between vegetation and the utility's electrical service facilities.

12 (b) This section does not preclude civil liability for property damage, death, or
13 personal injury resulting from contact between vegetation and the utility's facilities if

14 (1) the vegetation is located or originated inside the boundaries of the

1 utility's real property, lease, permit, easement, or right-of-way or of an area established
2 by a wildland fire mitigation plan; or

3 (2) the contact is caused by the utility while the utility is working
4 outside the boundaries of the utility's real property, lease, permit, easement, or right-
5 of-way or of an area established by a wildland fire mitigation plan.

6 (c) A utility is not liable for an injury to or removal of vegetation when the
7 removal or injury is carried out in accordance with the terms of a wildland fire
8 mitigation plan or inside the boundaries of the utility's real property, lease, permit,
9 easement, or right-of-way, including vegetation rooted outside those boundaries.

10 (d) An owner of property located outside the boundaries of a utility's real
11 property, lease, permit, easement, or right-of-way or, if applicable, the boundaries of
12 an area established by a wildland fire mitigation plan may not be held liable for costs,
13 property damage, death, or personal injury resulting from the utility working outside
14 those boundaries.

15 (e) This section does not preclude civil liability if a utility causes vegetation to
16 contact the utility's electrical service facilities.

17 (f) A utility and the owner of a property located on a boundary of the utility's
18 real property, lease, permit, easement, or right-of-way may agree to be bound by the
19 terms of a wildland fire mitigation plan. The wildland fire mitigation plan must be in
20 writing, describe the boundaries of the area covered by the plan in which the utility
21 may manage vegetation, assess the risk of wildland fire, and set out the procedure by
22 which the utility will manage vegetation and the risk of wildland fire to protect the
23 reliability and safety of the utility's electrical service facilities.

24 (g) A utility that causes or fails to prevent a wildland fire after adopting a
25 wildland fire mitigation plan approved by the Department of Natural Resources and
26 substantially complying with the other requirements of AS 42.05.352 and regulations
27 adopted under AS 42.05.352 is presumed not to have acted with negligence. The
28 utility is not liable for punitive or noneconomic damages resulting from injury to a
29 person or property resulting from the wildland fire unless it is shown that the utility
30 acted with gross negligence or engaged in reckless or intentional misconduct.

31 (h) In this section,

(1) "utility" includes a person who injures or removes vegetation under (c) of this section while under contract with or acting under the authority of a utility;

(2) "wildland fire" has the meaning given in AS 42.05.352.

(3) "wildland fire mitigation plan" means a wildland fire mitigation plan adopted under AS 42.05.352.

* **Sec. 2.** AS 42.05 is amended by adding a new section to article 3 to read:

Sec. 42.05.352. Electric utility wildland fire mitigation plan. (a) An electric utility shall adopt a wildland fire mitigation plan and update the plan annually and each time a risk assessment is completed. The plan must be in writing. The plan must describe the boundaries of the utility's real property, each adjacent property, and how the utility will manage vegetation to preserve the reliability and safety of the utility's electric facilities, avoid causing a wildland fire, and prevent harm to adjacent properties and occupants of adjacent properties. The plan and each update to the plan must be approved by the Department of Natural Resources.

(b) The plan must assess the risk of a wildland fire igniting or spreading to or within the boundaries of the utility's real property, lease, permit, easement, and right-of-way and the risk of a wildland fire spreading from within those boundaries to an adjacent property.

(c) The wildland fire mitigation plan must include procedures and time frames for

(1) inspecting and maintaining real property assessed as having a high risk of igniting or spreading a wildland fire;

(2) identifying with reasonable specificity the geographic locations assessed as having a high risk of wildland fire;

(3) inspecting, maintaining, and upgrading facilities in areas assessed as having a high risk of wildland fire;

(4) interrupting power transmission during a wildland fire or a period of high risk of wildland fire;

(5) inspecting vegetation within the boundaries of the plan and the utility's real property, lease, permit, easement, and right-of-way;

(6) identifying and removing trees and other vegetation within the

boundaries of the plan and the utility's real property, lease, permit, easement, and right-of-way that pose a heightened risk of falling into and damaging electric facilities;

(7) clearing and trimming vegetation within the boundaries of the plan and the utility's real property, lease, permit, easement, and right-of-way;

(8) locating powerline faults and other powerline irregularities that may indicate a problem with vegetation or the presence of wildland fire near power equipment operated by a utility;

(9) notifying a local or state fire response agency of the threat of or presence of wildland fire, when appropriate; and

(10) coordinating vegetation and right-of-way maintenance with local and state fire response agencies to facilitate adequate ingress and egress at locations that are at high risk of wildland fire.

(d) Before interrupting electric power transmission according to a wildland fire mitigation plan, a utility shall

(1) consider the need to maintain sufficient electric power service for public safety, telecommunications, and the operation of life-support equipment; and

(2) determine whether detrimental effects on health, safety, and commerce as a result of interrupting power transmission are likely to outweigh beneficial effects.

(e) If the outcome of a risk assessment shows a high risk that a wildland fire will ignite or spread, the electric utility shall report that outcome as an emergency to the owners and occupants of adjacent properties and the commissioner of natural resources as soon as practicable. The utility shall act to eliminate or limit the risk and may provide advice about how to mitigate the risk.

(f) In this section, "wildland fire" includes the uncontrolled burning of grass, brush, timber, and other vegetative material.

* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 09.65.086, added by sec. 1 of this Act, applies to civil lawsuits that are filed on or after the effective date of this Act and that are based on acts and omissions that occur on or after the effective date of this Act.