

HOUSE BILL NO. 276

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 2/24/20

Referred: Resources

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 vegetation management plans."

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

4 * **Section 1.** AS 09.65.085 is amended to read:

5 **Sec. 09.65.085. Civil liability of electric utility.** (a) A utility offering
6 electrical service to the public for compensation under a certificate of public
7 convenience and necessity issued by the former Alaska Public Utilities Commission or
8 the Regulatory Commission of Alaska under AS 42.05.221 may not be held

9 (1) strictly liable for property damage, death, or personal injury
10 resulting from an act or omission of the utility relating to the production, delivery, or
11 sale of electricity;

12 (2) liable for property damage, death, or personal injury resulting
13 from contact between vegetation and the utility's facilities, unless the vegetation
14 is located entirely within the boundaries of the utility's real property, lease,

1 permit, easement, or right-of-way and the utility

2 (A) does not have a written vegetation management plan or
 3 policy; or

4 (B) has a written vegetation management plan or policy but
 5 fails to substantially comply with it.

6 (b) Paragraph (a)(1) of this [THIS] section does not preclude liability for
 7 civil damages that are the result of an intentional, reckless, or negligent act or
 8 omission.

9 * **Sec. 2.** AS 09.65.085 is amended by adding a new subsection to read:

10 (c) In this section, "written vegetation management plan or policy" means a
 11 document that establishes a procedure by which a utility will manage vegetation to
 12 protect the reliability and safety of its electric facilities.

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

15 APPLICABILITY. AS 09.65.085, as amended by secs. 1 and 2 of this Act, applies to
 16 civil lawsuits against electric utilities filed on or after the effective date of this Act.