

HOUSE BILL NO. 227

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE RAUSCHER

Introduced: 1/16/24

Referred: House Special Committee on Energy, Judiciary

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."**

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 (c) of this section, a utility
7 offering electrical service to the public for compensation under a certificate of public
8 convenience and necessity issued by the former Alaska Public Utilities Commission or
9 the Regulatory Commission of Alaska under AS 42.05.221 may not be held liable for
10 costs, property damage, death, or personal injury resulting from contact between
11 vegetation and the utility's facilities if the vegetation is located or originated outside
12 the boundaries of the utility's real property, lease, permit, easement, or right-of-way.

13 (b) A utility is not liable for cutting, girdling, or otherwise injuring or
14 removing vegetation if a part of the trunk of the vegetation is inside the boundaries of

1 the utility's real property, lease, permit, easement, or right-of-way.

2 (c) This section does not preclude civil liability if a utility causes vegetation to
3 contact the utility's facilities.

4 (d) In this section, "utility" includes a person cutting, girdling, or otherwise
5 injuring or removing vegetation who is under contract for or acting under the authority
6 of a utility.

7 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

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