

SB

523

# COMMITTEE REPORT

## HOUSE

4/25/80

FURTHER:

Date: \_\_\_\_\_

Mr. Speaker: (Commerce referral waived 4/24/80)

The Committee on JUDICIARY has had CSSB 523am

"An Act relating to public utilities; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with, CS for CSSB 523am  same title  
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

**MEMBERS SIGNING  
DO PASS**

Q. ROBERT W. ... D. P. ...  
Terry Masten  
John B. Anderson  
Malone  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**MEMBERS HAVING  
OTHER RECOMMENDATIONS:**

T. Buchholtz No Rec.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[Signature]  
 \_\_\_\_\_

CHAIRMAN

③

*misc. Amend - see Fred*

*passed & signed CS \* need h.A. to make use c.s.*

Original sponsor: Rules Committee  
by Request

Offered: 4/11/80  
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 523 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public utilities; and providing for  
7 an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 42.20.030 is amended to read:

10 Sec. 42.20.030. [PUNISHMENT AND] CIVIL LIABILITY FOR DAMAGES TO  
11 OR INTERFERENCE WITH A UTILITY LINE AND FOR TAKING UTILITY SERVICE  
12 [INJURY TO, INTERFERENCE WITH, OR OBSTRUCTION OF TELEGRAPH, TELEPHONE,  
13 ELECTRIC, OR GAS LINES]. A person is civilly [GUILTY OF A MISDEMEANOR,  
14 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500, OR BY  
15 IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH, AND IS] liable to  
16 the utility [COMPANY OR PERSON] whose property is damaged [INJURED, OR  
17 LINE OBSTRUCTED, OR CURRENT DIVERTED,] in a sum equal to three times the  
18 amount of the actual damages sustained [,] and three times the value of  
19 the service taken [PRICE OF THE CURRENT, LIGHT, POWER, OR GAS DIVERTED  
20 OR USED,] if he intentionally or in the exercise of gross negligence

21 (1) damages [WILFULLY AND MALICIOUSLY CUTS, BREAKS, OR THROWS  
22 DOWN] a pole, tree, pipeline, or other object used in a utility line [OF  
23 TELEGRAPH, TELEPHONE, GAS LINE, OR SYSTEM FOR THE TRANSMISSION OF LIGHT  
24 OR POWER BY USE OF ELECTRICITY, OR GAS BY PIPELINE];

25 (2) damages [WILFULLY AND MALICIOUSLY BREAKS, DISPLACES, OR  
26 INJURES] an insulator in use in the line [,] or damages or [WILFULLY AND  
27 MALICIOUSLY CUTS, BREAKS, AND] removes from its insulator any wire used  
28 in a utility line [FOR ANY OF THE PURPOSES SET FORTH IN (1) OF THIS  
29 SECTION];

1 (3) damages [BY ANY INTERFERENCE WILFULLY AND MALICIOUSLY  
2 DESTROYS] the insulation of the line [,] or interrupts the transmission  
3 of the service [ELECTRIC CURRENT] through it [,] or damages [WILFULLY  
4 AND MALICIOUSLY DESTROYS] the protective wrapping of a water, oil, or  
5 gas pipeline;

6 (4) damages [WILFULLY AND MALICIOUSLY INJURES, MOLESTS, OR  
7 DESTROYS] property or materials [APPERTAINING TO ANY OF THESE LINES OR]  
8 belonging to a utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT OR POWER  
9 COMPANY, OR GAS COMPANY];

10 (5) [WILFULLY AND MALICIOUSLY] interferes with the use of a  
11 utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT OR POWER LINE OR GAS]  
12 line, or obstructs or postpones the transmission of service over a uti-  
13 lity [A MESSAGE OVER A TELEGRAPH OR TELEPHONE] line [,] or procures or  
14 advises damage [INJURY, INTERFERENCE, OR OBSTRUCTION] to any utility  
15 [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT, POWER OR GAS] line;

16 (6) [WILFULLY AND MALICIOUSLY] interferes with or alters a  
17 meter or other device for the measuring of service from a utility [CUR-  
18 RENT, POWER, OR GAS]; or

19 (7) without the permission of the utility taken service from  
20 the utility [AUTHORITY OF THE OWNER DIVERTS, USES, OR APPROPRIATES A  
21 MESSAGE OR CURRENT] or taps a wire or line used for the transmission of  
22 service [MESSAGES, CURRENT, POWER OR GAS,] or procures or advises this  
23 to be done.

24 \* Sec. 2. AS 42.20.030 is amended by adding a new subsection to read:

25 (b) A person is civilly liable to the utility whose property is  
26 negligently damaged under (a)(1), (2), (3), or (4) of this section in a  
27 sum equal to the amount of the damages sustained.

28 \* Sec. 3. AS 42.20 is amended by adding a new section to read:

29 Sec. 42.20.031. JURISDICTION. The district court has jurisdiction

1 of civil actions filed under AS 42.20.030.

2 \* Sec. 4. AS 42.20 is amended by adding new sections to read:

3 Sec. 42.20.032. PRESUMPTION FROM USE OF NONMEASURED UTILITY SER-  
4 VICE. It is presumed that a person intended to deprive a utility of  
5 compensation for service from the utility if

6 (1) the person possesses or has access to a utility service  
7 metering device which is being used to meter utility service and has  
8 been interfered with, avoided, or altered to inhibit or prevent the  
9 accurate measurement of utility service without the permission of the  
10 utility or the person has access to a utility line which has been tapped  
11 without the permission of the utility; and

12 (2) the person enjoys the use or receives the economic bene-  
13 fit of the unmeasured utility service; provided, however, that privately  
14 owned telecommunication "disks" are excepted if they are in compliance  
15 with AS 42.20.30.

16 Sec. 42.20.034. DEFINITIONS. In AS 42.20.030 - 42.20.034

17 (1) "utility" means an enterprise, whether publicly or pri-  
18 vately owned or operated, which provides gas, electric, steam, water,  
19 sewer, or telecommunications service;

20 (2) "service" means a commodity, product, use, facility,  
21 convenience or other form of service which is offered and provided by a  
22 utility.

23 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-  
24 070(c).



# Alaska State Legislature

## House of Representatives

### Committee on Judiciary

Official Business

Pouch V  
State Capitol  
Juneau, Alaska 99811

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: May 6, 1980

RE: Request for CS

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Please provide the House Judiciary Committee with a CS for SB 523 that comports with the committee intent as expressed in the attached mark-up.

Original sponsor: Rules Committee  
by Request

Offered: 4/11/80  
Referred: Rules

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BY THE JUDICIARY COMMITTEE

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14 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500, OR BY  
15 IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH, AND IS] liable to  
16 the utility [COMPANY OR PERSON] whose property is damaged [INJURED, OR  
17 LINE OBSTRUCTED, OR CURRENT DIVERTED,] in a sum equal to three times the  
18 amount of the actual damages sustained [,] and three times the value of  
19 the service taken [PRICE OF THE CURRENT, LIGHT, POWER, OR GAS DIVERTED  
20 OR USED,] if he intentionally or in the exercise of gross negligence

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24 OR POWER BY USE OF ELECTRICITY, OR GAS BY PIPELINE];

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29 SECTION];

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12 line, or obstructs or postpones the transmission of service over a uti-  
13 lity [A MESSAGE OVER A TELEGRAPH OR TELEPHONE] line; [,] <sup>(6)</sup> or procures or  
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16 (7) ~~(6)~~ [WILFULLY AND MALICIOUSLY] interferes with or alters a  
17 meter or other device for the measuring of service from a utility [CUR-  
18 RENT, POWER, OR GAS]; or

19 (8) ~~(7)~~ without the permission of the utility takes service from  
20 the utility [AUTHORITY OF THE OWNER DIVERTS, USES, OR APPROPRIATES A  
21 MESSAGE OR CURRENT] or taps a wire or line used for the transmission of  
22 service [MESSAGES, CURRENT, POWER OR GAS,] or procures or advises this  
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26 negligently damaged under (a)(1), (2), (3), or (4) <sup>or (5)</sup> of this section in a  
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13 fit of the unmetered utility service; ~~provided, however, that privately~~  
14 ~~owned telecommunication "disks" are excepted if they are in compliance~~  
15 ~~with AS 42.20.30.~~ ] *delete*

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