

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.