

**HOUSE BILL NO. 29**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE RAUSCHER**

**Introduced: 1/8/21**

**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 vegetation management 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) 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 property damage, death, or personal injury resulting from contact between vegetation  
11 and the utility's 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 was located entirely within the boundaries of the

1 utility's real property, lease, permit, easement, or right-of-way and the utility did not  
2 have, or failed to comply with, a vegetation management plan; or

3 (2) the vegetation was located outside the boundaries of the utility's  
4 real property, lease, permit, easement, or right-of-way and the utility caused the  
5 vegetation to

6 (A) enter the boundaries of the utility's real property, lease,  
7 permit, easement, or right-of-way; and

8 (B) contact the utility's facilities.

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

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

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