

1 ENGROSSED SENATE
2 BILL NO. 474

By: Bingman and Johnson
(Constance) of the Senate

3 and

4 Thompson of the House

5
6
7 [electric suppliers - tree trimming - guidelines -
8 codification - effective date -
9 emergency]

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 690 of Title 63, unless there is
14 created a duplication in numbering, reads as follows:

15 A. The provisions of this section shall apply to the trimming,
16 removing and controlling of trees and other vegetation by any
17 electric supplier authorized to operate in this state.

18 B. Every electric supplier operating electric transmission or
19 distribution lines shall have the authority to maintain such lines
20 by trimming, removing and controlling trees and other vegetation
21 posing a hazard to the continued safe and reliable operation
22 thereof.

23 C. An electric supplier may exercise its authority granted in
24 Subsection B of this section if the trees and other vegetation are

1 within the legal description of any recorded easement or, in the
2 absence of a recorded easement, the trees and other vegetation are:

3 1. Within ten (10) feet, plus one-half the length of any
4 attached cross arm, of either side of the centerline of electricity
5 lines potentially energized at or below thirty-four and one-half
6 (34.5) kilovolts measured line to line and located within the limits
7 of any municipality;

8 2. Within thirty (30) feet of either side of the centerline of
9 electricity lines potentially energized at or below thirty-four and
10 one-half (34.5) kilovolts measured line to line and located outside
11 the limits of any municipality;

12 3. Within fifty (50) feet of either side of the centerline of
13 electric lines potentially energized between thirty-four and one-
14 half (34.5) and one hundred (100) kilovolts measured line to line;
15 or

16 4. Within the greater of the following for any electricity
17 lines potentially energized at one hundred (100) kilovolts or more
18 measured line to line:

19 a. seventy-five (75) feet to either side of the
20 centerline, or

21 b. any required clearance distance adopted by either the
22 Federal Energy Regulatory Commission or an Electric
23 Reliability Organization authorized by the federal
24 Energy Policy Act of 2005.

1 D. An electric supplier may trim, remove and control trees and
2 other vegetation outside the provisions of subsection C of this
3 section, as otherwise provided by law, if such actions are, in the
4 discretion of the electric supplier, appropriate to maintain the
5 continued safe and reliable operation of its electric lines.

6 E. An electric supplier may secure from the owner or occupier
7 of land greater authority to trim, remove and control trees and
8 other vegetation than provided in subsection C of this section and
9 may exercise any and all rights regarding the trimming, removing and
10 controlling of trees and other vegetation granted in any easement
11 held by the electric supplier.

12 F. An electric supplier may trim or remove any tree of
13 sufficient height outside the provisions of subsection C of this
14 section when such tree, if it were to fall, would threaten the
15 integrity and safety of any electric transmission or distribution
16 line and would pose a hazard to the continued safe and reliable
17 operation thereof.

18 G. Prior to the removal of any tree under the provisions of
19 subsection C of this section, an electric supplier shall notify the
20 owner or occupier of land, if available, at least fourteen (14) days
21 prior to such removal unless the electric supplier deems the removal
22 to be immediately necessary to continue the safe and reliable
23 operation of its electric lines, or the electric supplier is

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1 trimming or removing trees and other vegetation caused by a major
2 weather event or other emergency situation.

3 H. If any tree partially trimmed by an electric supplier dies
4 within three (3) months as a result of such trimming, the owner or
5 occupier of land upon which the tree was trimmed may request in
6 writing that the electric supplier remove the tree at the electric
7 supplier's expense. The electric supplier shall respond to such
8 request within ninety (90) days.

9 I. Any dispute between an owner or occupier of land affected by
10 the trimming, removing or controlling of trees or other vegetation
11 and any electric supplier shall be initiated in the district court
12 of the county where the property is located.

13 J. The provisions of this section shall not require any
14 electric supplier to fully exercise the authorities granted by this
15 section.

16 SECTION 2. This act shall become effective July 1, 2009.

17 SECTION 3. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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1 Passed the Senate the 2nd day of March, 2009.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2009.

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8 _____
9 Presiding Officer of the House
10 of Representatives