

CS FOR HOUSE BILL NO. 473(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/29/98

Referred: Rules

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to training and certification of fire services personnel; relating
2 to certification of fire services training programs; and providing for an effective
3 date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 18.70 is amended by adding new sections to read:

6 **Article 3. Alaska Fire Standards Council.**

7 **Sec. 18.70.320. Policy.** It is the policy of the state to protect its residents and
8 their property from the ravages of fire. The state recognizes the need for the state to
9 participate in providing an educational and training system that meets the needs of all
10 communities and all fire services personnel. The legislature finds that fire is a
11 constant threat and that homes, places of employment, modes of transportation, and our
12 natural resources need a system of fire protection that is based on the most current,
13 practical standards and educational principles.

14 **Sec. 18.70.330. Creation.** (a) There is created in the Department of Public

1 Safety the Alaska Fire Standards Council.

2 (b) The council consists of the following persons:

3 (1) two chief administrative officers or fire chiefs of local government;
4 only one person appointed under this paragraph may be from a local government
5 where the fire department consists entirely of paid employees;

6 (2) the state fire marshal or a designee of the state fire marshal;

7 (3) four representatives of fire fighters, including at least one fire
8 fighter administrative officer from the Alaska State Fire Fighters Association; a person
9 appointed under this paragraph may not, while serving on the council, be a fire chief;

10 (4) two volunteer fire fighters, one from a community with a population
11 of 2,500 or less and one from a community with a population greater than 2,500; and

12 (5) two members of the public at large with at least one member from
13 a community with a population of 2,500 or less.

14 **Sec. 18.70.340. Appointment; meetings; expenses.** (a) The state fire marshal
15 or a designee shall serve on the council during each state fire marshal's continuance
16 in office. Other members of the council shall be appointed by the governor for
17 staggered terms of four years, except that a member may not serve beyond the time
18 the member holds the office that established eligibility for appointment. Membership
19 on the council does not disqualify a member from holding another public office or
20 employment. The council shall select its chair and vice-chair annually.

21 (b) The council shall meet at least twice a year. The chair shall set the time
22 and place of the meeting, either on the chair's own motion or on written request by
23 three members of the council. The council is encouraged to meet electronically.

24 (c) The members of the council do not receive a salary for service on the
25 council, but are entitled to per diem and travel expenses authorized by law for other
26 boards and commissions under AS 39.20.180.

27 **Sec. 18.70.350. Powers.** The council may

28 (1) adopt regulations for the administration of AS 18.70.320 -
29 18.70.369 including regulations

30 (A) establishing minimum training and performance standards
31 for certification of fire services personnel that are consistent with the standards

1 of the National Fire Protection Association or other applicable standards;

2 (B) establishing minimum fire training curriculum requirements
3 for certification of training programs that are designed to enable trainees to
4 meet the standards established under (A) of this paragraph;

5 (C) governing the procedure for certification of fire services
6 training programs that meet the minimum curriculum requirements adopted
7 under this section;

8 (D) governing the procedure for certification of individuals who
9 satisfy the minimum training and performance standards established under this
10 section; and

11 (E) governing the procedure for revocation of the certificate of
12 a person or program that, having been issued a certificate under this section,
13 fails at a later date to meet the standards adopted by the council under this
14 section; the procedures must be consistent with AS 44.62 (Administrative
15 Procedure Act);

16 (2) consult and cooperate with municipalities, agencies of the state,
17 other governmental agencies, universities, colleges, and other institutions concerning
18 the development of fire services training schools and programs offered in the state;

19 (3) employ an administrator and other persons necessary to carry out
20 its duties; and

21 (4) charge and collect fees determined by the council to be necessary.

22 **Sec. 18.70.355. Certification optional.** Nothing in AS 18.70.320 - 18.70.369
23 may be construed to prohibit a person from performing fire services without a
24 certificate issued by the council. However, an entity for whom a person performs fire
25 services as an employee or volunteer may require that the person be certified by the
26 council or attend training programs that are certified by the council.

27 **Sec. 18.70.360. Alaska fire services personnel fund.** The Alaska fire services
28 personnel fund is created in the general fund. The fund consists of appropriations
29 made by the legislature to the fund. The council may use the money in the fund to
30 carry out its powers and duties.

31 **Sec. 18.70.369. Definitions.** In AS 18.70.320 - 18.70.369,

1 (1) "council" means the Alaska Fire Standards Council established
2 under AS 18.70.330;

3 (2) "fire services" means fire prevention services, fire suppression
4 services, fire suppression support services, or training or educational services related
5 to fire prevention or fire suppression that are performed by an employee of or
6 volunteer with an organized fire service;

7 (3) "organized fire service" means a group of persons organized and
8 trained for prevention and control of loss of life and property from fire, except that the
9 term does not include groups of persons regulated under AS 18.65 or persons regulated
10 under AS 18.08 who are performing within the scope of their certificates acquired
11 under those chapters.

12 * **Sec. 2.** INITIAL TERMS. Notwithstanding AS 18.70.340, enacted by sec. 1 of this Act,
13 the initial terms of office for persons appointed to the Alaska Fire Standards Council shall be
14 set by the governor so that

15 (1) one person appointed under AS 18.70.330(b)(1), two persons appointed
16 under AS 18.70.330(b)(3), one person appointed under AS 18.70.330(b)(4), and one person
17 appointed under AS 18.70.330(b)(5) will serve two-year terms;

18 (2) the members not appointed under (1) of the section will serve four-year
19 terms.

20 * **Sec. 3.** This Act takes effect July 1, 2000.