



LAWS OF ALASKA

1970

Source

SB 445 am H

Chapter No.

179

AN ACT

Relating to the protection of forests and forest products; and providing for an effective date.

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

* Section 1. AS 41.15.060 is amended to read:

Sec. 41.15.060. PERMITS. The commissioner shall, by regulation, prescribe the conditions of and the manner for obtaining a permit. Failure to obtain the required permit, or violation of a condition of the permit is a misdemeanor.

* Sec. 2. AS 41.15.110 is amended to read:

Sec. 41.15.110. ALLOWING FIRE TO ESCAPE OR FAILURE TO MAKE EFFORT TO EXTINGUISH AS MISDEMEANOR. (a) A person who knows of a fire or sets a fire on forested lands owned, possessed, or controlled by him, shall exercise due care to prevent the uncontrolled spread of the fire. A person failing to exercise due care which results in spread of the fire and damage to property of another is guilty of a misdemeanor.

(b) A person who neglects to make every effort possible to extinguish a fire he knowingly sets on forested lands or who leaves such a fire unattended is guilty of a misdemeanor.

(c) In a criminal action brought under this section, the escape of the fire is presumptive evidence of negligence by the person responsible for starting the fire and unless rebutted is sufficient to sustain a conviction.

* Sec. 3. AS 41.15.170 is amended by adding a new paragraph to read:

(4) "damages" includes costs incurred in

suppressing, controlling or extinguishing a fire.

* Sec. 4. AS 41.15 is amended by adding a new section to read:

ARTICLE 5. GENERAL.

Sec. 41.15.700. ENFORCEMENT AUTHORITY. (a) The following persons are peace officers of the state and they shall enforce the provisions of this chapter and the regulations promulgated under this chapter:

(1) solely for the purpose of enforcing this chapter, an employee of the Department of Natural Resources, or other person, authorized by the commissioner;

(2) a police officer in the state.

(b) A person designated in (a) of this section may, when enforcing the provisions of this chapter or a regulation made under this chapter,

(1) execute a warrant or other process issued by an officer or court of competent jurisdiction;

(2) administer or take an oath, affirmation or affidavit; and

(3) arrest a person who violates a provision of this chapter or a regulation made under this chapter.

* Sec. 5. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.