

CS FOR HOUSE BILL NO. 473(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/17/98
Referred: Finance

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) four chief administrative officers or fire chiefs of local government;

4 (2) the commissioner of public safety or a designee of the
5 commissioner;

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

10 (4) four members of the public at large with at least two members from
11 communities of 2,500 population or less.

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

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

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

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

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

29 (A) establishing minimum training and performance standards
30 for certification of fire services personnel that are consistent with the standards
31 of the National Fire Protection Association or other applicable standards;

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

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

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

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

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

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

20 (4) investigate when there is reason to believe that a person or fire
21 services training program that is certified or claiming to be certified under this section
22 does not meet the minimum training or performance standards adopted by the council;
23 in connection with an investigation under this paragraph, the council may subpoena
24 persons, books, records, or documents related to the investigation and require answers
25 in writing under oath to questions asked by the council or the administrator; and

26 (5) charge and collect fees determined by the council to be necessary.

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

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

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

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

8 (2) "fire services" means fire prevention services, fire suppression
9 services, fire suppression support services, or training or educational services related
10 to fire prevention or fire suppression that are performed by an employee of or
11 volunteer with an organized fire service;

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

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

20 (1) two persons appointed under AS 18.70.330(b)(1), two persons appointed
21 under AS 18.70.330(b)(4), and one person appointed under AS 18.70.330(b)(3) will serve two-
22 year terms;

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

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