

1 IN THE HOUSE

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2 HOUSE BILL NO. 129

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An act establishing the office of State
7 Fire Marshal; prescribing duties and
8 authority; imposing duties on fire marshals
9 of political subdivisions of the State; re-
10 quiring fire reports from insurance companies,
11 authorizing promulgation of State Fire
12 Marshal orders and regulations; and providing
13 penalties for violation of such orders and
14 regulations."

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

16 Section 1. SHORT TITLE. This Act may be cited as the State
17 Fire Marshal Act.

18 Sec. 2. CREATION OF OFFICE: APPOINTMENT: QUALIFICATIONS.

19 There is hereby created the Office of State Fire Marshal. The
20 State Fire Marshal shall be selected subject to the merit system
21 except that the initial holder of the office shall be appointed
22 by the Governor. He shall be qualified by experience and training
23 in the examination of buildings and structures for fire hazards,
24 the detection of arson, criminal negligence, the detection and
25 elimination of fire hazards, and fire fighting and prevention.
26 He shall receive an annual salary according to a comparable posi-
27 tion as classified by the agency administering the State merit
28 system. He shall be under the supervision of, and responsible to,
29 the Commissioner of Public Safety.

1 Sec. 3. DUTIES. It shall be the duty of the State Fire
2 Marshal to enforce all laws of the State and its political sub-
3 divisions including the following:

4 (1) The prevention of fires;

5 (2) The performance of one fire drill each month at
6 each public or private school in the State;

7 (3) The storage, sale and use of combustibles and
8 explosives;

9 (4) The installation and maintenance of fire alarm
10 systems and fire extinguishing equipment;

11 (5) The construction, maintenance and regulation of
12 fire escapes;

13 (6) The means and adequacy of fire exits in all places
14 in which numbers of persons work, live or congregate from time to
15 time for any purpose including, but not limited to, assembly halls
16 hospitals, churches, schools, apartment buildings, and commercial
17 and industrial establishments;

18 (7) The suppression of arson and investigation of the
19 cause, origin, and circumstances of fires;

20 (8) To foster, promote, and regulate ways and means of
21 protecting life and property against fire, explosion and panic;

22 (9) Encourage the adoption of fire prevention measures
23 by educational programs;

24 (10) Prepare or cause to be prepared for dissemination,
25 information relating to the subject of fire prevention and extin-
26 guishment;

27 (11) To exercise such other powers and perform such
28 other duties, as are set forth in other sections of this Act, and
29 as may be conferred and imposed from time to time by law.

1 Sec. 4. DEPUTIES. The State Fire Marshall shall appoint an
2 Assistant State Fire Marshal and a Clerk-Assistant to the State
3 Fire Marshall who shall receive an annual salary to be determined
4 by their classification and responsibilities according to stand-
5 ards prescribed by the agency administering the State merit system.
6 The State Fire Marshal may also appoint such other clerks and
7 assistants as shall be needed in the performance of the duties of
8 his office whose compensation will be determined by the agency
9 administering the State merit system. In case of the absence of
10 the State Fire Marshal, or his inability from any cause to dis-
11 charge the duties of his office, such duties shall devolve upon
12 the Assistant State Fire Marshal; and in the event of both the
13 State Fire Marshal and the Assistant State Fire Marshal are unable
14 from any cause to discharge the duties and powers of their office,
15 such duties and powers shall devolve upon the Clerk Assistant to
16 the State Fire Marshal.

17 Sec. 5. DEPUTY STATE FIRE MARSHALS. All municipal fire
18 marshals or the chief of the fire department of an incorporated
19 political subdivisions maintaining a fire department, and the
20 mayor or other presiding officer of each incorporated political
21 subdivision in which no fire department exists, shall be, by
22 virtue of such offices so held by them, Deputy State Fire Marshals
23 and subject to the provisions of this Act.

24 Sec. 6. DUTIES OF DEPUTY STATE FIRE MARSHALS TO INVESTIGATE
25 THE CAUSE AND ORIGIN OF ALL FIRES. The Deputy State Fire Marshals
26 as defined above shall investigate the cause, origin and circum-
27 stance of every fire occurring in the political subdivision in
28 which they hold office to determine whether the fire was the
29 result of carelessness or design. In unincorporated boroughs

1 the Fire Marshal or his assistants will conduct the required
2 investigation as soon as possible. If it appears to the officer
3 making such investigation that the fire is of suspicious origin,
4 the State Fire Marshal shall be immediately notified of such fact.
5 Every fire occurring in this State shall be reported in writing
6 to the State Fire Marshal within ten days after the occurrence of
7 the same by the Deputy State Fire Marshal in whose jurisdiction
8 such fire has occurred; such report shall be in the form prescribed
9 by the State Fire Marshal and shall contain a statement of all
10 facts relating to the cause and origin of such fire that can be
11 ascertained, the extent of damage thereof and the insurance upon
12 such property, and such other information as may be required
13 pursuant to rules promulgated under this Act.

14 Sec. 7. REPORT OF INSURANCE COMPANIES. Every fire insurance
15 company authorized to transact business in this State is hereby
16 required to report to the State Fire Marshal all fire losses, on
17 property they insure within this State, consisting of an initial
18 report of the fire and a fire report on the adjusted loss. The
19 initial report will detail the date of fire, the amount of probable
20 loss, the character of property destroyed or damaged, and the
21 apparent cause of the fire. The initial report shall be mailed
22 to the State Fire Marshal within three days after receipt of notice
23 of loss by the company involved. The final report shall be filed
24 with the State Fire Marshal ten days after adjustment of the loss.
25 The initial and final reports required by this Act shall be in
26 addition to any report or reports such companies may be required
27 to file with any other State office.

28 Sec. 8. REGULATIONS. The State Fire Marshal shall make
29 regulations for the storage, use, manufacture, sale, handling,

1 transportation, destruction or other disposition of flammable
2 materials, explosives, crude petroleum or any of its products,
3 explosive or flammable fluids or compounds, fireworks and fire-
4 crackers, and may prescribe the materials and construction of
5 receptacles and buildings to be used for any of the said purposes.
6 The promulgation of such regulations shall be in accordance with
7 the Administrative Procedures Act.

8 Sec. 9. DUTIES TO INSPECT PROPERTY. The State Fire Marshal,
9 his Assistants or Deputies, upon receipt of a complaint, or on
10 his, or their, initiative shall inspect all buildings and premises
11 within their respective jurisdictions. For this purpose they
12 may enter upon or into any commercial, business or public property
13 during any reasonable business hours for the purpose of making
14 inspections of such property, or for the purpose of abatement of
15 fire hazards.

16 Sec. 10. FINDINGS: ORDERS. Whenever any of said officers
17 shall find any building or other structure which lacks adequate
18 fire escapes, fire alarm apparatus, fire extinguishing equipment,
19 or by reason of age, dilapidated condition, or any other cause,
20 constitutes a fire hazard and which building or structure is so
21 situated as to endanger other property; and whenever such officer
22 shall find in any building combustibles, explosive matter or
23 flammable conditions dangerous to the safety of such buildings,
24 he shall order the same to be removed or remedied, and such
25 order shall forthwith be complied with by the owner or occupant
26 of such premises or buildings. Such orders shall be reviewable
27 as provided for regulations promulgated by the authority of this
28 Act.

29 Sec. 11. FAILURE TO COMPLY. If any person fails to comply

1 with the orders or regulations promulgated pursuant to this Act,
2 or with the order as modified on appeal, then such officer is
3 hereby authorized to cause such building or premises to be
4 repaired, torn down, or demolished, and the rubble therefrom
5 removed and all dangerous conditions remedied at the expense of
6 the owner of the property. If the owner fails, neglects, or
7 refuses to pay said officer within 30 days of the order, for the
8 expense thereby incurred by him to remedy the fire hazard, such
9 officer shall certify said expenses, together with twenty-five
10 per cent (25%) penalty thereon to the clerk or other officer
11 exercising similar functions of the city, village, or other
12 political subdivision in which said property is situated, and
13 said officer shall enter said expenses on the tax roll of the
14 political subdivision as a lien against the real estate on
15 which said building is or was situated, and the amount recovered
16 shall be collected as other taxes and when collected shall be
17 covered into the General Fund of the State of Alaska.

18 Sec. 12. SERVICE. The service of any order of the State
19 Fire Marshal may be made by personal service on the occupant of
20 the property constituting the fire hazard, by delivering the
21 same to any person in charge of the premises, by affixing a
22 copy thereof in a conspicuous place on the door to the entrance
23 of said premises, and sending such copy by registered mail to the
24 occupant's last known address. Whenever it may be necessary to
25 serve an order upon the owner of premises, such order may be
26 served either by personally serving him with a copy of the said
27 order, or if such owner is absent from the jurisdiction of the
28 officer making the order, by sending a copy of the order by
29 registered mail to the owner's last known address.

1 Sec. 13. COMPELLING ATTENDANCE OF WITNESSES: SUBPOENA POWERS.
2 The State Fire Marshal and his assistants shall have the power
3 to conduct public investigation hearings as prescribed by
4 regulation including the power to summon witnesses and compel
5 them to attend and to testify in relation to the matter under
6 investigation as set forth in the subpoena; may compel by sub-
7 poena the production of any book, paper or document deemed
8 pertinent or necessary to the inquiry, and shall have the power
9 to administer oaths and affirmations to any person appearing as
10 a witness at such public investigation hearings.

11 Sec. 14. FEES. Each person summoned and testifying before
12 the State Fire Marshal, or his assistants, shall be entitled to
13 witness fees and mileage, as provided for witnesses testifying
14 in the courts of the State. Officers serving subpoenas and
15 rendering other services to the State Fire Marshal, shall be paid
16 in like manner, and in amounts they would be entitled to for like
17 service in such courts. Such fees shall be chargeable to the
18 appropriation for the State Fire Marshal's office.

19 Sec. 15. WITNESSES: CONTEMPT. Any witness who refuses to
20 obey a summons or lawful order of the State Fire Marshal, or his
21 assistants, in relation to any investigation instituted by him
22 or them, or who fails or refuses to produce any book, paper or
23 document touching any matter under investigation or examination,
24 or who is guilty of any contemptuous act after being summoned to
25 appear before him, or either of them to give testimony in relation
26 to any matter or subject under examination or investigation as
27 aforesaid, may be punished as for contempt of court upon applica-
28 tion to the Superior Court for an order punishing such contempt.

29 Sec. 16. EVIDENCE OF CRIMINAL ACT. If an investigation

1 indicates a crime has been committed, the testimony taken on
2 such examination together with any other data in his possession
3 shall be presented to the prosecuting attorney of the judicial
4 district where the fire occurred with a request for institution
5 of criminal proceedings.

6 Sec. 17. RECORDS. The State Fire Marshal shall keep a
7 record of all fires including statistics as to the extent of such
8 fires and the damage caused thereby, and whether such losses were
9 covered by insurance, and if so, in what amount. Such record shall
10 be compiled weekly from the reports made to his office under the
11 provisions of this Act.

12 Sec. 18. ANNUAL REPORT. The State Fire Marshal shall, on
13 or before the 15th day of January of each year, transmit to the
14 Governor a full report of the activities of his office. The
15 report shall include statistics collected and shall recommend any
16 legislation designed to protect the public welfare.