

1 IN THE HOUSE

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 152

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the protection of
7 forested lands; authorizing the Commissioner
8 of Natural Resources to promulgate regula-
9 tions and enter into contracts for forest
10 protection; permitting entry on public or
11 private lands for the purpose of forest
12 protection; establishing a fire season; pro-
13 hibiting certain acts; requiring certain
14 equipment and notices; providing penalties;
15 repealing Secs. 65-5-11 through and includ-
16 ing 65-5-19, ACLA 1949 as amended by Ch. 76,
17 SLA 1949; and providing for an effective
18 date."

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

20 Section 1. INTENT: DEFINITIONS. It is the legislative
21 intent of this Act to provide protection for the timber resources
22 and watersheds on all of the lands owned by the state and its
23 citizens. Wherever used in this Act the term "forest fire" shall
24 be deemed to include the uncontrolled burning of grass, brush,
25 timber and other natural vegetative material; the term "forested
26 lands" shall be deemed to include all lands on which grass, brush,
27 timber and other natural vegetative material grows; and the term
28 "Commissioner" shall mean the Commissioner of Natural Resources.

29 Sec. 2. REGULATIONS: CONTRACTS FOR FOREST PROTECTION:

HB #152

1 RIGHT OF ENTRY. The Commissioner shall, by regulation, make pro-
2 vision for the protection of forested lands in the state from fire
3 and other destructive agents, and the Commissioner may enter into
4 such protection contracts as he deems necessary. Upon approval by
5 the Commissioner or his authorized agent, employees of the Division
6 of Lands, or of any organization authorized to prevent, control or
7 suppress such fires or destructive agents, and others assisting in
8 the control or suppression of fires upon request of an officer or
9 employee of the United States or the State of Alaska may at any
10 time enter upon any lands, whether publicly or privately owned,
11 for the purpose of preventing, suppressing or controlling such
12 forest fires and destructive agents.

13 Sec. 3. FIRE SEASON. The period from April 1 to October 31,
14 inclusive, of each year, and any other period fixed by the Commis-
15 sioner or his authorized agent, shall be designated the fire
16 season. The Commissioner or his authorized agent may proclaim an
17 additional period for all or any portion of the state when weather
18 or other conditions require such action for the protection of
19 forested lands. The Commissioner or his agent may also, during
20 the fire season, prohibit, or allow only by permit, the setting of
21 fires, smoking, entry or other use within or on such lands, when,
22 in his judgment, such activities would unduly increase the fire
23 danger. When required, permits shall be obtained in such manner
24 as may be prescribed by regulations promulgated by the Commis-
25 sioner. Failure to obtain a permit when required, or violation of
26 any of the terms of the permit shall be a misdemeanor.

27 Sec. 4. DISPOSAL OF BURNING MATERIALS. Any person who,
28 during the fire season, shall throw away any lighted tobacco,
29 cigars, cigarettes, matches, firecrackers or other burning

1 materials on any forested land, whether public or private, within
2 the state, shall be guilty of a misdemeanor.

3 Sec. 5. EQUIPMENT AND NOTICE REQUIRED. Every conveyance
4 operated through or above forested lands shall be equipped at all
5 times in each compartment thereof, with a suitable receptacle for
6 the disposition or reception of any of the burning materials men-
7 tioned in Sec. 4 of this Act. Every owner or operator of a public
8 conveyance operated through or above such areas shall post and
9 keep displayed at all times a copy of Secs. 3 through 5 and 10 of
10 this Act in a conspicuous place within the smoking compartment of
11 such conveyance; and every person or corporation owning or operat-
12 ing a sawmill or logging camp or any other commercial plant or
13 operation in any forested lands shall post and keep displayed at
14 all times a copy of Secs. 3 through 5 and 10 of this Act in a
15 conspicuous place upon the buildings or grounds of such milling,
16 logging or commercial operations. No person shall deface or
17 destroy the notices required under this section. Any violations
18 of this section shall be a misdemeanor.

19 Sec. 6. BUILDING FIRE WITHOUT CLEARING GROUND OR LEAVING
20 UNEXTINGUISHED FIRE AS MISDEMEANOR. Any person who builds any
21 fire in or near any timber, brush, grass or other inflammable ma-
22 terials without first clearing the ground immediately around it
23 free from materials which will carry fire, or who leaves the fire
24 before totally extinguishing it, shall be guilty of a misdemeanor.

25 Sec. 7. SETTING FIRE WITHOUT CONSENT OF OWNER OR OCCUPANT
26 OF LAND AS MISDEMEANOR. Any person who sets on fire any timber,
27 brush, grass or other inflammable materials being or growing on
28 lands not owned, possessed or controlled by him, without the con-
29 sent of the owner or lawful occupant of the land, shall be guilty

1 of a misdemeanor.

2 Sec. 8. ALLOWING FIRE TO ESCAPE OR FAILURE TO MAKE EVERY
3 EFFORT TO EXTINGUISH AS MISDEMEANOR. Any person having, or set-
4 ting on fire any timber, brush, grass or other inflammable materi-
5 als being or growing on lands owned, possessed or controlled by
6 him, shall do so at such time, in such manner and with such pru-
7 dent care as to prevent it from spreading and doing damage to
8 other property, and failing to do so he shall be deemed negligent
9 and guilty of a misdemeanor; provided, that any person who, know-
10 ing of a fire set by him on any land whatsoever, neglects to make
11 every effort possible to extinguish it or who leaves any fire un-
12 attended, shall be deemed negligent and guilty of a misdemeanor;
13 provided further, that in all criminal actions brought under this
14 section, the escape of the fire shall be presumptive evidence of
15 negligence by the person responsible for starting the fire and
16 unless rebutted shall be sufficient to sustain a conviction.

17 Sec. 9. FAILURE TO ASSIST OFFICER OR GOVERNMENT EMPLOYEE IN
18 PREVENTING OR SUPPRESSING FIRE AS MISDEMEANOR. Any person who,
19 when requested by an officer or employee of the United States or
20 the state who is authorized to prevent or suppress fires, or is
21 engaged in doing so, and who informed such person of his official
22 character, fails to assist such officer or employee in the per-
23 formance of such duties, shall be guilty of a misdemeanor. No-
24 thing in any other section of this Act shall apply to the setting
25 of a backfire under the direction of any such officer or employee
26 pursuant to the provisions of this Act.

27 Sec. 10. PENALTY FOR MISDEMEANORS. Any person convicted of
28 a misdemeanor under this Act shall be punished by a fine of not
29 less than \$25.00 or more than \$500.00, or be imprisoned in jail

1 for not less than 10 days or more than six months, or both.

2 Sec. 11. MALICIOUS OR WANTON SETTING OF FIRES AS FELONY,
3 PUNISHMENT. Any person who maliciously or wantonly sets on fire
4 any timber, brush, grass or other inflammable material being or
5 growing on lands not owned, possessed or controlled by him shall
6 be guilty of a felony and upon conviction thereof shall be punish-
7 ed by a fine of not less than \$100.00 or not more than \$1,000.00,
8 or be imprisoned in the penitentiary for not less than one year
9 or more than 10 years, or both.

10 Sec. 12. DOUBLE DAMAGES ALLOWED IN CIVIL ACTIONS. In addi-
11 tion to the criminal punishment hereinbefore provided, the United
12 States, the state, any municipality, or any person may recover in
13 a civil action double the amount of damages sustained as a con-
14 sequence of a violation of this Act; provided, that in all civil
15 actions brought under the provisions of this or any other law
16 relating to the subject matter hereof, the escape of a fire shall
17 be presumptive evidence of negligence by the person responsible
18 for starting the fire and unless rebutted shall be sufficient to
19 sustain the recovery.

20 Sec. 13. REPEAL. Secs. 65-5-11 through and including
21 65-5-19, ACLA 1949 as amended by Ch. 76, SLA 1949 are hereby
22 repealed.

23 Sec. 14. EFFECTIVE DATE. This Act takes effect on the day
24 after its passage and approval or on the day it becomes law with-
25 out such approval.
26
27
28
29