

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 445

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the protection of forests and
7 forest products; and providing for an effective date."

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

9 * Section 1. AS 41.15.060 is amended to read:

10 Sec. 41.15.060. [PROCEDURE FOR FIRE] PERMITS. The commissioner
11 shall, by regulation, prescribe the conditions of and the manner for
12 obtaining a permit [FIRE PERMITS]. Failure to obtain the required [A]
13 permit [WHEN REQUIRED], or violation of a condition [TERM] of the
14 permit is a misdemeanor.

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

16 Sec. 41.15.110. ALLOWING FIRE TO ESCAPE OR FAILURE TO MAKE
17 [EVERY] EFFORT TO EXTINGUISH AS MISDEMEANOR. (a) A person who knows
18 of a fire or sets a fire on forested lands owned, possessed, or con-
19 trolled by him, shall exercise due care to prevent the uncontrolled
20 spread of the fire. A person failing to exercise due care which
21 results in spread of the fire and damage to property of another is
22 guilty of a misdemeanor [HAVING, OR SETTING ON FIRE TIMBER, BRUSH,
23 GRASS OR OTHER INFLAMMABLE MATERIAL LOCATED OR GROWING ON LANDS THAT
24 ARE OWNED, POSSESSED OR CONTROLLED BY HIM, SHALL DO SO AT THE TIME,
25 IN THE MANNER AND WITH PRUDENT CARE SO AS TO PREVENT IT FROM SPREADING
26 AND DOING DAMAGE TO OTHER PROPERTY, AND IF HE FAILS TO DO SO HE IS
27 NEGLIGENT AND GUILTY OF A MISDEMEANOR].

28 (b) A person who [, KNOWING OF A FIRE SET BY HIM ON LAND,]
29 neglects to make every effort possible to extinguish a fire he knowingly

1 sets on forested lands [IT] or who leaves such a fire unattended is
2 [NEGLIGENT AND] guilty of a misdemeanor.

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

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

8 (4) "damages" includes costs incurred in supressing, con-
9 trolling or extinguishing a fire.

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

11 ARTICLE 5. GENERAL

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

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

19 (2) A police officer in the state.

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

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

24 (2) Administer or take an oath, affirmation or affidavit;

25 and

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

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