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an Act relating to officers and employees of a municipal fire department."

### COMMITTEE REPORT

5/19/75

HOUSE

Mr. Speaker:

Date May 26, 1975

The Committee on JUDICIARY has had CSRB 257 am

under consideration. A Majority of the members of the Committee

( ) recommends it DO PASS

( ) recommends it DO NOT PASS

( ) recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR CS 5247 am (S. 100) AND THAT

CS FOR CSRB 257 am (S. 100) DO PASS

( ) "and" recommends it BE REFERRED TO THE \_\_\_\_\_

COMMITTEE

( ) reports it back WITHOUT RECOMMENDATION

( ) "other"

Members signing the Majority report:

<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

\_\_\_\_\_ recommends:

[Signature] Chairman

HOUSE JOURNAL

May 28, 1975

House Judiciary Committee  
Statement of Intent  
HCS CSSB 257

AS 18.70.075(a) (7) is not intended to relieve the authority demanding a preplanning inspection from the necessity of having to obtain a search warrant covering the premises or the area in which the premises are located. The inspecting authority is normally going to have the consent of the owner or occupier of the premises, but when permission to inspect is denied, a warrant will have to be obtained by the inspectors. AS 18.70.075(a) (7) is intended to give statutory authority for requesting a warrant and to assist in the showing of cause for issuance of the search warrant.

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Terry Gardiner, Chairman

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House Judiciary Committee  
May 26, 1975

The meeting was called to order at 2:15 p.m. by Chairman Gardiner. All members were present.

CS SB 257 am Municipal Fire Departments

Douglas Body, Coordinating Fire Chief, testified that there is no statutory authority for the fire departments to do some of the things they are presently doing.

The following amendments passed:

page 1, line 18, page 1, line 23: after city insert: organized village.

page 2, line 7: after trespass insert: upon property at or near the scene of a fire.

page 2, line 7: delete without liability

page 2, line 21: delete without liability

page 2, line 17: insert before inspect: upon 24 hour notice to the owner or occupant,

page 2, line 24: delete all of subsection (9) and renumber

page 3, line 2: insert after misdemeanor: , and upon conviction, is punishable by imprisonment for one year, or by a fine of not more than \$1,000, or by both.

page 2, line 3: delete all of Section 3

page 3, line 6: insert definition section "preplanning" to be drafted.

The Judiciary CS for CS SB 257 am was passed out of committee.

SE 384 Revise statutes

page 6, line 9: delete bring and insert seek, delete action and insert or an action in the nature of an action for mandamus.

The Judiciary CS for SB 384 was passed out of committee.

SB 138 Zoning State Parks

The C and RA CS for SB 138 was passed out of committee.



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GASTINEAU CHAPTER ALASKA STATE FIREFIGHTERS ASSOCIATION

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P. C. BOX 1708

JUNEAU, ALASKA 99801

May 24, 1975

OPEN LETTER TO MEMBERS OF HOUSE JUDICIARY COMMITTEE:

SUBJECT: CSSB 257 am.

Gentlemen:

I wish to introduce myself and my affiliation with the Fire Service. My name is Alan Judson, Engineer with the Juneau Fire Department, Chairman of the Legislative Committee for the Alaska State Firefighter's Association and spokesman for the Alaska Fire Chief's Association.

In the rare event I or a member of our committee is unable to attend the Judiciary Hearing on CSSB 257 am, I wish to express our needs for this bill.

Section 1, Paragraph (B). This deals with the liability of an employee of a fire department during the performance of his duties, and using discretion, this act would prevent the employee from law suit. The intent of this is to protect the firefighter, but it does not stop lawsuits from being brought against a department.

Section 2. With the passage of this Bill, what fire officers and personnel have been doing for years and assuming has been legal will now be clear, well defined, and legal.

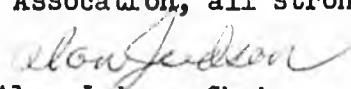
In answer to Mr. Parr's questions to Paragraph 7 & 8:

(7) Inspections. In the Federal Life Safety Code, which the State of Alaska has been using - there is a clause that states, owners must be given 24 hours notice before preplanning inspections, or general inspections. Complaints for hazards - or life safety may be inspected without notice.

(8) The removal or destruction of fences, house, vehicle, etc. The recourse for the owner is his insurance company, or gross negligence, the Fire Department and City. In many cases, vehicles have blocked hydrants, chain fences have been cut, even houses and buildings have been dynamited to control or prevent the spread of fire.

I cannot see anything in this Bill that would prevent the citizen from some recourse should gross negligence be shown.

The Alaska State Firefighter's Association, The Alaska Fire Chief's Association and the Interior Fire Chief's Association, all strongly urge the immediate passage of CSSB 257 am.

  
Alan Judson, Chairman  
Legislative Committee