

HOUSE
COMMITTEE REPORT

4/22

(7)

Date referred: 2/28/86

FURTHER REFERRALS: FINANCE

DATE: _____

The JUDICIARY Committee has considered HB 514

"An Act relating to fire prevention activities; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment (L)
- no recommendation
- replace with CSHB 514 (JUD) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

_____ no rec

Chairman

HOUSE
COMMITTEE REPORT

2/28
JUDICIARY

(7)
Date referred: 1/27/86

FURTHER REFERRALS: FINANCE

DATE: 2-27-86

The COMMUNITY AND REGIONAL AFFAIRS Committee has considered HB 514

"An Act relating to fire prevention activities; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- replace with _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Nick Kosman
John J. ...
Peter ...
F. Kay Wallis

A.U.M. MARROU No Rec.
Myr F. ... no rec.

[Signature]
 Chairman

C. Comer

Offered: 4/22/86
Referred: Finance

Original sponsors: Cato, Koponen,
Hurley and Wallis

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 514 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fire prevention activities; and
7 providing for an effective date."

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

9 * Section 1. AS 09.65.070(c) is amended to read:

10 (c) An [NO] action may not be maintained against an employee or
11 member of a fire department operated and maintained by a municipality
12 or village, or a fire department registered under AS 29.60.130, if the
13 claim is an action for tort [OR BREACH OF A CONTRACTUAL DUTY] and is
14 based upon the act or omission of the employee or member of the fire
15 department in the execution of a function for which the department is
16 established.

17 * Sec. 2. AS 18.70.075 is amended to read:

18 Sec. 18.70.075. AUTHORITY OF MUNICIPAL OR REGISTERED FIRE
19 DEPARTMENT OFFICERS [AND THEIR PERSONNEL]. (a) An officer of a
20 municipal fire department or a fire department registered under
21 AS 29.60.130 [OR HIS AUTHORIZED REPRESENTATIVE], while providing fire
22 protection services, has the authority to

23 (1) control and direct activities at a [THE] fire;

24 (2) order a person to leave a building or place in the
25 vicinity of a [THE] fire, for the purpose of protecting the person
26 from injury;

27 (3) blockade a public highway, street, or private right-of-
28 way temporarily while at a fire;

29 (4) trespass upon property at or near the scene of a fire

1 at any time of the day or night;

2 (5) enter a building, including a private dwelling, or
3 [UPON] premises where a fire is in progress, or where there is reason-
4 able cause to believe a fire is in progress, to extinguish [FOR THE
5 PURPOSE OF EXTINGUISHING] the fire;

6 (6) enter a building, including a private dwelling, or
7 premises near the scene of a [THE] fire for the purpose of protecting
8 the building or premises or for the purpose of extinguishing the fire
9 which is in progress in another building or premises;

10 (7) upon 24-hour notice to the owner or occupant, inspect
11 for preplanning all buildings, structures, or other places within the
12 municipality or the registered fire department's district, except the
13 interior of a private dwelling, where combustible material is or may
14 become dangerous as a fire menace to the building;

15 (8) direct the removal or destruction of a fence, house,
16 motor vehicle, or other thing judged [WHICH HE MAY JUDGE] necessary
17 [TO REMOVE OR DESTROY] to prevent the further spread of a [THE] fire.

18 (b) An owner or occupant of a building or place specified in
19 this section or any other person on the site of a fire or other fire
20 department emergency who refuses to obey the order of an officer of a
21 municipal or registered fire department [OR HIS AUTHORIZED REPRESENTA-
22 TIVE] in the exercise of [HIS] official duties is guilty of a class B
23 misdemeanor [, AND UPON CONVICTION, IS PUNISHABLE BY IMPRISONMENT FOR
24 ONE YEAR, OR BY A FINE OF NOT MORE THAN \$1,000, OR BY BOTH].

25 (c) In this section, "inspect for preplanning" means to conduct
26 limited examinations [INSPECTIONS] for purposes of preparing a fire
27 attack plan in the event of a future emergency, but does not include
28 inspections for purposes of determining compliance with statutory or
29 municipal fire code requirements.

1 * Sec. 3. AS 18.70.080 is amended to read:

2 Sec. 18.70.080. REGULATIONS. The Department of Public Safety
3 shall adopt [RULES AND] regulations for the purpose of protecting life
4 and property from fire and explosion by establishing minimum standards
5 for

6 (1) fire detection and suppression equipment;

7 (2) fire and life safety plan check criteria in commercial,
8 industrial, business, institutional or other public buildings [BUILD-
9 ING], and buildings used for residential purposes containing four or
10 more dwelling units that are to be built, or are to be substantially
11 remodeled in a way that will affect a fire or life safety feature;

12 (3) fire and life safety inspection criteria in the follow-
13 ing types of buildings:

14 (A) a building used for public assembly, with a capac-
15 ity of more than 50 persons;

16 (B) a building used for educational or child care
17 purposes for more than six children;

18 (C) an institutional building, including structures
19 for the full-time care of more than five children, hospitals,
20 nursing homes, and adult and juvenile correctional facilities;

21 (D) a residential building that is more than two
22 stories in height, and that has more than 15 dwelling units or 20
23 guest rooms;

24 (E) a high-rise building with a floor level used for
25 human occupancy, which is 35 feet above the lowest level of fire
26 department vehicle access;

27 (4) any activity in which combustible or explosive materi-
28 als are stored or handled in commercial quantities;

29 (5) [(4)] conditions or activities carried on outside a

1 building described in (2), [OR] (3), or (4) of this section likely to
2 cause injury to persons or property.

3 * Sec. 4. AS 18.70.080 is amended by adding a new subsection to read:

4 (b) The Department of Public Safety may establish, by regula-
5 tion, reasonable fees to be charged for the fire and life safety plan
6 check as described in (a)(2) of this section.

7 * Sec. 5. AS 18.70.090 is amended to read:

8 Sec. 18.70.090. ENFORCEMENT OF REGULATIONS. The Department of
9 Public Safety and the chief of each municipal or registered [CITY]
10 fire department and their authorized representatives [IN THEIR RESPEC-
11 TIVE AREAS] may enforce the regulations adopted by the Department of
12 Public Safety for the prevention of fire or for the protection of life
13 and property [AGAINST FIRE OR PANIC]. All state peace officers may
14 assist the Department of Public Safety in the enforcement of AS 18.-
15 70.010 - 18.70.100 and the regulations adopted under those sections
16 [IT]. The authority conferred in AS 18.70.010 - 18.70.100 extends to
17 the enforcement of the provisions of AS 11.46.400 - 11.46.450, 11.-
18 46.484(a)(4), and AS 11.56.800(a)(3) [AS 11.46.400 - 11.46.430].

19 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
20 10.070(c).

Cramer

Introduced: 1/27/86
Referred: Community & Regional
Affairs, Judiciary and Finance

1 IN THE HOUSE

BY CATO AND KOPONEN

2 HOUSE BILL NO. 514

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to fire prevention activities; and
7 providing for an effective date."

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

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8 the building or premises or for the purpose of extinguishing the fire
9 which is in progress in another building or premises;

10 (7) upon 24-hour notice to the owner or occupant, inspect
11 for preplanning all buildings, structures, or other places within the
12 municipality or the registered fire department's district, except the
13 interior of a private dwelling, where combustible material is or may
14 become dangerous as a fire menace to the building;

15 (.) direct the removal or destruction of a fence, house,
16 motor vehicle, or other thing judged [WHICH HE MAY JUDGE] necessary
17 [TO REMOVE OR DESTROY] to prevent the further spread of a [THE] fire.

18 (b) An owner or occupant of a building or place specified in
19 this section or any other person on the site of a fire or other fire
20 department emergency who refuses to obey the order of an officer of a
21 municipal or registered fire department [OR HIS AUTHORIZED REPRESENTA-
22 TIVE] in the exercise of [HIS] official duties is guilty of a class B
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22 stories in height, or with more than 15 dwelling units or 20
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15 70.010 - 18.70.100 and the regulations adopted under those sections
16 [IT]. The authority conferred in AS 18.70.010 - 18.70.100 extends to
17 the enforcement of the provisions of AS 11.46.400 - 11.46.450, 11.-
18 46.484(a)(4), and AS 11.56.800(a)(3) [AS 11.46.400 - 11.46.430].

19 * Sec. 6. AS 18.70.082 is repealed.

20 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

OE
2/28

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : HB 514
Title : An act relating to fire prevention activities.

Sponsor : Cato & Koponen
Requestor : H. Comm. & Regional Affairs
Date of Request : _____

FISCAL DETAIL

Agency Affected : Public Safety
BRU : Fire Prevention

Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

No fiscal impact anticipated.

K/1/28

Prepared by : G.E. BRUNTON *brun*
Division : Fire Prevention

Phone : 465-4331
Date : 1/28/86

Approved by Commissioner : *[Signature]*
Agency : Public Safety

Date : 1/29/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ALASKA STATE LEGISLATURE

14th Legislature SECOND Session

HOUSE BILL..... NO. 514....

By CATO, KOPONEN.....

"An Act relating to fire prevention activities; and providing for an effective date."

fire prevention

Introduced in the House . 1/27...., 1986.

HISTORY IN THE HOUSE

1986

Jan 27

Read first time and referred to Committee on

CCRA, JUDICIARY AND FINANCE

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused
Reported correctly engrossed	
Signed by Speaker	
Sent to Senate	

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused
Reported correctly engrossed	
Signed by President	
Returned to House	

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment thus adopting:
VOTE

Failed to concur in Senate amendment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

Offered: 4/22/86
Referred: Finance

Original sponsors: Cato, Koponen,
Hurley and Wallis

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 514 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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Introduced: 1/27/86
Referred: Community & Regional
Affairs, Judiciary and Finance

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BY CATO AND KOPONEN

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HOUSE BILL NO. 514

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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9 ING], and buildings used for residential purposes containing four or
10 more dwelling units that are to be built, or are to be substantially
11 remodeled in a way that will affect a fire or life safety feature;

12 (3) fire and life safety inspection criteria in the follow-
13 ing types of buildings:

14 (A) a building used for public assembly, with a capac-
15 ity of more than 50 persons;

16 (B) a building used for educational or child care
17 purposes for more than six children;

18 (C) an institutional building, including structures
19 for the full-time care of more than five children, hospitals,
20 nursing homes, and adult and juvenile correctional facilities;

21 (D) a residential building that is more than two
22 stories in height, or with more than 15 dwelling units or 20
23 guest rooms;

24 (E) a high-rise building with a floor level used for
25 human occupancy, which is 35 feet above the lowest level of fire
26 department vehicle access;

27 (4) any activity in which combustible or explosive materi-
28 als are stored or handled in commercial quantities;

29 (5) [(4)] conditions or activities carried on outside a

1 building described in (2), [OR] (3), or (4) of this section likely to
2 cause injury to persons or property.

3 * Sec. 4. AS 18.70.080 is amended by adding a new subsection to read:

4 (b) The Department of Public Safety may establish, by regula-
5 tion, reasonable fees to be charged for the fire and life safety plan
6 check as described in (a)(2) of this section.

7 * Sec. 5. AS 18.70.090 is amended to read:

8 Sec. 18.70.090. ENFORCEMENT OF REGULATIONS. The Department of
9 Public Safety and the chief of each municipal or registered [CITY]
10 fire department and their authorized representatives [IN THEIR RESPEC-
11 TIVE AREAS] may enforce the regulations adopted by the Department of
12 Public Safety for the prevention of fire or for the protection of life
13 and property [AGAINST FIRE OR PANIC]. All state peace officers may
14 assist the Department of Public Safety in the enforcement of AS 18.-
15 70.010 - 18.70.100 and the regulations adopted under those sections
16 [IT]. The authority conferred in AS 18.70.010 - 18.70.100 extends to
17 the enforcement of the provisions of AS 11.46.400 - 11.46.450, 11.-
18 46.484(a)(4), and AS 11.56.800(a)(3) [AS 11.46.400 - 11.46.430].

19 * Sec. 6. AS 18.70.082 is repealed.

20 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

Introduced: 1/27/86
Referred: Community & Regional
Affairs, Judiciary and Finance

1 IN THE HOUSE

BY CATO AND KOPONEN

2

HOUSE BILL NO. 514

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to fire prevention activities; and
7 providing for an effective date."

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

9 * Section 1. AS 09.05.070(c) is amended to read:

10 (c) An [NO] action may not be maintained against an employee or
11 member of a fire department operated and maintained by a municipality
12 or village, or a fire department registered under AS 29.60.130, if the
13 claim is an action for tort or breach of a contractual duty and is
14 based upon the act or omission of the employee or member of the fire
15 department in the execution of a function for which the department is
16 established.

17 * Sec. 2. AS 18.70.075 is amended to read:

18 Sec. 18.70.075. AUTHORITY OF MUNICIPAL OR REGISTERED FIRE
19 DEPARTMENT OFFICERS [AND THEIR PERSONNEL]. (a) An officer of a
20 municipal fire department or a fire department registered under
21 AS 29.60.130 [OR HIS AUTHORIZED REPRESENTATIVE], while providing fire
22 protection services, has the authority to

23 (1) control and direct activities at a [THE] fire;

24 (2) order a person to leave a building or place in the
25 vicinity of a [THE] fire, for the purpose of protecting the person
26 from injury;

27 (3) blockade a public highway, street, or private right-of-
28 way temporarily while at a fire;

29 (4) trespass upon property at or near the scene of a fire

1 at any time of the day or night;

2 (5) enter a building, including a private dwelling, or
3 [UPON] premises where a fire is in progress, or where there is reason-
4 able cause to believe a fire is in progress, to extinguish [FOR THE
5 PURPOSE OF EXTINGUISHING] the fire;

6 (6) enter a building, including a private dwelling, or
7 premises near the scene of a [THE] fire for the purpose of protecting
8 the building or premises or for the purpose of extinguishing the fire
9 which is in progress in another building or premises;

10 (7) upon 24-hour notice to the owner or occupant, inspect
11 for preplanning all buildings, structures, or other places within the
12 municipality or the registered fire department's district, except the
13 interior of a private dwelling, where combustible material is or may
14 become dangerous as a fire menace to the building;

15 (8) direct the removal or destruction of a fence, house,
16 motor vehicle, or other thing judged [WHICH HE MAY JUDGE] necessary
17 [TO REMOVE OR DESTROY] to prevent the further spread of a [THE] fire.

18 (b) An owner or occupant of a building or place specified in
19 this section or any other person on the site of a fire or other fire
20 department emergency who refuses to obey the order of an officer of a
21 municipal or registered fire department [OR HIS AUTHORIZED REPRESENTA-
22 TIVE] in the exercise of [HIS] official duties is guilty of a class B
23 misdemeanor [, AND UPON CONVICTION, IS PUNISHABLE BY IMPRISONMENT FOR
24 ONE YEAR, OR BY A FINE OF NOT MORE THAN \$1,000, OR BY BOTH].

25 (c) In this section, "inspect for preplanning" means to conduct
26 limited examinations [INSPECTIONS] for purposes of preparing a fire
27 attack plan in the event of a future emergency, but does not include
28 inspections for purposes of determining compliance with statutory or
29 municipal fire code requirements.

1 * Sec. 3. AS 18.70.080 is amended to read:

2 Sec. 18.70.080. REGULATIONS. The Department of Public Safety
3 shall adopt [RULES AND] regulations for the purpose of protecting life
4 and property from fire and explosion by establishing minimum standards
5 for

6 (1) fire detection and suppression equipment;

7 (2) fire and life safety plan check criteria in commercial,
8 industrial, business, institutional or other public buildings [BUILD-
9 ING], and buildings used for residential purposes containing four or
10 more dwelling units that are to be built, or are to be substantially
11 remodeled in a way that will affect a fire or life safety feature;

12 (3) fire and life safety inspection criteria in the follow-
13 ing types of buildings:

14 (A) a building used for public assembly, with a capac-
15 ity of more than 50 persons;

16 (B) a building used for educational or child care
17 purposes for more than six children;

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20 nursing homes, and adult and juvenile correctional facilities;

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22 stories in height, or with more than 15 dwelling units or 20
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25 human occupancy, which is 35 feet above the lowest level of fire
26 department vehicle access;

27 (4) any activity in which combustible or explosive materi-
28 als are stored or handled in commercial quantities;

29 (5) ~~(4)~~ conditions or activities carried on outside a

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