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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House C+RA

5-11-87

3:00p.m.

HOUSE COMMITTEE REPORT

(15) HB 68

(5)

Date referred: 2/9/87

FURTHER REFERRALS:

DATE: 02/11/87

The Community and Regional Affairs Committee has considered HB 68

"An Act relating to the authority of fire department officers."

RECOMMENDS:

- [X] replace with CSHB68 (SA) [X] the same title
[] attached amendment(s) [] a new title
[X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the Committee

ADOPTS: [] letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [] fiscal impact [] same as previous fiscal note published
[X] zero fiscal note [] same as previous zero fiscal note published
[] zero with analysis

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Cato
Collins
Springer
Zawacki
[Signatures]

[Redacted signature area]

Springer
Chairman's signature



Official Business

COMMITTEE:

HOUSE COMMUNITY & REGIONAL AFFAIRS

DATE: February 11, 1987

SIGN-IN

Subject of meeting: (A) HB 68

*HB. 65 Dissolution of a Municipality
 HB 37 Municipal Property Tax procedures
 HB 68 Authority of Fire Dept. Officers

NAME (PLS PRINT)	YOUR TITLE & ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Bill Hagevig	Box 423 Douglas 99824	364-2154	G20 timesu Chapter Alaska State Fire fighter	Yes HB 68 ✓
Sam Richards	155 S. Seward Juneau 99801	576-5221	Alaska Assessing Officer Association	No -
Gordon Brunton	450 Whittier	465-4331	Dept. Public Safety	Yes HB 68 ✓
Ron Somerville	Executive Director JUNEAU	789-2399	AK. Outdoor Council	Yes HB 65 ✓
MARK EARNEST		465-4985	SEN BANKLEY	No
DOUG GRIFFIN		4750	C&RA	Yes 65 ✓
Lynnas Hoffmann		4350		Yes 65 ✓
GENE THERIAULT	FOR REP. MILLER	4976	REP. MILLER	YES ✓
MIKE WBLEY	P.O. BX 15H, JUNEAU	4787	C&RA	HB 37 YES

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, TODAY YOU HAVE BEFORE YOU HOUSE BILL 68 WHICH I AM PLEASED TO BE THE PRIME SPONSOR OF. THIS PIECE OF LEGISLATION AROSE FROM RESOLUTION 86-11 PASSED BY THE ALASKA FIRE CHIEF'S ASSOCIATION DURING THEIR LAST STATEWIDE CONVENTION. THE RESOLUTION REQUESTS THAT THE LEGISLATURE EXTEND THE CURRENT STATUTORY AUTHORITY OF MUNICIPAL FIRE OFFICERS TO CONTROL OPERATIONS AT A FIRE SCENE, TO OFFICERS OF ALL FIRE DEPARTMENTS.

IN ADDITION, REALIZING THAT FIRE DEPARTMENTS RESPOND TO A WIDE VARIETY OF EMERGENCIES THAT ARE NOT FIRE RELATED, THE RESOLUTION ALSO REQUESTS THAT CONTROLLING AUTHORITY BE GRANTED TO A BROADER RANGE OF EMERGENCY SITUATIONS TO ACCOUNT FOR THIS INCREASED RESPONSIBILITY.

FOLLOWING THE INITIAL INTRODUCTION OF HOUSE BILL 68, MY STAFF HAS WORKED WITH REPRESENTATIVES OF THE FIRE CHIEFS ASSOCIATION, LEGISLATIVE LEGAL SERVICES AND THE STATE AFFAIRS COMMITTEE STAFF ON THE COMMITTEE SUBSTITUTE WHICH IS BEFORE YOU TODAY. THIS COMMITTEE SUBSTITUTE ADDRESSES THE INCONSISTENCY THAT EXISTED IN THE ORIGINAL VERSION OF THE BILL AND ALSO TAKES ADVANTAGE OF SUGGESTIONS FOR IMPROVEMENT THAT WERE MADE BY A NUMBER OF INDIVIDUALS. WITH THAT, I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT MEMBERS OF THE COMMITTEE MAY HAVE.

from Rep. Miller
Read by Gene Theriault
2-11-87

BILL NO: CS HB 68 (SA)

DATE: February 9, 1987

TITLE: Authority of fire department officers.

CONTACT: Gordon Brunton

OFFICE OF THE ATTORNEY GENERAL

This measure extends the authority of municipal fire department officers to fire department officers of departments not in organized municipalities. Further, it intends to broaden the authority to include "other fire department emergencies," i.e., not limited to just fires.

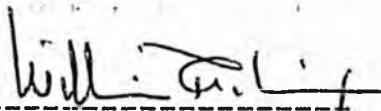
The Department of Public Safety recommends that an additional section be added to this bill to read:

Section 2. AS 18.70.090 is amended to read:

Sec. 18.70.090. ENFORCEMENT OF REGULATIONS. The Department of Public Safety and the chief of each registered [CITY] fire department and their authorized representatives in their respective areas may enforce the regulations adopted by the Department of Public Safety for the prevention of fire or for the protection of life and property against fire or panic. All state peace officers may assist the Department of Public Safety in the enforcement of AS 18.70.010 - 18.70.100 and the regulations adopted under it. The authority conferred in AS 18.70.010 - 18.70.100 extends to the enforcement of the provisions of AS 11.46.400 - 11.46.430.

Absent this amendment, Village Public Safety Officers and fire chiefs in unincorporated communities have no authority to enforce corrections of fire code violations.

The Department of Public Safety supports passage of CS HB 68 with the above amendment.



William R. Nix
Acting Commissioner

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: CSHB 68 (SA)
Publish Date: _____

Revision Date: _____
Title: An Act relating to the authority
of fire department officers.
Sponsor: Miller, Cato, Frank & Koponen
Requestor: House C & RA

Agency Affected: Public Safety
BRU: Fire Prevention
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

TNR
2/9/87

Prepared by: Gordon Brunton *gbr* Phone: 465-4331
Division: Fire Prevention Date: 2-09-87
Approved by Commissioner: *G. Michael Jensen* Date: 2-9-87
Agency: Public Safety

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

CHAPTER 52.
FIRE SERVICE OPERATIONS

Section

- 10. Investigation of fires
- 20. Fire records
- 30. Standards of organization and services of a fire department
- 40. Workmen's Compensation for volunteer firefighters

13 AAC 52.010. INVESTIGATION OF FIRES. (a) The state fire marshal, or his duly authorized representative, shall investigate, or cause to be investigated, the cause, origin and circumstances of each fire occurring in the state which is of suspicious nature or which involves loss of life, or injury to a person, or by which property is destroyed or substantially damaged. The investigation shall begin immediately upon the occurrence of the fire, and if it appears that the fire is of suspicious origin, the fire marshal shall be immediately notified of the facts; he or his duly authorized representative shall immediately take charge of the physical evidence and if there is reason to believe that a fire resulted from crime or that a crime has been committed in connection with a fire, the state fire marshal or his duly authorized representative shall report the fact in writing to the district attorney of the judicial district in which the fire occurred.

(b) At any time during the course of a fire investigation the state fire marshal may post at the entrance to the building or premises, a notice to read, "KEEP OUT. BY ORDER OF THE STATE FIRE MARSHAL." After the sign is posted, it is unlawful for persons other than those authorized by the state fire marshal or his assistants to enter the premises so posted. (In effect before 7/28/59; am 6/25/69, Reg. 30; am 2/21/71, Reg. 37)

Authority: AS 18.70.080
AS 18.70.030

13 AAC 52.020. FIRE RECORDS. (a) Every fire or other incident shall be reported in writing to the state fire marshal within 10 days after its occurrence, by the fire official in whose jurisdiction the fire occurred, or, lacking such official, the investigating officer. The report shall be in such form as prescribed by the fire marshal and shall contain the statement of facts

relating to the cause, origin and circumstances of the fire, injury to persons, and extent of the damage, and the insurance upon the property and such other information as may be required.

(b) The state fire marshal will keep in the office of the Division of Fire Prevention a record of all fires and of all the facts concerning them, including statistics as to the extent of fires and the damage caused, and whether the losses were covered by insurance and if so, in what amount. The record will be compiled from the reports made by fire department officers and inspectors. All the records are public, except where a criminal matter is pending.

(c) Each fire insurance company authorized to transact business in this state, its authorized agent or adjustor, shall report to the state fire marshal all fire losses on property insured, giving the name and address of the insured, the date of the fire, the amount of probable loss, the character of the property destroyed or damaged, and the probable cause of the fire. The loss shall be reported to the state fire marshal within three days after the final adjustment is made. (In effect before 7/28/59; am 7/25/60, Reg. 30; am 2/21/71, Reg. 37)

Authority: AS 18.70.030
AS 18.70.080

13 AAC 52.030. STANDARDS OF ORGANIZATION AND SERVICES OF A FIRE DEPARTMENT. (a) The state fire marshal will recognize a fire department which is authorized to perform its duties by municipal ordinance. The state fire marshal may recognize a volunteer fire department outside a municipality.

(b) A fire department must have operating regulations which

- (1) define the boundaries of the area served;
- (2) provide for the appointment of chiefs of the department;
- (3) provide for programs of inspection, training and fire prevention;
- (4) provide for the investigation and determination of the cause of each fire occurring

within its boundaries and a report of each fire to the state fire marshal;

(5) provide for a liaison with a water authority on matters of importance to the fire department;

(6) provide for regular meetings of fire department personnel for business and training purposes. (Eff. 2/21/71, Reg. 37; am 1/14/81, Reg. 77)

Authority: AS 18.70.010
AS 43.18.010(a)(2)

13 AAC 52.040. WORKMEN'S COMPENSATION FOR VOLUNTEER FIREFIGHTERS.

(a) A fire department of any political subdivision or service area recognized by the state fire marshal under 13 AAC 52.030 may also be certified for AS 23.30.220(6) if a complete list of members is submitted annually to the state fire marshal, this list to include the name, age and rank or office of each member.

(b) Each addition or deletion from the membership list shall be forwarded to the state fire marshal within 10 days of the addition or deletion (Eff. 2/21/71, Reg. 37)

Authority: AS 18.70.100
AS 23.30.265(25)

CHAPTER 55. GENERAL PROVISIONS

Section

- 10. Intent
- 20. (Repealed)
- 30. Application
- 40. (Repealed)
- 50. (Repealed)
- 60. (Repealed)
- 70. (Repealed)
- 80. (Repealed)
- 90. (Repealed)
- 100. Permits
- 110. (Repealed)
- 120. (Repealed)
- 130. Modifications and waivers
- 140. Liability for damages
- 150. Definitions

13 AAC 55.010. INTENT. It is the intent of 13 AAC 50 – 13 AAC 55 to prescribe regulations consistent with nationally recognized good practices for the safeguarding of life and property from fire and explosion arising from the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises. (In effect before 7/28/59; am 6/25/69, Reg. 30; am 2/21/71, Reg. 37)

Authority: AS 18.70.080
AS 18.72.010

13 AAC 55.020. PRIMA FACIE EVIDENCE.
Repealed 1/14/81.

13 AAC 55.030. APPLICATION. (a) Chs. 13 AAC 50 – 13 AAC 55 apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of those chapters are permitted to continue where the exceptions do not constitute a distinct hazard to life and property in the opinion of the state fire marshal.

(b) Nothing contained in 13 AAC 50 – 13 AAC 55 may be construed to apply to the transportation of an article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the United States Department of Transportation, or as applying to the military forces of the United States.

(10) HB 68

JAN 23 1987



ALASKA FIRE CHIEF'S ASSOCIATION

POST OFFICE BOX 304 • CORDOVA, ALASKA 99574 • TEL. (907) 24-7175

RESOLUTION 86 - 11

TITLE: Alaska Statute 18.70.075

Whereas AS 18.70.075 identifies officers only from "municipal fire department" in addressing the authority of these individuals at fire scenes; and

Whereas most local fire chiefs are not part of organized municipalities in Alaska; and

Whereas AS 18.70.075 also makes reference to only "fire protection services" in identifying the duties of these 'municipal fire departments'; and

Whereas it is a well known fact that fire departments respond to and are called upon to handle a wide variety of emergencies that are not fire related or involve burning structures, vehicles, etc;

Therefore, be it resolved that

The Alaska Fire Chiefs Association and the Alaska State Firefighters Association strongly urge the State of Alaska to change the wording in AS 18.70.075 to reflect the following:

- 1) change "municipal fire department" to "registered fire department"
- 2) change "fire protection services" to "fire department related emergencies which may include, but are not limited to, fire suppression, rescue services, and hazardous materials incidents...."

Recommendation: PASS

Adoption: PASS NO PASS

Distribution: Legislative Distribution
Governor

Dewey Whetsell
Dewey Whetsell, Pres., A.F.C.A.

Jason Elson
Jason Elson, Pres., A.S.F.A.

9 HB 68

HOUSE COMMITTEE REPORT

(7)

Date referred: 1/23/87

FURTHER REFERRALS: C & RA

DATE: 2-6-87

The State Affairs Committee has considered HB 68

"An Act relating to the authority of fire department officers."

RECOMMENDS:

replace with CS HB 68 (State Affairs) the same title
 attached amendment(s) a new title

- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature] NO REC

[Signature]
Chairman's signature

REPRESENTATIVE
MIKE W. MILLER
P.O. Box 55094
North Pole, Alaska 99705
(907) 488-2687

District 18
North Pole
Badger Road
Eielson
Moose Creek
Salcha



⑦ HB 68

While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-4976

House of Representatives

MEMORANDUM

TO: Representative Fran Ulmer
FROM: Representative Mike Miller *M. Miller*
RE: CS for HB 68 (State Affairs)

DATE: 2/6/87

Thank you for having House Bill 68 up before the State Affairs Committee on Monday, February 2nd. Although I was not able to stay for the entire meeting, my staff informed me on the amendments made to the bill and the motion to move the bill from the committee pending review of the CS and signature of the Committee Report.

Representative Springer has listed HB 68 for a hearing before the Community and Regional Affairs Committee pending referral for Monday, February 9th. In order for this hearing to take place it is imperative that the State Affairs Committee report be signed today so the bill can be forwarded to C&RA on Monday.

Realizing that hearing new bills in committee often takes up the entire meeting time, would it be possible to review the CS of HB 68 at the beginning of today's meeting to insure that the bill will be available for the C&RA hearing on Monday?

TESTIMONY IN SUPPORT OF CSHB 68

My name is Bill Hagevig. I am presently serving as legislative liaison for the Gastineau Chapter of the Alaska State Firefighters Association. It is in that capacity that I am here today. I am a former fire officer, and am retired from state service wherein I served 15 years as Supervisor of Fire Service Training.

CSHB 68 was requested by the Alaska Fire Service to update the existing statute, AS 18.70.075 which was enacted in the early seventies. At that time, it was becoming apparent in many states that much of the authority exercised by fire officers was assumed, and not substantiated in law. In Alaska, most cities with long established fire departments had appropriate enabling ordinances which established the fire department and outlined the responsibilities and authority of its officers. In most small communities and rural villages, this was not the case. This, of course, left fire officers without protection from potential liabilities which could arise out of the performance of their duties. Officers of volunteer and part-paid fire departments were especially vulnerable.

To resolve the problem, the Fire Service, through its fraternal organizations, asked the State Legislature to assist with an appropriate statute to validate the specific kinds of decisions exercised in the course of fireground operations. The result was AS 18.70.075.

CSHB 68 was requested to update the existing statute. AS 18.70.075 applies only to fire scene situations. For that period the provisions of

the law were adequate. This is no longer the case. Fire department personnel are now called upon to respond to a wide range of emergency medical situations, as well as rescue operations involving air crash and marine incidents. Most recently, fire personnel have become concerned with incidents involving a wide variety of hazardous materials in their local communities.

When these incidents occur, and fire department personnel and equipment are committed, it should be under the command of legally authorized fire officers. This is not regarded as an incursion into the duties and responsibilities of other public safety disciplines such as local police or state troopers. Nor does it conflict with statutory authority of agencies such as the Department of Environmental Conservation or the Office of the State Forester. Each of the above agencies has their own statutory authority, and have a long record of working closely with the fire service when the need arises.

Finally, Section(a)(7) of the statute being considered for amendment provides for pre-fire planning surveys by fire service personnel on buildings or other structures with significant potential for life loss, explosion, toxic gas emission, or any other characteristics which may make fire suppression or rescue operations more difficult or dangerous without a preconceived plan. Emphasis was placed on changing the original text from inspection to survey, so that the public understands that this is not an enforcement activity. Nor would a pre-fire planning survey be conducted without permission of the owner or occupant.

Thank you for considering these comments. If there are any questions, I will do my best to respond to them.



ALASKA FIRE CHIEF'S ASSOCIATION

POST OFFICE BOX 304 • CORDOVA, ALASKA 99574 • TEL. (907) 424-7475

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- 2) change "fire protection services" to "fire department related emergencies which may include, but are not limited to, fire suppression, rescue services, and hazardous materials incidents...."

Recommendation: PASS

Adoption: PASS NO PASS

Distribution: Legislative Distribution
Governor


Dewey Whetsell, Pres., A.F.C.A.


Jason Elson, Pres., A.S.F.A.



**Fairbanks
North
Star
Borough**

(3) HB 68

Mayor: Juanita Helms

January 28, 1987

Sylvester Neal, State Fire Marshal
Department of Public Safety
Division of Fire Prevention
5700 E. Tudor Road
Anchorage AK 99507

RE: Emergency Regulations Requested for 13 AAC 52.030

Dear Mr. Neal:

The fire service in Alaska is being placed in an extremely dangerous position of being expected to respond to a wide variety of emergency situations without having statutory authority for such life and property saving actions.

Therefore, I am requesting your support in issuing Emergency Regulations to 13 AAC 52.030 (Title: Standards of Organization and Services of a Fire Department) that will provide this critical support to the fire service throughout our state.

It is through the issuance of such Emergency Regulations that this administrative code as well as AS 18.70.075 will become more meaningful and practical for emergency responding agencies.

The enclosed proposal for Emergency Regulations is a copy of that recently submitted by the Interior Fire Chiefs Association.

I would appreciate hearing from you on the anticipated time period and administrative procedures necessary to accomplish this issuance.

Sincerely,

JUANITA HELMS
Borough mayor

enclosure

cc: Barry Jennings, Fire Chief & President,
Interior Fire Chiefs Association



INTERIOR FIRE CHIEFS ASSOCIATION

PROPOSAL

13 AAC 52.030

TITLE: STANDARDS OF ORGANIZATION AND SERVICES OF A FIRE DEPARTMENT.

ADD NEW SUBSECTION (c): "Definitions"

(c) Definitions

(1) "Municipal Fire Department" (ref: AS 18.70.075)

Defined to mean any fire department located in the State of Alaska and registered with the Office of the State Fire Marshal, Department of Public Safety.

(2) "fire protection services" (ref: AS 18.70.075)

Defined as follows: (ref: [1985 UFC-Article 10, Div. 10, Section 10.101])

The chief and his authorized representatives, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property and any part thereof, shall have the power and authority to direct such operation as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty.

SUBMITTED BY: INTERIOR FIRE CHIEFS ASSOCIATION

SUBMITTED TO: SLYVESTER NEAL, STATE FIRE MARSHAL

SUBMITTED FOR: ADOPTION AS AN EMERGENCY CHANGE TO THE APPROPRIATE ADMINISTRATIVE CODE

SIGNED:

Barry Jennings, President, Interior Fire Chiefs Assoc.

Original sponsors: Miller, Cato,
Frank and Koponen

IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

CS FOR HOUSE BILL NO. 68 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the authority of fire department officers."

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

* Section 1. AS 18.70.075 is amended to read:

Sec. 18.70.075. AUTHORITY OF [MUNICIPAL] FIRE DEPARTMENT OFFICERS [AND THEIR PERSONNEL]. (a) A fire [AN] officer of a municipal fire department or a fire department registered under AS 29.60.130 [AN AUTHORIZED REPRESENTATIVE], while providing fire protection or other emergency services, has the authority to

(1) control and direct activities at the scene of a fire or emergency;

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

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

(4) trespass upon property at or near the scene of a fire or emergency at any time of the day or night;

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

(6) enter a building, including a private dwelling, or premises near the scene of a [THE] fire for the purpose of protecting

1 the building or premises or for the purpose of extinguishing the fire
2 that is in progress in another building or premises;

3 (7) upon 24-hour notice to the owner or occupant, ~~conduct a~~
4 ~~pre-fire planning survey in~~ [INSPECT FOR PREPLANNING] all buildings,
5 structures, or other places within the municipality ~~of the registered~~
6 ~~fire department's district~~, except the interior of a private dwelling,
7 where combustible material is or may become dangerous as a fire menace
8 to the building;

9 (8) direct the removal or destruction of a fence, house,
10 motor vehicle, or other thing ~~judged~~ [THAT THE OFFICER OR AUTHORIZED
11 REPRESENTATIVE MAY JUDGE] necessary [TO REMOVE OR DESTROY] to prevent
12 the further spread of ~~a~~ [THE] fire.

13 (b) An owner or occupant of a building or place specified in
14 this section or any other person on the site of a fire or other ~~fire~~
15 ~~department~~ emergency who refuses to obey the order of ~~a fire~~ [AN]
16 officer of a municipal ~~or registered~~ fire department [OR AN AUTHORIZED
17 REPRESENTATIVE] in the exercise of official duties is guilty of a
18 misdemeanor, and upon conviction, is punishable by imprisonment for
19 one year, or by a fine of not more than \$1,000, or by both.

20 (c) In this section [,]

21 (1) "emergency" means a situation in which the services of
22 fire department personnel are necessary or appropriate to protect
23 life, property, or public health;

24 (2) ~~"pre-fire planning survey"~~ ["INSPECT FOR PREPLANNING"]
25 means ~~limited inspection for the purpose~~ [TO CONDUCT LIMITED INSPEC-
26 TIONS FOR PURPOSES] of preparing a fire attack plan in the event of a
27 future emergency [, BUT DOES NOT INCLUDE INSPECTIONS FOR PURPOSES OF
28 DETERMINING COMPLIANCE WITH STATUTORY OR MUNICIPAL FIRE CODE REQUIRE-
29 MENTS].

(12)
HB 68

5-0338B
Hein
1/29/87

Original sponsors: Miller, Gato,
Frank and Koponen

DRAFT

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 68 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act-entitled: "An Act relating to the authority of fire department
7 officers."

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

9 * Section 1. AS 18.70.075 is amended to read:

10 Sec. 18.70.075. AUTHORITY OF [MUNICIPAL] FIRE DEPARTMENT OFFI-
11 CERS [AND THEIR PERSONNEL]. (a) A fire [AN] officer of a municipal
12 fire department or a fire department registered under AS 29.60.130 [AN
13 AUTHORIZED REPRESENTATIVE], while providing fire protection or other
14 emergency services, has the authority to

15 (1) control and direct activities at the scene of a fire or
16 emergency;

17 (2) order a person to leave a building or place in the
18 vicinity of a [THE] fire or emergency, for the purpose of protecting
19 the person from injury;

20 (3) blockade a public highway, street, or private right-of-
21 way temporarily while at the scene of a fire or emergency;

22 (4) trespass upon property at or near the scene of a fire
23 or emergency at any time of the day or night;

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

28 (6) enter a building, including a private dwelling, or
29 premises near the scene of a [THE] fire for the purpose of protecting

DRAFT

1 the building or premises or for the purpose of extinguishing the fire
2 that is in progress in another building or premises;

3 (7) upon 24-hour notice to the owner or occupant, conduct
4 prefire planning survey in [INSPECT FOR PREPLANNING] all buildings
5 structures, or other places within the municipality or the registered
6 fire department's district, except the interior of a private dwelling
7 where combustible material is or may become dangerous as a fire menace
8 to the building;

9 (8) direct the removal or destruction of a fence, house,
10 motor vehicle, or other thing judged [THAT THE OFFICER OR AUTHORIZED
11 REPRESENTATIVE MAY JUDGE] necessary [TO REMOVE OR DESTROY] to prevent
12 the further spread of a [THE] fire.

13 (b) An owner or occupant of a building or place specified in
14 this section or any other person on the site of a fire or other fire
15 department emergency who refuses to obey the order of a fire [AN]
16 officer of a municipal or registered fire department [OR AN AUTHORIZED
17 REPRESENTATIVE] in the exercise of official duties is guilty of a
18 misdemeanor, and upon conviction, is punishable by imprisonment for
19 one year, or by a fine of not more than \$1,000, or by both.

20 (c) In this section [,]

21 (1) "emergency" means a situation in which the services of
22 fire department personnel are necessary or appropriate to protect
23 life, property, public health, or the environment;

24 (2) "prefire planning survey" ["INSPECT FOR PREPLANNING"]
25 means a limited inspection for the purpose [TO CONDUCT LIMITED INSPEC-
26 TIONS FOR PURPOSES] of preparing a fire attack plan in the event of a
27 future emergency, but does not include an inspection for the purpose
28 [INSPECTIONS FOR PURPOSES] of determining compliance with statutory or
29 municipal fire code requirements.