

HB

68

JAN 23 1987



ALASKA FIRE CHIEF'S ASSOCIATION

POST OFFICE BOX 304 • CORDOVA, ALASKA 99574 • TEL. (907) 424-7175

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

MEMORANDUM

TO: Rep. Mike Miller .

FROM: Staff *Derek Theriault*

RE: Analysis of proposed CS for House Bill 68 (State Affairs)

DATE: 1/30/87

Page 1, Lines 10-23

Amends current statutory language which allows officers of a municipal fire department to control activities at a fire. Broadens the language to include emergency situations other than fire suppression and extends the authority to fire officers of any fire department registered with the state fire marshal's office under AS 29.60.130.

Page 1, Lines 24-29

Page 2, Lines 1-2

Minor technical changes to the current statute as recommended by the Revisor of Statutes.

Page 2, Lines 3-8

Replaces the phrase "inspect for preplanning" with "conduct a prefire planning survey" to clarify that this subsection allows fire departments to conduct planning surveys in the event they should have to fight a fire at a particular location where combustible materials are or may be stored. Also expands language to include all registered fire departments.

Page 2, Lines 9-12

Minor technical changes to the current statute as recommended by the Revisor of Statutes.

Page 2, Lines 13-19

Amends the current statutory language dealing with persons who interfere with the operation of fire department personnel in the performance of their duties. Broadens the scope of duties covered and extends the authority to all fire departments registered with the state fire marshal's office.

Page 2, Lines 20-29

Amends the current statutory language by adding a definition for "emergency" and amends the old definition of "inspection for preplanning" to cover "prefire planning survey".

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: HB 68
Publish Date: _____

REQUEST
Revision Date: _____ Agency Affected: Public Safety
Title: Authority of Fire Department BRU: Fire Prevention
Officers
Sponsor: Rep. Miller Components: _____
Requestor: House State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Gordon Brunton *GB*
Division: Fire Prevention

Phone: 465-4331
Date: 1/26/86

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

Date: 1/27/87

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



**Fairbanks
North
Star
Borough**

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.

AUD 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: ADDITION AS AN EMERGENCY CHANGE TO THE APPROPRIATE ADMINISTRATIVE CODE

SIGNED: _____

Barry Jennings, President, Interior Fire Chiefs Assco.

Original sponsors: Miller, Cato,
Frank and Koponen

3867

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 *definition? uniform fire code*
16 (1) control and direct activities at the scene of a fire or
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

liability: F.D. Borough cannot do - setback to ?
Attorneys would back address it.

overlapping
issue

specific fire dept.

not so much a
leg. issue.

look at budget.

Take a
TOOK
liability.

support

18.70.0007
Miller
Clemens
Base

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 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.

way of dealing with overlapping fire areas