

HB

282

Alaska State Legislature

REPRESENTATIVE BILL HUDSON

PO BOX V
Juneau, Alaska
99801
(907)465-3744 or 4900

February 25, 1988

Senator Paul Fischer, Chairman
Senate Health, Education and
Social Services Committee
Alaska State Legislature
Juneau, Alaska

Dear Senator Fischer:

The HESS Committee substitute for HB 282, relating to smoke detection devices passed the House yesterday, 36-1. The bill was read across to the Senate this morning and referred to the Senate Health, Education and Social Services Committee.

Current statutes, A.S. 18.70.095, require smoke detectors in apartments, condos, hotels and lodging houses. They are also required in single and multi family homes built or purchased after 1975.

CSHB 282 (HESS) requires the installation and maintenance of smoke detection devices in all homes, regardless of when they were constructed or sold.

Sections 3 and 4 delineate the responsibility of the landlord and tenant for installation and maintenance, and is cross referenced with the Landlord Tenant Act.

Alaska leads the nation in fire deaths. In 1986, 27 Alaskans died in fires in homes that did not have properly installed and maintained smoke detectors. No fire deaths have occurred in Alaska where operating detectors were present. In 49.7 percent of all residential fires in Alaska, no operating smoke detectors were present.

The legislation is supported by the Alaska Fire Chief's Association, the Alaska State Firefighters Association, the International Conference of Building Officials, the Alaska Department of Health and Social Services and the Alaska

Senator Paul Fischer
Re: HB 282

Page Two

February 24, 1988

Department of Public Safety. Copies of the resolutions and position papers are enclosed.

There is no fiscal impact to state government; a copy of the fiscal notes are also enclosed. The fiscal impact to Alaskans is minimal; the average cost of a battery operated smoke detector is \$15.00.

There has been question of enforcement. Current statute, A.S. 18.70.100, provides for enforcement of existing smoke detection laws and regulations. Those regulations are enforced by the local fire chiefs within their own jurisdictions.

The intent is not to put people in jail or levy fines for not having smoke detectors. The intent is to reduce the tremendous and tragic loss of life by fire in Alaska.

Your scheduling this legislation for deliberations by the Senate Health, Education and Social Services Committee will be very much appreciated.

Respectfully,


Bill Hudson

Enclosures

SENATE AMENDMENT

BY: Jayson

TO: _____ SENATE BILL NO. _____

TO: CS HOUSE BILL NO. 282

p. 1, line 19. Add

"In a civil action arising from death, property loss or personal injury, a tenant's failure to maintain a smoke detection device shall not be considered as evidence of negligence."

landlord provide device.

or a landlord failure to replace a faulty device or if the landlord was not notified

FISCAL NOTE

REQUEST:

Revision Date: 5/12/87
Title: An Act relating to smoke
detection devices.
Sponsor: Hudson et al.
Requestor: _____

Agency Affected: Health & Social Services
BRU: State Health Services
Components: EMS Certification and
Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
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						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of CSHB 282(SA) would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090
Division: Public Health Date: _____

Approved by Commissioner: Maria M. Munson *Maria M. Munson* Date: 2-2-88
Agency: Department of Health & Social Services

Distribution (by preparer):

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

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: CSHB 282 (HESS)
PUBLISH DATE: HOUSE 2/19/88

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: An act relating to smoke detection BRU: Fire Prevention
 devices
 Sponsor: Hudson, Gruenberg, Illmer Components: _____
 Requestor House HESS

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL		0	0	0	0	0
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Gordon E. Brunton Phone: 465-4331
 Division: Fire Prevention Date: 1/12/88

Approved by Commissioner: David A. Hopkins Date: 1-28-88
 Agency: Public Safety

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

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FIRE PREVENTION

REPLY TO

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ANCHORAGE ALASKA 99507-1225
PHONE (907) 269-5604

1979 PEGER ROAD
FAIRBANKS ALASKA 99709
PHONE (907) 456-4002

March 2, 1988

The Honorable Bill Hudson
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Re: Smoke Detectors;
Enforcement of HB 282

Dear Representative Hudson:

The need for smoke detectors in every dwelling unit has been well documented as a means of saving lives and reducing the traumatic impact of burn injuries. Alaska statistics show a disproportionately high number of fire victims in the rural communities of our state. We believe that if every home had a smoke detector, as required by HB 282, the number of lives lost to fire every year could be greatly reduced, especially in rural areas.

Under AS 18.70.050 and AS 18.70.080, however, the Department of Public Safety, Division of Fire Prevention, does not have authority to enter private dwelling units to inspect them. The only way for the Department to enforce the requirements of HB 282 would be after a fire occurs. If investigation after a fire revealed that the required smoke detectors were missing or inoperative, the owner would be subject to the penalties of AS 18.70.100.

If a different enforcement scheme is desired by the legislators, then specific authority to enter and inspect residential dwellings of less than four units to enforce 18.70.095 must be granted.

Sincerely,

Sylvester Neal

Sylvester (Sam) Neal
State Fire Marshal

International Conference of Building Officials

Alaska Southeast Chapter

JANUARY 13, 1982

LEGISLATIVE POSITION PAPER IN SUPPORT OF

CSHB 232 AND SB 262

AN ACT RELATING TO SMOKE DETECTION DEVICES

Our membership recommends adoption of these two bills which are amendments to the existing statute pertaining to smoke detectors. The current law is vague in defining conditions under which smoke detectors are required.

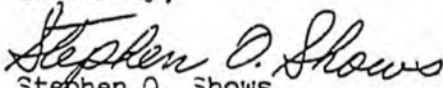
Smoke detectors are inexpensive and save lives. They offer the best available strategy in Alaska for reducing the loss of life and property from fire. Our State leads the Nation in these losses per capita year after year.

Section 2. of the proposal clearly sets forth smoke detector maintenance responsibilities for landlords and tenants in rental situations.

In addition to the State Fire Marshall's office, AS 13.70.090 allows local fire chiefs to enforce these provisions within their jurisdictions. The municipalities of Juneau and Anchorage currently require detectors in all dwelling units.

These acts would have negligible financial impact on both rural and urban residents of Alaska. There is no fiscal note to the State associated with implementation of these amendments.

Sincerely,


Stephen O. Shows
President

P O Box 211411 Auke Bay, AK. 99821