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266



# Alaska State Legislature

SENATOR JIM DUNCAN

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MEMO

COMMITTEES:  
FINANCE  
RESOURCES  
BUDGET AND AUDIT

May 12, 1987

To: Senator Mitch Abood  
Chairman Senate State Affairs

From: Senator Jim Duncan

Subj: SB 266 Smoke Detectors

I would appreciate it if you could schedule SB 266 which deals with "Smoke Detectors".

Current statute and regulation 13.AAC 50.020 require smoke detectors in all guest rooms in hotels and lodging houses used for sleeping purposes. They are also required in all dwelling units (apartments, condos etc.) except single family homes, duplexes and triplexes built before 1975 that have never been sold. Living units are not defined in the Uniform Building Code (UBC). Dwellings units are defined in the UBC and used in the state fire marshall's regulations.

Responsibility for smoke detection devices and maintenance in rental property is not clearly defined.

Alaska has the highest per capita death rate by fire in the western world. This legislation would help to reduce fire deaths in Alaska.

This legislation would have negligible financial impact on rural and urban Alaskans. There is no fiscal note to the state due to implementation of this legislation. This change is also supported by the fire service in Alaska.

BILL NO:

SB 266

DATE:

April 22, 1987

TITLE:

An act relating to smoke  
detection devices

CONTACT:

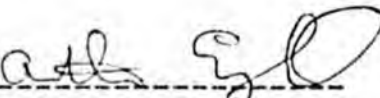
Gordon Brunton

AS 18.70.095 would be amended by this bill to include the requirement that smoke detection devices be maintained, changes the term "living" unit to "dwelling" unit, requires a landlord to install detectors, and requires a tenant to replace batteries in D.C. powered units.

Smoke detectors have proven to be effective life savers in fires, to the extent that, nationally, deaths by fire dropped substantially during the 1970's. 50 percent of all households are estimated to be equipped with detectors. There continues to be fire fatalities in dwellings where detectors are present, but not operating properly. It is estimated that a person's chances of surviving a fire are increased to 86 percent where a properly installed and functioning smoke detector is present.

The Department of Public Safety will continue its educational efforts to have dwellings provided with regularly maintained smoke detectors.

The Department of Public Safety supports passage of SB 266.



Arther English  
Commissioner

RECEIVED  
APR 28 1987

DEPARTMENT OF  
PUBLIC SAFETY  
COMMUNICATIONS SECTION

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

**REQUEST:** \_\_\_\_\_

Bill Version : SB 266

Publish Date : \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: An act relating to smoke detection devices.

Agency Affected: Public Safety

BRU: Fire Prevention

Sponsor: Senator Duncan

Components : \_\_\_\_\_

Requestor: Senate State Affairs

**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						
<b>TOTAL OPERATING</b>		0	0	0	0	0

<b>CAPITAL</b>		0	0	0	0	0
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<b>REVENUE</b>		0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		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 *GB*

Phone: 465-4331

Division: Fire Prevention

Date: 4/22/87

Approved by Commissioner: *X* [Signature]

Date: 4/23/87

Agency: \_\_\_\_\_

**Distribution (by preparer):**

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

purposes or research programs, or special features of fire protection equipment found appropriate for uniformity within a particular protection area, may be exempted from this requirement by the state fire marshal. (§ 1 ch 48 SLA 1970)

**Sec. 18.70.090. Enforcement of regulations.** The Department of Public Safety and the chief of each 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. (§ 9 ch 66 SLA 1955; am § 8 ch 117 SLA 1968; am § 20 ch 166 SLA 1978)

#### NOTES TO DECISIONS

**City fire chief can enforce standards without delegation by state fire marshal.** — The language of this section would indicate that the fire chief in each city can enforce state fire standards independently of any delegation by the state fire marshal's office. *State v. Jennings*, Sup. Ct. Op. No. 1319 (File Nos. 2322, 2423), 555 P.2d 248 (1976).

**State not liable for city's negligence.** — Where the state fire marshal's office, in accordance with its policy, had deferred to the city's fire prevention agency for the purposes of fire prevention and inspection within the city limits, and, thus, the state

fire marshal referred complaints about a hotel to the city fire marshal for action; and the city conducted inspection and initiated enforcement, there is no principal-agent relationship between the state and the city which would justify holding the state vicariously liable for the city's negligence. *State v. Jennings*, Sup. Ct. Op. No. 1319 (File Nos. 2322, 2423), 555 P.2d 248 (1976).

**Common-law duty to take action concerning fire hazards after inspection.** — See note to AS 18.70.010. *Adams v. State*, Sup. Ct. Op. No. 1318 (File No. 2326), 555 P.2d 235 (1976).

**Collateral references.** — Power to require closing of place of amusement or other place of public assembly because of fire hazard or unsanitary conditions. 140 ALR 1048.

**Destruction of building in emergency.** 14 ALR2d 78.

**Sec. 18.70.095. Smoke detection devices.** Smoke detection devices shall be installed in all living units built, manufactured or sold in the state. The devices shall be of a type and deployed in a manner approved by the state fire marshal. (§ 1 ch 148 SLA 1975)