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# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V  
State Capitol  
Juneau, Alaska 99811

### A G E N D A

HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
JANUARY 19, 1989

\*\*\*\*\*

HB 58

"AN ACT RELATING TO FIRE PROTECTION; AND  
PROVIDING FOR AN EFFECTIVE DATE," - GOVERNOR

# HOUSE COMMITTEE REPORT

(5)

Date Referred: January 9, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 1/19/89

The COMMUNITY & REGIONAL AFFAIRS Committee recommends that:

HOUSE BILL NO. 58 [FIRE PROTECTION]

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

be replaced with CS HB 58 C+RA  the same title  
 a new title

have attached amendment(s)

- 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
- zero fiscal note
- zero with analysis

APPROVES PREVIOUS:

- fiscal note(s) published: \_\_\_\_\_
- zero fiscal notes(s) published: 1/9/89

SIGNING DO PASS:

\_\_\_\_\_  
*Bette [unclear]*  
 \_\_\_\_\_  
*Richard [unclear]*  
 \_\_\_\_\_  
*Phini S. Davis*  
 \_\_\_\_\_  
*Eileen P. Mullan*  
 \_\_\_\_\_  
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SIGNING OTHER THAN DO PASS:  
(Do Not Pass, No Recommendation, Amend)

*[Signature]* no rec  
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*Eileen P. Mullan*  
 \_\_\_\_\_  
 Chairman's signature

STATE OF ALASKA  
THE LEGISLATURE

POUCHY - STATE CAPITOL  
BUREAU ALASKA 99511  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 19, 1989

SUBJECT: CSHB 58 (C&RA)

TO: Representative Eileen MacLean, Chair  
Community and Regional Affairs Committee

FROM: Theresa Bannister *TB*  
Legislative Counsel

This memo accompanies CSHB 58 (C&RA). I have made the amendments that the committee approved.

I have two comments about the the definition of "department" that has been added to the bill as sec. 3. Since the bill has passed out of the committee you may wish to pass these comments along for the review of the next committee of referral.

The first comment is that the phrase "that is enforcing fire safety regulations under AS 18.70.090" could be interpreted to modify "Department of Public Safety". I presume this isn't what was intended. The definition could be rewritten to avoid this possibility.

The second is that the definition appears to be mildly inconsistent with the context of AS 18.70.100(a)(1) and (2). The definition limits the fire departments to those enforcing "fire safety" regulations. However, in the context of AS 18.70.100(a)(1) and (2) the department order can deal with hazardous substances that are not ignitable and that might not be included under "fire safety" regulations.

I would be happy to assist with any redrafting that you or the next committee would like done with regard to the above.

If I may be of further assistance, please advise.

TB:kb  
wkk1/055

Enclosure

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 58 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the enforcement and penalty  
7 provisions of certain laws on fire protection, fire-  
8 works, and warning placards for hazardous substances;  
9 and providing for an effective date."

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

11 \* Section 1. AS 18.70.090 is amended to read:

12 Sec. 18.70.090. ENFORCEMENT AUTHORITY [OF REGULATIONS]. The  
13 Department of Public Safety and the chief of each [CITY] fire depart-  
14 ment recognized under regulations adopted by the Department of Public  
15 Safety, and their authorized representatives in their respective  
16 areas, may enforce the regulations adopted by the Department of Public  
17 Safety for the prevention of fire or for the protection of life and  
18 property against fire or panic. All state peace officers may assist  
19 the Department of Public Safety in the enforcement of AS 18.70.010 -  
20 18.70.100, 18.70.300 - 18.70.310, and the regulations adopted under  
21 those sections [IT]. The authority conferred in AS 18.70.010 - 18.-  
22 70.100 and 18.70.300 - 18.70.310 extends to the enforcement of the  
23 provisions of AS 11.46.400 - 11.46.430.

24 \* Sec. 2. AS 18.70.100 is amended to read:

25 Sec. 18.70.100. VIOLATION. (a) A person is [WHO VIOLATES ANY  
26 PROVISION OF AS 18.70.010 - 18.70.100 OR THE PUBLISHED REGULATIONS OR  
27 ORDERS ADOPTED UNDER IT FROM WHICH NO APPEAL HAS BEEN TAKEN WITHIN 30  
28 DAYS AFTER THE ISSUANCE OF A FINAL ORDER IS, SEVERALLY, FOR EACH  
29 VIOLATION,] guilty of a misdemeanor, and is punishable by a fine of

not more than \$500, or by imprisonment for not more than six months, or by both, if the person (1) violates or otherwise fails to comply with a provision of AS 18.70.010 - 18.70.100, 18.70.300 - 18.70.310, or a regulation adopted under those sections; (2) fails to comply with a department order issued under AS 18.70.010 - 18.70.100 or 18.70.300 - 18.70.310, unless a motion for a stay is filed with the superior court within 10 days after issuance of the order; or (3) fails to comply with a department order issued under AS 18.70.010 - 18.70.100 or 18.70.300 - 18.70.310, within 10 days after a motion for stay has been denied by the superior court. A person aggrieved by a final order of the department may appeal to the superior court within 30 days after the issuance of the order. The imposition of one penalty for a violation does not excuse the violation. A [AND A] person guilty of a violation shall correct the violation within a reasonable time. When not otherwise specified, each 10 days that a prohibited condition is maintained is a separate offense.

(b) The application of the penalty prescribed in (a) of this section does not prevent the department [DEPARTMENT OF PUBLIC SAFETY] from enforcing the removal of the prohibited conditions.

\* Sec. 3. AS 18.70.100 is amended by adding a new subsection to read:

(c) In this section, "department" means the Department of Public Safety or a fire department that is enforcing fire safety regulations under AS 18.70.090.

\* Sec. 4. AS 18.72.040 is amended to read:

Sec. 18.72.040. VIOLATION. A person who recklessly [KNOWINGLY AND WILFULLY] fails to comply with a provision of this chapter or fireworks regulations adopted in the fire safety code is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by

1 both. Each day of noncompliance constitutes a separate offense. In  
2 this section, "recklessly" has the meaning given in AS 11.81.900.

3 \* Sec. 5. Section 1 of this Act takes effect immediately under AS 01.-  
4 10.070(c).  
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# 2

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

## LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January, 18, 1989

SUBJECT: CSHB 58 (C&RA)

TO: Representative Eileen MacLean, Chair  
Community and Regional Affairs Committee

FROM: Theresa Bannister *TB*  
Legislative Counsel

This memo accompanies the committee substitute that you requested for HB 58. The draft contains the title change made in the prior draft as well as two other changes.

1. TITLE CHANGE. The title is different from HB 58. The main purpose of the title change is to give notice that the bill covers fireworks and hazardous substances that are not ignitable.

2. SUBSTITUTION FOR "THIS CHAPTER". "This chapter" in secs. 1 and 2 of HB 58 has been replaced by citations for AS 18.70.010 - 18.70.100 and 18.70.300 - 18.70.310 (articles 1 and 3 of the chapter). A reference to "this chapter" pulls in article 2, relating to mutual fire aid agreements. Since the purpose of using the chapter reference was to include hazardous substances under AS 18.70.310, there is no need to reference article 2. Limiting the reference to articles 1 and 3 also avoids any possible confusion that the enforcement and penalty provisions apply in some way to mutual fire aid agreements. The new reference does include AS 18.70.300 since that section contains a definition that is used in the first article of the chapter.

3. DELETION OF FORMER SEC. 3. The present draft does not include sec. 3 of HB 58. Section 3 adds a subsection to AS 18.70.310 that indicates that a violation of the section or a regulation adopted under the section is punishable under AS 18.70.100. Since AS 18.70.100 already accomplishes what sec. 3 states, the cross-reference is unnecessary, and there is a slight possibility that the proposed subsection could be interpreted to limit the application of

Representative Eileen MacLean  
Page 2  
January 18, 1989

AS 18.70.100.

If I may be of further assistance, please advise.

TB:kb  
wkk1/049

Attachment

7

#4

No. 1

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: HB 58  
PUBLISH DATE: HOUSE 1/9/89

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An act relating to fire  
protection  
Sponsor: Rules Committee  
Requestor: Governor

Agency Affected: Public Safety  
BRU: Fire Prevention  
Component: Fire Prevention Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
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
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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	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)  
No fiscal impact.

Prepared by: Gordon E. Brunton  
Division: Fire Prevention

Phone: 465-4331  
Date: 10/28/88

Approved by Commissioner: G.A.H. English  
Agency: Department of Public Safety

Date: 11-14-88

1 IN THE HOUSE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 58

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

9 \* Section 1. AS 18.70.090 is amended to read:

10 Sec. 18.70.090. ENFORCEMENT OF REGULATIONS. The Department of  
11 Public Safety and the chief of each [CITY] fire department recognized  
12 under regulations adopted by the Department of Public Safety, and  
13 their authorized representative in their respective areas, may enforce  
14 the regulations adopted by the Department of Public Safety for the  
15 prevention of fire or for the protection of life and property against  
16 fire or panic. All state peace officers may assist the Department of  
17 Public Safety in the enforcement of this chapter [AS 18.70.010 --  
18 18.70.100] and the regulations adopted under it. The authority con-  
19 ferred in this chapter [AS 18.70.010 -- 18.70.100] extends to the  
20 enforcement of the provisions of AS 11.46.400 -- AS 11.46.430.

21 \* Sec. 2. AS 18.70.100(a) is amended to read:

22 (a) A person is [WHO VIOLATES ANY PROVISION OF AS 18.70.010 --  
23 18.70.100 OR THE PUBLISHED REGULATIONS OR ORDERS ADOPTED UNDER IT FROM  
24 WHICH NO APPEAL HAS BEEN TAKEN WITHIN 30 DAYS AFTER THE ISSUANCE OF A  
25 FINAL ORDER IS, SEVERALLY, FOR EACH VIOLATION,] guilty of a misdemean-  
26 or, and is punishable by a fine of not more than \$500, or by imprison-  
27 ment for not more than six months, or by both, if the person (1)  
28 violates or otherwise fails to comply with a provision of this chapter  
29 or a regulation adopted under it; (2) fails to comply with a de-

1 partment order issued under it, unless a motion for stay is filed with  
2 the superior court within 10 days after issuance of the order; or (3)  
3 fails to comply with a department order issued under it, within 10  
4 days after a motion for stay has been denied by the superior court. A  
5 person aggrieved by the final order of the Department of Public Safety  
6 may appeal to the superior court within 30 days after the issuance of  
7 the order. The imposition of one penalty for a violation does not  
8 excuse the violation and a person guilty of a violation shall correct  
9 the violation within a reasonable time. When not otherwise specified,  
10 each 10 days that a prohibited condition is maintained is a separate  
11 offense.

12 \* Sec. 3. AS 18.70.310 is amended by adding a new subsection to read:

13 (f) A violation of this section or a regulation adopted under  
14 this section is punishable under AS 18.70.100.

15 \* Sec. 4. AS 18.72.040 is amended to read:

16 Sec. 18.72.040. VIOLATION. A person who recklessly [KNOWINGLY  
17 AND WILLFULLY] fails to comply with a provision of this chapter or  
18 fireworks regulations adopted in the fire safety code is guilty of a  
19 misdemeanor and upon conviction is punishable by a fine of not more  
20 than \$500, or by imprisonment for not more than six months, or by  
21 both. Each day of noncompliance constitutes a separate offense. As  
22 used in this section, "recklessly" has the meaning given in  
23 AS 11.81.900.

24 \* Sec. 5. Section 1 of this Act takes effect immediately under  
25 AS 01.10.070(c).

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 9, 1989

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Cotten:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to fire protection laws.

The bill does four things: (1) it assists the division of fire prevention by allowing fire code enforcement to be handled by fire departments "recognized" by the Department of Public Safety, rather than just "city" fire departments; (2) it corrects an oversight that has left violations of hazardous materials laws unenforceable; (3) it requires compliance with a department order unless a motion for a stay has been filed with the court (current law permits noncompliance simply by filing a notice of appeal); and (4) makes enforcement of fireworks regulations more feasible.

Section 1 of the bill amends AS 18.70.090 to allow fire departments that are not city fire departments to be "recognized" under regulations adopted by the Department of Public Safety which provide standards and qualifications for that recognition. Non-city fire departments would then be able to enforce state fire safety regulations. Given the limited resources of the division of fire prevention, this change is needed to provide meaningful enforcement in many areas of the state. City fire departments would, of course, be "recognized" under those regulations and would continue to enforce state fire safety regulations.

Section 1's amendments to AS 18.70.090 also change two section-specific citations to include instead all of AS 18.70. This change will make certain provisions in AS 18.70.090 applicable to AS 18.70.310, regarding hazardous materials and wastes placards.

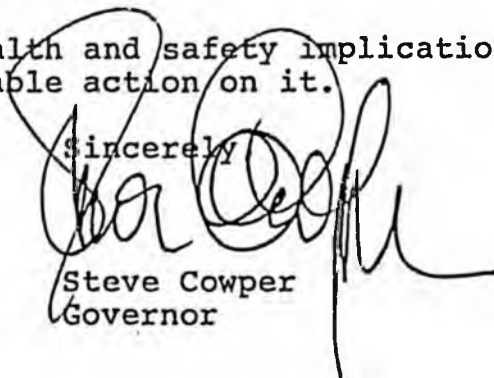
Sections 2 and 3 amend AS 18.70.100(a) and AS 18.70.310, respectively, to apply penalty provisions to violations of AS 18.70.310, regarding hazardous materials and wastes placards. Current law provides no penalty, leaving AS 18.70.310 essentially unenforceable.

Section 2 also amends AS 18.70.100(a) to make it a misdemeanor to be in noncompliance with a department order relating to fire protection, unless a motion for stay has been filed with the court. The existing language of AS 18.70.100(a) permits noncompliance with an order by merely filing a notice of appeal, thus unnecessarily delaying correction of life-threatening situations.

Finally, sec. 4 amends AS 18.72.040 to make prosecution of fireworks violations more feasible by allowing a conviction if the person "recklessly" fails to comply with fireworks laws. This change is consistent with other provisions of law which prohibit reckless creation of risks of injury and which provide that ignorance of the law is no excuse. See AS 11.41.250 (reckless endangerment) and AS 11.81.620(a). The current language of AS 18.72.040 requires proof that the person knew what the law was, and "willfully" violated it, which is often impossible to prove.

This bill has important health and safety implications and I urge your prompt and favorable action on it.

Sincerely



Steve Cowper  
Governor

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 13, 1989

SUBJECT: Draft CSHB 58 (C&RA)

TO: Representative Eileen MacLean, Chair  
Community and Regional Affairs Committee

FROM: Theresa L. Bannister *TB*  
Legislative Counsel

This memo accompanies the committee substitute that you requested for HB 58. I have adjusted the title because I did not feel that "fire protection" gave adequate notice that the bill covered either fireworks or hazardous substances that were not ignitable. I do not believe that having all of these items in the same bill violates the single subject requirement for the bill. The subjects fit easily under the single subject of public safety. In addition, there are three other questions that you might wish to consider.

The first is the expansion in sec. 1 and sec. 2 of the references to "AS 18.70.010 - 18.70.100" to "this chapter". The Governor's transmittal letter indicated that the purpose of these changes is to make the hazardous materials and wastes placards provisions (AS 18.70.300 - 18.70.310) enforceable. However, the use of "this chapter" will also pull in the sections in Article 2 that relate to Mutual Fire Aid Agreements. The Mutual Fire Aid Agreement provisions appear to be limited to mutual aid, not to enforcement. Therefore, there does not appear to be a reason to include the mutual aid agreement provisions under secs. 1 or 2.

The second question is whether sec. 3 of the bill is needed. Sec. 2, as amended, already applies to AS 18.70.310. Therefore, the new language proposed in sec. 3 does not appear to be necessary.

Third, under the present language in sec. 3 of the bill, a person can obtain a stay of the order if the person appeals the order, because Alaska Rule of Appellate Procedure 603 allows a stay when an appeal has been filed. However, if it

*Dept. Reply NO.*

Representative Eileen MacLean  
Page 2  
January 13, 1989

is your intention that the person have the right to obtain a stay (1) from an order that is not final (and therefore not eligible for appeal) or (2) without filing an appeal, we should add language allowing the person to apply for a stay under those circumstances.

You may wish to discuss these matters with the Governor's Office. They may have reasons that I am not aware of for retaining the items above as they are presently in the bill. If I can assist you with these items or be of other assistance, please advise.

TB:kb  
wkk1/024

Enclosure

Passed #1

AMENDMENT  
HOUSE BILL 58

Under Section 2, add a new section (c) to read

(c) In this section

"department" means the Department of Public Safety or a fire department that is enforcing fire safety regulations under AS 18.70.090.

Revise AS 18.70.100 (b) as follows:

(b) The application of the penalty prescribed in (a) of this section does not prevent the ~~department~~ [DEPARTMENT OF PUBLIC SAFETY] from enforcing the removal of the prohibited conditions.

---

#0 Adopted  
Pg 2 -  
related  
10-11  
of Public Safety

Always  
BEGIN ON  
LINE 7

STANDING

COMMUNITY AND REGIONAL AFFAIRS COMMITTEE  
January 19, 1989

1:00 p.m.

Members Present:

- Rep. Eileen P. MacLean, Chairperson
- Rep. Bette Cato
- Rep. Richard Foster
- Rep. Fritz Pettyjohn
- Rep. C. Davis

Members Absent:

None

COMMITTEE CALENDAR

~~HB 58:~~  
~~HOUSE BILL NO. 58~~  
~~(FIRE PROTECTION)~~

Full bill title typed out here.

WITNESS REGISTER

Gordon Brunton  
 Department of Public Safety  
 Division of Fire Prevention  
 P.O. Box N  
 Juneau, Alaska 99811  
 Phone: 465-4331

Position Statement: <sup>gave</sup> information <sup>and answered</sup> questions.

PREVIOUS ACTION

ACTION NARRATIVE

TAPE ONE, SIDE A

Number 000

standing

The first meeting of the House Community and Regional Affairs Committee was called to order at 1:05 p.m. on January 19, 1989, by Chairperson MacLean.

Members present were Rep.s MacLean, Cato, Foster and Pettyjohn.

Representative

~~Member~~ C. Davis arrived late.

Rep. MacLean welcome<sup>d</sup> the guess<sup>t</sup>, Jim Plasman<sup>x</sup> and

interns?

Gordon Brunton, intern from Rep. Cato <sup>5</sup> hometown.

The agenda before us, you'll see the table of contents, HB 58 and all the correspondence relating to HB 58.

HB 58 was introduced by Governor, on request from the Department of Public Safety.

? This bill would expand the enforcement of fire code from City Fire Departments to Fire Departments recognize by the Department of Public Safety. This would give to Boroughs and unorganized Boroughs the ability to enforce State Fire Safety Regulation.

? As the Governor's transmittal letter stated that this legislation would also help the Department's ability to enforce hazardous materials laws and require compliance with a Department Order unless a stay has been filed with the court.

We have prepared a Committee substitute incorporating technical changes to the bill suggested by Legal Counsel with the consultation of the Departments of Law and Public Safety. This memo is in your packet from Theresa Bannister which explains these changes.

What legislation? This legislation carries no fiscal impact.

Rep. MacLean introduced Gordon Brunton from the Department of Public Safety, Division of Fire Prevention.

Number 055  
Gordon Brunton, explained that this is a housekeeper bill, and stated it cleans up some statutes that have been on the books for a long time. What HB 58? had

Mr. that

Section 1 which amendments A.S.18.70.09.9 expands the authority to enforce State Fire Safety Regulations to those areas outside of City. Example: Village Public Safety Officers saying there's an exit door that does not shut at the gymnasium. Technically we have to send in an officer out to that community to issue the order and gain compliance. By changing the one word there from City to the phrase Fire Department recognized under regulation adopted by Department. That allows us or local Fire Department that is not within a City to enforce those regulations.

Also a change to include two specific section A.S.18.70.010 thru A.S. 18.70.100 and order to accommodate the penalty provisions the we feel that are necessary under the hazardous material statutes which are in A.S. 18.70.300 and 18.70.310 that is one of the suggested amendments from the Legal Services.

Section 3, provided a cross reference to the hazardous material statutes.

Section 4, essential lower the level of proof for violation of fireworks statutes. Currently the proof required as if the person knowingly and willful violated those laws. And that's very difficult proof. By changing that to recklessly a person can fight ignorance with the law but can proof anything.

The changes that Ms. Bannister has recommended, we're essential in concurrences with. She would prefer rather than saying as in Section 1 line 20 and 22, instead of saying this chapter she wants leave to in A.S. 18.70.010 thru 18.70.100 and 18.70.300 to 310. We don't really have any problem with it. Either way it's acceptable to us.

Number 119

Rep. Cato, asked Mr. Brunton, do they mean the same thing, this chapter and that statute number?

Number 125

Mr Brunton, replied yes. There are 2 section in 18.70.150 and 160 which views mutual aid provisions, here one by Fire Department can agree with another that will help in out off it.

Mr. Brunton stated that Ms. Bannister primary concern was as if we're pulling that section in by saying this chapter as oppose to the specific citation.

Rep. Cato, replied, I see.

There's no problems with that. By leaving it as this chapter in the future, if additional section are added to the chapter , that would have penalty provision then we would have to come back an amended to specifically put those site in.

Number 137

Rep. MacLean recognized Rep. C. Davis. There was a misunderstanding. Rep. Davis came into the room early but was informed that the meeting would not start until 1:30 p.m. so she went back to her office.

Number 147

Mr. Brunton stated that section 2 provides for the change in the motion for stay, when a person has been cited for a fire code violation. Current language permits

noncompliance with fire code violation, simply by filing appeal with the court. That stops all criminal remedies, we have to civilly go from there. By making this change, it would be a misdemeanor to be in noncompliance with the Department Order unless the motion for stay has been filed.

Section 4 which now become her Section 3, remain the same.

Based on a call from the Chairs staff and also Ms. Bannister, this morning Section 2, page 2 of the proposed amendment line 4, says fails to comply with a Department Order. Question as to what the definition of Department was there. Based on that he brought a suggested amendment for the committee consideration. Add a definition C, which would define Department, as meaning the Department of Public Safety or a Fire Department that is enforcing Fire Safety Regulation

A.S. 18.70.090. Line 10 page 2 the sentences that the person aggrieved by a final order of the department of public safety should also be revised to a department.

Number 201

Rep. Cato moved to adopt the committee substitute HB 58 C&RA, "Fire Protection". Hearing no objection, motion carried.

Rep. Cato moved to adopt amendment no. 1: Amendment No. 1 Under Section 2, add a new section (c) to read section

(c) In this section  
"department" means the Department of Public Safety or a fire department that is enforcing fire safety regulations under AS 18.70.090.

Revise AS 18.70.100 (b) as follows:

(b) The application of the penalty prescribed in (a) of this section does not prevent the department (DEPARTMENT OF PUBLIC SAFETY) from enforcing the removal of the prohibited conditions.

Hearing no objection, motion carried.

Number 222

Mr. Brunton, asked if amendment no. 1 also contain the second portion of what he brought in.

Rep. MacLean stated that it includes the revision of the Alaska Statutes.

Number 226

Rep. C. Davis asked if line 10 and 11 the word "of public safety", does that word need to be changed to the department?

Number 230

Mr. Brunton stated that he did not have a copy the draft of the committee substitute until now. In reading it, those changes need to be made.

Number 231

Rep. C. Davis, moved to adopt amendment no. 2: page 2 line 10 and 11 to delete the wording "of public safety"

Number 245

Rep. Foster, asked Mr. Brunton if this was going to make it easier for the bush to comply with the regulation?

Number 258

Mr. Brunton, stated yes.

Number 265

Rep. Foster, asked Mr. Brunton if he had been to the bush, meaning the little village?

Mr. Brunton, stated yes.

Number 281

Rep. Foster, asked Mr. Brunton if he knows what it's like for them to comply with some of these things? If they have a little building, such as rec. center or city hall?

Number 300

Mr. Brunton, stated yes.

Number 309

Rep. Foster, stated that you're adding in enforcement and penalties and he does not want to burden the bush with alot of things that apply to urban areas. He also understand that there health and safety is involve but alot of these cities, do not have the moneys to pay for their own staff, much less pay for penalties for not having an exit sign over the door.

Number 312

Rep. C. Davis asked if line 10 and 11 the word "of public safety", does that word need to be changed to the department?

Number 230

Mr. Brunton stated that he did not have a copy the draft of the committee substitute until now. In reading it, those changes need to be made.

Number 231

Rep. C. Davis, moved to adopt amendment no. 2: page 2 line 10 and 11 to delete the wording "of public safety"

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Number 265

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Number 281

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Number 300

Mr. Brunton, stated yes.

Number 309

Rep. Foster, stated that you're adding in enforcement and penalties and he does not want to burden the bush with alot of things that apply to urban areas. He also understand that there health and safety is involve but alot of these cities, do not have the moneys to pay for their own staff, much less pay for penalties for not having an exit sign over the door.

Number 312

Mr. Brunton stated by the time a fire code violation gets to the extent, where a final order has been issued and the violator would have those abilities to get the motion to stay, appeals and so forth.

Number 315

Rep. Foster, stated for example the of Village of Savoonga their furnace is not in compliance with the fire code, here you're saying that one of the provision is it requires compliance with the department order, unless a motion for stay has been issued.

(Tape mechanical failure.)

Rep. Foster continued to express his concerns that this legislation not place extra burdens on rural areas, where there may be an inability to comply with regulations.

Mr. Brunton, replied that if anything giving local control to the municipalities would make enforcement more sympathetic to the problems of the rural areas.

Rep. Cato state that she thought this legislation would benefit the rural areas.

Rep. MacLean agreed with Representative Cato.

Rep. Cato moved that CS HB58 C&RA as amended be passed out of committee with individual recommendations. Hearing no objections it was so ordered.

Rep. MacLean adjourned the committee at 1:23 p.m.

go0279hE  
Bannister  
- 1/18/89

Original sponsor: Rules/Governor

1 IN THE HOUSE

BY THE COMMUNITY AND  
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 58 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the enforcement and penalty  
7 provisions of certain laws on fire protection, fire-  
8 works, and warning placards for hazardous substances;  
9 and providing for an effective date."

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

11 \* Section 1. AS 18.70.090 is amended to read:

12 Sec. 18.70.090. ENFORCEMENT AUTHORITY [OF REGULATIONS]. The  
13 Department of Public Safety and the chief of each [CITY] fire depart-  
14 ment recognized under regulations adopted by the Department of Public  
15 Safety, and their authorized representatives in their respective  
16 areas, may enforce the regulations adopted by the Department of Public  
17 Safety for the prevention of fire or for the protection of life and  
18 property against fire or panic. All state peace officers may assist  
19 the Department of Public Safety in the enforcement of AS 18.70.010 -  
20 18.70.100, 18.70.300 - 18.70.310, and the regulations adopted under  
21 those sections [IT]. The authority conferred in AS 18.70.010 - 18.-  
22 70.100 and 18.70.300 - 18.70.310 extends to the enforcement of the  
23 provisions of AS 11.46.400 - 11.46.430.

24 \* Sec. 2. AS 18.70.100(a) is amended to read:

25 (a) A person is [WHO VIOLATES ANY PROVISION OF AS 18.70.010 -  
26 18.70.100 OR THE PUBLISHED REGULATIONS OR ORDERS ADOPTED UNDER IT FROM  
27 WHICH NO APPEAL HAS BEEN TAKEN WITHIN 30 DAYS AFTER THE ISSUANCE OF A  
28 FINAL ORDER IS, SEVERALLY, FOR EACH VIOLATION,] guilty of a misde-  
29 meanor, and is punishable by a fine of not more than \$500, or by

1 imprisonment for not more than six months, or by both, if the person  
2 (1) violates or otherwise fails to comply with a provision of AS 18.-  
3 70.010 - 18.70.100, 18.70.300 - 18.70.310, or a regulation adopted  
4 under those sections; (2) fails to comply with a department order  
5 issued under AS 18.70.010 - 18.70.100 or 18.70.300 - 18.70.310, unless  
6 a motion for a stay is filed with the superior court within 10 days  
7 after issuance of the order; or (3) fails to comply with a department  
8 order issued under AS 18.70.010 - 18.70.100 or 18.70.300 - 18.70.310,  
9 within 10 days after a motion for stay has been denied by the superior  
10 court. A person aggrieved by a final order of the Department of  
11 Public Safety may appeal to the superior court within 30 days after  
12 the issuance of the order. The imposition of one penalty for a vio-  
13 lation does not excuse the violation. A [AND A] person guilty of a  
14 violation shall correct the violation within a reasonable time. When  
15 not otherwise specified, each 10 days that a prohibited condition is  
16 maintained is a separate offense.

17 \* Sec. 3. AS 18.72.040 is amended to read:

18 Sec. 18.72.040. VIOLATION. A person who recklessly [KNOWINGLY  
19 AND WILFULLY] fails to comply with a provision of this chapter or  
20 fireworks regulations adopted in the fire safety code is guilty of a  
21 misdemeanor and upon conviction is punishable by a fine of not more  
22 than \$500, or by imprisonment for not more than six months, or by  
23 both. Each day of noncompliance constitutes a separate offense. In  
24 this section, "recklessly" has the meaning given in AS 11.81.900.

25 \* Sec. 4. Section 1 of this Act takes effect ~~immediately~~ under AS 01.-  
26 10.070(c).

Alaska State Legislature

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Representative Mike Navarre

MEMORANDUM

TO: All House Members  
FROM: Rep. *Mike Navarre*, Majority Leader  
DATE: January 18, 1989  
RE: Swearing in of Ann Spohnholz

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On Thursday, January 19th at 10:00am in the House Chambers,  
Lt. Governor Steve McAlpine will be swearing in Ann  
Spohnholz to the District 13 House seat.

There will be a reception immediately following the ceremony  
in the House Speaker's Office.

Mr. Brunton stated by the time a fire code violation gets to the extent, where a final orders has been issued and the violator would have those abilities to get the motion to stay, appeals and so forth.

Number 315

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