

S B

438

Senator John B. (Jack) Coghill

Alaska State Legislature

Box V
Juneau, Alaska 99811
(907) 465-4797

Box 55028
North Pole, Alaska 99705
(907) 488-0862

MEMORANDUM

DATE: February 26, 1990

TO: Senator Mike Szymanski, Chair
Senate Community & Regional Affairs Committee

FROM: Senator Jack Coghill

SUBJECT: Senate Bill 438 - Sponsor Statement

BILL SUMMARY:

Senate Bill 438 "An Act relating to the provision of fire protection services by a municipality outside its boundaries" is a piece of legislation which would amend AS 29.35.020 to add "fire protection services" to the list of services and facilities that a municipality can provide outside its boundaries.

FISCAL IMPACT:

Zero fiscal note from the Department of Public Safety, Division of Fire Prevention.

ABOUT THE BILL:

SB 438 would give municipalities the authority to extend their fire protection services outside the city limits, and the right to regulate those services. Currently, there is no law which allows this.

This provision is especially important in small rural cities which presently may be held liable when the fire department responds to a call outside the city boundaries and leaves the city and the taxpayers unprotected.


Alaska
MUNICIPAL
League

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217 SECOND STREET, SUITE 200
JUNEAU, ALASKA 99801

February 23, 1990

TO: Senator Mike Szymanski, Chair, and
Committee Members
Senate Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

SUBJECT: SB 438 - Relating to provision of fire protection services by a
municipality outside its boundaries

SB 438 would add fire services to the list of facilities and services municipalities may provide outside their boundaries. It also clarifies that municipalities have the authority to regulate the use and operation of facilities and services provided to the extent that the jurisdiction in which they are located does not regulate them.

Under present law, municipalities do not have the specific authority to provide fire services outside their boundaries, which means that fire departments must justify each decision to operate outside their boundaries on the basis of life safety issues. A fire department may want to provide protection to, for instance, a residence just outside municipal boundaries to protect property within the boundaries, but questions of liability coverage as well as an unwillingness to expose the department to public criticism about operating outside the taxing district may deter such a decision.

Giving fire departments authority to provide fire services outside their boundaries would insure that liability and workers compensation insurance would cover all job-related actions of firefighters. It would also extend fire fighters' statutory immunity for job-related actions to actions outside municipal limits.

The Alaska Municipal League supports this legislation as providing greater protection for municipalities, for municipal fire fighters, including volunteers, and for the general public.

cc: Senator Jack Coghill

CSS/LEG:SB398

BILL NO:

SB 438

DATE:

February 20, 1990

TITLE:

An act relating to the provision of fire protection services by a municipality outside its boundaries.

CONTACT:

Gordon Brunton
465-4331

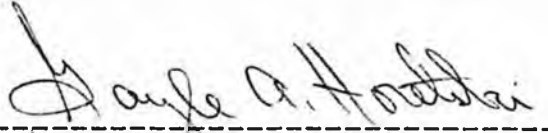
DEPARTMENT OF
PUBLIC SAFETY

This bill would authorize a municipality to provide fire protection services outside its boundaries.

The bill amends AS 29.35.020(a), adding "fire protection services" to other facilities and services currently authorized, such as parks, cemeteries, emergency medical services, sewage disposal, airports, etc. The authority to provide fire protection, while permissive, will provide statutory authority for the extraterritorial service.

Unincorporated areas outside municipalities, especially in rural areas, may benefit by having fire protection not currently available.

The Department of Public Safety supports passage of SB 438.



Arthur English
Commissioner



FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Public Safety
 Title: An act relating to fire protection BRU: Fire Prevention
by a municipality outside its boundaries.
 Sponsor: Senator Coghill Component: Fire Prevention
 Requestor: Senate C & R A Operations

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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/PROG RCPT						
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 *5/15*
 Division: Fire Prevention
 Approved by Commissioner: Arthur English
 Agency: Department of Public Safety

Phone: 465-4331
 Date: 2/15/90
 Date: 2-20-90
 Page 1 of 1

MB
2/15/90

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

- P.O. BOX B
JUNEAU, ALASKA 99811-2100
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- 949 E. 36TH AVENUE, SUITE 400
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February 26, 1990

POSITION PAPER

RE: Senate Bill 438

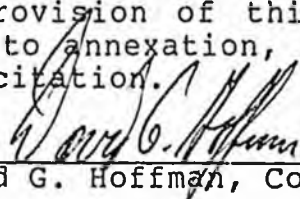
SPONSOR: Senator Coghill

Program Effects of the Bill

The bill amends AS 29.35.020(a) by adding language which would authorize municipalities to exercise the power of fire protection outside their boundaries. Existing AS 29.35.020(a) authorizes municipalities to provide the following services outside their boundaries: parks, playgrounds, cemeteries, emergency medical services, solid and septic waste disposal, utility services, airports, streets (including ice roads), trails, transportation facilities, wharves, harbors and other marine facilities.

Comments

Extraterritorial powers have been added to AS 29.35.020 incrementally as needed or requested by municipal governments. This bill to permit fire protection powers appears to fit within this tradition and would clear up existing ambiguities as to the power of municipalities to exercise this service on an extraterritorial basis. The provision of this service is not expected to act as a deterrent to annexation, any more than the other powers listed under this citation.



David G. Hoffman, Commissioner

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An act relating to fire protection outside municipalities
Sponsor: Senator Coghill
Requestor: _____

Agency Affected: DCRA
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
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	-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)

Prepared by: *Jim Plummer* Phone: 465-4750
Division: Municipal & Regional Assistance Date: 2/26/90
Approved by Commissioner: *David G. Johnson* Date: 2-26-90
Agency: Community & Regional Affairs

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

RECEIVED

FEB 22 1990

City of Klawock Alaska

P.O. Box 113
Klawock, Alaska 99925

Phone: (907) 755-2261
or: (907) 755-2262

"Site of the First Cannery in Alaska"

February 20, 1990

Senator Mike Suymanske
Chairman
Community & Regional Affairs
P.O.Box V
Juneau, AK 99811

Dear Senator Suymanski,

The City of Klawock supports Senate Bill 438 which would include fire protection under extra territorial jurisdiction for this would provide needed fire protection for the residents residing outside of the City limits such as a trailer court where approximately One Hundred persons reside and fire protection for the Klawock Alaska Timber Saw Mill which employs approximately One Hundred persons in three shifts and lives and property of those residing on the Saw Mill site. In fact the City had submitted an application for a fire protection grant to provide needed fire protection for the residents of Klawock and those residing outside of the City limits. The grant application was rated high by one of the review board but rated low by two others because they believed that the fire department should not leave the City limits to extinguish fires.

In the past the Klawock Volunteer Fire Department has responded to fires outside the City limits. In 1989 the Klawock Volunteer Fire Department had to respond to Sanitary Landfill fires. Had those fires not been extinguished, the cities of Klawock and Craig would not have had a site to dispose of solid waste. The Klawock Volunteer Fire Department has also responded to emergency medical, police and fires in the trailer court outside the City limits and fires at the Saw Mill. Had the Saw Mill been destroyed or even partially destroyed by fire many would be unemployed until necessary repair work was completed, also lives and property were in jeopardy. Therefore it is very important to those living and working outside City limits to have fire protection. This has been discussed with the insurance company. There should not be an increase in insurance premium for the City. Currently the City does face potential liability by City limits. Passage of Senate Bill 438 would eliminate that liability and provide needed fire protection for those living and working outside the City limits.

An amendment to Senate bill 438 that should be considered is Police Protection. Currently City police jurisdiction is within City limits. Alaska State Troopers deputize City police to allow the City police to respond to police protection needs outside City limits. Does deputizing City Police Officers to allow them to respond to police protection needs outside City limits protect the City from any potential liability should the City police be unable to respond to police protection needs within the City limits because the City police was responding to police protection needs outside the City limits? It is the City tax payers that are paying the wages of the City police officers. Also the City has no documentation to justify or authorize spending City tax dollars for police protection outside the City limits, nor does the City derive any revenues other

Continued...

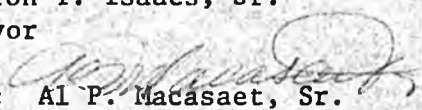
Senator Mike Suymanske
February 20, 1990
Page TWO

than for traffic violations for police protection outside the City limits.

The aforementioned are mentioned in consideration as a possible amendment to Senate Bill 438.

Respectfully,

Aaron T. Isaacs, Jr.
Mayor


by: Al P. Macasaet, Sr.
Administrative Assistant

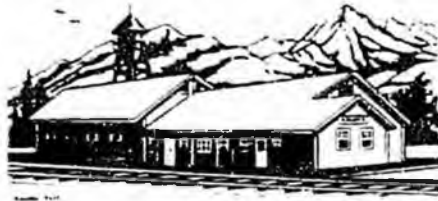
AM/lf



CITY OF PALMER



231 W EVERGREEN AVE
PALMER, ALASKA 99645



Phone (907) 745-3271

A HOME RULE CITY

February 22, 1990

The Honorable Jack Coghill
Senator
State of Alaska
Box V
Juneau, Alaska 99811

RE: Senate Bill 438
Fire Protection Service Outside Municipalities

Dear Senator Coghill,

I have read Senate Bill 438 which has been proposed by you and Senator Fischer and fully support it.

However, it could go one step further. In the Matanuska-Susitna Borough, Fire Service Areas have been established and one is the Grater Palmer Fire Service Area. The City of Palmer has its own fire department and contracts with the Matanuska-Susitna Borough to provide fire service to the areas which are a part of the Greater Palmer Fire Service Area.

The majority of the residents as well as the Fire Service Area supervisors would like to be a part of the City of Palmer Fire Department rather than under the Matanuska-Susitna Borough auspices. There are several reasons for this desire, but most importantly are the joint funding and managerial operation of the department.

In expanding your proposed Senate Bill 438 to incorporate the ability of a Fire Service Area to petition a municipality for fire protection services, this would alleviate a problem such as ours as well as other fire service areas throughout the State.

The Honorable Jack Coghill
February 22, 1990

If you feel an amendment to your bill would be in order and need additional information, you may contact either Chief Dan Contini or myself regarding this issue.

Should you have any questions, please feel free to contact me.

Yours truly,

David L. Soulak
City Manager
City of Palmer

DLS/cac

cc: Fire Chief Dan Contini
Representative Curt Menard
Representative Ron Larson
Senator Jalmar Kerttula
Senator Mike Szymanski
Alaska Municipal League