

**HB**

**400**

<TARGET><BILL>HB 400</BILL><SUBJECT>HB  
400</SUBJECT><COMM>HSTA30</COMM></TARGET>



# ALASKA LEGISLATURE

## *House State Affairs Committee*

Rep. Jonathan Kreiss-Tomkins, Chair

State Capitol, Room 411  
Juneau, Alaska 99801  
(907) 465-3732  
Toll Free 1 (888) 461-3732

[hsta@akleg.gov](mailto:hsta@akleg.gov)



Rep. Gabrielle LeDoux, Vice Chair  
Rep. Chris Birch  
Rep. DeLena Johnson  
Rep. Gary Knopp  
Rep. Chris Tuck  
Rep. Adam Wool  
Rep. Andy Josephson, Alternate  
Rep. Chuck Kopp, Alternate

### **HB 400 — Fees for Fire Prevention Measures**

#### **Sponsor Statement**

Under current law, AS 18.70.070, the Division of Fire and Life Safety in the Department of Public Safety can charge and collect reasonable fees for providing building plan checks. However, building plan checks are just one of many services Fire and Life Safety provides to commercial enterprises. HB 400 allows the Division of Fire and Life Safety to collect reasonable fees for their full spectrum of services.

HB 400 allows Fire and Life Safety to collect fees for fire inspections, which ensure building compliance with fire safety codes. The bill also allows Fire and Life Safety to collect fees for the fire extinguisher and fire systems permitting programs. The permitting programs ensure that properly trained personnel are implementing fire safety measures that are in compliance with current code by regulating who can install, maintain, and repair the systems.

The spectrum of services provided by Fire and Life Safety ensure safer buildings throughout the state, reducing the potential for loss of life or property. HB 400 would allow Fire and Life Safety partial cost recovery for these vital programs.



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## **HB 400 — Fees for Fire Prevention Measures**

### **Sectional Analysis**

**Summary:** Current law allows the Department of Public Safety, Division of Fire and Life Safety (F&LS) to charge and collect reasonable fees for providing building plan checks under AS 18.70.070. However, building plan checks are just one of many services F&LS provides to commercial enterprises. This legislation would allow the Division of Fire and Life Safety to collect fees for the full spectrum of services it provides.

**Section 1:** Amends AS 18.70.080 (b) to include fire inspections, fire extinguisher permitting, and fire systems permitting in the category of services that the Department of Public Safety may charge reasonable fees for providing; these fees must be established in regulation.

**Section 2:** Amends AS 37.05.146 (c) (38) to include the additional services enumerated in Section 1 in the receipt authority of the Department of Public Safety.



# Fiscal Note

State of Alaska  
2018 Legislative Session

Bill Version:	HB 400
Fiscal Note Number:	1
(H) Publish Date:	3/19/2018

Identifier: HB400-DPS-FLS-02-28-18  
 Title: FEES FOR FIRE PREVENTION MEASURES  
 Sponsor: STATE AFFAIRS  
 Requester: (H) STA

Department: Department of Public Safety  
 Appropriation: Fire and Life Safety  
 Allocation: Fire and Life Safety  
 OMB Component Number: 3051

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates					
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

**Change in Revenues**

None	***		***	***	***	***	***	***
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2018) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2019) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? YES  
 If yes, by what date are the regulations to be adopted, amended or repealed? 12/31/18

**Why this fiscal note differs from previous version/comments:**

Not applicable, initial version.

Prepared By:	Kelly Howell, Administrative Services Director	Phone:	(907)465-4336
Division:	Administrative Services	Date:	02/28/2018
Approved By:	Walt Monegan, Commissioner	Date:	02/28/18
Agency:	Public Safety		



## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

## Analysis

This bill amends AS 18.70.080(b) relating to the authority for the Department of Public Safety (DPS) to adopt regulations for the purpose of protecting life and property from fire and explosion by adding the authority for DPS to establish by regulation, and to charge, reasonable fees for fire inspections, fire extinguisher permitting, and fire system permitting. The bill also amends AS 37.05.146(c)(38) relating to program receipts to give DPS the authority to receive these fees.

The DPS Division of Fire and Life Safety (DFLS) has statutory authority to conduct fire safety inspections for certain buildings but does not have statutory authority to charge fees for such inspections. The same is true for issuance of fire system permits and permits for the installation, maintenance, and repair of portable fire extinguishers.

Should this bill pass, DPS would immediately begin the regulation process to establish the fee amounts for these services. Though the fee amounts will not be finalized until completion of the regulations process, the following amounts are suggested as a potential starting point:

Fire Inspections - \$50 per hour with a one-hour minimum. DFLS anticipates the average inspection to take two hours. The goal is to accomplish 1,500 inspections per year; but currently 500 is more likely. Considering 500 two-hour inspections per year at \$50 per hour, the estimated annual revenue would be \$50,000.

Fire Systems Technician Permits - \$150 for a 3-year permit. There are currently 535 active permit holders. Permit renewals are staggered resulting in an average of 178 permit renewals per year. The estimated annual revenue from issuance of these permits would be \$26,700.

Fire Extinguisher Technician Permits - \$100 for a 3-year permit. There are currently 231 active permit holders. Permit renewals are staggered resulting in an average of 77 permit renewals per year. The estimated annual revenue from issuance of these permits would be \$7,700.

Based on the analysis above, the total estimated annual revenue would be \$84,400. However, the actual amount cannot reasonably be estimated given the actual fee amounts will not be known until the regulations process is completed. Therefore, the change in revenues for this fiscal note is indeterminate.





THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**Department of Public Safety**

DIVISION OF FIRE AND LIFE SAFETY  
Office of the Director

5700 East Tudor Road  
Anchorage, Alaska 99507-1225  
Main: 907.269.5491  
Fax: 907.338.4375

March 20, 2018

The Honorable Neal Foster  
The Honorable Paul Seaton  
Co-Chairs, House Finance  
Committee  
Alaska State Capitol  
Juneau, AK 99801

Dear Representative Foster and Representative Seaton,

I am writing this letter in support of HB400, "An Act relating to the collection of fees by the Department of Public Safety for fire and Explosion prevention and safety services".

The mission of the Division of Fire and Life Safety is to "Reduce the loss of life and property to fire and explosion". Toward this goal, the law requires the Division of Fire and Life Safety to perform fire inspections on commercial buildings to verify compliance with fire codes and ensure that fire safety equipment is in good working order.

Regular fire inspections increase public safety and prevent the loss of life and property to fires. There are over 3,000 buildings statewide that require these fire inspections. Currently, we have adequate staffing to complete these inspections on a two-year schedule, but unfortunately we do not have adequate funding to pay for staff to travel as required to meet this goal. The result of this lack of funding is that buildings, especially in more remote locations, may go years without an inspection to identify and correct fire hazards.

In order to address this issue, the Governor's budget included a \$200,000 increment for FY19 to increase the funding for travel for fire inspections. However \$125,000 of this increase is designated general fund program receipts. Under current statute, Fire and Life Safety is only allowed to collect fees for building plan reviews. All other services provided to commercial industries are without charge. Thus, without expanded ability to collect fees, Fire and Life Safety will not be able to generate the additional needed \$125,000. HB 400 was brought forward by the House State Affairs committee on the recommendation of the Public Safety House Finance Subcommittee as a solution to this problem. HB 400 would allow F&LS to charge reasonable fees for fire inspections in order to offset costs of providing this important public safety service.

I ask for your favorable consideration on this important public safety measure.

Sincerely,

A handwritten signature in black ink, appearing to read "David Tyler", with a long horizontal flourish extending to the right.

David Tyler  
State Fire Marshal



AMENDMENT

OFFERED IN THE HOUSE

TO: HB 400

1 Page 1, line 2, following "services;":

2 Insert "and relating to penalties for violating fire protection and safety  
3 requirements and orders"

4

5 Page 1, following line 9:

6 Insert new bill sections to read:

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

8 (a) A [EXCEPT AS PROVIDED IN (c) OF THIS SECTION, A] person who  
9 violates a provision of AS 18.70.010 - 18.70.100 or a regulation adopted under those  
10 sections, or who fails to comply with an order issued under AS 18.70.010 - 18.70.100,  
11 is guilty of a violation and shall be punished as provided in AS 12.55 by a fine of  
12 not more than \$500. Each day [CLASS B MISDEMEANOR. WHEN NOT  
13 OTHERWISE SPECIFIED, EACH 10 DAYS] that the violation or noncompliance  
14 continues is a separate offense.

15 **\* Sec. 3.** AS 18.70.100 is amended by adding new subsections to read:

16 (d) A peace officer or an employee of the department who is authorized by the  
17 commissioner of public safety to enforce this chapter may issue a citation to a person  
18 who commits a violation identified under this section.

19 (e) A citation issued under this section must comply with the standards  
20 adopted under AS 12.25.175 - 12.25.230. A person receiving the citation is not  
21 required to sign a promise to appear in court.

22 (f) The time specified in the notice to appear on a citation issued under this  
23 section must be at least five working days after the issuance of the citation.



1 (g) The commissioner of public safety is responsible for the issuance of books  
2 containing appropriate citations and shall maintain a record of each book and each  
3 citation contained in the book. The commissioner of public safety shall require and  
4 retain a receipt for each book issued to an employee of the department designated by  
5 the commissioner of public safety to provide investigative services to enforce  
6 provisions of this chapter.

7 (h) On or before the 10th working day after issuance of a citation, a peace  
8 officer or an employee issuing a citation under this section shall deposit the original or  
9 a copy of the citation with a court having jurisdiction over the alleged offense. Upon  
10 the deposit of the citation with the court, the citation may be disposed of only by trial  
11 in the court or other official action taken by the magistrate, judge, or prosecutor. The  
12 peace officer or employee who issued the citation may not dispose of the original or  
13 copies of the citation or of the record of the issuance of the citation except as required  
14 under this subsection and (i) of this section.

15 (i) The commissioner of public safety shall require the return of a copy of each  
16 citation issued under this section and of the copies of each citation that has been  
17 spoiled or on which an entry has been made and not issued to an alleged violator. The  
18 commissioner of public safety shall also maintain in connection with each citation  
19 issued a record of the disposition of the charge by the court in which the original or  
20 copy of the citation was deposited.

21 (j) A citation issued under this section is considered to be a lawful complaint  
22 for the purpose of prosecution.

23 (k) Unless the citation has been voided or otherwise dismissed by the  
24 magistrate, judge, or prosecutor, or bail has been forfeited under this section, a person  
25 who fails to appear in court to answer a citation issued under this section, regardless of  
26 the disposition of the charge for which the citation was issued, is guilty of failure to  
27 obey a citation under AS 12.25.230(b).

28 (l) The supreme court shall establish a schedule of bail amounts. The  
29 maximum bail forfeiture amount for a violation may not exceed the maximum fine  
30 specified under (a) of this section for that violation. The issuing peace officer or  
31 employee shall write on the citation the amount of bail forfeiture applicable to the



1 violation.

2 (m) If a person cited for a violation for which a bail forfeiture amount has  
3 been established under (l) of this section does not contest the citation, the person may,  
4 within 30 days after the date of the citation, mail or personally deliver to the clerk of  
5 the court in which the citation is filed by the peace officer or employee

6 (1) the amount of bail indicated on the citation for that offense; and

7 (2) a copy of the citation indicating that the right to an appearance is  
8 waived, a plea of no contest is entered, and the bail is forfeited.

9 (n) When the cited person has forfeited bail under (m) of this section, the court  
10 shall enter a judgment of conviction. Forfeiture of bail is a complete satisfaction for  
11 the violation. The clerk of the court accepting the bail forfeiture shall provide the  
12 offender with a receipt stating that fact if requested.

13 (o) A person cited under this section is guilty of failure to obey a citation  
14 under AS 12.25.230(b) if the person fails to pay the bail amount established under (l)  
15 of this section or fails to appear in court as required.

16 (p) Notwithstanding other provisions of law, if a person cited for a violation  
17 for which a bail forfeiture amount has been established under (l) of this section  
18 appears in court and is found guilty, the court may not impose a penalty that exceeds  
19 the forfeiture amount for that violation established under (l) of this section.

20 (q) In this section, "department" means the Department of Public Safety."  
21

22 Renumber the following bill section accordingly.

23

24 Page 1, following line 13:

25 Insert a new bill section to read:

26 **\*\* Sec. 5.** AS 18.70.100(c) is repealed."



AMENDMENT

OFFERED IN THE HOUSE

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2 Insert "and relating to penalties for violating fire protection and safety  
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5 Page 1, following line 9:

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10 sections, or who fails to comply with an order issued under AS 18.70.010 - 18.70.100,  
11 is guilty of a violation and shall be punished as provided in AS 12.55 by a fine of  
12 not more than \$500. Each day [CLASS B MISDEMEANOR. WHEN NOT  
13 OTHERWISE SPECIFIED, EACH 10 DAYS] that the violation or noncompliance  
14 continues is a separate offense.

15 **\* Sec. 3.** AS 18.70.100 is amended by adding new subsections to read:

16 (d) A peace officer or an employee of the department who is authorized by the  
17 commissioner of public safety to enforce AS 18.70.010 - 18.70.100 may issue a  
18 citation to a person who commits a violation identified under this section.

19 (e) A citation issued under this section must comply with the standards  
20 adopted under AS 12.25.175 - 12.25.230. A person receiving the citation is not  
21 required to sign a promise to appear in court.

22 (f) The time specified in the notice to appear on a citation issued under this  
23 section must be at least 35 working days after the issuance of the citation.



1 (g) The commissioner of public safety is responsible for the issuance of books  
2 containing appropriate citations and shall maintain a record of each book and each  
3 citation contained in the book. The commissioner of public safety shall require and  
4 retain a receipt for each book issued to an employee of the department designated by  
5 the commissioner of public safety to provide investigative services to enforce  
6 provisions of AS 18.70.010 - 18.70.100.

7 (h) On or before the 10th working day after issuance of a citation, a peace  
8 officer or an employee issuing a citation under this section shall deposit the original or  
9 a copy of the citation with a court having jurisdiction over the alleged offense. Upon  
10 the deposit of the citation with the court, the citation may be disposed of only by trial  
11 in the court or other official action taken by the magistrate, judge, or prosecutor. The  
12 peace officer or employee who issued the citation may not dispose of the original or  
13 copies of the citation or of the record of the issuance of the citation except as required  
14 under this subsection and (i) of this section.

15 (i) The commissioner of public safety shall require the return of a copy of each  
16 citation issued under this section and of the copies of each citation that has been  
17 spoiled or on which an entry has been made and not issued to an alleged violator. The  
18 commissioner of public safety shall also maintain in connection with each citation  
19 issued a record of the disposition of the charge by the court in which the original or  
20 copy of the citation was deposited.

21 (j) A citation issued under this section is considered to be a lawful complaint  
22 for the purpose of prosecution.

23 (k) If a person to whom a citation is issued under (d) of this section provides  
24 proof to the department within 30 days after the issuance of the citation that the person  
25 has corrected the condition for which the citation was issued, the person may not be  
26 convicted of the violation. The department shall notify the court if the department,  
27 within 30 days after the issuance of the citation, receives sufficient proof from a  
28 person to whom a citation is issued under (d) of this section that the person has  
29 corrected the condition for which the citation was issued.

30 (l) Unless the citation has been voided or otherwise dismissed by the  
31 magistrate, judge, or prosecutor, or bail has been forfeited under this section, a person



1 who fails to appear in court to answer a citation issued under this section, regardless of  
2 the disposition of the charge for which the citation was issued, is guilty of failure to  
3 obey a citation under AS 12.25.230(b).

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5 maximum bail forfeiture amount for a violation may not exceed the maximum fine  
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7 employee shall write on the citation the amount of bail forfeiture applicable to the  
8 violation.

9 (n) If a person cited for a violation for which a bail forfeiture amount has been  
10 established under (m) of this section does not contest the citation, the person may,  
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19 offender with a receipt stating that fact if requested.

20 (p) A person cited under this section is guilty of failure to obey a citation  
21 under AS 12.25.230(b) if the person fails to pay the bail amount established under (m)  
22 of this section or fails to appear in court as required.

23 (q) Notwithstanding other provisions of law, if a person cited for a violation  
24 for which a bail forfeiture amount has been established under (m) of this section  
25 appears in court and is found guilty, the court may not impose a penalty that exceeds  
26 the forfeiture amount for that violation established under (m) of this section.

27 (r) In this section, "department" means the Department of Public Safety."  
28

29 Renumber the following bill section accordingly.

30  
31 Page 1, following line 13:



- 1           Insert a new bill section to read:
- 2       **"\* Sec. 5. AS 18.70.100(c) is repealed."**



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TO: HB 400

1 Page 1, line 2, following "services":

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12 **not more than \$500** [CLASS B MISDEMEANOR. WHEN NOT OTHERWISE  
13 SPECIFIED, EACH 10 DAYS THAT THE VIOLATION OR NONCOMPLIANCE  
14 CONTINUES IS A SEPARATE OFFENSE].

15 **\* Sec. 3.** AS 18.70.100 is amended by adding new subsections to read:

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