EXHIBIT 1
DATE 1/12/07
HB 112

HB 112

Background

- HB 112 was one of 7 bills that resulted from the HJR 10 study of fire and wildland fire statutes. HJR 10, passed during the 2005 Legislature, was prompted by an audit. One of the conclusions of the audit was that laws governing fire and wildland fire needed review and updating.

- The bill was drafted at the behest of the fire chiefs who worked on the HJR 10 study and language for the draft came from those fire chiefs.

Reasons for the bill

As stated by the fire chiefs who worked on the HJR 10 study, reasons for the bill include:

- Need for one statute that can govern all local government fire protection entities (except municipalities).

- Currently, the only section of code that addresses duties of fire chiefs, 7-33-2313, applies only to fire companies.

- Section 7-33-2313 does not reflect the current fire service environment, it requires the fire chief to perform duties that conflict with building codes, and it does not take into consideration fire districts and fire service fees when addressing compensation.

- According to the fire chiefs who promoted the bill, the language is consistent with national standards and with the Uniform Fire Code.

What the bill does

- Subsection (1): Provides that the chief is the highest ranking officer in the agency and lists the operations in the agency that the chief is responsible for, not all of which are directly related to fire; some include other emergency services such as medical aid, hazardous materials response, and ambulance service.

- Subsection (2) Provides that the chief must adhere to applicable laws and ordinances in developing regulations, programs, and procedures for the fire agency.

- Subsection (3) Provides that the chief serves under the local governing body (i.e. county commissioners).

- Subsection (4) Requires the chief to develop operational procedures and to

implement those procedures through written administrative regulations and operational guidelines.

- Subsection (5) — Gives the chief the authority to direct any operation necessary to extinguish or control a fire or perform a rescue if there is a fire or other emergency involving the protection of life or property.

- Subsection (6) — Gives the chief inspection authority and authority to take any action necessary to protect public health and safety and protect property.

- Subsection (7) — Details the actions the chief may take in exercising its authority. Allows the chief to enter upon any property, prohibit anyone from approaching the scene, and remove anyone from the scene.

- Subsection (8) — Provides further fire investigation authority, in concert with the Department of Justice's Fire Prevention and Investigation Section (the State Fire Marshal).

- Subsection (9) — Requires the chief to establish a program in the chief's jurisdiction that provides for regular examination of fire hazards and regular inspection of commercial property, after that property has been approved for occupancy by the Department of Labor Building Codes Bureau (*the Department of Labor reference was added at the request of the Building Codes Bureau attorney).*

  This subsection also allows the chief to establish a formal fire inspection program as authorized by the Department of Justice.

- Subsection (10) — Requires the chief to report all fires to the Department of Justice.

- Subsection (11) — Requires the chief to establish and maintain a training program

- Subsection (12) — Makes it clear that this section does not apply to municipalities (cities and towns). This was added at the request of the League of Cities and Towns.

- Repealer — Repeals 7-33-2313, the section that provided duties of chiefs of fire companies. The new section will apply to fire companies as well as other local government fire protection entities and essentially replace 7-33-2313.