

Original sponsor: Ziegler by request

Offered: 5/14/75  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 257

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to officers and employees of a  
7 municipal fire department."

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

9 \* Section 1. AS 09.65.070 is amended by adding a new subsection to read:

10 (b) No action may be maintained against an employee of a fire de-  
11 partment operated and maintained by an organized borough, city, or other  
12 public corporation if the claim is an action for tort or breach of a  
13 contractual duty, and is based upon an act or omission of the employee  
14 of the fire department in the execution of a statute, regulation, ordin-  
15 ance or contract, whether or not the statute, regulation, ordinance or  
16 contract is valid, and whether or not the act or omission occurs inside  
17 the jurisdictional limits of the borough, city, or other public corpora-  
18 tion; or is an action for tort or breach of a contractual duty, and is  
19 based upon the exercise or performance or the failure to exercise or  
20 perform a discretionary function or duty on the part of the employee,  
21 whether or not the discretion is abused, and whether or not the act or  
22 omission complained of occurs inside the jurisdictional limits of the  
23 borough, city, or other public corporation.

24 \* Sec. 2. AS 18.70 is amended by adding a new section to read:

25 Sec. 18.70.075. AUTHORITY OF MUNICIPAL FIRE DEPARTMENT OFFICERS  
26 AND THEIR PERSONNEL. (a) An officer of a municipal fire department or  
27 his authorized representative, while providing fire protection services,  
28 has the authority to

29 (1) control and direct activities at the fire;

1 (2) order a person to leave a building or place in the  
2 vicinity of the fire, for the purpose of protecting the person from  
3 injury;

4 (3) blockade a public highway, street, or private right-of-  
5 way temporarily while at a fire;

6 (4) trespass at any time of the day or night without lia-  
7 bility while at a fire;

8 (5) enter a building, including a private dwelling, or upon  
9 premises where a fire is in progress, or where there is reasonable cause  
10 to believe a fire is in progress, for the purpose of extinguishing the  
11 fire;

12 (6) enter a building, including a private dwelling, or  
13 premises near the scene of the fire for the purpose of protecting the  
14 building or premises or for the purpose of extinguishing the fire which  
15 is in progress in another building or premises;

16 (7) inspect for preplanning all buildings, structures, or  
17 other places within the municipality, except the interior of a private  
18 dwelling, where combustible material is or may become dangerous as a  
19 fire menace to the building;

20 (8) direct, without liability, the removal or destruction of  
21 a fence, house, motor vehicle, or other thing which he may judge neces-  
22 sary to remove or destroy to prevent the further spread of the fire;

23 (9) do other acts no less restrictive than prescribed by  
24 local ordinance which are necessary and appropriate to control fire and  
25 prevent its recurrence.

26 (b) An owner or occupant of a building or place specified in this  
27 section or any other person on the site of a fire or other emergency who  
28 refuses to obey the order of an officer of a municipal fire department  
29 or his authorized representative in the exercise of his official duties

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is guilty of a misdemeanor.

\* Sec. 3. AS 29.48.030(18) is amended to read:

(18) "fire protection service and facilities, not in conflict with AS 18.70.075, but not limited to AS 18.70.075;

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