

Original sponsor: Ziegler by request

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 257 am

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
11 department operated and maintained by an organized borough, city,
12 organized village, or other public corporation if the claim is an
13 action for tort or breach of a contractual duty, and is based upon an
14 act or omission of the employee of the fire department in the execution
15 of a statute, regulation, ordinance or contract, whether or not the
16 statute, regulation, ordinance or contract is valid, and whether or
17 not the act or omission occurs inside the jurisdictional limits of the
18 borough, city, or other public corporation; or is an action for tort
19 or breach of a contractual duty, and is based upon the exercise or
20 performance or the failure to exercise or perform a discretionary
21 function or duty on the part of the employee, whether or not the
22 discretion is abused, and whether or not the act or omission complained
23 of occurs inside the jurisdictional limits of the borough, city, or
24 other public corporation.

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

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

- 1 (1) control and direct activities at the fire;
- 2 (2) order a person to leave a building or place in the
- 3 vicinity of the fire, for the purpose of protecting the person from
- 4 injury;
- 5 (3) blockade a public highway, street, or private right-of-
- 6 way temporarily while at a fire;
- 7 (4) trespass at any time of the day or night without lia-
- 8 bility while at a fire;
- 9 (5) enter a building, including a private dwelling, or upon
- 10 premises where a fire is in progress, or where there is reasonable cause
- 11 to believe a fire is in progress, for the purpose of extinguishing the
- 12 fire;
- 13 (6) enter a building, including a private dwelling, or
- 14 premises near the scene of the fire for the purpose of protecting the
- 15 building or premises or for the purpose of extinguishing the fire which
- 16 is in progress in another building or premises;
- 17 (7) inspect for preplanning all buildings, structures, or
- 18 other places within the municipality, except the interior of a private
- 19 dwelling, where combustible material is or may become dangerous as a
- 20 fire menace to the building;
- 21 (8) direct, without liability, the removal or destruction of
- 22 a fence, house, motor vehicle, or other thing which he may judge neces-
- 23 sary to remove or destroy to prevent the further spread of the fire;
- 24 (9) do other acts no less restrictive than prescribed by
- 25 local ordinance which are necessary and appropriate to control fire and
- 26 prevent its recurrence.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

or his authorized representative in the exercise of his official duties
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;