

Original sponsor: Ziegler by request

Offered: 5/28/75  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 257 am FCC

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  
10 read:

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

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

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

1 has the authority to

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

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

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

8 (4) trespass upon property at or near the scene of a fire at  
9 any time of the day or night;

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

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

18 (7) upon 24-hour notice to the owner or occupant, inspect for  
19 preplanning all buildings, structures, or other places within the municipi-  
20 pality, except the interior of a private dwelling, where combustible  
21 material is or may become dangerous as a fire menace to the building;

22 (8) direct the removal or destruction of a fence, house,  
23 motor vehicle, or other thing which he may judge necessary to remove or  
24 destroy to prevent the further spread of the fire.

25 (b) An owner or occupant of a building or place specified in this  
26 section or any other person on the site of a fire or other emergency who  
27 refuses to obey the order of an officer of a municipal fire department  
28 or his authorized representative in the exercise of his official duties  
29 is guilty of a misdemeanor, and upon conviction, is punishable by im-

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

prisonment for one year, or by a fine of not more than \$1,000, or by both.

(c) In this section, "inspect for preplanning" means to conduct limited inspections for purposes of preparing a fire attack plan in the event of a future emergency, but does not include inspections for purposes of determining compliance with statutory or municipal fire code requirements.

\* 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;

#