

Introduced: 1/13/86
Referred: Community and Regional Affairs
and Judiciary

1 IN THE SENATE

BY FAIKS

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SENATE BILL NO. 332

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act eliminating municipal immunity from liability

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in certain actions involving private property."

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

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* Section 1. AS 09.65.070(d) is amended to read:

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(d) An [NO] action for damages may not be brought against a

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municipality or any of its agents, officers or employees if the claim

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is based on the

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(1) [IS BASED ON A] failure of the municipality, or its

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agents, officers, or employees, when the municipality is neither owner

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nor lessee of the property involved, to

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(A) [TO] inspect property for a violation of a [ANY]

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statute, regulation, or ordinance, or a hazard to health or

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safety unless the municipality represented to any person that the

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inspection has been or would be performed; or

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(B) [TO DISCOVER A VIOLATION OF ANY STATUTE, REGU-

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LATION, OR ORDINANCE, OR A HAZARD TO HEALTH OR SAFETY IF AN

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INSPECTION OF PROPERTY IS MADE; OR

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(C) TO] abate a violation of a [ANY] statute, regu-

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lation, or ordinance, or a hazard to health or safety discovered

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on property inspected;

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(2) [IS BASED UPON THE] exercise or performance or the

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failure to exercise or perform a discretionary function or duty by a

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municipality or its agents, officers, or employees, whether or not the

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discretion involved is abused, unless the claim is based on the

1 failure to discover a violation of a statute, regulation, or ordin-
2 ance, or a hazard to health or safety if the municipality or its
3 agents, officers, or employees have inspected the property for those
4 violations or hazards;

5 (3) [IS BASED UPON THE] grant, issuance, refusal, suspen-
6 sion, delay or denial of a license, permit, appeal, approval, excep-
7 tion, variance, or other entitlement, or a rezoning;

8 (4) [IS BASED ON THE] exercise or performance during the
9 course of gratuitous extension of municipal services on an extraterri-
10 torial basis; or

11 (5) [IS BASED UPON THE] exercise or performance of a duty
12 or function upon the request of, or by the terms of an agreement or
13 contract with, the state to meet emergency public safety requirements.