

HOUSE BILL NO. 448

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Introduced: 4/19/00

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to wildfires and other natural disasters."

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

3 * **Section 1.** AS 11.56.210(a) is amended to read:

4 (a) A person commits the crime of unsworn falsification if, with the intent to
5 mislead a public servant in the performance of a duty, the person

6 (1) submits a false written or recorded statement **that** [WHICH] the
7 person does not believe to be true

8 (A) [(1)] in an application for a benefit; or

9 (B) [(2)] on a form bearing notice, authorized by law, that false
10 statements made in it are punishable; **or**

11 (2) **makes a false statement that a person is a resident or property**
12 **owner in an area threatened or affected by wildfire or natural disaster under**
13 **AS 18.70.500.**

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

15 **Article 3A. Areas Threatened or Affected by Wildfires and Natural Disasters.**

1 **Sec. 18.70.500. Rights of a resident or property owner of an area**
2 **threatened by wildfire or natural disaster.** (a) Notwithstanding a provision of this
3 chapter or another law giving a law enforcement officer, firefighter, emergency
4 medical provider, or other public safety official the authority to evacuate, close, or
5 blockade an area threatened or affected by a wildfire or other natural disaster, and
6 except when martial law or a disaster emergency order or proclamation has been issued
7 under AS 26, an adult resident or property owner of the threatened or affected area

8 (1) may refuse to evacuate the area, except that a person may not refuse
9 to evacuate an area if the person is the parent, guardian, or custodian of a child under
10 15 years of age and the child is with the person;

11 (2) shall be permitted to enter or reenter the threatened or affected area
12 if

13 (A) the entry or reentry is subject to and does not interfere with
14 the actions of or use of the roads and other means of access by fire, law
15 enforcement, or emergency vehicles; and

16 (B) the resident or property owner provides satisfactory proof
17 of residency or ownership; in this subparagraph, "satisfactory proof of
18 residency or ownership" means

19 (i) an identification card or document, or a combination
20 of cards or documents, that contains a photograph and lists the person's address
21 as within the threatened or affected area; or

22 (ii) the personal identification of, and vouching for, the
23 resident or owner by another resident or owner of the threatened or affected
24 area whose identification has been established under (i) of this subparagraph.

25 (b) A resident or owner who falsely vouches for the identity of another person
26 under (a)(2)(B)(ii) of this section is legally and financially responsible for the actions
27 of that person if that person violates a law within the threatened or affected area.

28 (c) Notwithstanding another provision of law, the state, a municipality, a fire
29 department, an emergency medical, rescue, or emergency services organization or an
30 employee or volunteer of the state, a municipality, a fire department, or an emergency
31 medical, rescue, or emergency services organization is not liable for the injury or death

1 of a person who (1) refuses to evacuate, or (2) enters or reenters an area threatened or
2 affected by a wildfire or natural disaster.