

SENATE BILL NO. 212

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATOR OGAN

Introduced: 5/2/03

Referred: State Affairs, Resources

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 in an area**
12 **threatened or affected by wildfire or natural disaster under AS 18.70.500 in**
13 **order to enter or reenter the area.**

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 of an area threatened by wildfire or**
 2 **natural disaster.** (a) Notwithstanding a provision of this chapter or another law
 3 giving a law enforcement officer, firefighter, emergency medical provider, or other
 4 public safety official the authority to evacuate, close, or blockade an area threatened or
 5 affected by a wildfire or other natural disaster that presents a clear and immediate
 6 threat to the safety of residents or emergency responders, and except when martial law
 7 or a disaster emergency order or proclamation has been issued under AS 26, a resident
 8 of the threatened or affected area who appears to be capable of making a reasonable
 9 and informed decision

10 (1) may refuse to evacuate the area if the person is informed that

11 (A) further opportunities to evacuate may not be available;

12 (B) the person may be liable for injury or death to responders
 13 or other persons endangered by the person's decision to stay; and

14 (C) no other attempt to rescue or evacuate the person will be
 15 made;

16 (2) shall be permitted to enter or reenter the threatened or affected area
 17 if

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

21 (B) the resident provides satisfactory proof of residency in the
 22 area; and

23 (C) the resident is informed that entry or reentry is at the
 24 resident's own risk, that no attempt to rescue or evacuate the resident will be
 25 made; that evacuation opportunities may not be further available, and that the
 26 person may be liable for injury or death to other persons or responders
 27 endangered by the person's entry or reentry.

28 (b) 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

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

3 (c) The Department of Natural Resources, after consultation with the
4 Department of Public Safety and the Department of Military and Veterans' Affairs,
5 may adopt regulations to implement this section.