

SB

204

FISCAL NOTE

**STATE OF ALASKA
2002 LEGISLATIVE SESSION**

Fiscal Note Number: _____
 Bill Version: SB204
 () Publish Date: _____
 Dept. Affected: Natural Resources
 BRU: Forestry Mgt & Dev
 Component: Forest Mgt & Dev
 Component Number: 435

Revision Date/Time (Note if correction): _____
 Title: Wildfires & Natural Disasters
 Sponsor: Senator Green
 Requester: (S) JUD

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING						**Indeterminate

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL						**Indeterminate

Estimate of any current year (FY2002) cost: Indeterminate
 Check this box (X) if funding for this bill is included in the Governor's FY2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

**** Fiscal impact is indeterminate but could potentially be very high in the advent of adverse litigation. Potential liability exposure to the state would exist for each wildland fire evacuation should there be injuries or loss of life resulting from individual decisions on evacuation. Costs of ensuring legal documentation, training of personnel, development of consistent application, etc. would be incurred.**

Prepared by: Dean Brown Phone 289-8476
 Division: Forestry Date/Time 1-Apr-02
 Approved by: Pat Pourchot Date 5-Apr-02
 Agency: Natural Resources

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 204
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An Act relating to wildfires and other ne BRU Risk Management
natural disasters Component Risk Management
 Sponsor Senators Green, Taylor
 Requester Senate Judiciary Component No. 71

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The state's self insurance program for tort liability exposures will be affected by this bill.

The immunity provision is limited to the injury or death of the person who refuses to evacuate or enters or reenters an area threatened or affected by wildfire or natural disaster. It does not extend to claims for property damage or third party claims and is unclear whether it would preclude derivative actions by spouses and dependents of those permitted to remain or reenter.

The fiscal impact is indeterminate for a low frequency yet potentially high severity risk.

Prepared by: J. Brad Thompson, Director Phone 465-5723
 Division Risk Management Date/Time 4/4/02 4:10 PM
 Approved by: Jim Duncan, Commissioner Date 4/4/2002
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 204
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to wildfires and other natural disasters." BRU Civil Division
 Component Special Litigation
 Sponsor Senator Green
 Requester Senate Judiciary Committee Component No. 2213

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1004 Interagency Receipts	*****	*****	*****	*****	*****	*****
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 SB 204 allows a resident of an area threatened by wildfire or natural disaster, under certain circumstances, to refuse to evacuate the area or be permitted to reenter the area.

As is discussed in more detail in Risk Management's fiscal note, the state's self insurance program for tort liability exposures will be affected by this bill. The Special Litigation section of the Department of Law defends the state in tort cases. While we are unable to quantify the fiscal impact, cases arising from passage of this legislation, although likely to be few in number, would be very fact intensive and require significant resources to investigate, prepare for, and defend.

Prepared by: Joan M. Kasson Phone (907) 485-5370
 Division: Attorney General's Office Date/Time 4/5/02 2:58 PM
 Approved by: Kathryn Daughetee for Bruce M. Botelho, Attorney General Date 4/5/2002
 Agency: Department of Law

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SENATOR LYDA GREEN

SENATE DISTRICT N

SPONSOR STATEMENT SENATE BILL 204

"AN ACT RELATING TO WILDFIRES AND OTHER NATURAL DISASTERS"

SB 204 was introduced to address the concerns of private property owners and residents during emergency management of wildfires and disaster areas. This legislation places language in statute that more equitably balances the rights of private property owners and residents with the demands of emergency personnel to protect life and property.

The bill establishes statutory guidelines for private property owners and emergency personnel during wildfires and natural disasters. SB 204 provides that an adult resident or property owner:

- May choose not to evacuate an area;
- Shall be permitted to enter a threatened area, if entry does not interfere with emergency personnel; the resident or land-owner provides proof of residency or property ownership; and is informed that entry or reentry is at the resident's own risk.

SB 204 also provides statutory protections for all emergency personnel from liability if a property owner or resident is injured or killed due to choosing not to evacuate or choosing to reenter an area threatened or affected by wildfire or natural disaster.

Senator_Lyda_Green@legis.state.ak.us

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Sheep Mountain • Skwentna • Sunshine •

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May 27, 1999

Senator Lyda Green
Representative Scott Ogan

Subject: State Troopers / Clark Wolverine Fire

This month, the residents of the Lazy Mountain area of the Mat-Su Borough experienced a forest fire that threatened their families and property. Unfortunately, equally traumatic was their interaction with the State Troopers during this emergency while the Troopers controlled the use of Clark Wolverine Road. Only emergency vehicles were allowed to use the road during this period. The school buses had already left children at their homes, but parents were not allowed to their homes to be with their children. One child was a wheelchair bound girl. Many people walked through the woods to get around the Trooper blockade at Smith Road so they could go home to protect families and property.

Todd Pettit, while stopping to request permission to go to his farm (Pitchfork Ranch), was arrested, jailed overnight, and portrayed as a criminal by the TV and newspapers. He was trying to help his grandfather and neighbors fight the fire and protect their farm on which they had 13 horses and 5 buffalo. This incident is on video tape which Ken Goldman his lawyer has. Currently he and his wife cannot talk about this until the charges are resolved in court. Due to the high cost of justice for him, he will be forced to accept guilt charges so he can continue farming this summer.

His grandfather, John Seemann, fought the fire with a water bucket and his jacket with his neighbor and was able to save his neighbor's house. Firefighting crews later arrived to continue the firefighting. Troopers were brought in and he was told to leave voluntarily or they would arrest him. He returned to his farm as it could not be left unattended. His statement is in the Frontiersman.

A man walked up Wolverine Ck. to go to his fathers to use to dozer to fight the fire. A State Trooper apprehended him, then drove with him to the blockade a Smith Road. Later he was able to speak to one of the Fire fighters and was permitted to go to the dozer and fight the fire.

There are other stories of Trooper threatening to shoot a lady's horse if she didn't "get it out of the way".

This all sounds like a repeat of Millers Reach Fire by the Troopers.

1. Please call a public meeting where residents can report incidents. This information than can be compiled for further investigation or to improve emergency response efforts.

2. After reviewing the performance of State Troopers at two major fires, the public requests that State Troopers not be allowed to prevent people to access their property and that State Troopers not be given authority to remove a person from their property during any emergency.

3. The State Troopers and the State Division of Forestry provided no ir,formation to the public. Continuous updated information needs to be made available to the public. A lady in the Butte last week illustrated this point in a letter to the editor of the Frontiersman.

Sincerely,
Newton Bingham
P.O. Box 1994
Palmer, AK 99645
745-2587

**INFORMATION
STATEMENT**