

AMENDMENT # 1

OFFERED IN THE HOUSE  
TO: CSHB 3(STA)

BY REPRESENTATIVE CLAMAN

- 1 Page 2, line 30, following "affected":
- 2       Insert "in this subparagraph, "critical infrastructure" means systems and assets,
- 3 whether physical or virtual, so vital to the state that the incapacity or destruction of the
- 4 systems and assets would have a debilitating effect on security, state economic security,
- 5 state public health or safety, or any combination of those matters;"

AMENDMENT #2

OFFERED IN THE HOUSE  
TO: CSHB 3(STA)

BY REPRESENTATIVE EASTMAN

1 Page 1, line 1, following "to":

2 Insert "a declaration of a disaster emergency; and relating to"

3

4 Page 1, following line 2:

5 Insert new bill sections to read:

6 **\*\* Section 1.** AS 26.23.020(c) is amended to read:

7 (c) If the governor finds that a disaster has occurred or that a disaster is  
8 imminent or threatened, the governor shall, by proclamation, declare a condition of  
9 disaster emergency. The disaster emergency remains in effect until the governor finds  
10 that the danger has passed or the disaster has been dealt with so that the emergency no  
11 longer exists. The governor may terminate the disaster emergency by proclamation. A  
12 proclamation of disaster emergency may not remain in effect longer than 30 days  
13 unless extended by a majority of the members of the legislature in joint session [BY  
14 A CONCURRENT RESOLUTION]. The proclamation must indicate the nature of the  
15 disaster, the area threatened or affected, and the conditions that have brought it about  
16 or that make possible the termination of the disaster emergency. A proclamation to  
17 declare a condition of disaster emergency must also state whether the governor  
18 proposes to expend state funds to respond to the disaster under (i) or (j) of this section.

19 Unless authorized by a majority of the members of the legislature in joint session,

20 (1) the governor may not declare a condition of disaster emergency  
21 while a declared condition of disaster emergency remains in effect; and

22 (2) the governor may not declare a condition of disaster emergency  
23 related to a condition of disaster emergency previously declared by that

1 governor.

2 \* **Sec. 2.** AS 26.23.210(a) is amended to read:

3 (a) In the event of a conflict between this chapter and AS 26.20, including in  
4 the event the governor declares a disaster under this chapter due to an attack or  
5 credible threat of imminent enemy or terrorist attack [AS DESCRIBED IN  
6 AS 26.23.900(2)], the provisions of this chapter shall govern."  
7

8 Page 1, line 3:

9 Delete "Section 1"

10 Insert "Sec. 3"

11

12 Page 1, line 6:

13 Delete "resulting from"

14 Insert "[RESULTING FROM"

15

16 Page 1, line 7, through page 2, line 30:

17 Delete all material and insert:

18 (A) AN INCIDENT SUCH AS STORM, HIGH WATER,  
19 WIND-DRIVEN WATER, TIDAL WAVE, TSUNAMI, EARTHQUAKE,  
20 VOLCANIC ERUPTION, LANDSLIDE, MUDSLIDE, AVALANCHE,  
21 SNOWSTORM, PROLONGED EXTREME COLD, DROUGHT, FIRE,  
22 FLOOD, EPIDEMIC, EXPLOSION, OR RIOT;

23 (B) THE RELEASE OF OIL OR A HAZARDOUS  
24 SUBSTANCE IF THE RELEASE REQUIRES PROMPT ACTION TO  
25 AVERT ENVIRONMENTAL DANGER OR MITIGATE  
26 ENVIRONMENTAL DAMAGE;

27 (C) EQUIPMENT FAILURE IF THE FAILURE IS NOT A  
28 PREDICTABLY FREQUENT OR RECURRING EVENT OR  
29 PREVENTABLE BY ADEQUATE EQUIPMENT MAINTENANCE OR  
30 OPERATION;

31 (D) ENEMY OR TERRORIST ATTACK OR A CREDIBLE

1 THREAT OF IMMINENT ENEMY OR TERRORIST ATTACK IN OR  
2 AGAINST THE STATE THAT THE ADJUTANT GENERAL OF THE  
3 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS OR A  
4 DESIGNEE OF THE ADJUTANT GENERAL, IN CONSULTATION WITH  
5 THE COMMISSIONER OF PUBLIC SAFETY OR A DESIGNEE OF THE  
6 COMMISSIONER OF PUBLIC SAFETY, CERTIFIES TO THE  
7 GOVERNOR HAS A HIGH PROBABILITY OF OCCURRING IN THE  
8 NEAR FUTURE; THE CERTIFICATION MUST MEET THE STANDARDS  
9 OF AS 26.20.040(C); IN THIS SUBPARAGRAPH, "ATTACK" HAS THE  
10 MEANING GIVEN UNDER AS 26.20.200; OR

11 (E) AN OUTBREAK OF DISEASE OR A CREDIBLE  
12 THREAT OF AN IMMINENT OUTBREAK OF DISEASE THAT THE  
13 COMMISSIONER OF HEALTH AND SOCIAL SERVICES OR A  
14 DESIGNEE OF THE COMMISSIONER OF HEALTH AND SOCIAL  
15 SERVICES CERTIFIES TO THE GOVERNOR HAS A HIGH  
16 PROBABILITY OF OCCURRING IN THE NEAR FUTURE; THE  
17 CERTIFICATION MUST BE BASED ON SPECIFIC INFORMATION  
18 RECEIVED FROM A LOCAL, STATE, FEDERAL, OR INTERNATIONAL  
19 AGENCY, OR ANOTHER SOURCE THAT THE COMMISSIONER OR  
20 THE DESIGNEE DETERMINES IS RELIABLE];"

AMENDMENT # 3

OFFERED IN THE HOUSE  
TO: CSHB 3(STA)

BY REPRESENTATIVE EASTMAN

1 Page 1, line 1, following "to":

2 Insert "martial law; relating to a declaration of a disaster emergency; and relating  
3 to"

4  
5 Page 1, following line 2:

6 Insert new bill sections to read:

7 **\*\* Section 1.** AS 26.05.090 is amended to read:

8 **Sec. 26.05.090. Proclamations of martial law.** The governor may proclaim  
9 martial law when the public safety requires it in case of rebellion or actual or  
10 imminent invasion, and may order all or any part of the organized militia into active  
11 state service to enforce the proclamation. The militia shall assume only those functions  
12 of civil government specified by the governor, or those that, in the discretion of the  
13 militia commander, must be assumed in order to accomplish a specific mission  
14 assigned by the governor. [MARTIAL LAW MAY NOT CONTINUE FOR LONGER  
15 THAN 20 DAYS WITHOUT THE APPROVAL OF A MAJORITY OF THE  
16 MEMBERS OF THE LEGISLATURE IN JOINT SESSION.]

17 **\* Sec. 2.** AS 26.05.090 is amended by adding new subsections to read:

18 (b) Unless approved by a majority of the members of the legislature in joint  
19 session,

20 (1) martial law may not continue for longer than 20 days; and

21 (2) the governor may not proclaim martial law while a proclamation of  
22 martial law remains in effect.

23 (c) If the governor issues a proclamation of martial law for less than 20 days

1 that is not approved by the legislature, the same governor may issue a successive  
 2 proclamation of martial law for a period of less than 20 days only if the successive  
 3 proclamation is approved by a majority of the members of the legislature in joint  
 4 session. If the legislature approves the successive proclamation, the same governor  
 5 may issue another successive proclamation for a period of less than 20 days without  
 6 legislative approval.

7 (d) In this section, "martial law" means the suspension of a civil law or a civil  
 8 lawmaking process.

9 \* **Sec. 3.** AS 26.23.020(f) is amended to read:

10 (f) **If the governor proclaims martial law under AS 26.05.090 during**  
 11 [DURING] the effective period of a disaster emergency, the governor is commander in  
 12 chief of the organized and unorganized militia and of all other forces available for  
 13 emergency duty. The governor may delegate or assign command authority by  
 14 appropriate orders or regulations."  
 15

16 Page 1, line 3:

17 Delete "Section 1"

18 Insert "Sec. 4"

AMENDMENT # 4

OFFERED IN THE HOUSE  
TO: CSHB 3(STA)

BY REPRESENTATIVE EASTMAN

1 Page 1, line 1, following "to":

2 Insert "martial law; relating to a declaration of a disaster emergency; and relating  
3 to"

4

5 Page 1, following line 2:

6 Insert new bill sections to read:

7 \*\* Section 1. AS 26.05.090 is amended to read:

8 **Sec. 26.05.090. Proclamations of martial law.** The governor may proclaim  
9 martial law when the public safety requires it in case of rebellion or actual or  
10 imminent invasion, and may order all or any part of the organized militia into active  
11 state service to enforce the proclamation. The militia shall assume only those functions  
12 of civil government specified by the governor, or those that, in the discretion of the  
13 militia commander, must be assumed in order to accomplish a specific mission  
14 assigned by the governor. Martial law may not continue for longer than 20 days  
15 without the approval of a majority of the members of the legislature in joint session. A  
16 proclamation of martial law may not affect or limit the power of the voters to  
17 recall an elected public official under art. XI, sec. 8, Constitution of the State of  
18 Alaska, or the power of the legislature to impeach a civil officer under art. II, sec.  
19 20, Constitution of the State of Alaska.

20 \* Sec. 2. AS 26.23.020 is amended by adding a new subsection to read:

21 (l) A proclamation of a disaster emergency may not affect or limit the power  
22 of the voters to recall an elected public official under art. XI, sec. 8, Constitution of  
23 the State of Alaska, or the power of the legislature to impeach a civil officer under art.

1           II, sec. 20, Constitution of the State of Alaska."

2

3 Page 1, line 3:

4           Delete "**Section 1**"

5           Insert "**Sec. 3**"



AMENDMENT #5

OFFERED IN THE HOUSE  
TO: CSHB 3(STA)

BY REPRESENTATIVE EASTMAN

1 Page 2, line 17:

2 Delete "cybersecurity"

3 Insert "cyber"

4

5 Page 2, line 22:

6 Delete "cybersecurity attack or cybersecurity"

7 Insert "cyber attack or cyber"

AMENDMENT #6

OFFERED IN THE HOUSE  
TO: CSHB 3(STA)

BY REPRESENTATIVE EASTMAN

- 1 Page 2, line 22:
- 2 Delete "vulnerability"
- 3 Insert "event"