



# LAWS OF ALASKA

2004

**Source**

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**Chapter No.**

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**AN ACT**

Relating to homeland security, to civil defense, to emergencies and to disasters, including disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of disease; establishing the Alaska division of homeland security and emergency management in the Department of Military and Veterans' Affairs and relating to the functions of that division and that department; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1



## AN ACT

1 Relating to homeland security, to civil defense, to emergencies and to disasters, including  
2 disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of  
3 disease; establishing the Alaska division of homeland security and emergency management in  
4 the Department of Military and Veterans' Affairs and relating to the functions of that division  
5 and that department; and providing for an effective date.

6 \_\_\_\_\_  
7 \* **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section  
8 to read:

9 PURPOSE. The purpose of the establishment of the Alaska division of homeland  
10 security and emergency management in sec. 6 of this Act and the repeal of AS 26.23.030 in  
11 sec. 22 of this Act is to further the consolidation of the Department of Military and Veterans'  
12 Affairs' emergency services and homeland security functions into a single division in order to  
13 provide for more efficient administration of those functions and to transfer functions of the  
14 division of emergency services into the division of homeland security and emergency

1 management.

2 \* **Sec. 2.** AS 24.20 is amended by adding a new section to article 5 to read:

3 **Sec. 24.20.680. Legislative review.** (a) The Homeland Security and  
4 Emergency Management Subcommittee is established as a subcommittee of the Joint  
5 Armed Services Committee established under AS 24.20.650. The subcommittee shall  
6 be organized within 15 days after the organization of the committee each legislature.  
7 The subcommittee is established to review confidential activities, plans, reports,  
8 recommendations, and other materials of the Alaska division of homeland security and  
9 emergency management established in AS 26.20.025, or of other agencies or persons,  
10 relating to matters concerning homeland security and civil defense, emergencies, or  
11 disasters in the state or to the state's preparedness for or ability to mount a prompt  
12 response to matters concerning homeland security and civil defense, emergencies, or  
13 disasters.

14 (b) Subject to (c) of this section, the subcommittee is composed of six to eight  
15 members, as follows:

16 (1) the president of the senate and the speaker of the house of  
17 representatives;

18 (2) the respective chairs of the subcommittees of the House and Senate  
19 Finance Committees that consider the military and veterans' affairs budget;

20 (3) if the chair of the senate subcommittee described in (2) of this  
21 subsection is

22 (A) not a member of the Joint Armed Services Committee  
23 established in AS 24.20.650, two senate members of the Joint Armed Services  
24 Committee, selected by the president of the senate, one of whom is not a  
25 member of the political party to which a majority of members of the senate  
26 belong;

27 (B) a member of the Joint Armed Services Committee  
28 established in AS 24.20.650, one senate member of the Joint Armed Services  
29 Committee selected by the president of the senate;

30 (4) if the chair of the house subcommittee described in (2) of this  
31 subsection is

1 (A) not a member of the Joint Armed Services Committee  
2 established in AS 24.20.650, two house members of the Joint Armed Services  
3 Committee selected by the speaker of the house of representatives, one of  
4 whom is not a member of the political party to which a majority of members of  
5 the house of representatives belong;

6 (B) a member of the Joint Armed Services Committee  
7 established in AS 24.20.650, one house member of the Joint Armed Services  
8 Committee selected by the speaker of the house of representatives.

9 (c) To be eligible for service on the subcommittee, a member shall have a  
10 federal security clearance at the secret level at the time of entering service or shall  
11 have an interim security clearance at the secret level at the time of entering service and  
12 shall apply for and receive a federal security clearance at the secret level. Members  
13 holding a federal security clearance at the secret level at the time of entering service or  
14 receiving the clearance subsequent to entering service shall maintain the federal  
15 security clearance at the secret level to remain qualified to serve on the subcommittee.

16 (d) The president of the senate and the speaker of the house of representatives  
17 may condition service on the subcommittee by members upon the execution of  
18 appropriate confidentiality agreements by the members or by persons assisting those  
19 members. Information and documents received by members serving on the  
20 subcommittee or persons assisting members under a confidentiality agreement as  
21 described in this subsection are not public records and are not subject to public  
22 disclosure under AS 40.25.100 - 40.25.220.

23 (e) Members who remain qualified to serve on the subcommittee under this  
24 section serve for the duration of the legislature during which the members enter  
25 service. If a member is reelected or a member's term of office extends into the next  
26 succeeding legislature and the member remains qualified under this section, the  
27 member shall continue to serve until the member reenters service on the subcommittee  
28 through the operation of (b) of this section or until the member's successor enters  
29 service.

30 (f) When a member files a declaration of candidacy for an elective office other  
31 than that of member of either house of the legislature, and the member has not

1 resigned from service, the member's service terminates on the date that the member  
2 leaves legislative office.

3 \* **Sec. 3.** AS 26.20.010 is amended to read:

4 **Sec. 26.20.010. Policy and purpose.** (a) Because of the [NATIONAL  
5 EMERGENCY AND THE] possibility of [DISASTERS OR EMERGENCIES  
6 RESULTING FROM] enemy or terrorist attack, sabotage, or other hostile action  
7 against or in the state, and in order to ensure [INSURE] adequate preparations for  
8 attack [DISASTERS] or emergencies, and generally to provide for homeland  
9 security and the common defense, it is found and declared to be necessary

10 (1) to provide for a state homeland security and civil defense agency  
11 [, AND TO AUTHORIZE THE CREATION OF LOCAL ORGANIZATIONS FOR  
12 CIVIL DEFENSE];

13 (2) to confer upon the governor [AND UPON THE EXECUTIVE  
14 HEADS OF THE DISTRICTS OF THE STATE] the emergency powers provided in  
15 this chapter;

16 (3) to provide for mutual aid and cooperation among the state, local,  
17 and private agencies [DISTRICTS] of the state, with the other states of the United  
18 States, [AND] with the federal government, and with the provinces of another  
19 country, for carrying out homeland security and civil defense functions;

20 (4) to authorize the [ESTABLISHMENT OF ORGANIZATIONS  
21 AND] taking of steps that are necessary and appropriate to carry out the provisions of  
22 this chapter.

23 (b) It is further declared that the purpose of this chapter and the policy of the  
24 state is that all homeland security and civil defense functions of this state be  
25 coordinated to the maximum extent with the comparable functions of the federal  
26 government, including its various departments and agencies, of the states of the United  
27 States and localities, and of private agencies of every type, so that the most effective  
28 preparation and use may be made of the state's manpower, resources, and facilities for  
29 dealing with any attack [DISASTER] that occurs.

30 \* **Sec. 4.** AS 26.20.010 is amended by adding a new subsection to read:

31 (c) It is further declared that the purpose of this chapter and the policy of the

1 state is that all homeland security and civil defense functions of this state be  
2 coordinated by and through the Department of Military and Veterans' Affairs, with the  
3 cooperation and assistance of all state agencies.

4 \* **Sec. 5.** AS 26.20.020 is amended to read:

5 **Sec. 26.20.020. Homeland security and civil [CIVIL] defense powers of**  
6 **the Department of Military and Veterans' Affairs.** (a) The Department of Military  
7 and Veterans' Affairs is responsible for carrying out the provisions of this chapter  
8 [AND, IN THE EVENT OF DISASTER OR EMERGENCY BEYOND LOCAL  
9 CONTROL, MAY ASSUME DIRECT OPERATIONAL CONTROL OVER ALL OR  
10 ANY PART OF THE CIVIL DEFENSE FUNCTIONS WITHIN THIS STATE].

11 (b) In performing its duties under this chapter, the department may

12 (1) issue, adopt, amend, and rescind the necessary orders and  
13 regulations to carry out this chapter, with consideration of the plans **and programs** of  
14 the federal government;

15 (2) prepare **and implement** [A] comprehensive **plans** [PLAN] and  
16 **programs** [PROGRAM] for the **homeland security and** civil defense of this state,  
17 **and coordinate with state agencies in the preparation and implementation of**  
18 **those plans and programs**, which shall be integrated into and coordinated with the  
19 **homeland security and** civil defense plans **and programs** of the federal government  
20 and of each state of the United States to the fullest possible extent, and coordinate the  
21 preparation **and implementation** of plans and programs for **homeland security and**  
22 civil defense by **political subdivisions and private agencies of** the [DISTRICTS OF  
23 THIS] state, which shall be integrated into and coordinated with the **homeland**  
24 **security and** civil defense **plans** [PLAN] and **programs** [PROGRAM] of this state to  
25 the fullest possible extent;

26 (3) ascertain the requirements of the state [OR THE DISTRICTS OF  
27 THE STATE] for food or clothing or other necessities of life in the event of attack and  
28 plan for and procure supplies, medicines, materials, and equipment, and use and  
29 employ any of the property, services, and resources within the state, for the purposes  
30 set **out** [FORTH] in this chapter; make surveys of the industries, resources, and  
31 facilities within the state that are necessary to carry out the purposes of this chapter;

1 institute training programs and public information programs; [,] and take all other  
2 preparatory steps, including the partial or full mobilization of homeland security,  
3 civil defense, and emergency organizations and personnel in advance of actual  
4 attack [DISASTER], to ensure the furnishing of adequately trained and equipped  
5 [FORCES OF CIVIL DEFENSE] personnel and adequate resources in time of need;

6 (4) coordinate [COOPERATE] with the [PRESIDENT AND HEADS  
7 OF THE ARMED FORCES, AND THE CIVIL DEFENSE AGENCY OF THE  
8 UNITED STATES, AND WITH THE] officers and agencies of the United States and  
9 the states of the United States, in matters pertaining to the homeland security and  
10 civil defense of the state and nation [AND THE INCIDENTS THEREOF; AND IN  
11 THIS CONNECTION, TO TAKE ANY MEASURES THAT IT CONSIDERS  
12 PROPER TO CARRY INTO EFFECT A REQUEST OF THE PRESIDENT AND  
13 THE APPROPRIATE FEDERAL OFFICERS AND AGENCIES FOR ACTION  
14 LOOKING TO CIVIL DEFENSE, INCLUDING THE DIRECTION OR CONTROL  
15 OF

16 (A) BLACKOUTS AND PRACTICE BLACKOUTS, AIR  
17 RAID DRILLS, MOBILIZATION OF CIVIL DEFENSE FORCES, AND  
18 OTHER TESTS AND EXERCISES;

19 (B) WARNINGS AND SIGNALS FOR DRILLS OR  
20 ATTACKS AND THE MECHANICAL DEVICES TO BE USED IN  
21 CONNECTION WITH THEM;

22 (C) THE EFFECTIVE SCREENING OR EXTINGUISHING  
23 OF LIGHTS AND LIGHTING DEVICES AND APPLIANCES;

24 (D) SHUTTING OFF WATER MAINS, GAS MAINS,  
25 ELECTRIC POWER CONNECTIONS AND THE SUSPENSION OF  
26 OTHER UTILITY SERVICES;

27 (E) THE CONDUCT OF CIVILIANS AND THE  
28 MOVEMENT AND CESSATION OF MOVEMENT OF PEDESTRIANS  
29 AND VEHICULAR TRAFFIC DURING, BEFORE, AND AFTER DRILLS  
30 OR ATTACK;

31 (F) PUBLIC MEETINGS OR GATHERINGS; AND



1 (G) THE EVACUATION AND RECEPTION OF THE  
2 CIVILIAN POPULATION];

3 (5) **exercise additional authority delegated by the governor to the**  
4 **department** [TAKE ACTION AND GIVE DIRECTIONS TO STATE AND LOCAL  
5 LAW ENFORCEMENT OFFICERS AND AGENCIES AS ARE REASONABLE  
6 AND NECESSARY] to secure compliance with this chapter and with the orders and  
7 regulations issued or adopted under this chapter;

8 (6) employ measures and give directions to the state or local  
9 [BOARDS OF] health **agencies** as are reasonably necessary for the purpose of  
10 securing compliance with this chapter or with the findings or recommendations of  
11 state or local [BOARDS OF] health **agencies** due to conditions arising from  
12 [ENEMY] attack or the threat of [ENEMY] attack [OR OTHERWISE];

13 (7) **obtain and** utilize the services, [AND] facilities, **and information**  
14 of existing officers [,] and agencies of the state and of the **political subdivisions**  
15 [DISTRICTS] of the state, whose duty it is to cooperate with and extend their services,  
16 [AND] facilities, **and information** to the department as requested by it;

17 (8) [ESTABLISH AGENCIES AND OFFICES AND APPOINT  
18 EXECUTIVE, TECHNICAL, CLERICAL, AND OTHER PERSONNEL  
19 NECESSARY TO CARRY OUT THIS CHAPTER, INCLUDING, WITH  
20 CONSIDERATION TO THE RECOMMENDATION OF THE LOCAL  
21 AUTHORITIES, FULL TIME STATE AND DISTRICT DIRECTORS;

22 (9)] delegate authority vested in the department under this chapter, and  
23 provide for the subdelegation of this authority;

24 **(9)** [(10)] sponsor and develop mutual aid **and cooperation** plans and  
25 agreements **among** [BETWEEN] the **agencies** [DISTRICTS] of the state, **the political**  
26 **subdivisions of the state, and private agencies and organizations;**

27 **(10)** [(11)] ESTABLISH DISTRICTS IN THE STATE AS ARE  
28 NEEDED TO CARRY OUT THE PURPOSES AND INTENT OF THIS CHAPTER;

29 (12)] sell, lend, transfer, or deliver supplies or medicines to carry out  
30 the policy and purposes set **out** [FORTH] in this chapter on terms and conditions that  
31 the department considers reasonable;

1                   (11) participate in and conduct exercises to implement homeland  
2                   security plans and to prepare for a potential attack;

3                   (12) advise the governor and the legislature on appropriate policy  
4                   of the state for matters of homeland security and civil defense; and

5                   (13) coordinate with state agencies in providing a recommendation  
6                   to the governor for state action in response to changes in threat levels [, BUT  
7                   SUBJECT TO THE FOLLOWING:

8                               (A) MONEY DERIVED FROM THE SALE OF SUPPLIES  
9                               AND MEDICINES SHALL BE DEPOSITED IN A SPECIAL FUND,  
10                              WHICH SHALL BE USED BY THE DEPARTMENT TO REPLENISH AND  
11                              PURCHASE THE NECESSARY SUPPLIES AND MEDICINES;

12                             (B) A SALE UNDER THIS PARAGRAPH MAY NOT BE  
13                             FOR AN AMOUNT BELOW 10 PER CENT OF THE REQUISITION COST  
14                             UNLESS FIRST APPROVED BY THE DEPARTMENT].

15       \* **Sec. 6.** AS 26.20 is amended by adding a new section to read:

16                   **Sec. 26.20.025. Creation and duties of the Alaska division of homeland**  
17                   **security and emergency management.** (a) There is established in the department  
18                   the Alaska division of homeland security and emergency management, possessing the  
19                   powers and duties as set out in this section and as delegated by the adjutant general of  
20                   the department.

21                             (b) The Alaska division of homeland security and emergency management,  
22                             with the concurrence and approval of the adjutant general of the department, shall  
23                             prepare and maintain a state homeland security plan and keep it current. The plan may  
24                             include provisions for

25                               (1) investigation and assessment of attack threats to persons, facilities,  
26                               systems, infrastructure, and other property in this state;

27                               (2) identification of geographical areas, municipalities, facilities,  
28                               systems, infrastructure, or other property or persons especially vulnerable to an attack;

29                               (3) prioritization of measures to protect persons, facilities, systems,  
30                               infrastructure, and other property in the state from attack;

31                               (4) organization of personnel, including chains of command, and other

1 resources;

2 (5) coordination and deployment of personnel, including the organized  
3 militia, state and local agency personnel, and authorized volunteers, and other  
4 resources to protect persons, facilities, systems, infrastructure, and other property in  
5 the state from attack or to respond to an attack;

6 (6) assistance to local officials and private agencies in designing local  
7 and private security plans;

8 (7) coordination of federal, state, local, and private agencies' homeland  
9 security activities;

10 (8) coordination of the state homeland security plan with the state  
11 emergency plan and with the homeland security and disaster plans of the federal  
12 government;

13 (9) other planning, prevention, preparedness, response, and mitigation  
14 measures designed to eliminate or reduce the threat or effect of an attack; and

15 (10) other actions necessary to carry out the purposes of this chapter.

16 (c) With the concurrence and approval of the adjutant general of the  
17 department, the Alaska division of homeland security and emergency management  
18 shall

19 (1) develop, coordinate, and maintain a prioritized list of critical  
20 infrastructure in the state;

21 (2) determine requirements of the state and its political subdivisions  
22 for food, medicine, clothing, and other necessities in the event of an attack;

23 (3) procure and pre-position personnel, supplies, medicines, materials,  
24 and equipment;

25 (4) plan and make arrangements for the availability and use of private  
26 facilities, services, and property and, if necessary and used, provide for payment for  
27 use under terms and conditions agreed upon by the state and the other parties or as  
28 provided under AS 26.20.045;

29 (5) establish a register of persons with types of training and skills  
30 important in homeland security and emergency response functions;

31 (6) prepare, for issuance or adoption by the governor, orders,

1 proclamations, and regulations as necessary or appropriate in coping with attacks;

2 (7) cooperate with the federal government and public or private  
3 agencies or entities in achieving the purposes of this chapter and in implementing  
4 programs for homeland security, civil defense, and attack prevention, preparedness,  
5 response, recovery, and mitigation;

6 (8) do other things necessary or proper for the implementation of this  
7 chapter.

8 (d) The division has the additional powers and duties set out in AS 26.23.040.

9 \* **Sec. 7.** AS 26.20.030 is amended to read:

10 **Sec. 26.20.030. Reciprocal aid agreements with other governments. In**  
11 **accordance with this chapter, the** [THE] governor may enter into reciprocal aid  
12 agreements with other states, [AND WITH] the federal government, **and provinces**  
13 [EITHER ON A STATEWIDE BASIS OR LOCAL DISTRICT BASIS OR WITH A  
14 NEIGHBORING STATE OF THE UNITED STATES OR A PROVINCE] of a  
15 foreign country. [THESE MUTUAL AID AGREEMENTS SHALL BE LIMITED  
16 TO THE FURNISHING OR EXCHANGE OF FOOD, CLOTHING, MEDICINE,  
17 AND OTHER SUPPLIES; ENGINEERING SERVICES; EMERGENCY HOUSING;  
18 POLICE SERVICES; NATIONAL OR STATE GUARDS WHILE UNDER THE  
19 CONTROL OF THE STATE; HEALTH, MEDICAL AND RELATED SERVICES;  
20 FIRE FIGHTING, RESCUE, TRANSPORTATION, AND CONSTRUCTION  
21 SERVICES AND EQUIPMENT; PERSONNEL NECESSARY TO PROVIDE OR  
22 CONDUCT THESE SERVICES; AND OTHER SUPPLIES, EQUIPMENT,  
23 FACILITIES, PERSONNEL, AND SERVICES THAT ARE NEEDED; THE  
24 REIMBURSEMENT OF COSTS AND EXPENSES FOR EQUIPMENT, SUPPLIES,  
25 PERSONNEL, AND SIMILAR ITEMS FOR MOBILE SUPPORT UNITS, FIRE-  
26 FIGHTING UNITS, POLICE UNITS, AND HEALTH UNITS. THE  
27 AGREEMENTS SHALL BE ON TERMS AND CONDITIONS THAT ARE  
28 CONSIDERED NECESSARY.]

29 \* **Sec. 8.** AS 26.20.040 is amended to read:

30 **Sec. 26.20.040. Emergency powers of the governor.** In the event of actual  
31 enemy **or terrorist** attack **in or** against the state, **or a credible threat of imminent**

1 **enemy or terrorist attack**, the governor may declare that a state of emergency exists,  
2 and, during the period of time that the state of emergency exists or continues, the  
3 governor has and may exercise the additional emergency power

4 (1) to enforce all laws and regulations relating to **homeland security**  
5 **and** civil defense and assume direct operational control of all **homeland security and**  
6 civil defense forces and helpers in the state;

7 (2) to seize, take, or condemn property **if, and only to the extent that,**  
8 **the governor determines that the property is needed** for the protection of the public  
9 [OR AT THE REQUEST OF THE PRESIDENT, THE ARMED FORCES OR THE  
10 CIVIL DEFENSE AGENCY OF THE UNITED STATES], including

11 (A) [ALL MEANS OF] transportation and communication  
12 **equipment**, except newspapers and news services;

13 (B) [ALL STOCKS OF] fuel [OF WHATEVER NATURE];

14 (C) food, clothing, equipment, materials, medicines, and  
15 supplies; and

16 (D) facilities including buildings and plants;

17 (3) to sell, lend, give, or distribute the fuel, food, clothing, medicines,  
18 and supplies among the inhabitants of the state and account to the commissioner of  
19 revenue for funds received for the property;

20 (4) to make compensation for the property seized, taken, or condemned  
21 on the basis described in AS 26.20.045;

22 (5) **to suspend the provisions of a regulatory statute prescribing**  
23 **procedures for the conduct of state business or the order or regulation of a state**  
24 **agency if compliance with the provisions of the statute, order, or regulation**  
25 **would prevent, or substantially impede or delay, action necessary to cope with**  
26 **the emergency;**

27 (6) **to use all available resources of the state government and of**  
28 **each political subdivision of the state as reasonably necessary to cope with the**  
29 **emergency;**

30 (7) **to transfer personnel or alter the functions of state departments**  
31 **and agencies or units of them for the purpose of responding to or facilitating the**

1        **response to the emergency;**

2                **(8)** to perform and exercise other functions, powers, and duties that are  
3        considered necessary to promote and secure the safety and protection of the civilian  
4        population.

5        \* **Sec. 9.** AS 26.20.040 is amended by adding new subsections to read:

6                (b) A state of emergency declared under (a) of this section may not remain in  
7        effect longer than 30 days unless extended by the legislature by law and may be  
8        terminated by law or withdrawal of the declaration.

9                (c) In this section, "credible threat of imminent enemy or terrorist attack"  
10       means a threat of attack against persons or property in the state that the adjutant  
11       general of the department or a designee of the adjutant general, in consultation with  
12       the commissioner of public safety or a designee of the commissioner of public safety,  
13       certifies to the governor has a high probability of occurring in the near future; the  
14       certification must be based on specific information received from a local, state,  
15       federal, or international agency, or another source that the adjutant general or the  
16       designee of the adjutant general, in conjunction with the commissioner of public safety  
17       or a designee of the commissioner of public safety, determines is reliable.

18       \* **Sec. 10.** AS 26.20.100 is amended to read:

19                **Sec. 26.20.100. Traffic control. In coordination with the Department of**  
20       **Public Safety and the Department of Transportation and Public Facilities, the**  
21       [THE] department may

22                **(1)** formulate and execute plans and regulations for the control of  
23       traffic for the rapid and safe movement of evacuation over public highways and streets  
24       of people, troops, or vehicles and materials for **homeland security and civil defense;**  
25       **and**

26                **(2)** **establish and operate checkpoints along private or public**  
27       **roadways serving critical property or facilities in the state, at the direction of the**  
28       **governor when the governor determines that a sufficiently high threat of enemy**  
29       **or terrorist attack exists to warrant the action; the checkpoints established under**  
30       **this paragraph may be in conjunction with closure of the roadway under**  
31       **AS 19.10.100; operation of a checkpoint shall include the posting of checkpoint**

1 signs in a manner that provides advance notice of the checkpoint so that persons  
2 are afforded a reasonable opportunity to turn around without passing through  
3 the checkpoint; operation of a checkpoint shall be limited to enforcement of the  
4 roadway closure or reasonable inspection of persons and vehicles passing  
5 through the checkpoint for weapons, explosives, chemicals, biological or  
6 biochemical agents, or other instruments capable of causing widespread severe  
7 injury to persons or property; however, at a checkpoint authorized under this  
8 paragraph, a person is entitled to retain possession of an amount of deadly  
9 weapons or defensive weapons that is reasonably justifiable for the person's  
10 lawful use, so long as those weapons are not prohibited weapons; in this  
11 paragraph, "deadly weapon" and "defensive weapon" have the meanings given  
12 in AS 11.81.900(b), and "prohibited weapon" has the meaning given in  
13 AS 11.61.200 [NATIONAL DEFENSE OR FOR USE IN A DEFENSE INDUSTRY,  
14 AND MAY COORDINATE THE ACTIVITIES OF THE DEPARTMENTS OR  
15 AGENCIES OF THE STATE AND OF THE DISTRICTS CONCERNED WITH  
16 PUBLIC HIGHWAYS AND STREETS, IN A MANNER THAT WILL BEST  
17 CARRY OUT THOSE PLANS].

18 \* **Sec. 11.** AS 26.20.110 is amended to read:

19 **Sec. 26.20.110. Lease or loan of state property and transfer of personnel.**

20 Notwithstanding any inconsistent provision of law,

21 [(1)] whenever the governor considers it is in the public interest [,] and  
22 the urgency of the situation demands, the governor may

23 **(1)** [(A)] authorize a department or agency of the state to lease or lend,  
24 on the terms and conditions that the governor considers necessary to promote the  
25 public welfare and protect the interests of the state, real or personal property of the  
26 state government to the president, the heads of the armed forces, or to the **homeland**  
27 **security or** civil defense agency of the United States;

28 **(2)** [(B)] enter into an agreement on behalf of the state for the use or  
29 loan to any **political subdivision** [DISTRICT] of the state, on terms and conditions  
30 the governor considers necessary to promote the public welfare and protect the  
31 interests of the state, of real or personal property of the state government, or the

1 temporary transfer or employment of personnel of the state government, to or by any  
2 **political subdivision** [DISTRICT] of the state [;

3 (2) THE DIRECTOR OF EACH DISTRICT OF THE STATE MAY

4 (A) ENTER INTO A CONTRACT OR LEASE WITH THE  
5 STATE, OR ACCEPT A LOAN, OR EMPLOY PERSONNEL, AND THE  
6 DISTRICT MAY EQUIP, MAINTAIN, UTILIZE, AND OPERATE THE  
7 PROPERTY AND EMPLOY NECESSARY PERSONNEL FOR THAT  
8 PURPOSE IN ACCORDANCE WITH THE PURPOSES FOR WHICH THE  
9 CONTRACT IS EXECUTED;

10 (B) DO ALL THINGS AND PERFORM ALL ACTS THAT  
11 THE GOVERNOR CONSIDERS NECESSARY TO CARRY OUT THE  
12 PURPOSE FOR WHICH THE CONTRACT IS MADE].

13 \* **Sec. 12.** AS 26.20.145 is amended to read:

14 **Sec. 26.20.145. Immunity of owners of public shelters.** A person owning or  
15 controlling real estate who voluntarily and without compensation permits the  
16 designation or use of the whole or part of the real estate for the purpose of sheltering  
17 persons during an actual or practice attack **or homeland security or civil defense**  
18 **emergency or practice drill** shall, together with the person's successors in interest, be  
19 immune from suit for negligence arising out of the construction or maintenance of the  
20 property causing the death of, or injury to, any person using the shelter during an  
21 actual or practice attack **or homeland security or civil defense emergency or**  
22 **practice drill**.

23 \* **Sec. 13.** AS 26.20.150 is amended to read:

24 **Sec. 26.20.150. Authority to accept services, gifts, grants, and loans.** (a)  
25 Whenever the federal government or an agency or officer of the federal government  
26 offers to the state [, OR THROUGH THE STATE TO A DISTRICT,] services,  
27 equipment, supplies, materials, or funds by way of gift, grant, or loan, for **the purpose**  
28 [PURPOSES] of **homeland security or** civil defense, the **department** [STATE  
29 ACTING THROUGH THE GOVERNOR, OR THE DISTRICT, ACTING WITH  
30 THE CONSENT OF THE GOVERNOR AND THROUGH ITS EXECUTIVE  
31 OFFICER OR GOVERNING BODY,] may accept the offer and [UPON



1 ACCEPTANCE THE GOVERNOR OR THE EXECUTIVE OFFICER OR  
2 GOVERNING BODY OF THE DISTRICT MAY AUTHORIZE AN OFFICER OF  
3 THE STATE OR THE DISTRICT, AS THE CASE MAY BE, TO] receive the  
4 services, equipment, supplies, materials, or funds on behalf of the state [OR THE  
5 DISTRICT], subject to the terms of the offer and the regulations, if any, of the agency  
6 making the offer.

7 (b) Whenever a person offers to the state [OR TO A DISTRICT] services,  
8 equipment, supplies, materials, or funds by way of gift, grant, or loan, for purpose of  
9 homeland security or civil defense, the department [STATE ACTING THROUGH  
10 THE GOVERNOR, OR THE DISTRICT ACTING THROUGH ITS EXECUTIVE  
11 OFFICER OR GOVERNING BODY,] may accept the offer and [UPON  
12 ACCEPTANCE THE GOVERNOR OR THE EXECUTIVE OFFICER OR  
13 GOVERNING BODY OF THE DISTRICT MAY AUTHORIZE AN OFFICER OF  
14 THE STATE OR OF THE DISTRICT, AS THE CASE MAY BE, TO] receive the  
15 services, equipment, supplies, materials, or funds on behalf of the state, [OR  
16 DISTRICT, AND] subject to the terms of the offer.

17 \* **Sec. 14.** AS 26.20 is amended by adding a new section to read:

18 **Sec. 26.20.195. Federal regulation of homeland security.** The requirements  
19 of this chapter do not apply to facilities, aircraft, vessels, and other means and modes  
20 of transportation that are subject to federal homeland security requirements, including  
21 aviation security requirements at 49 C.F.R. Chapter XII Subchapter B, Part 1520, and  
22 Subchapter C, Parts 1540 - 1550, and maritime and land security requirements at 33  
23 C.F.R. Chapter 1 Subchapter H, Parts 101 - 106, and 49 C.F.R. Chapter XII  
24 Subchapter D, Parts 1570 - 1572.

25 \* **Sec. 15.** AS 26.20.200 is amended by adding new paragraphs to read:

26 (4) "attack" means the use of weapons, explosives, chemicals,  
27 biological or biochemical agents, or other instruments with the potential for major  
28 force or impact, with apparent intent to inflict widespread or severe injury to persons  
29 or property;

30 (5) "homeland security" means the detection, prevention, preemption,  
31 and deterrence of, protection from, and response to attacks targeted at territory,

1 population, or infrastructure in this state;

2 (6) "political subdivision" means

3 (A) a municipality; or

4 (B) another unit of local government;

5 (7) "private agency" means a for-profit or nonprofit corporation,  
6 unincorporated village, association, or other group or entity operating in the state.

7 \* **Sec. 16.** AS 26.23.020(g) is amended to read:

8 (g) In addition to any other powers conferred upon the governor by law, the  
9 governor may, under AS 26.23.010 - 26.23.220,

10 (1) suspend the provisions of any regulatory statute prescribing  
11 procedures for the conduct of state business, or the orders or regulations of any state  
12 agency, if compliance with the provisions of the statute, order, or regulation would  
13 prevent, or substantially impede or delay, action necessary to cope with the disaster  
14 emergency;

15 (2) use all available resources of the state government and of each  
16 political subdivision of the state as reasonably necessary to cope with the disaster  
17 emergency;

18 (3) transfer personnel or alter the functions of state departments and  
19 agencies or units of them for the purpose of performing or facilitating the performance  
20 of disaster emergency services;

21 (4) subject to any applicable requirements for compensation under  
22 AS 26.23.160, commandeer or utilize any private property, except for all news media  
23 other than as specifically provided for in AS 26.23.010 - 26.23.220, if the governor  
24 considers this necessary to cope with the disaster emergency;

25 (5) direct and compel the relocation of all or part of the population  
26 from any stricken or threatened area in the state [,] if the governor considers relocation  
27 necessary for the preservation of life or for other disaster mitigation purpose;

28 (6) prescribe routes, modes of transportation, and destinations in  
29 connection with necessary relocation;

30 (7) control ingress to and egress from a disaster area, the movement of  
31 persons within the area, and the occupancy of premises in it;

1 (8) suspend or limit the sale, dispensing, or transportation of alcoholic  
2 beverages, [FIREARMS,] explosives, and combustibles;

3 (9) make provisions for the availability and use of temporary  
4 emergency housing;

5 (10) allocate or redistribute food, water, fuel, [OR] clothing, medicine,  
6 or supplies; and

7 (11) use money from the oil and hazardous substance release response  
8 account in the oil and hazardous substance release prevention and response fund,  
9 established by AS 46.08.010, to respond to a declared disaster emergency related to an  
10 oil or hazardous substance discharge.

11 \* **Sec. 17.** AS 26.23.040 is amended by adding a new subsection to read:

12 (g) The Alaska division of homeland security and emergency management has  
13 the additional powers and duties set out in AS 26.20.025.

14 \* **Sec. 18.** AS 26.23.170 is amended to read:

15 **Sec. 26.23.170. Communications.** The Department of Military and  
16 Veterans' Affairs [ALASKA DIVISION OF EMERGENCY SERVICES] shall  
17 ascertain what means exist for rapid and efficient communications in times of disaster  
18 emergency. The department [DIVISION] shall consider the desirability of  
19 supplementing these communications resources, or of integrating them into a  
20 comprehensive state or state-federal telecommunications network or other  
21 communication system or network. In studying the character and feasibility of any  
22 system or its several parts, the department [DIVISION] shall evaluate the possibility  
23 of multi-purpose use of it or its parts for general state and local governmental  
24 purposes. The department [DIVISION] shall make recommendations to the governor  
25 as appropriate.

26 \* **Sec. 19.** AS 26.23.170 is amended by adding a new subsection to read:

27 (b) A statewide 911 coordinator is established within the Department of  
28 Military and Veterans' Affairs to coordinate and facilitate the implementation of 911  
29 systems throughout the state. The 911 coordinator shall

30 (1) participate in efforts to set uniform statewide standards for  
31 automatic number identification and automatic location identification data

1 transmission for telecommunications systems;

2 (2) make recommendations as necessary for implementation of basic  
3 and enhanced 911 service.

4 \* **Sec. 20.** AS 26.23.210 is repealed and reenacted to read:

5 **Sec. 26.23.210. Relationship to homeland security and civil defense laws.**

6 (a) In the event of a conflict between this chapter and AS 26.20, including in the event  
7 the governor declares a disaster under this chapter due to an attack or credible threat of  
8 imminent enemy or terrorist attack as described in AS 26.23.900(2), the provisions of  
9 this chapter shall govern.

10 (b) The provisions of AS 26.20.140, providing for immunity of government,  
11 employees, and other authorized persons in certain circumstances, apply when the  
12 entities or persons covered by AS 26.20.140 perform duties under AS 26.23.010 -  
13 26.23.220, except as otherwise provided in AS 26.23.136 for entities or other persons  
14 providing assistance to the state under a compact in a form substantially as contained  
15 in AS 26.23.136.

16 \* **Sec. 21.** AS 26.23.900(2) is amended to read:

17 (2) "disaster" means the occurrence or imminent threat of widespread  
18 or severe damage, injury, loss of life or property, or shortage of food, water, or fuel  
19 resulting from

20 (A) an incident such as storm, high water, wind-driven water,  
21 tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide,  
22 avalanche, snowstorm, prolonged extreme cold, drought, fire, flood, epidemic,  
23 explosion, or riot;

24 (B) the release of oil or a hazardous substance if the release  
25 requires prompt action to avert environmental danger or mitigate  
26 environmental damage; [OR]

27 (C) equipment failure if the failure is not a predictably frequent  
28 or recurring event or preventable by adequate equipment maintenance or  
29 operation;

30 **(D) enemy or terrorist attack or a credible threat of**  
31 **imminent enemy or terrorist attack in or against the state that the**

1 adjutant general of the Department of Military and Veterans' Affairs or a  
2 designee of the adjutant general, in consultation with the commissioner of  
3 public safety or a designee of the commissioner of public safety, certifies to  
4 the governor has a high probability of occurring in the near future; the  
5 certification must meet the standards of AS 26.20.040(c); in this  
6 subparagraph, "attack" has the meaning given under AS 26.20.200; or  
7 (E) an outbreak of disease or a credible threat of an  
8 imminent outbreak of disease that the commissioner of health and social  
9 services or a designee of the commissioner of health and social services  
10 certifies to the governor has a high probability of occurring in the near  
11 future; the certification must be based on specific information received  
12 from a local, state, federal, or international agency, or another source that  
13 the commissioner or the designee determines is reliable;

14 \* **Sec. 22.** AS 26.20.050, 26.20.060, 26.20.070, 26.20.080, 26.20.090, 26.20.120,  
15 26.20.130, 26.20.160, 26.20.170, 26.20.180, 26.20.200(3); AS 26.23.030, and 26.23.900(4)  
16 are repealed.

17 \* **Sec. 23.** AS 24.20.680 is repealed January 1, 2009.

18 \* **Sec. 24.** The uncoded law of the State of Alaska is amended by adding a new section to  
19 read:

20 PREPARATION AND PRESENTATION OF PROPOSED LEGISLATION. If the  
21 adjutant general of the Department of Military and Veterans' Affairs determines that  
22 additional qualifications for service on the Homeland Security and Emergency Management  
23 Subcommittee under AS 24.20.680, added by sec. 2 of this Act, would significantly enhance  
24 the security of sensitive materials or information to be reviewed under AS 24.20.680, the  
25 adjutant general shall prepare a bill proposing amendments to AS 24.20.680, enacted by sec. 2  
26 of this Act, for consideration by each house of the legislature, and shall deliver the bill to the  
27 Secretary of the Alaska State Senate and the Chief Clerk of the Alaska State House of  
28 Representatives not later than 30 days following the convening of the First Regular Session of  
29 the Twenty-Fourth Alaska State Legislature.

30 \* **Sec. 25.** The uncoded law of the State of Alaska is amended by adding a new section to  
31 read:

1           TRANSITION. Notwithstanding AS 24.20.680(a), enacted by sec. 2 of this Act, the  
2   Homeland Security and Emergency Management Subcommittee established in AS 24.20.680,  
3   enacted by sec. 2 of this Act, shall be organized for the first time within 15 days after the  
4   effective date of this section.

5       \* **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to  
6   read:

7           REVISOR'S INSTRUCTIONS. (a) The revisor of statutes is instructed to change the  
8   heading of

9                   (1) AS 26.20 from "Chapter 20. Civil Defense" to "Chapter 20. Homeland  
10   Security and Civil Defense";

11                   (2) AS 26.23.040 from "Duties of the Alaska division of emergency services."  
12   to "Homeland security duties of the Alaska division of homeland security and emergency  
13   management."

14           (b) Wherever in the Alaska Statutes and the Alaska Administrative Code the term  
15   "division of emergency services," which is in the Department of Military and Veterans'  
16   Affairs, is used, it shall be read as the "division of homeland security and emergency  
17   management" when to do so would be consistent with the purpose of this Act.

18           (c) Under AS 01.05.031, the revisor of statutes shall implement this section in the  
19   statutes.

20           (d) Under AS 44.62.125(b)(6), the regulations attorney shall implement (b) of this  
21   section in the Alaska Administrative Code.

22       \* **Sec. 27.** Section 19 of this Act takes effect March 1, 2005.

23       \* **Sec. 28.** Except as provided in sec. 27 of this Act, this Act takes effect immediately under  
24   AS 01.10.070(c).