

**CS FOR SENATE BILL NO. 101(FIN)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/1/99  
Referred: Rules

Sponsor(s): SENATE FINANCE COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to disasters and to the disaster relief fund."**

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

3 \* **Section 1.** INTENT. It is the intent of the legislature that this Act does not alter the  
4 present authority of the governor to request and receive federal disaster relief and emergency  
5 assistance.

6 \* **Sec. 2.** 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  
11 no longer exists. The governor may terminate the disaster emergency by proclamation.  
12 A proclamation of disaster emergency may not remain in effect longer than 30 days  
13 unless extended by the legislature by law [A CONCURRENT RESOLUTION]. The  
14 proclamation must indicate the nature of the disaster, the area threatened or affected,  
15 and the conditions that have brought it about or that make possible the termination of

1 the disaster emergency.

2 \* **Sec. 3.** AS 26.23.025 is repealed and reenacted to read:

3 **Sec. 26.23.025. The legislature and disaster emergencies.** (a) When the  
4 governor declares a condition of disaster emergency under AS 26.23.020(c),  
5 concurrently with the issuance of the proclamation, the governor shall prepare and  
6 deliver to the presiding officers of the legislature and to the persons who chair the  
7 finance committees in each house of the legislature a financing plan relating to the  
8 source or sources of money available from sources identified in AS 26.23.050(b) that  
9 the governor proposes to use to cope with the disaster.

10 (b) If the declaration of a disaster emergency occurs while the legislature is  
11 in session or if a special session is held, actions taken by the governor under this  
12 chapter that are not ratified by law adopted during that session are void.

13 (c) The legislature may terminate a disaster emergency at any time by law.

14 \* **Sec. 4.** AS 26.23.300 is repealed and reenacted to read:

15 **Sec. 26.23.300. Disaster relief fund.** (a) There is in the Office of the  
16 Governor a disaster relief fund. The Department of Revenue is custodian of the fund.

17 (b) The governor may, without additional legislative authorization, expend  
18 during a fiscal year not more than \$500,000 of the assets of the disaster relief fund to  
19 prevent or minimize the effects of an event that occurs in the state and that, in the  
20 determination of the governor, poses a direct and imminent threat of a disaster of  
21 sufficient magnitude and severity to justify state action.

22 (c) Subject to (g) of this section, the governor may expend not more than  
23 \$1,000,000 of the assets of the disaster relief fund for the following purposes:

24 (1) to save lives, protect property and public health and safety, or  
25 lessen or avert the threat of a disaster that poses a direct and imminent threat of  
26 sufficient severity and magnitude to justify state action;

27 (2) to implement provisions of law relating to disaster relief in the case  
28 of a disaster;

29 (3) to alleviate the effects of a disaster by making grants or loans to  
30 persons or political subdivisions on terms the governor considers appropriate or by  
31 other means the governor considers appropriate.

1 (d) Notwithstanding (c) of this section and subject to (g) of this section, in the  
2 event of disaster, the governor may expend not more than \$5,000,000 of the assets of  
3 the disaster relief fund to

4 (1) save lives, protect property and public health and safety, or lessen  
5 or avert the threat of a disaster that poses a direct and imminent threat of sufficient  
6 severity and magnitude to justify state action;

7 (2) implement provisions of law relating to disaster relief in regard to  
8 the disaster;

9 (3) alleviate the effects of the disaster by making grants or loans to  
10 persons or political subdivisions on terms the governor considers appropriate or by  
11 other means the governor considers appropriate.

12 (e) The governor may not expend more than \$1,000,000 of the assets of the  
13 disaster relief fund under (c) of this section or more than \$5,000,000 of the assets of  
14 the disaster relief fund under (d) of this section

15 (1) unless the disaster described in the governor's declaration of a  
16 condition of disaster emergency is determined by the President of the United States to  
17 cause damage of sufficient severity and magnitude to warrant major disaster assistance  
18 under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act;  
19 this paragraph is not applicable to a wildland fire disaster; and

20 (2) unless

21 (A) if the legislature is in session, the legislature has approved  
22 a financing plan to cope with the disaster that identifies the amount in excess  
23 of the expenditure limits that is to be expended from the assets of the disaster  
24 relief fund; or

25 (B) if the legislature is not in session,

26 (i) the legislature convenes in special session and  
27 approves a financing plan to cope with the disaster that identifies the  
28 amount in excess of the expenditure limits that is to be expended from  
29 the assets of the disaster relief fund; or

30 (ii) the presiding officers of both the house of  
31 representatives and the senate, after polling all members of the



1            **environmental** damage; **or** [AND]  
2                                    **(D)** [(C)] equipment failure [,] if the failure is not a predictably  
3 frequent or recurring event or preventable by adequate equipment maintenance  
4 or operation;