

HOUSE CS FOR CS FOR SENATE BILL NO. 101(MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 4/26/99
Referred: Finance

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. **A proclamation to declare a state of disaster emergency**
 2 **must also state whether the governor proposes to expend state funds to respond**
 3 **to the disaster under (h) or (i) of this section.**

4 * **Sec. 3.** AS 26.23.020 is amended by adding new subsections to read:

5 (h) The governor may expend during a fiscal year not more than \$1,000,000
 6 of state funds per event to prevent, minimize, or respond to the effects of an event that
 7 occurs in the state and that, in the determination of the governor, poses a direct and
 8 imminent threat of sufficient magnitude and severity to justify state action. Before
 9 expending funds under this subsection to respond to an event other than a disaster
 10 identified in a proclamation of disaster emergency, the governor shall provide a
 11 financing plan to cope with the event to the legislature in the manner prescribed under
 12 AS 26.23.025(a).

13 (i) If the disaster described in the governor's proclamation of a condition of
 14 disaster emergency is a fire, the governor may expend state funds as necessary to save
 15 lives or protect property and public health and safety.

16 (j) The governor may expend more than \$1,000,000 of state funds to cope with
 17 an event or disaster under (h) of this section under the following circumstances:

18 (1) if the legislature is in session, the legislature approves a financing
 19 plan to cope with the event or disaster that identifies the amount in excess of the
 20 expenditure limits that is to be expended from state funds; or

21 (2) if the legislature is not in session,

22 (A) the disaster described in the governor's proclamation of a
 23 condition of disaster emergency has been determined by the President of the
 24 United States to cause damage of sufficient severity and magnitude to warrant
 25 major disaster assistance under the federal Robert T. Stafford Disaster Relief
 26 and Emergency Assistance Act; or

27 (B) either

28 (i) the governor convenes a special session of the
 29 legislature within five days after declaring the condition of disaster
 30 emergency or within five days after providing a financing plan to cope
 31 with an event to the legislature and the legislature convenes in special

1 session and approves a financing plan to cope with the event or disaster
 2 that identifies the amount in excess of the expenditure limits that is to
 3 be expended from state funds; or

4 (ii) the presiding officers of both the house of
 5 representatives and the senate agree that a special session should not be
 6 convened and so advise the governor in writing.

7 * **Sec. 4.** AS 26.23.025 is repealed and reenacted to read:

8 **Sec. 26.23.025. The legislature and disaster emergencies.** (a) When the
 9 governor declares a condition of disaster emergency under AS 26.23.020(c),
 10 concurrently with the issuance of the proclamation, the governor shall prepare and
 11 deliver to the presiding officers of the legislature and to the persons who chair the
 12 finance committees in each house of the legislature a financing plan describing the
 13 amount by fund source of money, including the amount of state match for federal
 14 funds, that the governor proposes to use to cope with the disaster, the estimated total
 15 expenditures necessary to cope with the disaster, and the estimated time frame
 16 necessary to cope with the disaster.

17 (b) Notwithstanding any other provision of this chapter, if the declaration of
 18 a disaster emergency occurs while the legislature is in session or if a special session
 19 is held, actions taken by the governor under this chapter after the close of the session
 20 that are not ratified by law adopted during that session are void.

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

22 * **Sec. 5.** AS 26.23.300(b) is amended to read:

23 (b) Subject to the restrictions of AS 26.23.020(h) - (j) [(d) OF THIS
 24 SECTION], the governor may [, WITHOUT ADDITIONAL LEGISLATIVE
 25 AUTHORIZATION,] expend [NOT MORE THAN \$1,000,000 OF] the assets of the
 26 disaster relief fund for the following purposes:

27 (1) to implement provisions of law relating to disaster relief in the case
 28 of a disaster or an event;

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

1 * **Sec. 6.** AS 26.23.900(2) is amended to read:

2 (2) "disaster" means the occurrence or imminent threat of widespread or severe
3 damage, injury, [OR] loss of life or property, **or shortage of food, water, or fuel**
4 resulting from [A NATURAL OR MAN-MADE CAUSE, INCLUDING]

5 (A) **an event such as storm, high water, wind-driven water,**
6 **tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide,**
7 **avalanche, snowstorm, prolonged extreme cold, drought,** fire, flood,
8 [EARTHQUAKE, LANDSLIDE, MUDSLIDE, AVALANCHE, WIND-
9 DRIVEN WATER, WEATHER CONDITION, TSUNAMI, VOLCANIC
10 ACTIVITY,] epidemic, [AIR CONTAMINATION, BLIGHT, INFESTATION,]
11 explosion, **or** riot [, OR SHORTAGE OF FOOD, WATER, FUEL, OR
12 CLOTHING];

13 (B) the release of oil or a hazardous substance [,] if the release
14 requires prompt action to avert environmental danger or **mitigate**
15 **environmental** damage; **or** [AND]

16 (C) equipment failure [,] if the failure is not a predictably
17 frequent or recurring event or preventable by adequate equipment maintenance
18 or operation;

19 * **Sec. 7.** AS 26.23.300(c) is repealed.