

CS FOR SENATE BILL NO. 101(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 4/9/99

Offered: 4/1/99

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2 * **Sec. 3.** AS 26.23.025 is repealed and reenacted to read: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14 * **Sec. 4.** AS 26.23.300 is repealed and reenacted to read: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) Except as provided in (c) and (d) of this section, the governor may expend
18 during a fiscal year not more than \$500,000 of state funds, including the assets of the
19 disaster relief fund, to

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

23 (2) implement provisions of law relating to disaster relief to cope with
24 the disaster;

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

28 (c) If the disaster described in the governor's declaration of a condition of
29 disaster emergency is determined by the President of the United States to cause
30 damage of sufficient severity and magnitude to warrant major disaster assistance under
31 the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, the

1 governor may expend during a fiscal year not more than \$1,000,000 of state funds,
2 including the assets of the disaster relief fund, to

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

6 (2) implement provisions of law relating to disaster relief to cope with
7 the disaster;

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

11 (d) If the disaster described in the governor's declaration of a condition of
12 disaster emergency is the result of a wildland fire, the governor may expend during a
13 fiscal year not more than \$5,000,000 of state funds, including the assets of the disaster
14 relief fund, to

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

18 (2) implement provisions of law relating to disaster relief to cope with
19 the disaster;

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

23 (e) The governor may not expend more than \$500,000 under (b) of this
24 section, more than \$1,000,000 under (c) of this section, or more than \$5,000,000 under
25 (d) of this section unless

26 (1) if the legislature is in session, the legislature has approved a
27 financing plan to cope with the disaster that identifies the amount in excess of the
28 expenditure limits that is to be expended from state funds, including the assets of the
29 disaster relief fund; or

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

31 (A) the legislature convenes in special session and approves a

1 financing plan to cope with the disaster that identifies the amount in excess of
 2 the expenditure limits that is to be expended from state funds, including the
 3 assets of the disaster relief fund; or

4 (B) the presiding officers of both the house of representatives
 5 and the senate, after polling all members of the respective houses of the
 6 legislature in writing and receiving a response in writing from a majority of the
 7 members of each house, inform the governor in writing that a majority of the
 8 members of each house do not object to the financing plan and do not find that
 9 a special session is necessary; the poll of members of the legislature may be
 10 conducted by telephonic facsimile, by electronic mail, or by other means of
 11 written communication.

12 (f) The governor shall present to the legislature an annual accounting of money
 13 expended from the disaster relief fund.

14 (g) The governor shall adopt regulations to carry out the provisions of this
 15 section.

16 * **Sec. 5.** 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, [OR] loss of life or property, or shortage of food, water,
 19 or fuel resulting from

20 (A) hurricane, tornado, storm, high water, wind-driven
 21 water, tidal wave, tsunami, earthquake, volcanic eruption, landslide,
 22 mudslide, avalanche, snowstorm, prolonged extreme cold, or drought;

23 (B) [A NATURAL OR MAN-MADE CAUSE, INCLUDING
 24 (A)] fire, flood, or [EARTHQUAKE, LANDSLIDE,
 25 MUDSLIDE, AVALANCHE, WIND-DRIVEN WATER, WEATHER
 26 CONDITION, TSUNAMI, VOLCANIC ACTIVITY, EPIDEMIC, AIR
 27 CONTAMINATION, BLIGHT, INFESTATION,] explosion [, RIOT, OR
 28 SHORTAGE OF FOOD, WATER, FUEL, OR CLOTHING];

29 (C) [(B)] the release of oil or a hazardous substance [,] if the
 30 release requires prompt action to avert environmental danger or mitigate
 31 environmental damage; or [AND]

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