

CONFERENCE CS FOR SENATE BILL NO. 101
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE CONFERENCE COMMITTEE

Offered: 5/18/99

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. **A proclamation to declare a condition of disaster**
 2 **emergency must also state whether the governor proposes to expend state funds**
 3 **to respond to the disaster under (i) or (j) 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 \$500,000 of
 6 state funds per incident to prevent, minimize, or respond to the effects of an incident
 7 that may occur or occurs in the state and that, in the determination of the governor,
 8 poses a direct and imminent threat of sufficient magnitude and severity to justify state
 9 action. Before expending funds under this subsection to respond to an incident, the
 10 governor shall provide a financing plan to cope with the incident to the legislature in
 11 the same manner prescribed for disaster emergencies under AS 26.23.025(a).

12 (i) If the governor declares a condition of disaster emergency, the governor
 13 may expend during a fiscal year not more than \$1,000,000 of state funds per disaster
 14 declaration, including the assets of the disaster 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 (j) If the disaster described in the governor's proclamation to declare a
 24 condition of disaster emergency is a fire, the governor may expend state funds as
 25 necessary to save lives or protect property and public health and safety.

26 (k) The governor may expend more than \$500,000 of state funds to cope with
 27 an incident under (h) of this section or more than \$1,000,000 of state funds to cope
 28 with a disaster under (i) of this section under the following circumstances:

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

1 (2) if the legislature is not in session, either

2 (A) the governor convenes a special session of the legislature
3 within five days after declaring the condition of disaster emergency or within
4 five days after providing a financing plan to cope with an incident to the
5 legislature and the legislature convenes in special session and approves a
6 financing plan to cope with the incident or disaster that identifies the amount
7 in excess of the expenditure limits that is to be expended from state funds; or

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

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

17 **Sec. 26.23.025. The legislature and disaster emergencies.** (a) When the
18 governor declares a condition of disaster emergency under AS 26.23.020(c),
19 concurrently with the issuance of the proclamation, the governor shall prepare and
20 deliver to the presiding officers of the legislature and to the persons who chair the
21 finance committees in each house of the legislature a financing plan describing the
22 amount by fund source of money, including the amount of state match for federal
23 funds, that the governor proposes to use to cope with the disaster, the estimated total
24 expenditures necessary to cope with the disaster, and the estimated time frame
25 necessary to cope with the disaster.

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

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

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

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

5 (1) to implement provisions of law relating to disaster relief in the case
6 of a disaster or an incident;

7 (2) to alleviate the effects of a disaster or an incident by making
8 grants or loans to persons or political subdivisions on terms the governor considers
9 appropriate or by other means the governor considers appropriate.

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

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

14 (A) an incident such as storm, high water, wind-driven
15 water, tidal wave, tsunami, earthquake, volcanic eruption, landslide,
16 mudslide, avalanche, snowstorm, prolonged extreme cold, drought, fire,
17 flood, [EARTHQUAKE, LANDSLIDE, MUDSLIDE, AVALANCHE, WIND-
18 DRIVEN WATER, WEATHER CONDITION, TSUNAMI, VOLCANIC
19 ACTIVITY,] epidemic, [AIR CONTAMINATION, BLIGHT, INFESTATION,]
20 explosion, or riot [, OR SHORTAGE OF FOOD, WATER, FUEL, OR
21 CLOTHING];

22 (B) the release of oil or a hazardous substance [,] if the release
23 requires prompt action to avert environmental danger or mitigate
24 environmental damage; or [AND]

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

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