

**SENATE BILL NO. 237**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**Introduced: 1/16/02**

**Referred: State Affairs, Health, Education and Social Services**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to civil defense and disasters; and providing for an effective date."**

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

3 **\* Section 1.** AS 26.20.040 is amended to read:

4 **Sec. 26.20.040. Emergency powers of the governor.** In the event of actual  
5 enemy or terrorist attack against the state, or credible threat of such an attack, the  
6 governor may declare that a state of emergency exists, and, during the period of time  
7 that the state of emergency exists or continues, the governor has and may exercise the  
8 additional emergency power

9 (1) to enforce all laws and regulations relating to civil defense and  
10 assume direct operational control of all civil defense forces and helpers in the state;

11 (2) to seize, take, or condemn property for the protection of the public  
12 or at the request of the president, the armed forces or the civil defense agency of the  
13 United States, including

14 (A) all means of transportation and communication, except  
15 newspapers and news services;

1 (B) all stocks of fuel of whatever nature;

2 (C) food, clothing, equipment, materials, medicines, and  
3 supplies; and

4 (D) facilities including buildings and plants;

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

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

10 (5) to perform and exercise other functions, powers, and duties that are  
11 considered necessary to promote and secure the safety and protection of the civilian  
12 population.

13 \* **Sec. 2.** AS 26.23.020(g) is amended to read:

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

16 (1) suspend the provisions of any regulatory statute prescribing  
17 procedures for the conduct of state business, or the orders or regulations of any state  
18 agency, if compliance with the provisions of the statute, order, or regulation would  
19 prevent, or substantially impede or delay, action necessary to cope with the disaster  
20 emergency;

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

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

27 (4) subject to any applicable requirements for compensation under  
28 AS 26.23.160, commandeer or utilize any private property, except for all news media  
29 other than as specifically provided for in AS 26.23.010 - 26 23.220, if the governor  
30 considers this necessary to cope with the disaster emergency;

31 (5) direct and compel the relocation of all or part of the population

1 from any stricken or threatened area in the state, if the governor considers relocation  
2 necessary for the preservation of life or for other disaster mitigation purpose;

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

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

7 (8) suspend or limit the sale, dispensing, or transportation of alcoholic  
8 beverages, firearms, explosives, and combustibles;

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

11 (10) allocate or redistribute food, water, fuel, **pharmaceuticals and**  
12 **other medicines, supplies,** or clothing; [AND]

13 (11) use money from the oil and hazardous substance release response  
14 account in the oil and hazardous substance release prevention and response fund,  
15 established by AS 46.08.010, to respond to a declared disaster emergency related to an  
16 oil or hazardous substance discharge; **and**

17 **(12) access, inspect, and share health care and medical records on**  
18 **an as-needed basis to facilitate a response to protect public health and safety.**

19 \* **Sec. 3.** AS 26.23.900(2) is amended to read:

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

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

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

30 (C) equipment failure if the failure is not a predictably frequent  
31 or recurring event or preventable by adequate equipment maintenance or

1 operation;

2 **(D) a terrorist or enemy attack or credible threat of such an**  
3 **attack; or**

4 **(E) an outbreak of disease or credible threat of an outbreak**  
5 **of disease;**

6 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).