

**SENATE BILL NO. 385**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Introduced: 4/5/04

Referred: Health, Education and Social Services, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to homeland security, to civil defense, to emergencies and to disasters,  
2 including disasters in the event of attacks, outbreaks of disease, or threats of attack or  
3 outbreak of disease; establishing the Alaska division of homeland security and  
4 emergency management in the Department of Military and Veterans' Affairs and  
5 relating to the functions of that division and that department; and providing for an  
6 effective date."

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

8 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
9 to read:

10 PURPOSE. The purpose of the establishment of the Alaska division of homeland  
11 security and emergency management in sec. 5 of this Act and the repeal of AS 26.23.030 in  
12 sec. 18 of this Act is to further the consolidation of the Department of Military and Veterans'  
13 Affairs' emergency services and homeland security functions into a single division in order to

1 provide for more efficient administration of those functions and to transfer functions of the  
 2 division of emergency services into the division of homeland security and emergency  
 3 management.

4 \* **Sec. 2.** AS 26.20.010 is amended to read:

5 **Sec. 26.20.010. Policy and purpose.** (a) Because of the [NATIONAL  
 6 EMERGENCY AND THE] possibility of [DISASTERS OR EMERGENCIES  
 7 RESULTING FROM] enemy **or terrorist** attack, sabotage, or other hostile action  
 8 **against or in the state**, and in order to **ensure** [INSURE] adequate preparations for  
 9 **attack** [DISASTERS] or emergencies, and generally to provide for **homeland**  
 10 **security and** the common defense, it is found and declared to be necessary

11 (1) to provide for a state **homeland security and** civil defense agency  
 12 [, AND TO AUTHORIZE THE CREATION OF LOCAL ORGANIZATIONS FOR  
 13 CIVIL DEFENSE];

14 (2) to confer upon the governor [AND UPON THE EXECUTIVE  
 15 HEADS OF THE DISTRICTS OF THE STATE] the emergency powers provided in  
 16 this chapter;

17 (3) to provide for mutual aid **and cooperation** among the **state, local,**  
 18 **and private agencies** [DISTRICTS] of the state, with the other states of the United  
 19 States, [AND] with the federal government, **and with the provinces of another**  
 20 **country**, for carrying out **homeland security and** civil defense functions;

21 (4) to authorize the [ESTABLISHMENT OF ORGANIZATIONS  
 22 AND] taking of steps that are necessary and appropriate to carry out the provisions of  
 23 this chapter.

24 (b) It is further declared that the purpose of this chapter and the policy of the  
 25 state is that all **homeland security and** civil defense functions of this state be  
 26 coordinated to the maximum extent with the comparable functions of the federal  
 27 government, including its various departments and agencies, of the states of the United  
 28 States and localities, and of private agencies of every type, so that the most effective  
 29 preparation and use may be made of the state's manpower, resources, and facilities for  
 30 dealing with any **attack** [DISASTER] that occurs.

31 \* **Sec. 3.** AS 26.20.010 is amended by adding a new subsection to read:

1 (c) It is further declared that the purpose of this chapter and the policy of the  
 2 state is that all homeland security and civil defense functions of this state be  
 3 coordinated by and through the Department of Military and Veterans' Affairs, with the  
 4 cooperation and assistance of all state agencies.

5 \* **Sec. 4.** AS 26.20.020 is amended to read:

6 **Sec. 26.20.020. Homeland security and civil [CIVIL] defense powers of**  
 7 **the Department of Military and Veterans' Affairs.** (a) The Department of Military  
 8 and Veterans' Affairs is responsible for carrying out the provisions of this chapter  
 9 [AND, IN THE EVENT OF DISASTER OR EMERGENCY BEYOND LOCAL  
 10 CONTROL, MAY ASSUME DIRECT OPERATIONAL CONTROL OVER ALL OR  
 11 ANY PART OF THE CIVIL DEFENSE FUNCTIONS WITHIN THIS STATE].

12 (b) In performing its duties under this chapter, the department may

13 (1) issue, adopt, amend, and rescind the necessary orders and  
 14 regulations to carry out this chapter, with consideration of the plans **and programs** of  
 15 the federal government;

16 (2) prepare **and implement** [A] comprehensive **plans** [PLAN] and  
 17 **programs** [PROGRAM] for the **homeland security and** civil defense of this state,  
 18 **and coordinate state agencies in the preparation and implementation of those**  
 19 **plans and programs**, which shall be integrated into and coordinated with the  
 20 **homeland security and** civil defense plans **and programs** of the federal government  
 21 and of each state of the United States to the fullest possible extent, and coordinate the  
 22 preparation **and implementation** of plans and programs for **homeland security and**  
 23 civil defense by **political subdivisions and private agencies of** the [DISTRICTS OF  
 24 THIS] state, which shall be integrated into and coordinated with the **homeland**  
 25 **security and** civil defense **plans** [PLAN] and **programs** [PROGRAM] of this state to  
 26 the fullest possible extent;

27 (3) ascertain the requirements of the state [OR THE DISTRICTS OF  
 28 THE STATE] for food or clothing or other necessities of life in the event of attack and  
 29 plan for and procure supplies, medicines, materials, and equipment, and use and  
 30 employ any of the property, services, and resources within the state, for the purposes  
 31 set **out** [FORTH] in this chapter; make surveys of the industries, resources, and

1 facilities within the state that are necessary to carry out the purposes of this chapter;  
 2 institute training programs and public information programs; [,] and take all other  
 3 preparatory steps, including the partial or full mobilization of **homeland security,**  
 4 civil defense, **and emergency** organizations **and personnel** in advance of actual  
 5 **attack** [DISASTER], to ensure the furnishing of adequately trained and equipped  
 6 [FORCES OF CIVIL DEFENSE] personnel **and adequate resources** in time of need;

7 (4) cooperate with the [PRESIDENT AND HEADS OF THE ARMED  
 8 FORCES, AND THE CIVIL DEFENSE AGENCY OF THE UNITED STATES,  
 9 AND WITH THE] officers and agencies of the **United States and the** states of the  
 10 United States, in matters pertaining to the **homeland security and** civil defense of the  
 11 state and nation and the incidents thereof; and, in this connection, [TO] take any  
 12 measures that it considers proper to carry into effect a request of the president and the  
 13 appropriate federal officers and agencies for action looking to **homeland security and**  
 14 civil defense [, INCLUDING THE DIRECTION OR CONTROL OF

15 (A) BLACKOUTS AND PRACTICE BLACKOUTS, AIR  
 16 RAID DRILLS, MOBILIZATION OF CIVIL DEFENSE FORCES, AND  
 17 OTHER TESTS AND EXERCISES;

18 (B) WARNINGS AND SIGNALS FOR DRILLS OR  
 19 ATTACKS AND THE MECHANICAL DEVICES TO BE USED IN  
 20 CONNECTION WITH THEM;

21 (C) THE EFFECTIVE SCREENING OR EXTINGUISHING  
 22 OF LIGHTS AND LIGHTING DEVICES AND APPLIANCES;

23 (D) SHUTTING OFF WATER MAINS, GAS MAINS,  
 24 ELECTRIC POWER CONNECTIONS AND THE SUSPENSION OF  
 25 OTHER UTILITY SERVICES;

26 (E) THE CONDUCT OF CIVILIANS AND THE  
 27 MOVEMENT AND CESSATION OF MOVEMENT OF PEDESTRIANS  
 28 AND VEHICULAR TRAFFIC DURING, BEFORE, AND AFTER DRILLS  
 29 OR ATTACK;

30 (F) PUBLIC MEETINGS OR GATHERINGS; AND

31 (G) THE EVACUATION AND RECEPTION OF THE

1 CIVILIAN POPULATION];

2 (5) **exercise additional authority delegated by the governor to the**  
 3 **department** [TAKE ACTION AND GIVE DIRECTIONS TO STATE AND LOCAL  
 4 LAW ENFORCEMENT OFFICERS AND AGENCIES AS ARE REASONABLE  
 5 AND NECESSARY] to secure compliance with this chapter and with the orders and  
 6 regulations issued or adopted under this chapter;

7 (6) employ measures and give directions to the state or local  
 8 [BOARDS OF] health **agencies** as are reasonably necessary for the purpose of  
 9 securing compliance with this chapter or with the findings or recommendations of  
 10 state or local [BOARDS OF] health **agencies** due to conditions arising from  
 11 [ENEMY] attack or the threat of [ENEMY] attack [OR OTHERWISE];

12 (7) **obtain and** utilize the services, [AND] facilities, **and information**  
 13 of existing officers [,] and agencies of the state and of the **political subdivisions**  
 14 [DISTRICTS] of the state, whose duty it is to cooperate with and extend their services,  
 15 [AND] facilities, **and information** to the department as requested by it;

16 (8) [ESTABLISH AGENCIES AND OFFICES AND APPOINT  
 17 EXECUTIVE, TECHNICAL, CLERICAL, AND OTHER PERSONNEL  
 18 NECESSARY TO CARRY OUT THIS CHAPTER, INCLUDING, WITH  
 19 CONSIDERATION TO THE RECOMMENDATION OF THE LOCAL  
 20 AUTHORITIES, FULL TIME STATE AND DISTRICT DIRECTORS;

21 (9)] delegate authority vested in the department under this chapter, and  
 22 provide for the subdelegation of this authority;

23 ~~(9)~~ [(10)] sponsor and develop mutual aid **and cooperation** plans and  
 24 agreements **among** [BETWEEN] the **agencies** [DISTRICTS] of the state, **the political**  
 25 **subdivisions of the state, and private agencies and organizations;**

26 **(10)** [(11)] ESTABLISH DISTRICTS IN THE STATE AS ARE  
 27 NEEDED TO CARRY OUT THE PURPOSES AND INTENT OF THIS CHAPTER;

28 (12)] sell, lend, transfer, or deliver supplies or medicines to carry out  
 29 the policy and purposes set **out** [FORTH] in this chapter on terms and conditions that  
 30 the department considers reasonable;

31 **(11) participate in and conduct exercises to implement homeland**

1 security plans and to prepare for a potential attack;

2 (12) advise the governor and the legislature on appropriate policy  
 3 of the state for matters of homeland security and civil defense;

4 (13) coordinate state agencies in providing a recommendation to  
 5 the governor for state action in response to changes in threats of attack; and

6 (14) when the governor orders state action in response to a high or  
 7 severe threat of attack, at the direction of the governor and in coordination with  
 8 the Department of Public Safety, establish and operate checkpoints for the  
 9 reasonable inspection of persons and vehicles for weapons or explosives, using  
 10 state roads, state property, or state facilities [, BUT SUBJECT TO THE

11 FOLLOWING:

12 (A) MONEY DERIVED FROM THE SALE OF SUPPLIES  
 13 AND MEDICINES SHALL BE DEPOSITED IN A SPECIAL FUND,  
 14 WHICH SHALL BE USED BY THE DEPARTMENT TO REPLENISH AND  
 15 PURCHASE THE NECESSARY SUPPLIES AND MEDICINES;

16 (B) A SALE UNDER THIS PARAGRAPH MAY NOT BE  
 17 FOR AN AMOUNT BELOW 10 PER CENT OF THE REQUISITION COST  
 18 UNLESS FIRST APPROVED BY THE DEPARTMENT].

19 \* **Sec. 5.** AS 26.20 is amended by adding a new section to read:

20 **Sec. 26.20.025. Creation and duties of the Alaska division of homeland**  
 21 **security and emergency management.** (a) There is established in the department  
 22 the Alaska division of homeland security and emergency management, possessing the  
 23 powers and duties as set out in this section and as delegated by the adjutant general of  
 24 the department.

25 (b) The Alaska division of homeland security and emergency management,  
 26 with the concurrence and approval of the adjutant general of the department, shall  
 27 prepare and maintain a state homeland security plan and keep it current. The plan may  
 28 include provisions for

29 (1) investigation and assessment of threats from attack to persons,  
 30 facilities, systems, infrastructure, and other property in this state;

31 (2) identification of geographical areas, municipalities, facilities,

1 systems, infrastructure, or other property or persons especially vulnerable to an attack;

2 (3) prioritization of measures to protect persons, facilities, systems,  
3 infrastructure, and other property in the state from attack;

4 (4) organization of personnel, including chains of command, and other  
5 resources;

6 (5) coordination and deployment of personnel, including the organized  
7 militia, state and local agency personnel, and authorized volunteers, and other  
8 resources to protect persons, facilities, systems, infrastructure, and other property in  
9 the state from attack or to respond to an attack;

10 (6) assistance to local officials and private agencies in designing local  
11 and private security plans;

12 (7) coordination of federal, state, local, and private agencies' homeland  
13 security activities;

14 (8) coordination of the state homeland security plan with the state  
15 emergency plan and with the homeland security and disaster plans of the federal  
16 government;

17 (9) other planning, preventive, preparedness, response, and mitigation  
18 measures designed to eliminate or reduce the threat or effect of an attack; and

19 (10) other actions necessary to carry out the purposes of this chapter.

20 (c) With the concurrence and approval of the adjutant general of the  
21 department, the Alaska division of homeland security and emergency management  
22 shall

23 (1) develop, coordinate, and maintain a prioritized list of critical  
24 infrastructure in the state;

25 (2) determine requirements of the state and its political subdivisions  
26 for food, medicine, clothing, and other necessities in the event of an attack;

27 (3) procure and pre-position personnel, supplies, medicines, materials,  
28 and equipment;

29 (4) plan and make arrangements for the availability and use of private  
30 facilities, services, and property and, if necessary and used, provide for payment for  
31 use under terms and conditions agreed upon by the state and the other parties or as

1 provided under AS 26.20.045;

2 (5) establish a register of persons with types of training and skills  
3 important in homeland security and emergency response functions;

4 (6) prepare, for issuance or adoption by the governor, orders,  
5 proclamations, and regulations as necessary or appropriate in coping with attacks;

6 (7) cooperate with the federal government and public or private  
7 agencies or entities in achieving the purposes of this chapter and in implementing  
8 programs for homeland security, civil defense, and attack prevention, preparedness,  
9 response, recovery, and mitigation;

10 (8) do other things necessary or proper for the implementation of this  
11 chapter.

12 (d) The division has the additional powers and duties set out in AS 26.23.040.

13 \* **Sec. 6.** AS 26.20.030 is amended to read:

14 **Sec. 26.20.030. Reciprocal aid agreements with other governments. In**  
15 **accordance with this chapter, the** [THE] governor may enter into reciprocal aid  
16 agreements with other states, [AND WITH] the federal government, **and provinces**  
17 [EITHER ON A STATEWIDE BASIS OR LOCAL DISTRICT BASIS OR WITH A  
18 NEIGHBORING STATE OF THE UNITED STATES OR A PROVINCE] of a  
19 foreign country. [THESE MUTUAL AID AGREEMENTS SHALL BE LIMITED  
20 TO THE FURNISHING OR EXCHANGE OF FOOD, CLOTHING, MEDICINE,  
21 AND OTHER SUPPLIES; ENGINEERING SERVICES; EMERGENCY HOUSING;  
22 POLICE SERVICES; NATIONAL OR STATE GUARDS WHILE UNDER THE  
23 CONTROL OF THE STATE; HEALTH, MEDICAL AND RELATED SERVICES;  
24 FIRE FIGHTING, RESCUE, TRANSPORTATION, AND CONSTRUCTION  
25 SERVICES AND EQUIPMENT; PERSONNEL NECESSARY TO PROVIDE OR  
26 CONDUCT THESE SERVICES; AND OTHER SUPPLIES, EQUIPMENT,  
27 FACILITIES, PERSONNEL, AND SERVICES THAT ARE NEEDED; THE  
28 REIMBURSEMENT OF COSTS AND EXPENSES FOR EQUIPMENT, SUPPLIES,  
29 PERSONNEL, AND SIMILAR ITEMS FOR MOBILE SUPPORT UNITS, FIRE-  
30 FIGHTING UNITS, POLICE UNITS, AND HEALTH UNITS. THE AGREEMENTS  
31 SHALL BE ON TERMS AND CONDITIONS THAT ARE CONSIDERED

1           NECESSARY.]

2       \* **Sec. 7.** AS 26.20.040 is amended to read:

3                   **Sec. 26.20.040. Emergency powers of the governor.** In the event of actual  
4       [ENEMY] attack **in or** against the state, **or a credible threat of imminent attack,** the  
5       governor may declare that a state of emergency exists, and, during the period of time  
6       that the state of emergency exists or continues, the governor has and may exercise the  
7       additional emergency power

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

11                  (2) to seize, take, or condemn property **if, and only to the extent that,**  
12      **the governor determines that the property is needed** for the protection of the public  
13      [OR AT THE REQUEST OF THE PRESIDENT, THE ARMED FORCES OR THE  
14      CIVIL DEFENSE AGENCY OF THE UNITED STATES], including

15                   (A) [ALL MEANS OF] transportation and communication  
16      **equipment,** except newspapers and news services;

17                   (B) [ALL STOCKS OF] fuel [OF WHATEVER NATURE];

18                   (C) food, clothing, equipment, materials, medicines, and  
19      supplies; and

20                   (D) facilities including buildings and plants;

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

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

26                  (5) **to suspend the provisions of a regulatory statute prescribing**  
27      **procedures for the conduct of state business or the order or regulation of a state**  
28      **agency if compliance with the provisions of the statute, order, or regulation**  
29      **would prevent, or substantially impede or delay, action necessary to cope with**  
30      **the emergency;**

31                  **(6) to use all available resources of the state government and of**

1 each political subdivision of the state as reasonably necessary to cope with the  
 2 emergency;

3 (7) to transfer personnel or alter the functions of state departments  
 4 and agencies or units of them for the purpose of responding to or facilitating the  
 5 response to the emergency;

6 (8) to perform and exercise other functions, powers, and duties that are  
 7 considered necessary to promote and secure the safety and protection of the civilian  
 8 population.

9 \* **Sec. 8.** AS 26.20.040 is amended by adding new subsections to read:

10 (b) A state of emergency declared under (a) of this section may be terminated  
 11 by law or withdrawal of the declaration.

12 (c) In this section, "credible threat of imminent attack" means a threat of  
 13 attack against persons or property in the state that the adjutant general of the  
 14 department or a designee of the adjutant general, in consultation with the  
 15 commissioner of public safety or a designee of the commissioner of public safety,  
 16 certifies to the governor has a high probability of occurring in the near future; the  
 17 certification must be based on specific information received from a local, state,  
 18 federal, or international agency, or another source that the adjutant general or the  
 19 designee determines is reliable.

20 \* **Sec. 9.** AS 26.20.110 is amended to read:

21 **Sec. 26.20.110. Lease or loan of state property and transfer of personnel.**

22 Notwithstanding any inconsistent provision of law,

23 [(1)] whenever the governor considers it is in the public interest [,] and  
 24 the urgency of the situation demands, the governor may

25 (1) [(A)] authorize a department or agency of the state to lease or lend,  
 26 on the terms and conditions that the governor considers necessary to promote the  
 27 public welfare and protect the interests of the state, real or personal property of the  
 28 state government to the president, the heads of the armed forces, or to the homeland  
 29 security or civil defense agency of the United States;

30 (2) [(B)] enter into an agreement on behalf of the state for the use or  
 31 loan to any political subdivision [DISTRICT] of the state, on terms and conditions

1 the governor considers necessary to promote the public welfare and protect the  
 2 interests of the state, of real or personal property of the state government, or the  
 3 temporary transfer or employment of personnel of the state government, to or by any  
 4 **political subdivision** [DISTRICT] of the state[;

5 (2) THE DIRECTOR OF EACH DISTRICT OF THE STATE MAY

6 (A) ENTER INTO A CONTRACT OR LEASE WITH THE  
 7 STATE, OR ACCEPT A LOAN, OR EMPLOY PERSONNEL, AND THE  
 8 DISTRICT MAY EQUIP, MAINTAIN, UTILIZE, AND OPERATE THE  
 9 PROPERTY AND EMPLOY NECESSARY PERSONNEL FOR THAT  
 10 PURPOSE IN ACCORDANCE WITH THE PURPOSES FOR WHICH THE  
 11 CONTRACT IS EXECUTED;

12 (B) DO ALL THINGS AND PERFORM ALL ACTS THAT  
 13 THE GOVERNOR CONSIDERS NECESSARY TO CARRY OUT THE  
 14 PURPOSE FOR WHICH THE CONTRACT IS MADE].

15 \* **Sec. 10.** AS 26.20.145 is amended to read:

16 **Sec. 26.20.145. Immunity of owners of public shelters.** A person owning or  
 17 controlling real estate who voluntarily and without compensation permits the  
 18 designation or use of the whole or part of the real estate for the purpose of sheltering  
 19 persons during an actual or practice attack **or homeland security or civil defense**  
 20 **emergency or practice drill** shall, together with the person's successors in interest, be  
 21 immune from suit for negligence arising out of the construction or maintenance of the  
 22 property causing the death of, or injury to, any person using the shelter during an  
 23 actual or practice attack **or homeland security or civil defense emergency or**  
 24 **practice drill**.

25 \* **Sec. 11.** AS 26.20.150 is amended to read:

26 **Sec. 26.20.150. Authority to accept services, gifts, grants, and loans.** (a)  
 27 Whenever the federal government or an agency or officer of the federal government  
 28 offers to the state [, OR THROUGH THE STATE TO A DISTRICT,] services,  
 29 equipment, supplies, materials, or funds by way of gift, grant, or loan, for **the purpose**  
 30 [PURPOSES] of **homeland security or** civil defense, the **department** [STATE  
 31 ACTING THROUGH THE GOVERNOR, OR THE DISTRICT, ACTING WITH

1 THE CONSENT OF THE GOVERNOR AND THROUGH ITS EXECUTIVE  
 2 OFFICER OR GOVERNING BODY,] may accept the offer and [UPON  
 3 ACCEPTANCE THE GOVERNOR OR THE EXECUTIVE OFFICER OR  
 4 GOVERNING BODY OF THE DISTRICT MAY AUTHORIZE AN OFFICER OF  
 5 THE STATE OR THE DISTRICT, AS THE CASE MAY BE, TO] receive the  
 6 services, equipment, supplies, materials, or funds on behalf of the state [OR THE  
 7 DISTRICT], subject to the terms of the offer and the regulations, if any, of the agency  
 8 making the offer.

9 (b) Whenever a person offers to the state [OR TO A DISTRICT] services,  
 10 equipment, supplies, materials, or funds by way of gift, grant, or loan, for purpose of  
 11 homeland security or civil defense, the department [STATE ACTING THROUGH  
 12 THE GOVERNOR, OR THE DISTRICT ACTING THROUGH ITS EXECUTIVE  
 13 OFFICER OR GOVERNING BODY,] may accept the offer and [UPON  
 14 ACCEPTANCE THE GOVERNOR OR THE EXECUTIVE OFFICER OR  
 15 GOVERNING BODY OF THE DISTRICT MAY AUTHORIZE AN OFFICER OF  
 16 THE STATE OR OF THE DISTRICT, AS THE CASE MAY BE, TO] receive the  
 17 services, equipment, supplies, materials, or funds on behalf of the state, [OR  
 18 DISTRICT, AND] subject to the terms of the offer.

19 \* **Sec. 12.** AS 26.20 is amended by adding a new section to read:

20 **Sec. 26.20.195. Federal regulation of homeland security.** The requirements  
 21 of this chapter do not apply to facilities, aircraft, vessels, and other means and modes  
 22 of transportation that are subject to federal homeland security requirements, including  
 23 aviation security requirements at 49 C.F.R. Chapter XII Subchapter B, Part 1520 and  
 24 Subchapter C, Parts 1540 - 1550 and maritime and land security requirements at 33  
 25 C.F.R. Chapter 1 Subchapter H, Parts 101 - 106 and 49 C.F.R. Chapter XII Subchapter  
 26 D, Parts 1570 - 1572.

27 \* **Sec. 13.** AS 26.20.200 is amended by adding new paragraphs to read:

28 (4) "attack" means the use of weapons, explosives, chemicals,  
 29 biological or biochemical agents, or other instruments with the potential for major  
 30 force or impact, with apparent intent to inflict widespread or severe injury to persons  
 31 or property;

1 (5) "homeland security" means the detection, prevention, preemption,  
2 and deterrence of, protection from, and response to, attacks targeted at territory,  
3 population, or infrastructure in this state;

4 (6) "political subdivision" means

5 (A) a municipality;

6 (B) an unincorporated village; or

7 (C) another unit of local government;

8 (7) "private agency" means a for-profit or nonprofit corporation,  
9 association, or other group or entity operating in the state.

10 \* **Sec. 14.** AS 26.23.020(g) is amended to read:

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

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

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

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

24 (4) subject to any applicable requirements for compensation under  
25 AS 26.23.160, commandeer or utilize any private property, except for all news media  
26 other than as specifically provided for in AS 26.23.010 - 26.23.220, if the governor  
27 considers this necessary to cope with the disaster emergency;

28 (5) direct and compel the relocation of all or part of the population  
29 from any stricken or threatened area in the state [,] if the governor considers relocation  
30 necessary for the preservation of life or for other disaster mitigation purpose;

31 (6) prescribe routes, modes of transportation, and destinations in

1 connection with necessary relocation;

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

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

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

8 (10) allocate or redistribute food, water, fuel, [OR] clothing, medicine,  
9 or supplies; and

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

14 \* **Sec. 15.** AS 26.23.040 is amended by adding a new subsection to read:

15 (g) The Alaska division of homeland security and emergency management has  
16 the additional powers and duties set out in AS 26.20.025.

17 \* **Sec. 16.** AS 26.23.210 is repealed and reenacted to read:

18 **Sec. 26.23.210. Relationship to homeland security and civil defense laws.**

19 (a) In the event of a conflict between this chapter and AS 26.20, including in the event  
20 the governor declares a disaster under this chapter due to an attack or imminent threat  
21 of attack as described in AS 26.23.900(2), the provisions of this chapter shall govern.

22 (b) The provisions of AS 26.20.140, providing for immunity of government,  
23 employees, and other authorized persons in certain circumstances, apply when the  
24 entities or persons covered by AS 26.20.140 perform duties under AS 26.23.010 -  
25 26.23.220, except as otherwise provided in AS 26.23.136 for entities or other persons  
26 providing assistance to the state under a compact in a form substantially as contained  
27 in AS 26.23.136.

28 \* **Sec. 17.** AS 26.23.900(2) is amended to read:

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

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

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

8 (C) equipment failure if the failure is not a predictably frequent  
 9 or recurring event or preventable by adequate equipment maintenance or  
 10 operation;

11 **(D) enemy or terrorist attack or an imminent threat of**  
 12 **enemy or terrorist attack in or against the state that the adjutant general**  
 13 **of the Department of Military and Veterans' Affairs or a designee of the**  
 14 **adjutant general, in consultation with the commissioner of public safety or**  
 15 **a designee of the commissioner of public safety, certifies to the governor**  
 16 **has a high probability of occurring in the near future; the certification**  
 17 **must meet the standards of AS 26.20.040(c); in this subparagraph,**  
 18 **"attack" has the meaning given under AS 26.20.200; or**

19 **(E) an outbreak of disease or an imminent threat of an**  
 20 **outbreak of disease that the commissioner of health and social services or**  
 21 **a designee of the commissioner of health and social services certifies to the**  
 22 **governor has a high probability of occurring in the near future; the**  
 23 **certification must be based on specific information received from a local,**  
 24 **state, federal, or international agency, or another source that the**  
 25 **commissioner or the designee determines is reliable;**

26 \* **Sec. 18.** AS 26.20.050, 26.20.060, 26.20.070, 26.20.080, 26.20.090, 26.20.100,  
 27 26.20.120, 26.20.130, 26.20.160, 26.20.170, 26.20.180, 26.20.200(3); AS 26.23.030, and  
 28 26.23.900(4) are repealed.

29 \* **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to  
 30 read:

31 REVISORS' INSTRUCTIONS. (a) The revisor of statutes is instructed to change the

1 heading of

2 (1) AS 26.20 from "Chapter 20. Civil Defense" to "Chapter 20. Homeland  
3 Security and Civil Defense";

4 (2) AS 26.23.040 from "Duties of the Alaska division of emergency services."  
5 to "Homeland security duties of the Alaska division of homeland security and emergency  
6 management."

7 (b) Wherever in the Alaska Statutes and the Alaska Administrative Code the term  
8 "division of emergency services," which is in the Department of Military and Veterans'  
9 Affairs, is used, it shall be read as the "division of homeland security and emergency  
10 management" when to do so would be consistent with the purpose of this Act.

11 (c) Under AS 01.05.031, the revisor of statutes shall implement this section in the  
12 statutes.

13 (d) Under AS 44.62.125(b)(6), the regulations attorney shall implement (b) of this  
14 section in the Alaska Administrative Code.

15 \* **Sec. 20.** This Act takes effect immediately under AS 01.10.070(c).