

CS FOR SENATE BILL NO. 385(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/8/04

Referred: Finance

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

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. 19 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 with state agencies in the preparation and implementation of**
 19 **those 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; and**

4 **(13) coordinate with state agencies in providing a recommendation**
 5 **to the governor for state action in response to changes in threats of attack** [, BUT
 6 SUBJECT TO THE FOLLOWING:

7 (A) MONEY DERIVED FROM THE SALE OF SUPPLIES
 8 AND MEDICINES SHALL BE DEPOSITED IN A SPECIAL FUND,
 9 WHICH SHALL BE USED BY THE DEPARTMENT TO REPLENISH AND
 10 PURCHASE THE NECESSARY SUPPLIES AND MEDICINES;

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

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

15 **Sec. 26.20.025. Creation and duties of the Alaska division of homeland**
 16 **security and emergency management.** (a) There is established in the department
 17 the Alaska division of homeland security and emergency management, possessing the
 18 powers and duties as set out in this section and as delegated by the adjutant general of
 19 the department.

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

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

26 (2) identification of geographical areas, municipalities, facilities,
 27 systems, infrastructure, or other property or persons especially vulnerable to an attack;

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

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

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

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

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

9 (8) coordination of the state homeland security plan with the state
10 emergency plan and with the homeland security and disaster plans of the federal
11 government;

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

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

15 (c) With the concurrence and approval of the adjutant general of the
16 department, the Alaska division of homeland security and emergency management
17 shall

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

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

22 (3) procure and pre-position personnel, supplies, medicines, materials,
23 and equipment;

24 (4) plan and make arrangements for the availability and use of private
25 facilities, services, and property and, if necessary and used, provide for payment for
26 use under terms and conditions agreed upon by the state and the other parties or as
27 provided under AS 26.20.045;

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

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

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

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

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

8 * **Sec. 6.** AS 26.20.030 is amended to read:

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

28 * **Sec. 7.** AS 26.20.040 is amended to read:

29 **Sec. 26.20.040. Emergency powers of the governor.** In the event of actual
 30 [ENEMY] attack **in or** against the state, **or a credible threat of imminent attack,** the
 31 governor may declare that a state of emergency exists, and, during the period of time

1 that the state of emergency exists or continues, the governor has and may exercise the
2 additional emergency power

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

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

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

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

13 (C) food, clothing, equipment, materials, medicines, and
14 supplies; and

15 (D) facilities including buildings and plants;

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

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

21 (5) **to suspend the provisions of a regulatory statute prescribing**
22 **procedures for the conduct of state business or the order or regulation of a state**
23 **agency if compliance with the provisions of the statute, order, or regulation**
24 **would prevent, or substantially impede or delay, action necessary to cope with**
25 **the emergency;**

26 (6) **to use all available resources of the state government and of**
27 **each political subdivision of the state as reasonably necessary to cope with the**
28 **emergency;**

29 (7) **to transfer personnel or alter the functions of state departments**
30 **and agencies or units of them for the purpose of responding to or facilitating the**
31 **response to the emergency;**

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

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

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

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

16 * **Sec. 9.** AS 26.20.100 is amended to read:

17 **Sec. 26.20.100. Traffic control. In coordination with the Department of**
18 **Public Safety and the Department of Transportation and Public Facilities, the**
19 [THE] department may

20 **(1)** formulate and execute plans and regulations for the control of
21 traffic for the rapid and safe movement of evacuation over public highways and streets
22 of people, troops, or vehicles and materials for **homeland security and civil defense ;**
23 **and**

24 **(2)** **establish and operate checkpoints along private or public**
25 **roadways serving critical property or facilities in the state, at the direction of the**
26 **governor when the governor determines that a sufficiently high threat of attack**
27 **exists to warrant the action; the checkpoints established under this paragraph**
28 **may be in conjunction with closure of the roadway under AS 19.10.100;**
29 **operation of a checkpoint shall be limited to enforcement of the roadway closure**
30 **or reasonable inspection of persons and vehicles for weapons, explosives,**
31 **chemicals, biological or biochemical agents, or other instruments capable of**

1 **causing widespread or severe injury to persons or property** [NATIONAL
 2 DEFENSE OR FOR USE IN A DEFENSE INDUSTRY, AND MAY COORDINATE
 3 THE ACTIVITIES OF THE DEPARTMENTS OR AGENCIES OF THE STATE
 4 AND OF THE DISTRICTS CONCERNED WITH PUBLIC HIGHWAYS AND
 5 STREETS, IN A MANNER THAT WILL BEST CARRY OUT THOSE PLANS].

6 * **Sec. 10.** AS 26.20.110 is amended to read:

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

8 Notwithstanding any inconsistent provision of law,

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

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

16 **(2)** [(B)] enter into an agreement on behalf of the state for the use or
 17 loan to any **political subdivision** [DISTRICT] of the state, on terms and conditions
 18 the governor considers necessary to promote the public welfare and protect the
 19 interests of the state, of real or personal property of the state government, or the
 20 temporary transfer or employment of personnel of the state government, to or by any
 21 **political subdivision** [DISTRICT] of the state [;

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

23 (A) ENTER INTO A CONTRACT OR LEASE WITH THE
 24 STATE, OR ACCEPT A LOAN, OR EMPLOY PERSONNEL, AND THE
 25 DISTRICT MAY EQUIP, MAINTAIN, UTILIZE, AND OPERATE THE
 26 PROPERTY AND EMPLOY NECESSARY PERSONNEL FOR THAT
 27 PURPOSE IN ACCORDANCE WITH THE PURPOSES FOR WHICH THE
 28 CONTRACT IS EXECUTED;

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

1 * **Sec. 11.** AS 26.20.145 is amended to read:

2 **Sec. 26.20.145. Immunity of owners of public shelters.** A person owning or
 3 controlling real estate who voluntarily and without compensation permits the
 4 designation or use of the whole or part of the real estate for the purpose of sheltering
 5 persons during an actual or practice attack **or homeland security or civil defense**
 6 **emergency or practice drill** shall, together with the person's successors in interest, be
 7 immune from suit for negligence arising out of the construction or maintenance of the
 8 property causing the death of, or injury to, any person using the shelter during an
 9 actual or practice attack **or homeland security or civil defense emergency or**
 10 **practice drill**.

11 * **Sec. 12.** AS 26.20.150 is amended to read:

12 **Sec. 26.20.150. Authority to accept services, gifts, grants, and loans.** (a)
 13 Whenever the federal government or an agency or officer of the federal government
 14 offers to the state [, OR THROUGH THE STATE TO A DISTRICT,] services,
 15 equipment, supplies, materials, or funds by way of gift, grant, or loan, for **the purpose**
 16 [PURPOSES] of **homeland security or** civil defense, the **department** [STATE
 17 ACTING THROUGH THE GOVERNOR, OR THE DISTRICT, ACTING WITH
 18 THE CONSENT OF THE GOVERNOR AND THROUGH ITS EXECUTIVE
 19 OFFICER OR GOVERNING BODY,] may accept the offer and [UPON
 20 ACCEPTANCE THE GOVERNOR OR THE EXECUTIVE OFFICER OR
 21 GOVERNING BODY OF THE DISTRICT MAY AUTHORIZE AN OFFICER OF
 22 THE STATE OR THE DISTRICT, AS THE CASE MAY BE, TO] receive the
 23 services, equipment, supplies, materials, or funds on behalf of the state [OR THE
 24 DISTRICT], subject to the terms of the offer and the regulations, if any, of the agency
 25 making the offer.

26 (b) Whenever a person offers to the state [OR TO A DISTRICT] services,
 27 equipment, supplies, materials, or funds by way of gift, grant, or loan, for purpose of
 28 **homeland security or** civil defense, the **department** [STATE ACTING THROUGH
 29 THE GOVERNOR, OR THE DISTRICT ACTING THROUGH ITS EXECUTIVE
 30 OFFICER OR GOVERNING BODY,] may accept the offer and [UPON
 31 ACCEPTANCE THE GOVERNOR OR THE EXECUTIVE OFFICER OR

1 GOVERNING BODY OF THE DISTRICT MAY AUTHORIZE AN OFFICER OF
 2 THE STATE OR OF THE DISTRICT, AS THE CASE MAY BE, TO] receive the
 3 services, equipment, supplies, materials, or funds on behalf of the state, [OR
 4 DISTRICT, AND] subject to the terms of the offer.

5 * **Sec. 13.** AS 26.20 is amended by adding a new section to read:

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

13 * **Sec. 14.** AS 26.20.200 is amended by adding new paragraphs to read:

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

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

21 (6) "political subdivision" means

22 (A) a municipality;

23 (B) an unincorporated village; or

24 (C) another unit of local government;

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

27 * **Sec. 15.** AS 26.23.020(g) is amended to read:

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

30 (1) suspend the provisions of any regulatory statute prescribing
 31 procedures for the conduct of state business, or the orders or regulations of any state

1 agency, if compliance with the provisions of the statute, order, or regulation would
 2 prevent, or substantially impede or delay, action necessary to cope with the disaster
 3 emergency;

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

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

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

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

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

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

21 (8) suspend or limit the sale, dispensing, or transportation of alcoholic
 22 beverages, [FIREARMS,] explosives, and combustibles;

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

25 (10) allocate or redistribute food, water, fuel, [OR] clothing, **medicine,**
 26 **or supplies;** and

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

31 * **Sec. 16.** AS 26.23.040 is amended by adding a new subsection to read:

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

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

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

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

8 (b) The provisions of AS 26.20.140, providing for immunity of government,
9 employees, and other authorized persons in certain circumstances, apply when the
10 entities or persons covered by AS 26.20.140 perform duties under AS 26.23.010 -
11 26.23.220, except as otherwise provided in AS 26.23.136 for entities or other persons
12 providing assistance to the state under a compact in a form substantially as contained
13 in AS 26.23.136.

14 * **Sec. 18.** AS 26.23.900(2) is amended to read:

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

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

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]

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

28 **(D) enemy or terrorist attack or an imminent threat of**
29 **enemy or terrorist attack in or against the state that the adjutant general**
30 **of the Department of Military and Veterans' Affairs or a designee of the**
31 **adjutant general, in consultation with the commissioner of public safety or**

1 a designee of the commissioner of public safety, certifies to the governor
 2 has a high probability of occurring in the near future; the certification
 3 must meet the standards of AS 26.20.040(c); in this subparagraph,
 4 "attack" has the meaning given under AS 26.20.200; or

5 (E) an outbreak of disease or an imminent threat of an
 6 outbreak of disease that the commissioner of health and social services or
 7 a designee of the commissioner of health and social services certifies to the
 8 governor has a high probability of occurring in the near future; the
 9 certification must be based on specific information received from a local,
 10 state, federal, or international agency, or another source that the
 11 commissioner or the designee determines is reliable;

12 * **Sec. 19.** AS 26.20.050, 26.20.060, 26.20.070, 26.20.080, 26.20.090, 26.20.120,
 13 26.20.130, 26.20.160, 26.20.170, 26.20.180, 26.20.200(3); AS 26.23.030, and 26.23.900(4)
 14 are repealed.

15 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to
 16 read:

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

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

21 (2) AS 26.23.040 from "Duties of the Alaska division of emergency services."
 22 to "Homeland security duties of the Alaska division of homeland security and emergency
 23 management."

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

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

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

1 * **Sec. 21.** This Act takes effect immediately under AS 01.10.070(c).