

HOUSE CS FOR CS FOR SENATE BILL NO. 385(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 5/7/04

Referred: Rules

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. 6 of this Act and the repeal of AS 26.23.030 in
12 sec. 22 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 24.20 is amended by adding new a section to article 5 to read:

5 **Sec. 24.20.680. Legislative review.** (a) The president of the senate and the
6 speaker of the house of representatives shall appoint members or committees of the
7 senate and the house, respectively, to review confidential activities, plans, reports,
8 recommendations, and other materials of the Alaska division of homeland security and
9 emergency management established in AS 26.20.025, or of other agencies or persons,
10 relating to matters concerning homeland security and civil defense, emergencies, or
11 disasters in the state or to the state's preparedness for or ability to mount a prompt
12 response to matters concerning homeland security and civil defense, emergencies, or
13 disasters. In making appointments under this subsection, each presiding officer shall
14 ensure that the political party membership of the members appointed by that presiding
15 officer is proportional to the political party membership of the house of the legislature
16 over which the officer presides.

17 (b) To be eligible for appointment under (a) of this section, a member shall
18 have a federal security clearance at the secret level at the time of appointment or shall
19 have an interim security clearance at the secret level at the time of appointment and
20 shall apply for and receive a federal security clearance at the secret level. Members
21 holding a federal security clearance at the secret level at the time of appointment or
22 receiving the clearance following appointment shall maintain the federal security
23 clearance at the secret level to remain qualified to serve in appointed status.

24 (c) The president of the senate and the speaker of the house of representatives
25 may condition the appointment of members under (a) of this section upon the
26 execution of appropriate confidentiality agreements by the members or by persons
27 assisting those members. Information and documents received by appointed members
28 or persons assisting appointed members under a confidentiality agreement as
29 described in this subsection are not public records and are not subject to public
30 disclosure under AS 40.25.100 - 40.25.220.

31 (d) Appointed members who remain qualified under (b) of this section serve

1 for the duration of the legislature during which the members are appointed. If a
 2 member is reelected or a member's term of office extends into the next succeeding
 3 legislature and the member remains qualified under (a) and (b) of this section, the
 4 member shall continue to serve until reappointed or the appointment of the member's
 5 successor.

6 (e) When a member appointed under (a) of this section files a declaration of
 7 candidacy for an elective office other than that of member of either house of the
 8 legislature, and the member has not resigned from appointed status, the member's
 9 appointed status terminates on the date that the member leaves legislative office.

10 * **Sec. 3.** AS 26.20.010 is amended to read:

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

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

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

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

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

30 (b) It is further declared that the purpose of this chapter and the policy of the
 31 state is that all **homeland security and** civil defense functions of this state be

1 coordinated to the maximum extent with the comparable functions of the federal
 2 government, including its various departments and agencies, of the states of the United
 3 States and localities, and of private agencies of every type, so that the most effective
 4 preparation and use may be made of the state's manpower, resources, and facilities for
 5 dealing with any **attack** [DISASTER] that occurs.

6 * **Sec. 4.** AS 26.20.010 is amended by adding a new subsection to read:

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

11 * **Sec. 5.** AS 26.20.020 is amended to read:

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

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

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

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

1 the fullest possible extent;

2 (3) ascertain the requirements of the state [OR THE DISTRICTS OF
3 THE STATE] for food or clothing or other necessities of life in the event of attack and
4 plan for and procure supplies, medicines, materials, and equipment, and use and
5 employ any of the property, services, and resources within the state, for the purposes
6 set **out** [FORTH] in this chapter; make surveys of the industries, resources, and
7 facilities within the state that are necessary to carry out the purposes of this chapter;
8 institute training programs and public information programs; [,] and take all other
9 preparatory steps, including the partial or full mobilization of **homeland security,**
10 **civil defense, and emergency organizations and personnel** in advance of actual
11 **attack** [DISASTER], to ensure the furnishing of adequately trained and equipped
12 [FORCES OF CIVIL DEFENSE] personnel **and adequate resources** in time of need;

13 (4) **coordinate** [COOPERATE] with the [PRESIDENT AND HEADS
14 OF THE ARMED FORCES, AND THE CIVIL DEFENSE AGENCY OF THE
15 UNITED STATES, AND WITH THE] officers and agencies of the **United States and**
16 **the** states of the United States, in matters pertaining to the **homeland security and**
17 **civil defense** of the state and nation [AND THE INCIDENTS THEREOF; AND IN
18 THIS CONNECTION, TO TAKE ANY MEASURES THAT IT CONSIDERS
19 PROPER TO CARRY INTO EFFECT A REQUEST OF THE PRESIDENT AND
20 THE APPROPRIATE FEDERAL OFFICERS AND AGENCIES FOR ACTION
21 LOOKING TO CIVIL DEFENSE, INCLUDING THE DIRECTION OR CONTROL
22 OF

23 (A) BLACKOUTS AND PRACTICE BLACKOUTS, AIR
24 RAID DRILLS, MOBILIZATION OF CIVIL DEFENSE FORCES, AND
25 OTHER TESTS AND EXERCISES;

26 (B) WARNINGS AND SIGNALS FOR DRILLS OR
27 ATTACKS AND THE MECHANICAL DEVICES TO BE USED IN
28 CONNECTION WITH THEM;

29 (C) THE EFFECTIVE SCREENING OR EXTINGUISHING
30 OF LIGHTS AND LIGHTING DEVICES AND APPLIANCES;

31 (D) SHUTTING OFF WATER MAINS, GAS MAINS,

1 ELECTRIC POWER CONNECTIONS AND THE SUSPENSION OF
2 OTHER UTILITY SERVICES;

3 (E) THE CONDUCT OF CIVILIANS AND THE
4 MOVEMENT AND CESSATION OF MOVEMENT OF PEDESTRIANS
5 AND VEHICULAR TRAFFIC DURING, BEFORE, AND AFTER DRILLS
6 OR ATTACK;

7 (F) PUBLIC MEETINGS OR GATHERINGS; AND

8 (G) THE EVACUATION AND RECEPTION OF THE
9 CIVILIAN POPULATION];

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

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

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

24 (8) [ESTABLISH AGENCIES AND OFFICES AND APPOINT
25 EXECUTIVE, TECHNICAL, CLERICAL, AND OTHER PERSONNEL
26 NECESSARY TO CARRY OUT THIS CHAPTER, INCLUDING, WITH
27 CONSIDERATION TO THE RECOMMENDATION OF THE LOCAL
28 AUTHORITIES, FULL TIME STATE AND DISTRICT DIRECTORS;

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

31 **(9)** [(10)] sponsor and develop mutual aid **and cooperation** plans and

1 agreements **among** [BETWEEN] the **agencies** [DISTRICTS] of the state, **the political**
 2 **subdivisions of the state, and private agencies and organizations;**

3 **(10)** [(11) ESTABLISH DISTRICTS IN THE STATE AS ARE
 4 NEEDED TO CARRY OUT THE PURPOSES AND INTENT OF THIS CHAPTER;

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

8 **(11) participate in and conduct exercises to implement homeland**
 9 **security plans and to prepare for a potential attack;**

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

12 **(13) coordinate with state agencies in providing a recommendation**
 13 **to the governor for state action in response to changes in threat levels** [, BUT
 14 SUBJECT TO THE FOLLOWING:

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

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

22 * **Sec. 6.** AS 26.20 is amended by adding a new section to read:

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

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

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

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

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

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

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

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

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

17 (8) coordination of the state homeland security plan with the state
18 emergency plan and with the homeland security and disaster plans of the federal
19 government;

20 (9) other planning, prevention, preparedness, response, and mitigation
21 measures designed to eliminate or reduce the threat or effect of an attack; and

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

23 (c) With the concurrence and approval of the adjutant general of the
24 department, the Alaska division of homeland security and emergency management
25 shall

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

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

30 (3) procure and pre-position personnel, supplies, medicines, materials,
31 and equipment;

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

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

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

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

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

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

16 * **Sec. 7.** AS 26.20.030 is amended to read:

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

1 PERSONNEL, AND SIMILAR ITEMS FOR MOBILE SUPPORT UNITS, FIRE-
 2 FIGHTING UNITS, POLICE UNITS, AND HEALTH UNITS. THE AGREEMENTS
 3 SHALL BE ON TERMS AND CONDITIONS THAT ARE CONSIDERED
 4 NECESSARY.]

5 * **Sec. 8.** AS 26.20.040 is amended to read:

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

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

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

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

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

21 (C) food, clothing, equipment, materials, medicines, and
 22 supplies; and

23 (D) facilities including buildings and plants;

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

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

29 (5) **to suspend the provisions of a regulatory statute prescribing**
 30 **procedures for the conduct of state business or the order or regulation of a state**
 31 **agency if compliance with the provisions of the statute, order, or regulation**

1 **would prevent, or substantially impede or delay, action necessary to cope with**
 2 **the emergency;**

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

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

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

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

13 (b) A state of emergency declared under (a) of this section may not remain in
 14 effect longer than 30 days unless extended by the legislature by law and may be
 15 terminated by law or withdrawal of the declaration.

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

25 * **Sec. 10.** AS 26.20.100 is amended to read:

26 **Sec. 26.20.100. Traffic control. In coordination with the Department of**
 27 **Public Safety and the Department of Transportation and Public Facilities, the**
 28 [THE] department may

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

1 and

2 (2) establish and operate checkpoints along private or public
 3 roadways serving critical property or facilities in the state, at the direction of the
 4 governor when the governor determines that a sufficiently high threat of enemy
 5 or terrorist attack exists to warrant the action; the checkpoints established under
 6 this paragraph may be in conjunction with closure of the roadway under
 7 AS 19.10.100; operation of a checkpoint shall include the posting of checkpoint
 8 signs in a manner that provides advance notice of the checkpoint so that persons
 9 are afforded a reasonable opportunity to turn around without passing through
 10 the checkpoint; operation of a checkpoint shall be limited to enforcement of the
 11 roadway closure or reasonable inspection of persons and vehicles passing
 12 through the checkpoint for weapons, explosives, chemicals, biological or
 13 biochemical agents, or other instruments capable of causing widespread severe
 14 injury to persons or property; however, at a checkpoint authorized under this
 15 paragraph, a person is entitled to retain possession of an amount of deadly
 16 weapons or defensive weapons that is reasonably justifiable for the person's
 17 lawful use, so long as those weapons are not prohibited weapons; in this
 18 paragraph, "deadly weapon" and "defensive weapon" have the meanings given
 19 in AS 11.81.900(b), and "prohibited weapon" has the meaning given in
 20 AS 11.61.200 [NATIONAL DEFENSE OR FOR USE IN A DEFENSE INDUSTRY,
 21 AND MAY COORDINATE THE ACTIVITIES OF THE DEPARTMENTS OR
 22 AGENCIES OF THE STATE AND OF THE DISTRICTS CONCERNED WITH
 23 PUBLIC HIGHWAYS AND STREETS, IN A MANNER THAT WILL BEST
 24 CARRY OUT THOSE PLANS].

25 * **Sec. 11.** AS 26.20.110 is amended to read:

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

27 Notwithstanding any inconsistent provision of law,

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

30 **(1)** [(A)] authorize a department or agency of the state to lease or lend,
 31 on the terms and conditions that the governor considers necessary to promote the

1 public welfare and protect the interests of the state, real or personal property of the
 2 state government to the president, the heads of the armed forces, or to the **homeland**
 3 **security or** civil defense agency of the United States;

4 (2) [(B)] enter into an agreement on behalf of the state for the use or
 5 loan to any **political subdivision** [DISTRICT] of the state, on terms and conditions
 6 the governor considers necessary to promote the public welfare and protect the
 7 interests of the state, of real or personal property of the state government, or the
 8 temporary transfer or employment of personnel of the state government, to or by any
 9 **political subdivision** [DISTRICT] of the state [;

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

11 (A) ENTER INTO A CONTRACT OR LEASE WITH THE
 12 STATE, OR ACCEPT A LOAN, OR EMPLOY PERSONNEL, AND THE
 13 DISTRICT MAY EQUIP, MAINTAIN, UTILIZE, AND OPERATE THE
 14 PROPERTY AND EMPLOY NECESSARY PERSONNEL FOR THAT
 15 PURPOSE IN ACCORDANCE WITH THE PURPOSES FOR WHICH THE
 16 CONTRACT IS EXECUTED;

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

20 * **Sec. 12.** AS 26.20.145 is amended to read:

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

30 * **Sec. 13.** AS 26.20.150 is amended to read:

31 **Sec. 26.20.150. Authority to accept services, gifts, grants, and loans.** (a)

1 Whenever the federal government or an agency or officer of the federal government
 2 offers to the state [, OR THROUGH THE STATE TO A DISTRICT,] services,
 3 equipment, supplies, materials, or funds by way of gift, grant, or loan, for **the purpose**
 4 [PURPOSES] of **homeland security or** civil defense, the **department** [STATE
 5 ACTING THROUGH THE GOVERNOR, OR THE DISTRICT, ACTING WITH
 6 THE CONSENT OF THE GOVERNOR AND THROUGH ITS EXECUTIVE
 7 OFFICER OR GOVERNING BODY,] may accept the offer and [UPON
 8 ACCEPTANCE THE GOVERNOR OR THE EXECUTIVE OFFICER OR
 9 GOVERNING BODY OF THE DISTRICT MAY AUTHORIZE AN OFFICER OF
 10 THE STATE OR THE DISTRICT, AS THE CASE MAY BE, TO] receive the
 11 services, equipment, supplies, materials, or funds on behalf of the state [OR THE
 12 DISTRICT], subject to the terms of the offer and the regulations, if any, of the agency
 13 making the offer.

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

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

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

1 * **Sec. 15.** AS 26.20.200 is amended by adding new paragraphs to read:

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

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

9 (6) "political subdivision" means

10 (A) a municipality; or

11 (B) another unit of local government;

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

14 * **Sec. 16.** AS 26.23.020(g) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

18 * **Sec. 17.** AS 26.23.040 is amended by adding a new subsection to read:

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

21 * **Sec. 18.** AS 26.23.170 is amended to read:

22 **Sec. 26.23.170. Communications.** The Department of Military and
23 Veterans' Affairs [ALASKA DIVISION OF EMERGENCY SERVICES] shall
24 ascertain what means exist for rapid and efficient communications in times of disaster
25 emergency. The department [DIVISION] shall consider the desirability of
26 supplementing these communications resources, or of integrating them into a
27 comprehensive state or state-federal telecommunications network or other
28 communication system or network. In studying the character and feasibility of any
29 system or its several parts, the department [DIVISION] shall evaluate the possibility
30 of multi-purpose use of it or its parts for general state and local governmental
31 purposes. The department [DIVISION] shall make recommendations to the governor

1 as appropriate.

2 * **Sec. 19.** Sec. 26.23.170 is amended by adding a new subsection to read:

3 (b) A statewide 911 coordinator is established within the Department of
4 Military and Veterans' Affairs to coordinate and facilitate the implementation of 911
5 systems throughout the state. The 911 coordinator shall

6 (1) participate in efforts to set uniform statewide standards for
7 automatic number identification and automatic location identification data
8 transmission for telecommunications systems;

9 (2) make recommendations as necessary for implementation of basic
10 and enhanced 911 service.

11 * **Sec. 20.** AS 26.23.210 is repealed and reenacted to read:

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

13 (a) In the event of a conflict between this chapter and AS 26.20, including in the event
14 the governor declares a disaster under this chapter due to an attack or credible threat of
15 imminent enemy or terrorist attack as described in AS 26.23.900(2), the provisions of
16 this chapter shall govern.

17 (b) The provisions of AS 26.20.140, providing for immunity of government,
18 employees, and other authorized persons in certain circumstances, apply when the
19 entities or persons covered by AS 26.20.140 perform duties under AS 26.23.010 -
20 26.23.220, except as otherwise provided in AS 26.23.136 for entities or other persons
21 providing assistance to the state under a compact in a form substantially as contained
22 in AS 26.23.136.

23 * **Sec. 21.** AS 26.23.900(2) is amended to read:

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

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

31 (B) the release of oil or a hazardous substance if the release

1 requires prompt action to avert environmental danger or mitigate
2 environmental damage; [OR]

3 (C) equipment failure if the failure is not a predictably frequent
4 or recurring event or preventable by adequate equipment maintenance or
5 operation;

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

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

21 * **Sec. 22.** AS 26.20.050, 26.20.060, 26.20.070, 26.20.080, 26.20.090, 26.20.120,
22 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)
23 are repealed.

24 * **Sec. 23.** AS 24.20.680 is repealed January 1, 2009.

25 * **Sec. 24.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 PREPARATION AND PRESENTATION OF PROPOSED LEGISLATION. If the
28 adjutant general of the Department of Military and Veterans' Affairs determines that
29 additional qualifications for appointment under AS 24.20.680, added by sec. 2 of this Act,
30 would significantly enhance the security of sensitive materials or information to be reviewed
31 under AS 24.20.680, the adjutant general shall prepare a bill proposing amendments to

1 AS 24.20.680, enacted by sec. 2 of this Act, for consideration by each house of the legislature,
 2 and shall deliver the bill to the Secretary of the Alaska State Senate and the Chief Clerk of the
 3 Alaska State House of Representatives not later than 30 days following the convening of the
 4 First Regular Session of the Twenty-Fourth Alaska State Legislature.

5 * **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to
 6 read:

7 INITIAL APPOINTMENT. The President of the Alaska State Senate and the Speaker
 8 of the Alaska State House of Representatives shall make the appointments required under
 9 AS 24.20.680, enacted by sec. 2 of this Act, within 15 days after the effective date of this
 10 section.

11 * **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to
 12 read:

13 REVISOR'S INSTRUCTIONS. (a) The revisor of statutes is instructed to change the
 14 heading of

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

17 (2) AS 26.23.040 from "Duties of the Alaska division of emergency services."
 18 to "Homeland security duties of the Alaska division of homeland security and emergency
 19 management."

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

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

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

28 * **Sec. 27.** Section 19 of this Act takes effect March 1, 2005

29 * **Sec. 28.** Except as provided in sec. 27 of this Act, this Act takes effect immediately under
 30 AS 01.10.070(c).