

SENATE BILL NO. 195

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE BY REQUEST

Introduced: 5/16/25

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to slow onset disasters; and relating to the Alaska Disaster Act."**

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

3 * **Section 1.** AS 26.23.010 is amended to read:

4 **Sec. 26.23.010. Purposes.** The purposes of this chapter are to

5 (1) reduce the vulnerability of people and communities of this state to
6 damage, injury, and loss of life and property resulting from a disaster;

7 (2) prepare for the prompt and efficient rescue, care, and treatment of
8 persons victimized or threatened by a disaster;

9 (3) provide a setting conducive to the rapid and orderly start of
10 rehabilitation of persons and restoration of property affected by a disaster;

11 (4) clarify and strengthen the roles of the governor, state agencies, and
12 local governments in prevention of, preparation for, response to, and recovery from a
13 disaster;

14 (5) authorize and provide for cooperation in disaster prevention,

1 preparedness, response, and recovery;

2 (6) authorize and provide for the coordination of activities relating to
3 disaster prevention, preparedness, response, and recovery by agencies and officers of
4 the state, and similar state-local, inter-state, federal-state, and foreign activities in
5 which the state and its political subdivisions may participate; [AND]

6 (7) assist in the prevention of disasters caused or aggravated by
7 inadequate planning for, and regulation of, public and private facilities and land use;
8 **and**

9 **(8) assist in mitigating slow onset disasters and other disasters**
10 **caused by a changing climate.**

11 * **Sec. 2.** AS 26.23.040(a) is amended to read:

12 (a) The Alaska division of homeland security and emergency management
13 shall prepare and maintain a state emergency plan and keep it current. The plan may
14 include provisions for

15 (1) prevention and minimization of injury and damage caused by
16 disasters;

17 (2) prompt and effective response to disasters;

18 (3) emergency relief;

19 (4) identification of geographical areas, municipalities, cities, or
20 villages especially vulnerable to a disaster;

21 (5) recommendations for

22 (A) zoning, building, and other land use controls;

23 (B) safety measures for securing mobile homes or other
24 nonpermanent or semi-permanent structures; and

25 (C) other preventive and preparedness measures designed to
26 eliminate or reduce disasters or their impact;

27 (6) assistance to local officials in designing local emergency action
28 plans;

29 (7) authorization and procedures for the construction of temporary
30 works designed to protect against or mitigate danger, damage, or loss from a disaster;

31 (8) organization of manpower and chains of command;

- 1 (9) coordination of federal, state, and local disaster activities;
- 2 (10) coordination of the state emergency plan with the disaster plans of
- 3 the federal government; [AND]
- 4 (11) **identification of potential slow onset disasters and measures to**
- 5 **mitigate a slow onset disaster; and**
- 6 (12) other matters necessary to carry out the purposes of this chapter.

7 * **Sec. 3.** AS 26.23.040(c) is amended to read:

8 (c) In preparing and maintaining the state emergency plan, the Alaska division

9 of homeland security and emergency management shall seek the advice and assistance

10 of local government, business, labor, industry, agriculture, **climate scientists**, civic

11 and volunteer organizations, and community leaders. In advising local and

12 interjurisdictional disaster planners, the office shall encourage them also to seek

13 advice from these sources.

14 * **Sec. 4.** AS 26.23.040(e) is amended to read:

15 (e) The Alaska division of homeland security and emergency management

16 shall

- 17 (1) determine requirements of the state and its political subdivisions
- 18 for food, clothing, and other necessities in the event of a disaster emergency;
- 19 (2) procure and pre-position supplies, medicines, materials, and
- 20 equipment;
- 21 (3) adopt standards and requirements for local and interjurisdictional
- 22 disaster plans;
- 23 (4) periodically review local and interjurisdictional disaster plans;
- 24 (5) establish and operate, or assist political subdivisions, their disaster
- 25 agencies, and representatives of interjurisdictional disaster planning and service areas
- 26 to establish and operate, training programs;
- 27 (6) plan and make arrangements for the availability and use of any
- 28 private facilities, services, and property and, if necessary and if in fact used, provide
- 29 for payment for use under terms and conditions agreed **on** [UPON] by the parties;
- 30 (7) establish a register of persons, **including climate scientists**, with
- 31 types of training and skills important in disaster prevention, preparedness, response,

1 and recovery;

2 (8) prepare, for issuance by the governor, orders, proclamations, and
3 regulations as necessary or appropriate in coping with disasters;

4 (9) cooperate with the federal government and any public or private
5 agency or entity in achieving any purpose of this chapter and in implementing
6 programs for disaster prevention, preparedness, response, and recovery;

7 (10) develop and carry out procedures and policies to effectively
8 employ disaster relief funds made available by the governor's authority or by special
9 legislative action; these procedures shall include application and documentation by
10 disaster victims or applicants, review, verification and funding approval, and
11 processing of appeals;

12 (11) do other things necessary or proper for the implementation of this
13 chapter;

14 (12) coordinate the operation of the Alaska intrastate mutual aid
15 system among participating political subdivisions of the state and develop, in
16 coordination with the political subdivisions and appropriate state and federal agencies,
17 comprehensive guidelines and procedures for the Alaska intrastate mutual aid system,
18 including record keeping and reimbursement procedures and forms for use by political
19 subdivisions requesting and providing assistance;

20 (13) to the extent that money is available from an appropriation for the
21 purposes of this paragraph,

22 (A) award grants for the purpose of forming local emergency
23 planning committees under AS 26.23.073;

24 (B) [IN ORDER TO COMPLY WITH 49 U.S.C.
25 5116(a)(2)(B),] make funds available to local emergency planning committees
26 for developing and maintaining emergency plans under AS 26.23.073 and
27 26.23.075;

28 (C) make funds available to local emergency planning
29 committees to implement 42 U.S.C. 11022(e) and 42 U.S.C. 11044; and

30 (D) award grants for training local emergency planning
31 committees and for training and equipping the emergency response

1 organizations identified in the local plans that execute the plans developed by
2 the committees under AS 26.23.073 and 26.23.075.

3 * **Sec. 5.** AS 26.23.050(a) is amended to read:

4 (a) It is the intent of the legislature, and declared to be the policy of the state,
5 that funds to meet disaster emergencies **and slow onset disasters** will always be
6 available.

7 * **Sec. 6.** AS 26.23.071(b) is amended to read:

8 (b) The commission consists of the commissioners of commerce, community,
9 and economic development, environmental conservation, fish and game, health, labor
10 and workforce development, natural resources, public safety, and transportation and
11 public facilities, or the designees of the commissioners, the adjutant general of the
12 Department of Military and Veterans' Affairs or a designee, and **nine** [SEVEN]
13 members of the public appointed by the governor, two of whom must be members of a
14 local emergency planning committee for an emergency planning district that is
15 predominantly rural in character, [AND] two of whom must be members of a local
16 emergency planning committee for an emergency planning district that is
17 predominantly urban in character, **and two of whom must be experts in climatology**
18 **or slow onset disasters**. Two of the other three members of the public who are
19 appointed to the commission must be members of the governing body of, or the mayor
20 of, a political subdivision that has a local emergency planning committee or a person
21 who, in the opinion of the governor, is otherwise appropriate to represent the political
22 subdivision. The United States Department of Defense - Alaska Command, the
23 Federal Emergency Management Agency, the United States Environmental Protection
24 Agency, and the United States Coast Guard may each appoint a representative to serve
25 on the commission in an ex-officio, nonvoting capacity. To the extent practicable, the
26 commission must include members with expertise in the emergency response field.

27 * **Sec. 7.** AS 26.23.073(d) is amended to read:

28 (d) The commission shall appoint the members of a local emergency planning
29 committee for each emergency planning district established under (a) and (b) of this
30 section. In making appointments for a district that contains only one political
31 subdivision, the commission shall follow the recommendations of the political

1 subdivision if those recommendations would constitute a committee that meets the
 2 requirements of this subsection. In making appointments for a district that contains
 3 more than one political subdivision, the commission shall consider the
 4 recommendations of each political subdivision and follow the recommendations to the
 5 extent that the political subdivisions are in agreement and their recommendations
 6 would constitute a committee that meets the requirements of this subsection. To the
 7 extent required under regulations that may be adopted by the commission, the political
 8 subdivisions in a district that includes more than one political subdivision shall follow
 9 a process under which they develop coordinated recommendations to submit to the
 10 commission under this subsection. In making appointments for a district that includes
 11 some area that is not contained within a political subdivision, the commission shall
 12 consider the recommendations of emergency response organizations in the district. In
 13 making appointments for the district formed under (b) of this section, the commission
 14 shall attempt to achieve equitable geographical representation on the committee.
 15 Except as provided in (e) of this section, each committee must include, at a minimum,
 16 representatives of each of the following eight [SEVEN] categories:

- 17 (1) elected local officials;
- 18 (2) law enforcement, civil defense, fire fighting, first aid, health, local
 19 environmental, hospital, and transportation personnel;
- 20 (3) broadcast or print media;
- 21 (4) community groups;
- 22 (5) owners and operators of facilities subject to the requirements of 42
 23 U.S.C. 11001 - 11005;
- 24 (6) representatives of a local or interjurisdictional disaster planning
 25 and service area if one has been established that includes part of the district; [AND]
- 26 (7) experts on climatology or slow onset disasters; and
- 27 (8) members of the public that are not described in (1) - (7) [(1) - (6)]
 28 of this subsection.

29 * **Sec. 8.** AS 26.23.073(e) is amended to read:

30 (e) If advertisement and the commission's own initiative do not result in the
 31 acceptance of appointment to a committee by at least one person from a category

1 under **(d)(1) - (8)** [(d)(1) - (7)] of this section, the requirement of (d) of this section
2 that there be representation of that category on that committee is suspended until
3 sufficient willing appointees become available.

4 * **Sec. 9.** AS 26.23.073(g) is amended to read:

5 (g) Each local emergency planning committee shall

6 (1) establish procedures for receiving and processing requests from the
7 public for information under 42 U.S.C. 11044, including tier II information under 42
8 U.S.C. 11022;

9 (2) appoint a chair and establish rules by which the committee shall
10 function, including provisions for public notification of committee activities, public
11 advertising of positions available on the committee, public meetings to discuss the
12 emergency plan, public comments, response to the comments by the committee,
13 distribution of the emergency plan, and designation of an official to serve as
14 coordinator for information;

15 (3) prepare and periodically review an emergency plan in accordance
16 with 42 U.S.C. 11003(a) in a manner that includes coordination with the political
17 subdivisions covered by the plan;

18 (4) evaluate the need for resources necessary to develop, implement,
19 and exercise the emergency plan, and submit recommendations to the political
20 subdivisions in the emergency planning district with respect to the resources that may
21 be required and the means for providing the resources;

22 (5) to the extent consistent with the constitution and law of the state,
23 perform all other functions prescribed for emergency planning committees in 42
24 U.S.C. 11001 - 11005;

25 (6) to the extent considered advisable by the committee, make
26 recommendations to political subdivisions, representatives of interjurisdictional
27 disaster planning and service areas, and state agencies about the preparation of local,
28 state, and interjurisdictional plans; [AND]

29 (7) serve as an advisory committee to the political subdivisions within
30 the emergency planning district or the interjurisdictional planning and service area
31 established under AS 26.23.070 with respect to emergency planning, training, and

1 response; **and**

2 **(8) evaluate the susceptibility of the emergency planning district to**
 3 **slow onset disasters and make a plan to mitigate slow onset disasters.**

4 * **Sec. 10.** AS 26.23.075(a) is amended to read:

5 (a) An emergency plan prepared under AS 26.23.073 must include

6 (1) identification of facilities subject to the requirements of 42 U.S.C.
 7 11001 - 11005 that are within the emergency planning district, identification of routes
 8 likely to be used for the transportation of substances on the list of extremely hazardous
 9 substances referred to in 42 U.S.C. 11002(a), and identification of additional facilities
 10 contributing or subjected to additional risk due to their proximity to facilities subject
 11 to the requirements of 42 U.S.C. 11001 - 11005 such as hospitals or natural gas
 12 facilities;

13 (2) methods and procedures to be followed by facility owners and
 14 operators and local emergency and medical personnel to respond to a release of
 15 hazardous substances or a release of substances on the list of extremely hazardous
 16 substances referred to in 42 U.S.C. 11002(a);

17 (3) designation of an emergency coordinator, as required under
 18 AS 26.23.060(d), and facility emergency coordinators, who shall make determinations
 19 necessary to implement the emergency plan;

20 (4) procedures providing reliable, effective, and timely notification by
 21 the facility emergency coordinators to persons designated in the emergency plan, and
 22 to the public, that a release has occurred, consistent with the emergency notification
 23 requirements of 42 U.S.C. 11004;

24 (5) methods for determining the occurrence of a release and the area or
 25 population likely to be affected by that release;

26 (6) a description of emergency equipment and facilities in the
 27 community and at each facility in the community subject to the requirements of 42
 28 U.S.C. 11001 - 11005, and an identification of the persons responsible for the
 29 equipment and facilities;

30 (7) evacuation plans, including provisions for a precautionary
 31 evacuation and alternative traffic routes;

1 (8) training programs, including schedules for training of local
2 emergency response and medical personnel; [AND]

3 (9) methods and schedules for exercising the emergency plan; **and**

4 **(10) plans to mitigate slow onset disasters.**

5 * **Sec. 11.** AS 26.23.900(2) is amended to read:

6 (2) "disaster" means **either a slow onset disaster or** the occurrence or
7 imminent threat of widespread or severe damage, injury, loss of life or property, or
8 shortage of food, water, or fuel resulting from

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

13 (B) the release of oil or a hazardous substance if the release
14 requires prompt action to avert environmental danger or mitigate
15 environmental damage;

16 (C) equipment failure if the failure is not a predictably frequent
17 or recurring event or preventable by adequate equipment maintenance or
18 operation;

19 (D) enemy or terrorist attack or a credible threat of imminent
20 enemy or terrorist attack in or against the state that the adjutant general of the
21 Department of Military and Veterans' Affairs or a designee of the adjutant
22 general, in consultation with the commissioner of public safety or a designee of
23 the commissioner of public safety, certifies to the governor has a high
24 probability of occurring in the near future; the certification must meet the
25 standards of AS 26.20.040(c); in this subparagraph, "attack" has the meaning
26 given under AS 26.20.200;

27 (E) an outbreak of disease or a credible threat of an imminent
28 outbreak of disease that the commissioner of health or a designee of the
29 commissioner of health certifies to the governor has a high probability of
30 occurring in the near future; the certification must be based on specific
31 information received from a local, state, federal, or international agency, or

1 another source that the commissioner or the designee determines is reliable; or
 2 (F) a cyber attack or serious cyber incident that affects critical
 3 infrastructure in the state, an information system owned or operated by the
 4 state or a political subdivision of the state, information that is stored on,
 5 processed by, or transmitted on an information system owned or operated by
 6 the state or a political subdivision of the state, or a credible threat of an
 7 imminent cyber attack or serious cyber incident that the commissioner of
 8 administration or commissioner's designee certifies to the governor has a high
 9 probability of occurring in the near future; the certification must be based on
 10 specific information that critical infrastructure in the state, an information
 11 system owned or operated by the state or a political subdivision of the state, or
 12 information that is stored on, processed by, or transmitted on an information
 13 system owned or operated by the state or a political subdivision of the state
 14 may be affected; in this subparagraph,

15 (i) "critical infrastructure" means systems and assets,
 16 whether physical or virtual, so vital to the state that the incapacity or
 17 destruction of the systems and assets would have a debilitating effect
 18 on security, state economic security, state public health or safety, or
 19 any combination of those matters;

20 (ii) "serious cyber incident" means an incident that has
 21 a confirmed effect on the confidentiality, integrity, or availability of
 22 systems and data, has legal or privacy implications, affects other
 23 agencies, or requires security experience or resources not otherwise
 24 available;

25 * **Sec. 12.** AS 26.23.900 is amended by adding a new paragraph to read:

26 (10) "slow onset disaster" includes drought, permafrost thaw, rising
 27 sea level, coastal erosion, ocean acidification, desertification, biodiversity loss, long-
 28 term air or water pollution, climate-induced displacement, and other events resulting
 29 from natural or human-influenced environmental processes that emerge gradually and
 30 cause significant effects on ecosystems, infrastructure, public health, or communities.