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Referred: State Affairs and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 *HCS* SENATE BILL NO. 534 *am (Rules)*
3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to powers and organization to cope
7 with natural and man-made disasters; establishing
8 a disaster relief tax; changing Rule 65, Rules of
9 Civil Procedure; and providing for an effective
10 date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. AS 23.30 is amended by adding a new section to read:

13 Sec. 23.23.244. CIVIL DEFENSE AND DISASTER RELIEF FORCES AS STATE
14 EMPLOYEES. A resident of Alaska temporarily engaged in a civil defense
15 or disaster relief function in another state or country under the
16 provisions of AS 26.23.130 is considered an employee of the state for
17 purposes of this chapter.

18 * Sec. 2. AS 26.20.010(a) is amended to read:

19 (a) Because of the national emergency and the possibility of
20 disasters or emergencies resulting from enemy attack, sabotage or
21 other hostile action, and in order to insure adequate preparations for
22 such disasters or emergencies, and generally to provide for the
23 common defense [AND TO INSURE THE PUBLIC PEACE, HEALTH, AND SAFETY,
24 AND TO PRESERVE THE LIVES AND PROPERTY OF THE PEOPLE OF THE STATE], it
25 is found and declared to be necessary

26 (1) to provide for a state civil defense agency, and to
27 authorize the creation of local organizations for civil defense;

28 (2) to confer upon the governor and upon the executive
29 heads of the districts of the state the emergency powers provided in

1 this chapter;

2 (3) to provide for mutual aid among the districts of the
3 state, with the other states of the United States, and with the
4 federal government for carrying out civil defense functions;

5 (4) to authorize the establishment of organizations and
6 taking steps as are necessary and appropriate to carry out the pro-
7 visions of this chapter.

8 * Sec. 3. AS 26 is amended by adding a new chapter to read:

9 CHAPTER 23. ALASKA DISASTER ACT.

10 Sec. 26.23.010. PURPOSES. The purposes of this chapter are to:

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

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

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

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

22 (5) authorize and provide for cooperation in disaster
23 prevention, preparedness, response, and recovery;

24 (6) authorize and provide for the coordination of activities
25 relating to disaster prevention, preparedness, response, and recovery
26 by agencies and officers of the state, and similar state-local, inter-
27 state, federal-state, and foreign activities in which the state and
28 its political subdivisions may participate;

29 (7) provide a disaster management system embodying all

1 aspects of pre-disaster preparedness and post-disaster response; and
2 (8) assist in the prevention of disasters caused or aggra-
3 vated by inadequate planning for, and regulation of, public and
4 private facilities and land use.

5 Sec. 26.23.020. THE GOVERNOR AND DISASTER EMERGENCIES. (a) The
6 governor is responsible for meeting the dangers presented by disasters
7 to the state and its people.

8 (b) The governor may issue orders, proclamations, and regulations
9 necessary to carry out the purposes of this chapter, and amend or
10 rescind them. These orders, proclamations, and regulations have the
11 force of law.

12 (c) A disaster emergency shall be declared by proclamation of
13 the governor if he finds that a disaster has occurred or that such an
14 occurrence is imminent or threatened. The state-of-disaster emergency
15 continues until the governor finds that the threat or danger has
16 passed or the disaster has been dealt with to the extent that emer-
17 gency conditions no longer exist and he terminates the state-of-
18 disaster emergency by proclamation; but no state-of-disaster emergency
19 continues for longer than 30 days unless renewed by the governor. The
20 legislature, by concurrent resolution, may terminate a state-of-
21 disaster emergency at any time. All proclamations issued under this
22 subsection shall indicate the nature of the disaster, the area or
23 areas threatened or affected, and the conditions which have brought it
24 about or which make possible the termination of the state-of-disaster
25 emergency.

26 (d) An order or proclamation issued under this chapter shall be
27 disseminated promptly by means calculated to bring its contents to the
28 attention of the general public and, unless prevented or impeded by
29 circumstances attendant upon the disaster, promptly filed with the

1 Alaska Division of Emergency Services, the lieutenant governor, and
2 the borough clerk or city clerk, as the case may be, in the area to
3 which it applies.

4 (e) A proclamation of a state-of-disaster emergency activates
5 the disaster response and recovery aspects of the state, local, and
6 interjurisdictional disaster emergency plans applicable to the politi-
7 cal subdivisions or areas in question, and constitutes authority for
8 the deployment and use of any forces to which the plan or plans apply
9 and for use or distribution of any supplies, equipment, materials, and
10 facilities assembled, stockpiled, or arranged to be made available
11 under this chapter or any other provision of law relating to disaster
12 emergencies.

13 (f) During a state-of-disaster emergency, the governor is
14 commander in chief of the organized and unorganized militia and of all
15 other forces available for emergency duty. To the greatest extent
16 practicable, the governor shall delegate or assign command authority
17 by prior arrangement embodied in appropriate orders or regulations,
18 but this does not restrict his authority to do so by orders issued at
19 the time of the disaster emergency.

20 (g) In addition to any other powers conferred upon the governor
21 by law, he may, under this chapter:

22 (1) suspend the provisions of any regulatory statute pre-
23 scribing procedures for the conduct of state business, or the orders
24 or regulations of any state agency, if compliance with the provisions
25 of any such statute, order, or regulation would prevent, or substan-
26 tially hinder or delay action necessary to cope with the disaster
27 emergency;

28 (2) use all available resources of the state government and
29 of each political subdivision of the state as reasonably necessary to

1 cope with the disaster emergency;

2 (3) transfer the direction, personnel, or functions of
3 state departments and agencies or units of them for the purpose of
4 performing or facilitating the performance of disaster emergency
5 services;

6 (4) subject to any applicable requirements for compensation
7 under sec. 160 of this chapter, commandeer or utilize any private
8 property, except for all news media other than as specifically pro-
9 vided for in this chapter, if he considers this necessary to cope with
10 the disaster emergency;

11 (5) direct and compel the evacuation of all or part of the
12 population from any stricken or threatened area within the state, if
13 he considers this action necessary for the preservation of life or
14 other disaster mitigation response or recovery;

15 (6) prescribe routes, modes of transportation, and destina-
16 tions in connection with necessary evacuations;

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

20 (8) suspend or limit the sale, dispensing, or transporta-
21 tion of alcoholic beverages, firearms, explosives, and combustibles;

22 (9) make provisions for the availability and use of tem-
23 porary emergency housing; and

24 (10) allocate or redistribute food, water, fuel or clothing.

25 Sec. 26.23.030. CREATION OF THE ALASKA DIVISION OF EMERGENCY
26 SERVICES. There is created, in the Department of Military Affairs,
27 the Alaska Division of Emergency Services possessing the powers and
28 duties delineated in sec. 40 of this chapter.

29 Sec. 26.23.040. DUTIES OF THE ALASKA DIVISION OF EMERGENCY

1 SERVICES. (a) The Alaska Division of Emergency Services shall
2 prepare and maintain a State Disaster Plan and keep it current, which
3 plan may include provisions for:

4 (1) prevention and minimization of injury and damage caused
5 by disasters;

6 (2) prompt and effective response to disasters;

7 (3) emergency relief;

8 (4) identification of areas especially vulnerable to a
9 disaster;

10 (5) recommendations for zoning, building, and other land-
11 use controls, safety measures for securing mobile homes or other non-
12 permanent or semi-permanent structures, and other preventive and pre-
13 paredness measures designed to eliminate or reduce disasters or their
14 impact;

15 (6) assistance to local officials in designing local emer-
16 gency action plans;

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

20 (8) preparation and distribution to the appropriate state
21 and local officials of state catalogs of federal, state, and private
22 assistance programs;

23 (9) organization of manpower and chains of command;

24 (10) coordination of federal, state, and local disaster
25 activities;

26 (11) coordination of the State Disaster Plan with the
27 disaster plans of the federal government; and

28 (12) other matters necessary to carry out the purposes of
29 this chapter.

1 (b) The Alaska Division of Emergency Services shall take an
2 integral part in the development and revision of local and interjuris-
3 dictional disaster plans prepared under sec. 60 of this chapter. To
4 this end, it may employ or otherwise secure the services of profession-
5 al and technical personnel capable of providing expert assistance to
6 political subdivisions, their disaster agencies, and interjurisdiction-
7 al planning and disaster agencies. These personnel shall consult with
8 political subdivisions and agencies on a regular basis and shall make
9 field examinations of the areas, circumstances, and conditions to
10 which particular local and interjurisdictional disaster plans are
11 intended to apply and may suggest or require revisions.

12 (c) In preparing and revising the State Disaster Plan, the
13 Alaska Division of Emergency Services shall seek the advice and
14 assistance of local government, business, labor, industry, agriculture,
15 civic, and volunteer organizations and community leaders. In advising
16 local and interjurisdictional agencies, the office shall encourage
17 them also to seek advice from these sources.

18 (d) The State Disaster Plan or any part of it may be incorporated
19 in regulations or orders of the Alaska Division of Emergency Services
20 which have the force and effect of law.

21 (e) The Alaska Division of Emergency Services shall:

22 (1) determine requirements of the state and its political
23 subdivisions for food, clothing, and other necessities in the event of
24 a disaster emergency;

25 (2) procure and pre-position supplies, medicines, materials,
26 and equipment;

27 (3) adopt standards and requirements for local and inter-
28 jurisdictional disaster plans;

29 (4) periodically review local and interjurisdictional

1 disaster plans;

2 (5) provide for mobile support units;

3 (6) establish and operate, or assist political subdivisions,
4 their disaster agencies, and interjurisdictional disaster agencies to
5 establish and operate, training and public information programs;

6 (7) make surveys of industries, resources, and facilities
7 within the state, both public and private, as are necessary to carry
8 out the purposes of this chapter;

9 (8) plan and make arrangements for the availability and use
10 of any private facilities, services, and property and, if necessary
11 and if in fact used, provide for payment for use under terms and
12 conditions agreed upon by the parties;

13 (9) establish a register of persons with types of training
14 and skills important in disaster prevention, preparedness, response,
15 and recovery;

16 (10) establish a register of mobile and construction equip-
17 ment and temporary housing available for use in a disaster emergency;

18 (11) prepare, for issuance by the governor, orders, procla-
19 mations, and regulations as necessary or appropriate in coping with
20 disasters;

21 (12) cooperate with the federal government and any public
22 or private agency or entity in achieving any purpose of this chapter
23 and in implementing programs for disaster prevention, preparedness,
24 response and recovery; and

25 (13) do other things necessary or proper for the imple-
26 mentation of this chapter.

27 Sec. 26.23.050. FINANCING. (a) It is the intent of the legis-
28 lature, and declared to be the policy of the state, that funds to meet
29 disaster emergencies will always be available.

1 (b) Whenever, and to the extent that, money is needed to cope
2 with a disaster, the first recourse shall be to funds regularly appro-
3 priated to state and local agencies. The second recourse shall be to
4 funds available in the disaster relief fund. If money available from
5 these sources is insufficient, and if the governor finds that other
6 sources of money to cope with the disaster are not available or are
7 insufficient, the governor may, notwithstanding any limitation imposed
8 by AS 37.07.080(e), transfer and spend money appropriated for other
9 purposes or, in situations involving natural disasters, borrow from
10 the United States government or other public or private sources for a
11 term not to exceed two years.

12 (c) Nothing in this section limits the governor's authority to
13 apply for, administer, and spend grants, gifts, or payments in aid of
14 disaster prevention, preparedness, response or recovery.

15 Sec. 26.23.060. LOCAL AND INTERJURISDICTIONAL DISASTER AGENCIES
16 AND SERVICES. (a) Each political subdivision within the state is
17 within the jurisdiction of, and shall be served by, the Alaska Division
18 of Emergency Services and, if an incorporated municipality, also by a
19 local or interjurisdictional agency responsible for disaster prepared-
20 ness and coordination of response.

21 (b) Each borough shall maintain a disaster agency, or participate
22 in a local or interjurisdictional disaster agency which, except as
23 otherwise provided in this chapter, has jurisdiction over and serves
24 the entire borough.

25 (c) The governor shall determine which political subdivisions
26 need disaster agencies of their own, and require that they be estab-
27 lished and maintained. He shall make his determinations on the basis
28 of the political subdivision's disaster vulnerability and capability
29 of response related to population size and concentration. The disaster

1 agency of a borough shall cooperate with the disaster agencies of
2 political subdivisions situated within its borders, but does not have
3 jurisdiction within a political subdivision having its own disaster
4 agency. The Alaska Division of Emergency Services shall publish and
5 keep current a list of political subdivisions required to have disaster
6 agencies under this subsection.

7 (d) Each political subdivision which does not have a disaster
8 agency, and has not made arrangements to secure or participate in the
9 services of an agency, may satisfy the requirements of this chapter by
10 having a liaison officer designated to facilitate the cooperation and
11 protection of that city in the work of disaster prevention, prepared-
12 ness, response, and recovery.

13 (e) The principal executive officer of each political subdivision
14 in the state shall notify the Alaska Division of Emergency Services of
15 the manner in which the political subdivision is providing or securing
16 disaster planning and intends to provide or secure emergency services,
17 identify the person who heads the agency from which the services are
18 or will be obtained, and furnish additional information relating to
19 the services as the Alaska Division of Emergency Services requires.

20 (f) Each local and interjurisdictional agency shall prepare and
21 keep current a local or interjurisdictional disaster emergency plan
22 for its area.

23 (g) The local or interjurisdictional disaster agency, as the
24 case may be, shall prepare and distribute to all appropriate officials
25 in written form a clear and complete statement of the emergency re-
26 sponsibilities of all local agencies and officials and of the disaster
27 chain of command.

28 Sec. 26.23.070. ESTABLISHMENT OF INTERJURISDICTIONAL DISASTER
29 PLANNING AND SERVICE AREAS. (a) If the governor finds that two or

1 more adjoining political subdivisions would be better served by an
2 interjurisdictional arrangement than by maintaining separate disaster
3 agencies and services, he may delineate by order an interjurisdictional
4 area adequate to plan for, prevent, or respond to a disaster in that
5 area, and direct steps to be taken as necessary, including the creation
6 of an interjurisdictional relationship, a joint disaster emergency
7 plan, mutual aid, or an area organization for emergency planning and
8 services. A finding by the governor under this subsection shall be
9 based on one or more factors related to the difficulty of maintaining
10 an efficient and effective disaster prevention, preparedness, response,
11 and recovery system without an interjurisdictional relationship, such
12 as:

13 (1) small or sparse population;

14 (2) limitations on public financial resources severe
15 enough to make maintenance of a separate disaster agency and services
16 unreasonably burdensome;

17 (3) unusual vulnerability to disaster as evidenced by a
18 past history of disasters, topographical features, drainage charac-
19 teristics, disaster potential, and presence of disaster-prone facilities
20 or operations;

21 (4) the interrelated character of the political subdivisions
22 in an area; or

23 (5) other relevant conditions or circumstances.

24 (b) If the governor finds that a vulnerable area lies only
25 partly within the state and includes territory in a foreign juris-
26 diction, and that it would be desirable to establish an international
27 relationship, mutual aid, or an area organization for disaster, he
28 shall take steps to that end as desirable. If this action is taken
29 with jurisdictions that have enacted the Interstate Civil Defense and

1 Disaster Compact substantially as contained in sec. 130 of this chapter,
2 any resulting agreement may be considered a supplemental agreement
3 under Article 6 of that compact.

4 (c) If a jurisdiction with which the governor proposes to
5 cooperate under (b) of this section has not enacted the Interstate
6 Civil Defense and Disaster Compact, he may negotiate a special agree-
7 ment with that jurisdiction.

8 Sec. 26.23.080. COMMUNITY DISASTER LOANS. Whenever, at the
9 request of the governor, the President has declared a major disaster
10 to exist in this state, the governor may:

11 (1) upon his determination that a local government of the
12 state will suffer a substantial loss of tax and other revenues from
13 the disaster and has demonstrated a need for financial assistance to
14 perform its governmental functions, apply to the federal government,
15 on behalf of the local government, for a loan; he may receive and
16 disburse the proceeds of any approved loan to any applicant local
17 government;

18 (2) determine the amount needed by any applicant local
19 government to restore or resume its governmental functions, and to
20 certify the amount to the federal government; however, no application
21 amount may exceed 25 per cent of the annual operating budget of the
22 applicant for the fiscal year in which the major disaster occurred;

23 (3) recommend to the federal government, based upon his
24 review, the cancellation of all or any part of repayment when, for the
25 first three full fiscal years following the major disaster, the
26 revenues of the local government are insufficient to meet its operating
27 expenses, including additional disaster-related expenses of a municipal
28 operation character.

29 Sec. 26.23.090. STATE FINANCIAL PARTICIPATION IN GRANTS TO

1 DISASTER VICTIMS. (a) Whenever the President, at the request of the
2 governor, has declared a major disaster to exist in this state, the
3 governor may:

4 (1) upon his determination that financial assistance is
5 essential to meet disaster-related necessary expenses or serious needs
6 of individuals or families adversely affected by a major disaster that
7 cannot be otherwise adequately met from other means of assistance,
8 accept a grant by the federal government to fund that financial
9 assistance, subject to the terms and conditions that may be imposed
10 upon the grant;

11 (2) enter into an agreement with the federal government, or
12 any officer or agency of it, pledging the state to participate in the
13 funding of the financial assistance authorized in (1) of this subsec-
14 tion, in an amount not to exceed 25 per cent of the assistance and, if
15 state funds are not otherwise available to the governor, to accept an
16 advance of the state's share from the federal government to be repaid
17 when the state is able to do so.

18 (b) The governor is authorized to make financial grants (not to
19 exceed \$5,000) to an individual or family in any single major disaster
20 declared by the President, to meet disaster-related necessary expenses
21 or serious needs of individuals or families adversely affected by a
22 major disaster which cannot otherwise adequately be met from other
23 means of assistance.

24 (c) A person who fraudulently or wilfully makes a misstatement
25 of fact in connection with an application for financial assistance
26 under this chapter is, upon conviction, punishable by a fine of not
27 more than \$5,000, or imprisonment for not more than one year, or by
28 both.

29 Sec. 26.23.100. TEMPORARY HOUSING. (a) Whenever the governor

1 has proclaimed a disaster emergency, or the President, at the request
2 of the governor, has declared an emergency or a major disaster to
3 exist in this state, the governor may:

4 (1) purchase, lease, or make other arrangements with any
5 agency of the United States or state for temporary housing units to be
6 occupied by disaster victims and to make those units available to any
7 political subdivision of the state;

8 (2) assist any political subdivision of this state which is
9 the location of temporary housing for disaster victims to acquire
10 sites necessary for the temporary housing and do all things necessary
11 to prepare the site to receive and use temporary housing units by:

12 (A) advancing or lending funds available to the
13 governor from an appropriation made by the legislature or from
14 any other source;

15 (B) "passing through" funds made available by any
16 agency, public or private; or

17 (C) becoming a co-partner with a political subdivision
18 for the execution and performance of any temporary housing for
19 disaster victims projects and, for such purposes, pledging the
20 credit of the state on such terms as deemed appropriate, having
21 due regard for current debt transactions of the state;

22 (3) under such regulations as he may adopt, temporarily
23 suspend or modify, for not more than 60 days, any public health,
24 safety, zoning, transportation, or other requirement of law or regula-
25 tion of the state, when, by proclamation, he declares such a suspension
26 or modification essential to provide temporary housing for disaster
27 victims.

28 (b) A political subdivision of this state may acquire, temporari-
29 ly or permanently, by purchase, lease, or otherwise, sites required

1 for installation of temporary housing units for disaster victims, and
2 to enter into whatever arrangements (including purchase of temporary
3 housing units and payment of transportation charges) which are neces-
4 sary to prepare or equip those sites to receive and use the housing
5 units.

6 Sec. 26.23.110. DEBRIS AND WRECKAGE REMOVAL IN DISASTER EMERGENCY
7 OR MAJOR DISASTER. (a) When the governor has declared a disaster
8 emergency, or the President, at the request of the governor, has
9 declared a major disaster or emergency to exist in this state, the
10 governor may:

11 (1) through the use of state departments or agencies, or
12 the use of any of the state's instrumentalities, clear from publicly
13 or privately owned land or water, debris and wreckage which may
14 threaten public health, safety, or property;

15 (2) accept funds from the federal government and use those
16 funds to make grants to any local government for the purpose of
17 removing debris or wreckage from publicly or privately owned land or
18 water.

19 (b) Authority under (a)(1) of this section may not be exercised
20 unless the affected local government, corporation, organization, or
21 individual unconditionally authorizes the removal of the debris or
22 wreckage from public and private property and, in the case of removal
23 of debris or wreckage from private property, first agrees to indemnify
24 the state government against claims arising from the removal.

25 Sec. 26.23.120. INTERGOVERNMENTAL ARRANGEMENTS. The Interstate
26 Civil Defense and Disaster Compact is hereby enacted into law and
27 entered into with all jurisdictions legally joining in it in a form
28 substantially as contained in sec. 130 of this chapter.

29 Sec. 26.23.130. INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT.

1 The terms and provisions of the compact referred to in sec. 120 of
2 this chapter are as follows:

3 INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

4 The contracting states solemnly agree:

5 ARTICLE I.

6 PURPOSE.

7 The purpose of this compact is to provide mutual aid among the
8 states in meeting any emergency or disaster resulting from enemy
9 attack or other cause (natural or otherwise) including sabotage and
10 subversive acts, direct attacks by bombs, shellfire, and nuclear,
11 radiological, chemical or bacteriological means, and other weapons.
12 The prompt, full, and effective utilization of the resources of the
13 respective states, including such resources as may be available from
14 the United States government or any other source, are essential to the
15 safety, care, and welfare of the people of the respective states in
16 the event of enemy action or other emergency, and any other resources,
17 including personnel, equipment, or supplies, shall be incorporated
18 into a plan, or plans, of mutual aid to be developed among the civil
19 defense agencies or similar bodies of the states that are parties to
20 this compact. The directors of civil defense of all party states
21 constitute a committee to formulate plans to take all necessary steps
22 for the implementation of this contract.

23 ARTICLE II.

24 CIVIL DEFENSE PLANS AND PROGRAMS.

25 It is the duty of each party state to formulate civil defense
26 plans and programs for application within that state. There shall be
27 frequent consultation between the representatives of the states and
28 with the United States government, and the free exchange of information
29 and plans, including inventories of any materials and equipment avail-

1 able for civil defense. In carrying out these civil defense plans and
2 programs, the party states shall, so far as possible, provide and
3 follow uniform standards, practices, and regulations, including:

4 (1) insignia, arm bands, and any other distinctive articles
5 to designate and distinguish the different civil defense services;

6 (2) blackouts and practice blackouts, air raid drills,
7 mobilization of civil defense forces, and other tests and exercises;

8 (3) warnings and signals for drills or attacks, and the
9 mechanical devices to be used in connection with them;

10 (4) the effective screening or extinguishing of all lights
11 and lighting devices and appliances;

12 (5) shutting off water mains, gas mains, electric power
13 connections, and the suspension of all other utility services;

14 (6) all materials or equipment used, or to be used, for
15 civil defense purposes, in order to assure that those materials and
16 that equipment will be easily and freely interchangeable when used in,
17 or by, any other party state;

18 (7) the conduct of civilians and the movement and cessation
19 of movement of pedestrians and vehicular traffic, before, during, and
20 after drills or attacks;

21 (8) the safety of public meetings or gatherings; and

22 (9) mobile support units.

23 ARTICLE III.

24 ASSISTANCE TO PARTY STATE.

25 Any party state requested to render mutual aid shall take the
26 action necessary to provide and make available the resources covered
27 by this compact in accordance with its terms; however, it is understood
28 that the state rendering aid may withhold resources to the extent
29 necessary to provide reasonable protection for itself. Each party

1 state shall extend to the civil defense forces of any other party
2 state, while operating within its state boundaries under the terms and
3 conditions of this compact, the same powers (except that of arrest,
4 unless specifically authorized by the receiving state), duties, rights,
5 privileges, and immunities as if they were performing their duties in
6 their home state. Civil defense forces will continue under the command
7 and control of their regular leaders, but the organizational units
8 will come under the operational control of the civil defense authorities
9 of the state receiving assistance.

10 ARTICLE IV.

11 INTERSTATE RECOGNITION OF INDIVIDUAL QUALIFICATIONS.

12 If a person holds a license, certificate, or other permit issued
13 by any state or political subdivision of a state evidencing the
14 meeting of qualifications for professional, mechanical or other skills,
15 that person may render aid involving that skill in any party state to
16 meet an emergency or disaster, and that state shall give due recog-
17 nition to the license, certificate, or other permit as if issued in
18 the state in which aid is rendered.

19 ARTICLE V.

20 LIABILITY.

21 No party state or its officers or employees rendering aid in
22 another state pursuant to this compact is liable on account of any act
23 or omission in good faith on the part of those forces while so engaged,
24 or on account of the maintenance or use of any equipment or supplies
25 in connection with rendering that aid.

26 ARTICLE VI.

27 SUPPLEMENTAL AGREEMENTS.

28 Inasmuch as it is probable that the pattern and detail of the
29 machinery for mutual aid among two or more states may differ from that

1 appropriate among other party states, this compact contains elements
2 of a broad base common to all states, and nothing in this compact pre-
3 cludes any state from entering into supplementary agreements with
4 other states. Such supplementary agreements may comprehend, but are
5 not limited to, provisions for evacuation and reception of injured and
6 other persons, and the exchange of medical, fire, police, public
7 utility, reconnaissance, welfare, transportation, and communications
8 personnel, equipment and supplies.

9 ARTICLE VII.

10 INJURY AND DEATH COMPENSATION.

11 Each party state shall provide for the payment of compensation
12 and death benefits to injured members of the civil defense forces of
13 that state and the representatives of deceased members of those forces,
14 in case those members sustain injuries or are killed while rendering
15 aid under this compact, in the same manner and on the same terms as if
16 the injury or death were sustained within that state.

17 ARTICLE VIII.

18 COMPENSATION TO ASSISTING STATE.

19 A party state rendering aid in another state under this compact
20 shall be reimbursed by the party state receiving the aid for any loss
21 or damage to, or expense incurred in, the operation of any equipment
22 answering a request for aid, and for the cost incurred in connection
23 with the request; however, an aiding party state may assume in whole
24 or in part the loss, damage, expense, or other cost, or may loan the
25 equipment or donate the services to the receiving party state without
26 charge or cost; in addition, any two or more party states may enter
27 into supplementary agreements establishing a different allocation of
28 costs as among those states. The United States government may relieve
29 the party state receiving aid from any liability, and reimburse the

1 party state supplying civil defense forces for the compensation paid
2 to and the transportation, subsistence, and maintenance expenses of
3 those forces during the time of rendering the aid or assistance outside
4 the state, and may also pay fair and reasonable compensation for the
5 use of the supplies, materials, equipment, or facilities so used or
6 consumed.

7 ARTICLE IX.

8 EVACUATION PLANS.

9 Plans for the orderly evacuation and reception of the civilian
10 population as the result of an emergency or disaster shall be worked
11 out from time to time between representatives of the party states and
12 the various local civil defense areas of those states. These plans
13 shall include the manner of transporting the evacuees, the number of
14 evacuees to be received in different areas, the manner in which food,
15 clothing, housing, and medical care will be provided, the registration
16 of the evacuees, the provision of facilities for the notification of
17 relatives or friends, the forwarding of evacuees to other areas, the
18 bringing in of additional materials and supplies, and all other
19 relevant factors. These plans shall provide that the party state
20 receiving evacuees shall be reimbursed generally for the out-of-pocket
21 expenses incurred in receiving and caring for those evacuees and for
22 expenditures for transportation, food, clothing, medicines, medical
23 care and like items. These expenditures shall be reimbursed by the
24 party state of which the evacuees are residents, or by the United
25 States government under plans approved by it. After the termination
26 of the emergency or disaster, the party state of which the evacuees
27 are residents shall assume the responsibility for the ultimate support
28 or return of the evacuees.

29 ARTICLE X.

1 AVAILABILITY OF COMPACT.

2 This compact shall be available to any state, territory, or
3 possession of the United States, and the District of Columbia. The
4 term "state" also includes any neighboring foreign country or province
5 or state of one.

6 ARTICLE XI.

7 NON-BORDERING STATES.

8 The governor may enter into this compact with any state which
9 does not border this state if he finds that joint action with the
10 state is desirable in meeting common intergovernmental problems of
11 emergency disaster planning, prevention, response, and recovery.

12 ARTICLE XII.

13 UNITED STATES CIVIL DEFENSE AGENCY PARTICIPATION.

14 The committee established under Article 1 of this compact may
15 request the Civil Defense Agency of the United States government to
16 act as an informational and coordinating body under this compact, and
17 representatives of that agency may attend meetings of the committee.

18 ARTICLE XIII.

19 ENTRY INTO FORCE.

20 This compact becomes operative immediately upon its ratification
21 by any state as between it and any other state or states so ratifying,
22 and is subject to approval by Congress, unless prior Congressional
23 approval has been given. Duly authenticated copies of this compact,
24 and of such supplementary agreements as may be entered into, shall, at
25 the time of their approval, be deposited with each of the party states,
26 the Civil Defense Agency and other appropriate agencies of the United
27 States government.

28 ARTICLE XIV.

29 WITHDRAWAL.

1 This compact continues in force and remains binding on each party
2 state until the legislature or the governor of such a state takes
3 action to withdraw from it. Withdrawal is not effective until 30 days
4 after notice of that action has been sent by the governor of the party
5 state desiring to withdraw to the governors of all other party states.

6 ARTICLE XV.

7 SEVERABILITY.

8 This compact shall be construed to effectuate the purposes stated
9 in Article 1. If any provision of this compact is held unconstitu-
10 tional, or its applicability to any person or circumstance is held
11 invalid, the constitutionality of the remainder of this compact and
12 its applicability to other persons and circumstances are not affected
13 by that holding.

14 ARTICLE XVI.

15 COVERAGE.

16 (a) This Article shall be in effect only as among those states
17 which have enacted it into law or in which the governors have adopted
18 it under constitutional or statutory authority sufficient to give it
19 the force of law as part of this compact. Nothing contained in this
20 Article or in any supplementary agreement made in implementation of it
21 abridges, impairs, or supersedes any other provision of this compact
22 or any obligation undertaken by a state pursuant to it, except that if
23 its terms so provide, a supplementary agreement in implementation of
24 this Article may modify, expand, or add to any such obligation as
25 among the parties to the supplementary agreement.

26 (b) In addition to the occurrences, circumstances and subject
27 matter to which preceding Articles of this compact make it applicable,
28 this compact and its authorizations, entitlements, and procedures
29 apply to:

1 (1) searches for and rescue of persons who are lost,
2 marooned, or otherwise in danger;

3 (2) action useful in coping with disasters arising from any
4 cause or designed to increase the capability to cope with any such
5 disasters;

6 (3) incidents, or the imminence of them, which endanger the
7 health or safety of the public and which require the use of special
8 equipment, trained personnel, or personnel in larger numbers than are
9 locally available in order to reduce, counteract or remove the danger;

10 (4) the giving and receiving of aid by political subdivi-
11 sions of party states;

12 (5) exercises, drills or other training or practice acti-
13 vities designed to aid personnel to prepare for, cope with, or prevent
14 any disaster or other emergency to which this compact applies.

15 (c) Except as expressly limited by this compact or a supplemen-
16 tary agreement in force pursuant to it, any aid authorized by this
17 compact or such a supplementary agreement may be furnished by any
18 agency of a party state, by a political subdivision of such a state,
19 or by a joint agency; such an agency or political subdivision is
20 entitled to reimbursement for the aid to the same extent and in the
21 same manner as a state. The personnel of a joint agency, when ren-
22 dering aid under this compact, have the same rights, authority and
23 immunity as personnel of party states.

24 (d) Nothing in this Article excludes from the coverage of
25 Articles I - XV of this compact any matter which, in the absence of
26 this Article, could reasonably be construed to be covered by Articles
27 I - XV.

28 ARTICLE XVII.

29 CONSTRUCTION.

1 Nothing in this compact limits previous or future entry into the
2 Interstate Civil Defense and Disaster Compact of this state with other
3 states.

4 Sec. 26.23.140. LOCAL DISASTER EMERGENCIES. (a) A local dis-
5 aster emergency may be declared only by the principal executive
6 officer of a political subdivision. It may not be continued or
7 renewed for a period in excess of seven days, except by or with the
8 consent of the governing board of the political subdivision. Any
9 order or proclamation declaring, continuing, or terminating a local
10 disaster emergency shall be given prompt and general publicity, and
11 shall be filed promptly with the Alaska Division of Emergency Services
12 and the borough clerk or the city clerk as the case may be.

13 (b) The effect of a declaration of a local disaster emergency is
14 to activate the response and recovery aspects of any and all appli-
15 cable local or interjurisdictional disaster emergency plans, and to
16 authorize the furnishing of aid and assistance under those plans.

17 (c) No interjurisdictional agency or official of one may declare
18 a local disaster emergency unless expressly authorized by the agreement
19 under which the agency functions. An interjurisdictional disaster
20 agency shall provide aid and services in accordance with the agreement
21 under which it functions.

22 Sec. 26.23.150. DISASTER PREVENTION. (a) In addition to dis-
23 aster prevention measures as included in the state, local, and inter-
24 jurisdictional disaster plans, the governor shall consider, on a
25 continuing basis, steps that could be taken to prevent or reduce the
26 harmful consequences of disasters. At his direction, and under any
27 other authority and competence they have, state agencies, including
28 but not limited to those charged with responsibilities in connection
29 with flood plain management, stream encroachment and flow regulation,

1 weather modification, fire prevention and control, air quality, public
2 works, land use and land use planning and construction standards,
3 shall make studies of disaster-prevention-related matters. The
4 governor, from time to time, shall make recommendations to the legis-
5 lature, local governments, and other appropriate public and private
6 entities as may facilitate measures for the prevention or reduction of
7 the harmful consequences of disasters.

8 (b) The Departments of Natural Resources and Public Works, in
9 conjunction with the Alaska Division of Emergency Services, shall keep
10 land uses and location of structures and other facilities under con-
11 tinuing study, and identify areas which are particularly susceptible
12 to severe land shifting, subsidence, flood, or other catastrophic
13 occurrence. The studies under this subsection shall concentrate on
14 means of reducing or avoiding the dangers caused by this occurrence or
15 the consequences of it.

16 (c) If the Alaska Division of Emergency Services believes, on
17 the basis of the studies or other competent evidence, and after con-
18 sultation with the appropriate local planning agencies, that an area
19 is susceptible to a disaster of catastrophic proportions without
20 adequate warning, that existing building standards and land use con-
21 trols in that area are inadequate and could add substantially to the
22 magnitude of the disaster, and that changes in zoning regulations,
23 other land use regulations, or building requirements are essential in
24 order to further the purposes of this section, it shall specify the
25 essential changes to the governor. If the governor, upon review of
26 the recommendation, finds after public hearing that the changes are
27 essential, he shall so recommend to the agencies or local governments
28 with jurisdiction over the area and subject matter. If no action or
29 insufficient action pursuant to his recommendations is taken within

1 the time specified by the governor, he shall so inform the legislature
2 and request legislative action appropriate to mitigate the impact of
3 disaster.

4 (d) The governor, at the same time that he makes his recommenda-
5 tions under (c) of this section, may suspend the standard or control
6 which he finds to be inadequate to protect the public safety, and by
7 regulation place a new standard or control in effect. The new stan-
8 dard or control remains in effect until rejected by concurrent resolu-
9 tion of the legislature or amended or repealed by the governor.
10 During the time it is in effect, the standard or control contained in
11 the governor's regulation shall be administered and given full effect
12 by all relevant regulatory agencies of the state and local governments
13 to which it applies. The governor's action is subject to judicial
14 review in accordance with the Administrative Procedure Act (AS 44.62)
15 but is not subject to temporary stay pending litigation.

16 Sec. 26.23.160. COMPENSATION. (a) No personal services may be
17 compensated by the state or any political subdivision or agency of it,
18 except in accordance with Alaska law or a local ordinance.

19 (b) Compensation for property shall be made only if the property
20 was commandeered or otherwise used in coping with a disaster emergency,
21 and its use or destruction was ordered by the governor or a member of
22 the disaster emergency forces of this state.

23 (c) Any person claiming compensation for the use, damage, loss,
24 or destruction of property occasioned by action taken under this
25 chapter shall file a claim for it with the Alaska Division of Emergency
26 Services in the form and manner that agency provides.

27 (d) Unless the amount of compensation on account of property
28 damaged, lost, or destroyed is agreed upon between the claimant and
29 the Alaska Division of Emergency Services, the amount of compensation

1 shall be calculated in the same manner as compensation due for a
2 taking of property under the condemnation laws of this state.

3 Sec. 26.23.170. COMMUNICATIONS. The Alaska Division of Emergency
4 Services shall ascertain what means exist for rapid and efficient
5 communications in times of disaster emergencies. The office shall
6 consider the desirability of supplementing these communications
7 resources, or of integrating them into a comprehensive state or state-
8 federal telecommunications network or other communication system or
9 network. In studying the character and feasibility of any system or
10 its several parts, the office shall evaluate the possibility of multi-
11 purpose use of it or its parts for general state and local governmental
12 purposes. The office shall make recommendations to the governor as
13 appropriate.

14 Sec. 26.23.180. MUTUAL AID. (a) Political subdivisions not
15 participating in interjurisdictional arrangements under this chapter
16 nevertheless shall be encouraged and assisted by the Alaska Division
17 of Emergency Services to conclude suitable arrangements for furnishing
18 mutual aid in coping with disasters. The arrangements shall include
19 provision of aid by persons and units in public employment.

20 (b) In passing upon local disaster plans, the governor shall
21 consider whether they contain adequate provisions for the rendering
22 and receipt of mutual aid.

23 (c) It is a sufficient reason for the governor to require an
24 interjurisdictional agreement or arrangement under sec. 70 of this
25 chapter that the area involved and political subdivisions in it have
26 available equipment, supplies, and forces necessary to provide mutual
27 aid on a regional basis, and that the political subdivisions have not
28 already made adequate provision for mutual aid; but in requiring an
29 interjurisdictional arrangement in order to accomplish the purpose of

1 this section, the governor need not require establishment and main-
2 tenance of an interjurisdictional agency or arrangement for any other
3 disaster purposes.

4 Sec. 26.23.190. RIGHT OF ENTRY. If the entry is reasonably
5 necessary to actually alleviate or prevent the disaster, all persons
6 authorized to carry out emergency measures directed under the pro-
7 visions of this chapter shall have free access to all public and
8 private land, premises, and buildings within the areas specified, and
9 are authorized to enter them and to perform such work and take such
10 measures as are appropriate without the consent of the owners of the
11 land, premises, or buildings.

12 Sec. 26.23.200. LIMITATIONS. Nothing in this chapter:

13 (1) interferes with the course or conduct of a labor
14 dispute, except that actions otherwise authorized by this chapter or
15 other laws may be taken when necessary to forestall or mitigate
16 imminent or existing danger to public health or safety;

17 (2) interferes with dissemination of news or comment on
18 public affairs; but any communications facility or organization
19 (including but not limited to radio and television stations, wire
20 services, and newspapers) may be requested to transmit or print public
21 service messages furnishing information or instructions in connection
22 with a disaster emergency, in a manner which encroaches as little as
23 possible upon the normal functions of the news media;

24 (3) affects the jurisdiction or responsibilities of police
25 forces, fire-fighting forces, units of the armed forces of the United
26 States, or of any personnel of them, when on active duty; but state,
27 local, and interjurisdictional disaster emergency plans shall place
28 reliance upon the forces available for performance of functions
29 related to disaster emergencies; or

1 (4) limits, modifies, or abridges the authority of the
2 governor to proclaim martial law, or exercise any other powers vested
3 in him under the constitution, statutes, or common law of this state
4 independent of, or in conjunction with, any provision of this chapter.

5 Sec. 26.23.210. RELATIONSHIP TO CIVIL DEFENSE STATUTE. AS
6 26.20, the Alaska civil defense statute, applies to preparedness,
7 response, and recovery from disasters caused by enemy attack and other
8 hostile military or paramilitary action. The provisions of this
9 chapter, other than AS 26.23.130, apply to response and recovery only
10 in cases of natural and non-military man-made disasters.

11 Sec. 26.23.220. ADMINISTRATION. This chapter shall be admini-
12 stered by the Department of Military Affairs, which is responsible to,
13 and which may receive delegations of authority from, the governor.

14 Sec. 26.23.230. DEFINITIONS. As used in this chapter:

15 (1) "disaster" means the occurrence or imminent threat of
16 widespread or severe damage, injury, or loss of life or property re-
17 sulting from any natural or non-military man-made cause including, but
18 not limited to, fire, flood, earthquake, landslide, mudslide, avalanche,
19 weather condition, wave action, oil spill or other water contamination
20 requiring emergency action to avert danger or damage, volcanic activity,
21 epidemic, air contamination, blight, infestation, explosion, riot, equip-
22 ment failure, or shortage of food, water, fuel, or clothing;

23 (2) "major disaster," "emergency," and "temporary housing"
24 mean the same thing as in the federal Disaster Relief Act of 1974
25 (P.L. 93-288, 88 Stat. 143);

26 (3) "political subdivision" means a borough or city,
27 whether home rule or otherwise, including municipalities unified under
28 AS 29.68.240 -- 29.68.440, unincorporated village, or other unit of
29 local government; and

1 (4) "unorganized militia" means all able-bodied persons
2 between the ages of 17 and 59 years, inclusive, who reside in the
3 state.

4 * Sec. 4. AS 44.19.171(b) is amended to read:

5 (b) Subject to the restrictions of (d) and (e) of this section,
6 the governor may, without additional legislative authorization,
7 expend not more than \$1,000,000 [\$500,000] of the assets of the
8 disaster relief fund for the following purposes:

9 (1) to implement provisions of law relating to [NATURAL]
10 disaster relief in the case of a [NATURAL] disaster as defined in sec.
11 175 of this chapter occurring after October 11, 1967;

12 (2) to alleviate the effects of a [NATURAL] disaster as
13 defined in sec. 175 of this chapter occurring after October 11, 1967.

14 * Sec. 5. AS 44.19.171(c) is amended to read:

15 (c) Subject to the restrictions of (d) and (e) of this section,
16 the governor may, without additional legislative authorization, expend
17 for any fiscal year not more than \$500,000 [\$250,000] of the assets of
18 the disaster relief fund to prevent or minimize the effects of an
19 event which occurs in any part of the state after October 11, 1967 and
20 which, in the determination of the governor, poses a direct and
21 imminent threat of resulting in a [NATURAL] disaster of sufficient
22 magnitude and severity to justify state action.

23 * Sec. 6. AS 44.19.175 is repealed and re-enacted to read:

24 Sec. 44.19.175. DEFINITION. In secs. 171 - 177 of this chapter,
25 "disaster" means the occurrence or imminent threat of widespread or
26 severe damage, injury, or loss of life or property resulting from any
27 natural or man-made cause including, but not limited to, fire, flood,
28 earthquake, landslide, avalanche, weather condition, wave action, oil
29 spill or other water contamination requiring emergency action to avert

1 damage, volcanic activity, epidemic, air contamination, blight,
2 infestation, explosion or riot.

3 * Sec. 7. AS 44.19.177(a) is amended to read:

4 Sec. 44.19.177. GRANTS AND LOANS TO MUNICIPALITIES DAMAGED BY A
5 [NATURAL] DISASTER. (a) Grants and loans for urban renewal shall be
6 made available to municipalities damaged by [NATURAL] disasters
7 occurring in the state after August 1, 1967 in order to match federal
8 funds under federal urban renewal programs. A grant or loan of state
9 funds to a municipality for an urban renewal program under this section
10 may not exceed 25 per cent of the aggregate of the net project costs
11 of the urban renewal project. Funds shall be made available to a
12 municipality to match federal funds only if the urban renewal project
13 is made necessary by the [NATURAL] disaster.

14 * Sec. 8. AS 44.19.177(d)(3) is amended to read:

15 (3) whether or not the urban renewal project was made
16 necessary by a [NATURAL] disaster;

17 * Sec. 9. AS 44.19.177(d)(4) is amended to read:

18 (4) the needs of other municipalities damaged by the
19 [NATURAL] disaster for funds to match federal funds for urban renewal
20 projects, and the urgency of the needs of other communities as com-
21 pared with the community under consideration;

22 * Sec. 10. AS 44.19.177(g) is amended to read:

23 (g) In this section "[NATURAL] disaster" means a [NATURAL] dis-
24 aster proclaimed by the President of the United States.

25 * Sec. 11. AS 26.23.150(d), as enacted in Sec. 3 of this Act, has the
26 effect of changing Rule 65, Rules of Civil Procedure, by prohibiting the
27 issuance of a temporary restraining order or preliminary injunction against
28 an act of the governor taken in accordance with the provisions of that
29 section.

1 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
2 10.070(c).

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