

Original Sponsor: Rules Committee by
request of the Governor

Offered: 5/31/76
For Today's Calendar

1 IN THE SENATE

BY THE RULES COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 534 (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 military affairs; and providing
7 for an effective date."

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

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

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

15 * Sec. 2. AS 26.05.160 is amended by adding new subsections to read:

16 (c) The adjutant general must have held or hold a federally
17 recognized field-grade commission with at least five years service in
18 the Alaska Army or Air National Guard on initial appointment.

19 (d) The adjutant general, upon appointment, must have completed
20 the command general staff course or its equivalent and one of the war
21 colleges.

22 * Sec. 3. AS 26.20.010(a) is amended to read:

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

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

3 (2) to confer upon the governor and upon the executive heads
4 of the districts of the state the emergency powers provided in this
5 chapter;

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

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

12 * Sec. 4. AS 26 is amended by adding a new chapter to read:

13 CHAPTER 23. ALASKA DISASTER ACT.

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

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

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

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

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

26 (5) authorize and provide for cooperation in disaster pre-
27 vention, preparedness, response, and recovery;

28 (6) authorize and provide for the coordination of activities
29 relating to disaster prevention, preparedness, response, and recovery by

1 agencies and officers of the state, and similar state-local, interstate,
2 federal-state, and foreign activities in which the state and its politi-
3 cal subdivisions may participate;

4 (7) provide a disaster management system embodying all
5 aspects of pre-disaster preparedness and post-disaster response; and

6 (8) assist in the prevention of disasters caused or aggra-
7 vated by inadequate planning for, and regulation of, public and private
8 facilities and land use.

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

12 (b) The governor may issue orders, proclamations, and regulations
13 necessary to carry out the purposes of this chapter, and amend or rescind
14 them. These orders, proclamations, and regulations have the force of
15 law.

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

29 (d) An order or proclamation issued under this chapter shall be

1 disseminated promptly by means calculated to bring its contents to the
2 attention of the general public and, unless prevented or impeded by
3 circumstances attendant upon the disaster, promptly filed with the
4 Alaska Division of Emergency Services, the lieutenant governor, and
5 the borough clerk or city clerk, as the case may be, in the area to
6 which it applies.

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

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

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

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

1 emergency;

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

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

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

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

18 (6) prescribe routes, modes of transportation, and distina-
19 tions in connection with necessary evacuations;

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

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

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

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

28 Sec. 26.23.030. CREATION OF THE ALASKA DIVISION OF EMERGENCY
29 SERVICES. There is created, in the Department of Military Affairs,

1 the Alaska Division of Emergency Services possessing the powers and
2 duties delineated in sec. 40 of this chapter.

3 Sec. 26.23.040. DUTIES OF THE ALASKA DIVISION OF EMERGENCY
4 SERVICES. (a) The Alaska Division of Emergency Services shall
5 prepare and maintain a State Disaster Plan and keep it current, which
6 plan may include provisions for:

7 (1) prevention and minimization of injury and damage caused
8 by disasters;

9 (2) prompt and effective response to disasters;

10 (3) emergency relief;

11 (4) identification of areas especially vulnerable to a
12 disaster;

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

18 (6) assistance to local officials in designing local emer-
19 gency action plans;

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

23 (8) preparation and distribution to the appropriate state
24 and local officials of state catalogs of federal, state, and private
25 assistance programs;

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

27 (10) coordination of federal, state, and local disaster
28 activities;
29

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

3 (12) other matters necessary to carry out the purposes of
4 this chapter.

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

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

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

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

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

29 (2) procure and pre-position supplies, medicines, materials,

1 and equipment;

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

4 (4) periodically review local and interjurisdictional
5 disaster plans;

6 (5) provide for mobile support units;

7 (6) establish and operate, or assist political subdivisions,
8 their disaster agencies, and interjurisdictional disaster agencies to
9 establish and operate, training and public information programs;

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

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

17 (9) establish a register of persons with types of training
18 and skills important in disaster prevention, preparedness, response,
19 and recovery;

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

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

25 (12) cooperate with the federal government and any public
26 or private agency or entity in achieving any purpose of this chapter
27 and in implementing programs for disaster prevention, preparedness,
28 response and recovery; and

29 (13) do other things necessary or proper for the imple-

1 mentation of this chapter.

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

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

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

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

25 (b) Each borough may maintain a disaster agency, or participate
26 in a local or interjurisdictional disaster agency which, except as
27 otherwise provided in this chapter, has jurisdiction over and serves
28 the entire borough.

29 (c) The governor shall determine which political subdivisions

1 need disaster agencies of their own, and require that they be estab-
2 lished and maintained. He shall make his determinations on the basis
3 of the political subdivision's disaster vulnerability and capability
4 of response related to population size and concentration. The disaster
5 agency of a borough shall cooperate with the disaster agencies of
6 political subdivisions situated within its borders, but does not have
7 jurisdiction within a political subdivision having its own disaster
8 agency. The Alaska Division of Emergency Services shall publish and
9 keep current a list of political subdivisions required to have disaster
10 agencies under this subsection.

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

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

24 (f) Each local and interjurisdictional agency shall prepare and
25 keep current a local or interjurisdictional disaster emergency plan
26 for its area.

27 (g) The local or interjurisdictional disaster agency, as the
28 case may be, shall prepare and distribute to all appropriate officials
29 in written form a clear and complete statement of the emergency re-

1 sponsibilities of all local agencies and officials and of the disaster
2 chain of command.

3 Sec. 26.23.070. ESTABLISHMENT OF INTERJURISDICTIONAL DISASTER
4 PLANNING AND SERVICE AREAS. (a) If the governor finds that two or
5 more adjoining political subdivisions would be better served by an
6 interjurisdictional arrangement than by maintaining separate disaster
7 agencies and services, he may delineate by order an interjurisdictional
8 area adequate to plan for, prevent, or respond to a disaster in that
9 area, and direct steps to be taken as necessary, including the creation
10 of an interjurisdictional relationship, a joint disaster emergency
11 plan, mutual aid, or an area organization for emergency planning and
12 services. A finding by the governor under this subsection shall be
13 based on one or more factors related to the difficulty of maintaining
14 an efficient and effective disaster prevention, preparedness, response,
15 and recovery system without an interjurisdictional relationship, such
16 as:

- 17 (1) small or sparse population;
- 18 (2) limitations on public financial resources severe
19 enough to make maintenance of a separate disaster agency and services
20 unreasonably burdensome;
- 21 (3) unusual vulnerability to disaster as evidenced by a
22 past history of disasters, topographical features, drainage charac-
23 teristics, disaster potential, and presence of disaster-prone facilities
24 or operations;
- 25 (4) the interrelated character of the political subdivisions
26 in an area; or
- 27 (5) other relevant conditions or circumstances.

28 (b) If the governor finds that a vulnerable area lies only
29 partly within the state and includes territory in a foreign juris-

1 diction, and that it would be desirable to establish an international
2 relationship, mutual aid, or an area organization for disaster, he
3 shall take steps to that end as desirable. If this action is taken
4 with jurisdictions that have enacted the Interstate Civil Defense and
5 Disaster Compact substantially as contained in sec. 130 of this chapter,
6 any resulting agreement may be considered a supplemental agreement
7 governor may:

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

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

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

28 (c) A person who fraudulently or wilfully makes a misstatement
29 of fact in connection with an application for financial assistance

1 under this chapter is, upon conviction, punishable by a fine of not
2 more than \$5,000, or imprisonment for not more than one year, or by
3 both.

4 Sec. 26.23.100. TEMPORARY HOUSING. (a) Whenever the governor
5 has proclaimed a disaster emergency, or the President, at the request
6 of the governor, has declared an emergency or a major disaster to
7 under Article 6 of that compact.

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

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

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

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

27 (3) recommend to the federal government, based upon his
28 review, the cancellation of all or any part of repayment when, for the
29 first three full fiscal years following the major disaster, the

1 revenues of the local government are insufficient to meet its operating
2 expenses, including additional disaster-related expenses of a municipal
3 operation character.

4 Sec. 26.23.090. STATE FINANCIAL PARTICIPATION IN GRANTS TO
5 DISASTER VICTIMS. (a) Whenever the President, at the request of the
6 governor, has declared a major disaster to exist in this state, the
7 exist in this state, the governor may:

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

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

16 (A) advancing or lending funds available to the
17 governor from an appropriation made by the legislature or from
18 any other source;

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

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

26 (3) under such regulations as he may adopt, temporarily
27 suspend or modify, for not more than 60 days, any public health,
28 safety, zoning, transportation, or other requirement of law or regula-
29 tion of the state, when, by proclamation, he declares such a suspension

1 or modification essential to provide temporary housing for disaster
2 victims.

3 (b) A political subdivision of this state may acquire, temporari-
4 ly or permanently, by purchase, lease, or otherwise, sites required
5 for installation of temporary housing units for disaster victims, and
6 to enter into whatever arrangements (including purchase of temporary
7 housing units and payment of transportation charges) which are neces-
8 sary to prepare or equip those sites to receive and use the housing
9 units.

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

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

19 (2) accept funds from the federal government and use those
20 funds to make grants to any local government for the purpose of
21 removing debris or wreckage from publicly or privately owned land or
22 water.

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

29 Sec. 26.23.120. INTERGOVERNMENTAL ARRANGEMENTS. The Interstate

1 Civil Defense and Disaster Compact is hereby enacted into law and
2 entered into with all jurisdictions legally joining in it in a form
3 substantially as contained in sec. 130 of this chapter.

4 Sec. 26.23.130. INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT.
5 The terms and provisions of the compact referred to in sec. 120 of
6 this chapter are as follows:

7 INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

8 The contracting states solemnly agree:

9 ARTICLE I.

10 PURPOSE.

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

27 ARTICLE II.

28 CIVIL DEFENSE PLANS AND PROGRAMS.

29 It is the duty of each party state to formulate civil defense

1 plans and programs for application within that state. There shall be
2 frequent consultation between the representatives of the states and
3 with the United States government, and the free exchange of information
4 and plans, including inventories of any materials and equipment avail-
5 able for civil defense. In carrying out these civil defense plans and
6 programs, the party states shall, so far as possible, provide and
7 follow uniform standards, practices, and regulations, including:

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

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

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

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

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

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

22 (7) the conduct of civilians and the movement and cessation
23 of movement of pedestrians and vehicular traffic, before, during, and
24 after drills or attacks;

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

26 (9) mobile support units.

27 ARTICLE III.

28 ASSISTANCE TO PARTY STATE.

29 Any party state requested to render mutual aid shall take the

1 action necessary to provide and make available the resources covered
2 by this compact in accordance with its terms; however, it is understood
3 that the state rendering aid may withhold resources to the extent
4 necessary to provide reasonable protection for itself. Each party
5 state shall extend to the civil defense forces of any other party
6 state, while operating within its state boundaries under the terms and
7 conditions of this compact, the same powers (except that of arrest,
8 unless specifically authorized by the receiving state), duties, rights,
9 privileges, and immunities as if they were performing their duties in
10 their home state. Civil defense forces will continue under the command
11 and control of their regular leaders, but the organizational units
12 will come under the operational control of the civil defense authorities
13 of the state receiving assistance.

14 ARTICLE IV.

15 INTERSTATE RECOGNITION OF INDIVIDUAL QUALIFICATIONS.

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

23 ARTICLE V.

24 LIABILITY.

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

1 ARTICLE VI.

2 SUPPLEMENTAL AGREEMENTS.

3 Inasmuch as it is probable that the pattern and detail of the
4 machinery for mutual aid among two or more states may differ from that
5 appropriate among other party states, this compact contains elements
6 of a broad base common to all states, and nothing in this compact pre-
7 cludes any state from entering into supplementary agreements with
8 other states. Such supplementary agreements may comprehend, but are
9 not limited to, provisions for evacuation and reception of injured and
10 other persons, and the exchange of medical, fire, police, public
11 utility, reconnaissance, welfare, transportation, and communications
12 personnel, equipment and supplies.

13 ARTICLE VII.

14 INJURY AND DEATH COMPENSATION.

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

21 ARTICLE VIII.

22 COMPENSATION TO ASSISTING STATE.

23 A party state rendering aid in another state under this compact
24 shall be reimbursed by the party state receiving the aid for any loss
25 or damage to, or expense incurred in, the operation of any equipment
26 answering a request for aid, and for the cost incurred in connection
27 with the request; however, an aiding party state may assume in whole
28 or in part the loss, damage, expense, or other cost, or may loan the
29 equipment or donate the services to the receiving party state without

1 charge or cost; in addition, any two or more party states may enter
2 into supplementary agreements establishing a different allocation of
3 costs as among those states. The United States government may relieve
4 the party state receiving aid from any liability, and reimburse the
5 party state supplying civil defense forces for the compensation paid
6 to and the transportation, subsistence, and maintenance expenses of
7 those forces during the time of rendering the aid or assistance outside
8 the state, and may also pay fair and reasonable compensation for the
9 use of the supplies, materials, equipment, or facilities so used or
10 consumed.

11 ARTICLE IX.

12 EVACUATION PLANS.

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

1 of the emergency or disaster, the party state of which the evacuees
2 are residents shall assume the responsibility for the ultimate support
3 or return of the evacuees.

4 ARTICLE X.

5 AVAILABILITY OF COMPACT.

6 This compact shall be available to any state, territory, or
7 possession of the United States, and the District of Columbia. The
8 term "state" also includes any neighboring foreign country or province
9 or state of one.

10 ARTICLE XI.

11 NON-BORDERING STATES.

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

16 ARTICLE XII.

17 UNITED STATES CIVIL DEFENSE AGENCY PARTICIPATION.

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

22 ARTICLE XIII.

23 ENTRY INTO FORCE.

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

1 the Civil Defense Agency and other appropriate agencies of the United
2 States government.

3 ARTICLE XIV.

4 WITHDRAWAL.

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

10 ARTICLE XV.

11 SEVERABILITY.

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

18 ARTICLE XVI.

19 COVERAGE.

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

1 (b) In addition to the occurrences, circumstances and subject
2 matter to which preceding Articles of this compact make it applicable,
3 this compact and its authorizations, entitlements, and procedures
4 apply to:

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

7 (2) action useful in coping with disasters arising from any
8 cause or designed to increase the capability to cope with any such
9 disasters;

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

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

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

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

28 (d) Nothing in this Article excludes from the coverage of
29 Articles I - XV of this compact any matter which, in the absence of

1 this Article, could reasonably be construed to be covered by Articles
2 I - XV.

3 ARTICLE XVII.

4 CONSTRUCTION.

5 Nothing in this compact limits previous or future entry into the
6 Interstate Civil Defense and Disaster Compact of this state with other
7 states.

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

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

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

26 Sec. 26.23.150. DISASTER PREVENTION. (a) In addition to dis-
27 aster prevention measures as included in the state, local, and inter-
28 jurisdictional disaster plans, the governor shall consider, on a
29 continuing basis, steps that could be taken to prevent or reduce the

1 harmful consequences of disasters. At his direction, and under any
2 other authority and competence they have, state agencies, including
3 but not limited to those charged with responsibilities in connection
4 with flood plain management, stream encroachment and flow regulation,
5 weather modification, fire prevention and control, air quality, public
6 works, land use and land use planning and construction standards,
7 shall make studies of disaster-prevention-related matters. The
8 governor, from time to time, shall make recommendations to the legis-
9 lature, local governments, and other appropriate public and private
10 entities as may facilitate measures for the prevention or reduction of
11 the harmful consequences of disasters.

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

20 (c) If the Alaska Division of Emergency Services believes, on
21 the basis of the studies or other competent evidence, and after con-
22 sultation with the appropriate local planning agencies, that an area
23 is susceptible to a disaster of catastrophic proportions without
24 adequate warning, that existing building standards and land use con-
25 trols in that area are inadequate and could add substantially to the
26 magnitude of the disaster, and that changes in zoning regulations,
27 other land use regulations, or building requirements are essential in
28 order to further the purposes of this section, it shall specify the
29 essential changes to the governor.

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

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

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

12 (d) Unless the amount of compensation on account of property
13 damaged, lost, or destroyed is agreed upon between the claimant and
14 the Alaska Division of Emergency Services, the amount of compensation
15 shall be calculated in the same manner as compensation due for a
16 taking of property under the condemnation laws of this state.

17 Sec. 26.23.170. COMMUNICATIONS. The Alaska Division of Emergency
18 Services shall ascertain what means exist for rapid and efficient
19 communications in times of disaster emergencies. The office shall
20 consider the desirability of supplementing these communications
21 resources, or of integrating them into a comprehensive state or state-
22 federal telecommunications network or other communication system or
23 network. In studying the character and feasibility of any system or
24 its several parts, the office shall evaluate the possibility of multi-
25 purpose use of it or its parts for general state and local governmental
26 purposes. The office shall make recommendations to the governor as
27 appropriate.

28 Sec. 26.23.180. MUTUAL AID. (a) Political subdivisions not
29 participating in interjurisdictional arrangements under this chapter

1 nevertheless shall be encouraged and assisted by the Alaska Division
2 of Emergency Services to conclude suitable arrangements for furnishing
3 mutual aid in coping with disasters. The arrangements shall include
4 provision of aid by persons and units in public employment.

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

8 (c) It is a sufficient reason for the governor to require an
9 interjurisdictional agreement or arrangement under sec. 70 of this
10 chapter that the area involved and political subdivisions in it have
11 available equipment, supplies, and forces necessary to provide mutual
12 aid on a regional basis, and that the political subdivisions have not
13 already made adequate provision for mutual aid; but in requiring an
14 interjurisdictional arrangement in order to accomplish the purpose of
15 this section, the governor need not require establishment and main-
16 tenance of an interjurisdictional agency or arrangement for any other
17 disaster purposes.

18 Sec. 26.23.190. RIGHT OF ENTRY. If the entry is reasonably
19 necessary to actually alleviate or prevent the disaster, all persons
20 authorized to carry out emergency measures directed under the pro-
21 visions of this chapter shall have free access to all public and
22 private land, premises, and buildings within the areas specified, and
23 are authorized to enter them and to perform such work and take such
24 measures as are appropriate without the consent of the owners of the
25 land, premises, or buildings.

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

27 (1) interferes with the course or conduct of a labor
28 dispute, except that actions otherwise authorized by this chapter or
29 other laws may be taken when necessary to forestall or mitigate

1 imminent or existing danger to public health or safety;

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

9 (3) affects the jurisdiction or responsibilities of police
10 forces, fire-fighting forces, units of the armed forces of the United
11 States, or of any personnel of them, when on active duty; but state,
12 local, and interjurisdictional disaster emergency plans shall place
13 reliance upon the forces available for performance of functions
14 related to disaster emergencies; or

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

19 Sec. 26.23.210. RELATIONSHIP TO CIVIL DEFENSE STATUTE. AS
20 26.20, the Alaska civil defense statute, applies to preparedness,
21 response, and recovery from disasters caused by enemy attack and other
22 hostile military or paramilitary action. The provisions of this
23 chapter, other than AS 26.23.130, apply to response and recovery only
24 in cases of natural and non-military man-made disasters.

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

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

29 (1) "disaster" means the occurrence or imminent threat of

1 widespread or severe damage, injury, or loss of life or property
2 resulting from any natural or non-military man-made cause including, but
3 not limited to, fire, flood, earthquake, landslide, mudslide, avalanche,
4 weather condition, wave action, oil spill or other water contamination
5 requiring emergency action to avert danger or damage, volcanic activity,
6 epidemic, air contamination, blight, infestation, explosion, riot, equip-
7 ment failure, or shortage of food, water, fuel, or clothing;

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

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

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

18 * Sec. 5. AS 44.19.171(b) is amended to read:

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

23 (1) to implement provisions of law relating to [NATURAL]
24 disaster relief in the case of a [NATURAL] disaster as defined in sec.
25 175 of this chapter occurring after October 11, 1967;

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

28 * Sec. 6. AS 44.19.171(c) is amended to read:

29 (c) Subject to the restrictions of (d) and (e) of this section,

1 the governor may, without additional legislative authorization, expend
2 for any fiscal year not more than \$500,000 [\$250,000] of the assets of
3 the disaster relief fund to prevent or minimize the effects of an
4 event which occurs in any part of the state after October 11, 1967 and
5 which, in the determination of the governor, poses a direct and
6 imminent threat of resulting in a [NATURAL] disaster of sufficient
7 magnitude and severity to justify state action.

8 * Sec. 7. AS 44.19.175 is repealed and re-enacted to read:

9 Sec. 44.19.175. DEFINITION. In secs. 171 - 177 of this chapter,
10 "disaster" means the occurrence or imminent threat of widespread or
11 severe damage, injury, or loss of life or property resulting from any
12 natural or man-made cause including, but not limited to, fire, flood,
13 earthquake, landslide, avalanche, weather condition, wave action, oil
14 spill or other water contamination requiring emergency action to avert
15 damage, volcanic activity, epidemic, air contamination, blight,
16 infestation, explosion or riot.

17 * Sec. 8. AS 44.19.177(a) is amended to read:

18 Sec. 44.19.177. GRANTS AND LOANS TO MUNICIPALITIES DAMAGED BY A
19 [NATURAL] DISASTER. (a) Grants and loans for urban renewal shall be
20 made available to municipalities damaged by [NATURAL] disasters
21 occurring in the state after August 1, 1967 in order to match federal
22 funds under federal urban renewal programs. A grant or loan of state
23 funds to a municipality for an urban renewal program under this section
24 may not exceed 25 per cent of the aggregate of the net project costs
25 of the urban renewal project. Funds shall be made available to a
26 municipality to match federal funds only if the urban renewal project
27 is made necessary by the [NATURAL] disaster.

28 * Sec. 9. AS 44.19.177(d)(3) is amended to read:

29 (3) whether or not the urban renewal project was made

1 necessary by a [NATURAL] disaster;

2 * Sec. 10. AS 44.19.177(d)(4) is amended to read:

3 (4) the needs of other municipalities damaged by the [NAT-
4 URAL] disaster for funds to match federal funds for urban renewal
5 projects, and the urgency of the needs of other communities as compared
6 with the community under consideration;

7 * Sec. 11. AS 44.19.177(g) is amended to read:

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

10 * Sec. 12. AS 26.05.160(a) is amended to read:

11 (a) The adjutant general of the state is appointed by the governor
12 for a term of three years. However, if the National Guard Advisory
13 Board, within 90 days from the date the three-year term expires, recom-
14 mends a second three-year term by majority vote, the adjutant general
15 may serve a second term, subject to the approval of the governor. After
16 service of six years employment as adjutant general, employment with
17 the Department of Military Affairs shall be terminated permanently.

18 The governor shall prescribe the grade of the adjutant general which
19 shall not exceed major general. To be eligible for appointment as
20 adjutant general, a person shall be a citizen of the state. The adju-
21 tant general shall make returns and reports to the Chief, National Guard
22 Bureau, and to the governor or to the officers designated by the Chief,
23 National Guard Bureau, and the governor, at the times and in the form
24 prescribed.

25 * Sec. 13. AS 26.05.160 is amended by adding a new subsection to read:

26 (e) The adjutant general shall be appointed from a list of three
27 officers having the qualifications specified in (a) - (d) of this
28 section, submitted by majority vote of the National Guard Advisory Board.

29 * Sec. 14. AS 26.05 is amended by adding a new section to read:

1 Sec. 26.05.165. NATIONAL GUARD ADVISORY BOARD. (a) There is
2 created the National Guard Advisory Board, whose members are appointed
3 by the governor and serve at his pleasure. The National Guard Advisory
4 Board is composed of the following:

5 (1) two enlisted men, one from the Alaska Army National Guard
6 and one from the Alaska Air National Guard;

7 (2) two officers, one from the Alaska Army National Guard and
8 one from the Alaska Air National Guard;

9 (3) five interested residents from the general public.

10 (b) The National Guard Advisory Board shall

11 (1) submit the names of three recommended officers for the
12 governor's consideration under sec. 160(d) of this chapter;

13 (2) recommend to the governor policies concerning the admin-
14 istration and operation of the Alaska National Guard;

15 (3) recommend legislation that will enhance recruitment and
16 retention within the Alaska National Guard;

17 (4) recommend basic force requirements and unit structuring
18 which should be pursued with the National Guard Bureau which will add to
19 the state's militia posture.

20 * Sec. 15. AS 26.05.180 is repealed and re-enacted to read:

21 Sec. 26.05.180. HEADQUARTERS STAFF OF THE ALASKA NATIONAL GUARD.

22 (a) The headquarters staff of the Alaska National Guard is composed of
23 an Army National Guard component, an Air National Guard component, and a
24 Naval Militia component. The Army National Guard component and the Air
25 National Guard component shall each be administered by a deputy commis-
26 sioner of military affairs who is appointed by the governor, subject to
27 confirmation by the legislature. Deputy commissioners shall be civilians
28 at the time of their appointment. Members of the Alaska National Guard
29 with not more than eight years of service are eligible for consideration

1 as deputy commissioner; any person who has ever been an employee of the
2 Alaska National Guard is not eligible for appointment as a deputy com-
3 missioner.

4 (b) The Department of Military Affairs shall be organized along
5 civilian lines to the maximum extent possible. Notwithstanding AS 44.17,
6 there may be no more than two deputy commissioners in the department.
7 The positions established in the department may be filled by either
8 state or federal employees.

9 * Sec. 16. AS 26.05 is amended by adding a new section to read:

10 Sec. 26.05.348. DEFINITIONS. As used in this chapter, unless
11 the context otherwise requires,

12 (1) "employee" means a person who receives remuneration for
13 full-time personal services regularly rendered over more than six months
14 of the calendar year, without regard to whether the source of remunera-
15 tion is federal or state funds;

16 (2) "member" means a person, not an employee, considered a
17 member in good standing of the Alaska National Guard.

18 * Sec.17. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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