

Introduced: 2/22/77  
Referred: State Affairs  
and Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2 HCS SENATE BILL NO. 176

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST 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; and providing  
8 for an effective date."

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

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

11 Sec. 23.30.244. CIVIL DEFENSE AND DISASTER RELIEF FORCES AS  
12 STATE EMPLOYEES. A resident of Alaska temporarily engaged in a civil  
13 defense or disaster relief function in another state or country under  
14 the provision of AS 26.23.130 is considered an employee of the state  
15 for purposes of this chapter.

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

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

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

26 (2) to confer upon the governor and upon the executive  
27 heads of the districts of the state the emergency powers provided in  
28 this chapter;

29 (3) to provide for mutual aid among the districts of the

1 state, with the other states of the United States, and with the federal  
2 government for carrying out civil defense functions;

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

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

7 CHAPTER 23. ALASKA DISASTER ACT.

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

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

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

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

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

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

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

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

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

4           (b) The governor may issue orders, proclamations, and regulations  
5 necessary to carry out the purposes of this chapter, and amend or  
6 rescind them. These orders, proclamations, and regulations have the  
7 force of law.

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

21           (d) An order or proclamation issued under this chapter shall be  
22 disseminated promptly by means calculated to bring its contents to the  
23 attention of the general public and, unless prevented or impeded by  
24 circumstances attendant upon the disaster, promptly filed with the  
25 Alaska Division of Emergency Services, the lieutenant governor, and  
26 the municipal clerk in the area to which it applies.

27           (e) A proclamation of a disaster emergency activates the disaster  
28 response and recovery aspects of the state, local, and interjurisdic-  
29 tional disaster emergency plans applicable to the political subdivisions

1 or areas in question, and constitutes authority for the deployment and  
2 use of any forces to which the plan or plans apply and for use or  
3 distribution of any supplies, equipment, materials, and facilities  
4 assembled, stockpiled, or arranged to be made available under this  
5 chapter or any other provision of law relating to disaster emergency  
6 response.

7 (f) During the effective period of a disaster emergency, the  
8 governor is commander-in-chief of the organized and unorganized  
9 militia and of all other forces available for emergency duty. To the  
10 greatest extent practicable, the governor shall delegate or assign  
11 command authority by prior arrangement embodied in appropriate orders  
12 or regulations, but this does not restrict his authority to do so by  
13 orders issued at the time of the disaster emergency.

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

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

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

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

29 (4) subject to any applicable requirements for compensation

1 under sec. 160 of this chapter, commandeer or utilize any private  
2 property, except for all news media other than as specifically provided  
3 for in this chapter, if he considers this necessary to cope with the  
4 disaster emergency;

5 (5) direct and compel the relocation of all or part of the  
6 population from any stricken or threatened area within the state, if  
7 he considers relocation necessary for the preservation of life or for  
8 other disaster mitigation purpose;

9 (6) prescribe routes, modes of transportation, and destina-  
10 tions in connection with necessary relocation;

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

14 (8) suspend or limit the sale, dispensing, or transportation  
15 of alcoholic beverages, firearms, explosives, and combustibles;

16 (9) make provisions for the availability and use of temporary  
17 emergency housing; and

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

19 Sec. 26.23.030. CREATION OF THE ALASKA DIVISION OF EMERGENCY  
20 SERVICES. There is created, in the Department of Military Affairs,  
21 the Alaska Division of Emergency Services possessing the powers and  
22 duties set out in sec. 40 of this chapter.

23 Sec. 26.23.040. DUTIES OF THE ALASKA DIVISION OF EMERGENCY  
24 SERVICES.

25 (a) The Alaska Division of Emergency Services shall prepare and  
26 maintain a state emergency plan and keep it current, which plan may  
27 include provisions for:

28 (1) prevention and minimization of injury and damage  
29 caused by disasters;

- 1 (2) prompt and effective response to disasters;
- 2 (3) emergency relief;
- 3 (4) identification of geographical areas, municipalities,
- 4 cities or villages especially vulnerable to a disaster;
- 5 (5) recommendations for zoning, building, and other land-
- 6 use controls, safety measures for securing mobile homes or other non-
- 7 permanent or semi-permanent structures, and other preventive and
- 8 preparedness measures designed to eliminate or reduce disasters or
- 9 their impact;
- 10 (6) assistance to local officials in designing local
- 11 emergency action plans;
- 12 (7) authorization and procedures for the construction of
- 13 temporary works designed to protect against or mitigate danger,
- 14 damage, or loss from a disaster;
- 15 (8) preparation and distribution to the appropriate state
- 16 and local officials of catalogs or extracts listing federal, state,
- 17 and private assistance programs;
- 18 (9) organization of manpower and chains of command;
- 19 (10) coordination of federal, state, and local disaster
- 20 activities;
- 21 (11) coordination of the state emergency plan with the
- 22 disaster plans of the federal government; and
- 23 (12) other matters necessary to carry out the purposes of
- 24 this chapter.

25 (b) The Alaska Division of Emergency Services shall play an  
26 integral part in the development and revision of local and interjuris-  
27 dictional disaster plans prepared under sec. 60 of this chapter. To  
28 this end, it may employ or otherwise secure the services of professional  
29 and technical personnel capable of providing expert assistance to

1 political subdivisions, their disaster agencies, and interjurisdictional  
2 planning and disaster agencies. These personnel shall consult with  
3 political subdivisions and agencies on a regular basis and shall make  
4 field examinations of the areas, circumstances, and conditions to  
5 which particular local and interjurisdictional disaster plans are  
6 intended to apply and may suggest or require revisions.

7 (c) In preparing and maintaining the state emergency plan, the  
8 Alaska Division of Emergency Services shall seek the advice and assist-  
9 ance of local government, business, labor, industry, agriculture,  
10 civic and volunteer organizations and community leaders. In advising  
11 local and interjurisdictional agencies, the office shall encourage  
12 them also to seek advice from these sources.

13 (d) The state emergency plan or any part of it may be incorporated  
14 in regulations or orders of the Alaska Division of Emergency Services.  
15 Regulations and orders of the Alaska Division of Emergency Services  
16 have the force and effect of law.

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

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

21 (2) procure and pre-position supplies, medicines, materials,  
22 and equipment;

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

25 (4) periodically review local and interjurisdictional  
26 disaster plans;

27 (5) provide for mobile support units;

28 (6) establish and operate, or assist political subdivisions,  
29 their disaster agencies, and interjurisdictional disaster agencies to

1 establish and operate, training and public information programs;

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

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

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

12 (10) establish a register of mobile and construction  
13 equipment and temporary housing available for use in a disaster  
14 emergency;

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

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

22 (13) develop and carry out procedures and policies to  
23 effectively employ disaster relief funds made available by the governor's  
24 authority or by special legislative action; these procedures shall  
25 include: application and documentation by disaster victims or appli-  
26 cants, review, verification and funding approval, and processing of  
27 appeals;

28 (14) do other things necessary or proper for the implemen-  
29 tation of this chapter.

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

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

15           (c) Nothing in this section limits the governor's authority to  
16 apply for, receive, administer, and spend grants, gifts, or payments  
17 from any source, to aid in disaster prevention, preparedness, response,  
18 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 enss 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 it 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 such an agency, may satisfy the requirements of this  
14 chapter by having a liaison officer designated to facilitate the  
15 cooperation and protection of that city in the work of disaster  
16 prevention, preparedness, 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 respon-

1 sibilities of all local agencies and officials.

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

16 (1) small or sparse population;

17 (2) limitations on public financial resources severe enough  
18 to make maintenance of a separate disaster agency and services unrea-  
19 sonably burdensome;

20 (3) unusual vulnerability to disaster as evidenced by a  
21 past history of disasters, topographical features, drainage character-  
22 istics, disaster potential, and presence of disaster-prone facilities  
23 or operations;

24 (4) the interrelated character of the political subdivisions  
25 in an area; or

26 (5) other relevant conditions or circumstances.

27 (b) If the governor finds that a vulnerable area lies only  
28 partly within the state and includes territory in a foreign jurisdic-  
29 tion, and that it would be desirable to establish an international

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

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

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

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

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

26 (3) recommend to the federal government, based upon his  
27 review, the cancellation of all or any part of repayment when, for the  
28 first three full fiscal years following the major disaster, the revenues  
29 of the local government are insufficient to meet its operating expenses,

1 including additional disaster-related expenses of a municipal operation  
2 character.

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

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

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

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

27 (c) A person who fraudulently or willfully makes a misstatement  
28 of fact in connection with an application for financial assistance  
29 under this chapter is, upon conviction, punishable by a fine of not

1 more than \$5,000, or imprisonment for not more than one year, or by  
2 both.

3 Sec. 26.23.100. TEMPORARY HOUSING. (a) Whenever the governor  
4 has proclaimed a disaster emergency, or the President, at the request  
5 of the governor, has declared an emergency or a major disaster to  
6 exist in this state, the governor may:

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

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

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

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

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

25 (3) under whatever relevant regulations he may adopt,  
26 temporarily suspend or modify, for not more than 60 days, any public  
27 health, safety, zoning, transportation, or other requirement of law or  
28 regulation of the state, when, by proclamation, he declares such a  
29 suspension or modification essential to provide temporary housing for

1 disaster victims.

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

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

13 (1) through the use of state agencies, clear from publicly  
14 or privately owned land or water, debris and wreckage which may  
15 threaten public health, safety, or property;

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

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

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

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

4                   INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

5           The contracting states solemnly agree:

6                           ARTICLE I

7                                   PURPOSE

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

24                           ARTICLE II

25                                   CIVIL DEFENSE PLANS AND PROGRAMS

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

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

5 (1) distinctive insignia or articles to designate and dis-  
6 tinguish the different civil defense services;

7 (2) practice air attack drills, mobilization of civil  
8 defense forces, and other tests and exercises;

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

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

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

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

20 (7) the safety of public meetings or gatherings; and

21 (8) mobile support units.

22 ARTICLE III

23 ASSISTANCE TO PARTY STATE

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

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

#### 9 ARTICLE IV

#### 10 INTERSTATE RECOGNITION OF INDIVIDUAL QUALIFICATIONS

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

#### 18 ARTICLE V

#### 19 LIABILITY

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

#### 25 ARTICLE VI

#### 26 SUPPLEMENTAL AGREEMENTS

27 Inasmuch as it is probable that the pattern and detail of the  
28 machinery for mutual aid among two or more states may differ from that  
29 appropriate among other party states, this compact contains elements

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

#### 8 ARTICLE VII

#### 9 INJURY AND DEATH COMPENSATION

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

#### 16 ARTICLE VIII

#### 17 COMPENSATION TO ASSISTING STATE

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

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

6 ARTICLE IX

7 CRISES RELOCATION PLANS

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

26 ARTICLE X

27 AVAILABILITY OF COMPACT

28 This compact is available to any state, territory, or possession  
29 of the United States, and the District of Columbia.

1 The term "state" also includes any neighboring foreign country and a  
2 province or state of one.

3 ARTICLE XI

4 NON-BORDERING STATES

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

9 ARTICLE XII

10 UNITED STATES CIVIL DEFENSE AGENCY PARTICIPATION

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

15 ARTICLE XIII

16 ENTRY INTO FORCE

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

25 ARTICLE XIV

26 WITHDRAWAL

27 This compact continues in force and remains binding on each party  
28 state until the legislature or the governor of such a state takes  
29 action to withdraw from it. Withdrawal is not effective until 30 days

1 after notice of that action has been sent by the governor of the party  
2 state desiring to withdraw to the governors of all other party states.

3 ARTICLE XV

4 SEVERABILITY

5 This compact shall be construed to effectuate the purposes  
6 stated in Article I. If any provision of this compact is held unconsti-  
7 tutional, or its applicability to any person or circumstance is held  
8 invalid, the constitutionality of the remainder of this compact and  
9 its applicability to other persons and circumstances are not affected  
10 by that holding.

11 ARTICLE XVI

12 COVERAGE

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

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

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

29 (2) action useful in coping with disasters arising from any

1 cause or designed to increase the capability to cope with any such  
2 disasters;

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

7 (4) the giving and receiving of aid by political subdivisions  
8 of party states;

9 (5) exercises, drills or other training or practice activi-  
10 ties designed to aid personnel to prepare for, cope with, or prevent  
11 any disaster or other emergency to which this compact applies.

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

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

25 ARTICLE XVII

26 CONSTRUCTION

27 Nothing in this compact limits previous or future entry into the  
28 Interstate Civil Defense and Disaster Compact of this state with other  
29 states.

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

10           (b) The effect of a declaration of a local disaster emergency is  
11 to activate the response and recovery aspects of any and all applicable  
12 local or interjurisdictional disaster emergency plans, and to authorize  
13 the furnishing of aid and assistance under those plans.

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

19           Sec. 26.23.150. DISASTER PREVENTION. (a) In addition to  
20 disaster prevention measures as included in the state, local and  
21 interjurisdictional disaster plans, the governor shall consider, on a  
22 continuing basis, steps that could be taken to prevent or reduce the  
23 harmful consequences of disasters. At his direction, and under any  
24 other authority and competence they have, state agencies, including  
25 but not limited to, those charged with responsibilities in connection  
26 with flood plain management, stream encroachment and flow regulation,  
27 weather modification, fire prevention and control, air quality, public  
28 works, land use and land use planning and construction standards,  
29 shall make studies of disaster-prevention-related matters. The governor,

1 from time to time, shall make recommendations to the legislature, local  
2 governments, and other appropriate public and private entities as may  
3 facilitate measures for the prevention or reduction of the harmful  
4 consequences of disasters.

5 (b) Appropriate departments, in conjunction with the Alaska  
6 Division of Emergency Services, shall keep land uses and location of  
7 structures and other facilities under continuing study, and identify  
8 areas which are particularly susceptible to severe land shifting, sub-  
9 sidence, flood, or other catastrophic occurrence. The studies under  
10 this subsection shall concentrate on means of reducing or avoiding the  
11 dangers caused by this occurrence or the consequences of it.

12 (c) If the Alaska Division of Emergency Services believes,  
13 on the basis of the studies or other competent evidence, and after  
14 consultation with the appropriate local planning agencies, that an  
15 area is susceptible to a disaster of catastrophic proportions without  
16 adequate warning, that existing building standards and land use controls  
17 in that area are inadequate and could add substantially to the magnitude  
18 of the disaster, and that changes in zoning regulations, other land  
19 use regulations, or building requirements are essential in order to  
20 further the purposes of this section, it shall specify the essential  
21 changes to the governor.

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

25 (b) Compensation for property shall be made only if the property  
26 was commandeered or otherwise used in coping with a disaster emergency,  
27 and its use or destruction was ordered by the governor or by a member  
28 of the disaster emergency forces of this state who is authorized by  
29 the division of emergency services to issue such an order.

1 (c) Any person claiming compensation for the use, damage, loss,  
2 or destruction of property occasioned by action taken under this  
3 chapter shall file a claim for that compensation with the Alaska  
4 Division of Emergency Services in the form and manner in which that  
5 agency provides.

6 (d) Unless the amount of compensation resulting from property  
7 damaged, lost, or destroyed is agreed upon between the claimant and  
8 the Alaska Division of Emergency Services, the amount of compensation  
9 shall be calculated in the same manner as compensation due for a  
10 taking of property under the condemnation laws of this state.

11 Sec. 26.23.170. COMMUNICATIONS. The Alaska Division of Emergency  
12 Services shall ascertain what means exist for rapid and efficient  
13 communications in times of disaster emergency. The division shall  
14 consider the desirability of supplementing these communications re-  
15 sources, or of integrating them into a comprehensive state or state-  
16 federal telecommunications network or other communication system or  
17 network. In studying the character and feasibility of any system or  
18 its several parts, the division shall evaluate the possibility of  
19 multi-purpose use of it or its parts for general state and local  
20 governmental purposes. The division shall make recommendations to the  
21 governor as appropriate.

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

28 (b) In concurring with local disaster plans, the governor shall  
29 consider whether they contain adequate provisions for the rendering

1 and receipt of mutual aid.

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

12 Sec. 26.23.190. RIGHT OF ENTRY. If entry is reasonably necessary  
13 to actually alleviate or prevent the disaster, all persons authorized  
14 to carry out emergency measures directed under the provisions of this  
15 chapter shall be accorded free access to all public and private land  
16 and public buildings within the areas specified, and are authorized to  
17 enter them and to perform such work and take such measures as are  
18 appropriate without the consent of the owners of the land or buildings.

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

20 (1) interferes with or allows interference with the course  
21 or conduct of a labor dispute, except that actions otherwise authorized  
22 by this chapter or other laws may be taken when necessary to forestall  
23 or mitigate imminent or existing danger to public health or safety;

24 (2) interferes with or allows interference with dissemi-  
25 nation of news or comment on public affairs; but any communications  
26 facility or organization (including, but not limited to radio and  
27 television stations, wire services, and newspapers) may be requested  
28 to transmit or print public service messages furnishing information or  
29 instructions in connection with a disaster emergency, in a manner

1 which encroaches as little as possible upon the normal functions of  
2 the news media;

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

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

13 Sec. 26.23.210. RELATIONSHIP TO CIVIL DEFENSE STATUTE. AS  
14 26.20, the Alaska civil defense statute, applies to preparedness,  
15 response, and recovery from disasters caused by enemy attack and other  
16 hostile military or paramilitary action. The provisions of this  
17 chapter, other than AS 26.23.130, apply to preparedness, response, and  
18 recovery in cases of natural and non-military man-made disasters.

19 Sec. 26.23.220. ADMINISTRATION. This chapter shall be administered  
20 by the Department of Military Affairs, which is responsible to, and  
21 which may receive delegations of authority from, the governor.

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

23 (1) "disaster" means the occurrence or imminent threat of  
24 widespread or severe damage, injury, or loss of life or property  
25 resulting from any natural or non-military man-made cause including,  
26 but not limited to, fire, flood, earthquake, landslide, mudslide,  
27 avalanche, wind-driven water, weather condition, tsunami, oil spill or  
28 other water contamination requiring emergency action to avert danger  
29 or damage, volcanic activity, epidemic, air contamination, blight,

1 infestation, explosion, riot, equipment failure, or shortage of food,  
2 water, fuel, or clothing;

3 (2) "disaster emergency" means the condition declared by  
4 proclamation of the governor or declared by the principal executive  
5 officer of a political subdivision to designate the imminence or  
6 occurrence of a disaster;

7 (3) "emergency" means the same thing as in the federal  
8 Disaster Relief Act of 1974 (P.L. 93-288, 88 Stat. 143);

9 (4) "major disaster" means the same thing as in the federal  
10 Disaster Relief Act of 1974 (P.L. 93-288, 88 Stat. 143);

11 (5) "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;

15 (6) "temporary housing" means the same thing as in the  
16 federal Disaster Relief Act of 1974 (P.L. 93-288, 88 Stat. 143); and

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

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

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

25 (1) to implement provisions of law relating to [NATURAL]  
26 disaster relief in the case of a [NATURAL] disaster as defined in sec.  
27 175 of this chapter occurring after October 11, 1967;

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

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

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

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

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

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

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

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

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

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

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

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

10 (g) In this section "[NATURAL] disaster" means a [NATURAL]  
11 disaster proclaimed by the President of the United States.

12 \* Sec. 11. This Act takes effect immediately in accordance with AS 01.-  
13 10.070(c).

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