

Original sponsor: Rules Committee by request
of the Governor

Offered: 5/13/77
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR 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 for
8 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 STATE
12 EMPLOYEES. A resident of Alaska temporarily engaged in a civil defense
13 or disaster relief function in another state or country under the pro-
14 vision of AS 26.23.130 is considered an employee of the state for
15 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 other
19 hostile action, and in order to insure adequate preparations for such
20 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 found
23 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 heads
27 of the districts of the state the emergency powers provided in this
28 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 pre-
21 vention, preparedness, response, and recovery;

22 (6) authorize and provide for the coordination of activities
23 relating to disaster prevention, preparedness, response, and recovery by
24 agencies and officers of the state, and similar state-local, inter-
25 state, federal-state, and foreign activities in which the state and its
26 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 clamations of the governor if he finds that a disaster has occurred or
10 that such an occurrence is imminent or threatened. If the legislature
11 is not in session when a proclamation is issued, concurrently with the
12 issuance of the proclamation, a call shall be issued by the governor to
13 convene a special session of the legislature to consider ratification of
14 actions taken under this chapter. A call for a special session under
15 this section may be cancelled by the unanimous agreement of the presid-
16 ing officers of the senate, house of representatives and the governor
17 before the actual convening of the special session. If a special ses-
18 sion is held, actions taken by the governor under this chapter which are
19 not ratified by the legislature within 15 days of its convening shall be
20 void. The disaster emergency so declared remains in effect until the
21 governor finds that the threat or danger has passed or the disaster has
22 been dealt with to the extent that emergency conditions no longer exist
23 and he terminates the disaster emergency by proclamation; but no pro-
24 clamations of disaster emergency remains in effect for longer than 30
25 days unless renewed by the legislature. The legislature, by concurrent
26 resolution, may terminate a disaster emergency at any time. All pro-
27 clamations issued under this subsection shall indicate the nature of the
28 disaster, the area or areas threatened or affected, and the conditions
29 which have brought it about or which make possible the termination of

1 the disaster emergency.

2 (d) An order or proclamation issued under this chapter shall be
3 disseminated promptly by means calculated to bring its contents to the
4 attention of the general public and, unless prevented or impeded by
5 circumstances attendant upon the disaster, promptly filed with the
6 Alaska division of emergency services, the lieutenant governor, and the
7 municipal clerk in the area to which it applies.

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

17 (f) During the effective period of a disaster emergency, the
18 governor is commander-in-chief of the organized and unorganized militia
19 and of all other forces available for emergency duty. The governor may
20 delegate or assign command authority by appropriate orders or regula-
21 tions.

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

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

29 (2) use all available resources of the state government and

1 of each political subdivision of the state as reasonably necessary to
2 cope with the disaster emergency;

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

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

11 (5) direct and compel the relocation of all or part of the
12 population from any stricken or threatened area in the state, if he
13 considers relocation necessary for the preservation of life or for other
14 disaster mitigation purpose;

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

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

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

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

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

25 Sec. 26.23.030. CREATION OF THE ALASKA DIVISION OF EMERGENCY
26 SERVICES. There is created in the Department of Military Affairs the
27 Alaska division of emergency services possessing the powers and duties
28 set out in sec. 40 of this chapter.

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

1 VICES. (a) The Alaska division of emergency services shall prepare and
2 maintain a state emergency plan and keep it current. The plan may
3 include provisions for

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

6 (2) prompt and effective response to disasters;

7 (3) emergency relief;

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

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

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

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

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

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

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

25 (11) coordination of the state emergency plan with the disas-
26 ter plans of the federal government; and

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

29 (b) The Alaska division of emergency services shall play an

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

11 (c) In preparing and maintaining the state emergency plan, the
12 Alaska division of emergency services shall seek the advice and assis-
13 tance of local government, business, labor, industry, agriculture, civic
14 and volunteer organizations and community leaders. In advising local
15 and interjurisdictional agencies, the office shall encourage them also
16 to seek advice from these sources.

17 (d) The state emergency plan or any part of it may be incorporated
18 in regulations or orders of the Alaska division of emergency services.
19 Regulations and orders of the Alaska division of emergency services have
20 the force and effect of law.

21 (e) The Alaska division of emergency services shall

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

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

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

29 (4) periodically review local and interjurisdictional

1 disaster plans;

2 (5) provide for mobile support units;

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

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

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

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

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

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

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

25 (13) develop and carry out procedures and policies to effec-
26 tively employ disaster relief funds made available by the governor's
27 authority or by special legislative action; these procedures shall
28 include application and documentation by disaster victims or applicants,
29 review, verification and funding approval, and processing of appeals;

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

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

6 (b) Whenever, and to the extent that, money is needed to cope with
7 a disaster, the first recourse shall be to funds regularly appropriated
8 to state and local agencies. The second recourse shall be to funds
9 available in the disaster relief fund. If money available from these
10 sources is insufficient, and if the governor finds that other sources of
11 money to cope with the disaster are not available or are insufficient,
12 the governor may, notwithstanding any limitation imposed by AS 37.07.-
13 080(e), transfer and spend money appropriated for other purposes or, in
14 situations involving natural disasters, borrow from the United States
15 government or other public or private sources for a term not to exceed
16 two years.

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

21 Sec. 26.23.060. LOCAL AND INTERJURISDICTIONAL DISASTER AGENCIES
22 AND SERVICES. (a) Each political subdivision in the state is within
23 the jurisdiction of, and shall be served by, the Alaska division of
24 emergency services. An incorporated municipality also may be served by
25 a local or interjurisdictional agency responsible for disaster pre-
26 paredness and coordination of response.

27 (b) Each borough may maintain a disaster agency, or participate in
28 a local or interjurisdictional disaster agency which, except as other-
29 wise provided in this chapter, has jurisdiction over and serves the

1 entire borough.

2 (c) Each political subdivision which does not have a disaster
3 agency and has not made arrangements to secure or participate in the
4 services of such an agency shall designate a liaison officer to facili-
5 tate the cooperation and protection of that city in the work of disaster
6 prevention, preparedness, response, and recovery.

7 (d) The principal executive officer of each political subdivision
8 in the state shall notify the Alaska division of emergency services of
9 the manner in which the political subdivision is providing or securing
10 disaster planning and intends to provide or secure emergency services,
11 identify the person who heads the agency from which the services are or
12 will be obtained, and furnish additional information relating to the
13 services as the Alaska division of emergency services requires.

14 (e) Each local and interjurisdictional agency shall prepare and
15 keep current a local or interjurisdictional disaster emergency plan for
16 its area.

17 (f) The local or interjurisdictional disaster agency, as the case
18 may be, shall prepare and distribute to all appropriate officials in
19 written form a clear and complete statement of the emergency respon-
20 sibilities of all local agencies and officials.

21 Sec. 26.23.070. ESTABLISHMENT OF INTERJURISDICTIONAL DISASTER
22 PLANNING AND SERVICE AREAS. (a) If the governor finds that two or more
23 adjoining political subdivisions would be better served by an inter-
24 jurisdictional arrangement than by maintaining separate disaster agen-
25 cies and services, he may designate by order an interjurisdictional area
26 adequate to plan for, prevent, or respond to a disaster in that area,
27 and direct steps to be taken as necessary, including the creation of an
28 interjurisdictional relationship, a joint disaster emergency plan,
29 mutual aid, or an area organization for emergency planning and services.

1 A finding by the governor under this subsection shall be based on one or
2 more factors related to the difficulty of maintaining an efficient and
3 effective disaster prevention, preparedness, response, and recovery
4 system without an interjurisdictional relationship, such as

5 (1) small or sparse population;

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

9 (3) unusual vulnerability to disaster as evidenced by a past
10 history of disasters, topographical features, drainage characteristics,
11 disaster potential, and presence of disaster-prone facilities or oper-
12 ations;

13 (4) the interrelated character of the political subdivisions
14 in an area; or

15 (5) other relevant conditions or circumstances.

16 (b) If the governor finds that a vulnerable area lies only partly
17 within the state and includes territory in a foreign jurisdiction, and
18 that it would be desirable to establish an international relationship,
19 mutual aid, or an area organization for disaster, he shall take steps to
20 that end as desirable. If this action is taken with jurisdictions that
21 have enacted the Interstate Civil Defense and Disaster Compact substan-
22 tially as contained in sec. 130 of this chapter, any resulting agreement
23 may be considered a supplemental agreement under Article 6 of that
24 compact.

25 (c) If a jurisdiction with which the governor proposes to cooper-
26 ate under (b) of this section has not enacted the Interstate Civil
27 Defense and Disaster Compact, he may negotiate a special agreement with
28 that jurisdiction.

29 Sec. 26.23.080. COMMUNITY DISASTER LOANS. Whenever, at the

1 request of the governor, the President has declared a major disaster to
2 exist in this state, the governor may

3 (1) upon his determination that a local government of the
4 state will suffer a substantial loss of tax and other revenues from the
5 disaster and has demonstrated a need for financial assistance to perform
6 its governmental functions, apply to the federal government, on behalf
7 of the local government, for a loan; he may receive and disburse the
8 proceeds of any approved loan to any applicant local government;

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

14 (3) recommend to the federal government, based upon his
15 review, the cancellation of all or any part of repayment when, for the
16 first three full fiscal years following the major disaster, the revenues
17 of the local government are insufficient to meet its operating expenses,
18 including additional disaster-related expenses of a municipal operation
19 character.

20 Sec. 26.23.090. STATE FINANCIAL PARTICIPATION IN GRANTS TO DISAS-
21 TER VICTIMS. (a) Whenever the President, at the request of the gover-
22 nor, has declared a major disaster to exist in this state, the governor
23 may

24 (1) upon his determination that financial assistance is
25 essential to meet disaster-related necessary expenses or serious needs
26 of individuals or families adversely affected by a major disaster that
27 cannot be otherwise adequately met from other means of assistance,
28 accept a grant by the federal government to fund that financial assis-
29 tance, subject to the terms and conditions that may be imposed upon the

1 grant;

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

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

15 (c) A person who fraudulently or wilfully makes a misstatement of
16 fact in connection with an application for financial assistance under
17 this chapter is, upon conviction, punishable by a fine of not more than
18 \$5,000, or by imprisonment for not more than one year, or by both.

19 Sec. 26.23.100. TEMPORARY HOUSING. (a) Whenever the governor has
20 proclaimed a disaster emergency, or the President, at the request of the
21 governor, has declared an emergency or a major disaster to exist in this
22 state, the governor may

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

27 (2) assist any political subdivision of this state which is
28 the location of temporary housing for disaster victims to acquire sites
29 necessary for the temporary housing and do all things necessary to

1 prepare the site to receive and use temporary housing units by

2 (A) advancing or lending funds available to the
3 governor from an appropriation made by the legislature or from any
4 other source;

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

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

12 (3) under whatever relevant regulations he may adopt, tem-
13 porarily suspend or modify, for not more than 60 days, any public
14 health, safety, zoning, transportation, or other requirement of law or
15 regulation of the state, when, by proclamation, he declares such a
16 suspension or modification essential to provide temporary housing for
17 disaster victims.

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

24 Sec. 26.23.110. DEBRIS AND WRECKAGE REMOVAL IN DISASTER EMERGENCY
25 OR MAJOR DISASTER. (a) When the governor has declared a disaster
26 emergency, or the President, at the request of the governor, has de-
27 clared a major disaster or emergency to exist in this state, the gover-
28 nor may

29 (1) through the use of state agencies, clear from publicly or

1 privately owned land or water, debris and wreckage which may threaten
2 public health, safety, or property;

3 (2) apply for and accept funds from the federal government
4 and use those funds to make grants to any local government for the
5 purpose of removing debris or wreckage from publicly or privately owned
6 land or water.

7 (b) Authority under (a)(1) of this section may not be exercised
8 unless the affected local government, corporation, organization, or
9 individual unconditionally authorizes the removal of the debris or
10 wreckage from public and private property and, in the case of removal of
11 debris or wreckage from private property, first agrees to indemnify the
12 state government against claims arising from the removal.

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

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

20 INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

21 The contracting states solemnly agree:

22 ARTICLE I

23 PURPOSE

24 The purpose of this compact is to provide mutual aid among the
25 states in meeting any emergency or disaster resulting from enemy attack
26 or other cause (natural or otherwise) including sabotage and subversive
27 acts, direct attacks by bombs, shellfire, and nuclear, radiological,
28 chemical or bacteriological means, and other weapons. The prompt, full,
29 and effective utilization of the resources of the respective states,

1 including such resources as may be available from the United States
2 government or any other source, are essential to the safety, care, and
3 welfare of the people of the respective states in the event of enemy
4 action or other emergency, and any other resources, including personnel,
5 equipment, or supplies, shall be incorporated into a plan, or plans, of
6 mutual aid to be developed among the civil defense agencies or similar
7 bodies of the states that are parties to this compact. The directors of
8 civil defense of all party states constitute a committee to formulate
9 plans to take all necessary steps for the implementation of this con-
10 tract.

11 ARTICLE II

12 CIVIL DEFENSE PLANS AND PROGRAMS

13 It is the duty of each party state to formulate civil defense plans
14 and programs for application within that state. There shall be frequent
15 consultation between the representatives of the states and with the
16 United States government, and the free exchange of information and
17 plans, including inventories of any materials and equipment available
18 for civil defense. In carrying out these civil defense plans and
19 programs, the party states shall, so far as possible, provide and
20 follow uniform standards, practices, and regulations, including:

- 21 (1) distinctive insignia or articles to designate and dis-
22 tinguish the different civil defense services;
- 23 (2) practice air attack drills, mobilization of civil defense
24 forces, and other tests and exercises;
- 25 (3) warnings and signals for drills or attacks, and the
26 mechanical devices to be used in connection with them;
- 27 (4) shutting off water mains, gas mains, electric power
28 connections, and the suspension of all other utility services;
- 29 (5) all materials or equipment used, or to be used, for civil

1 defense purposes, in order to assure that those materials and that
2 equipment will be easily and freely interchangeable when used in, or
3 by, any other party state;

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

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

8 (8) mobile support units.

9 ARTICLE III

10 ASSISTANCE TO PARTY STATE

11 Any party state requested to render mutual aid shall take the
12 action necessary to provide and make available the resources covered by
13 this compact in accordance with its terms; however, it is understood
14 that the state rendering aid may withhold resources to the extent
15 necessary to provide reasonable protection for itself. Each party state
16 shall extend to the civil defense forces of any other party state, while
17 operating within its state boundaries under the terms and conditions of
18 this compact, the same powers (except that of arrest, unless specifi-
19 cally authorized by the receiving state), duties, rights, privileges,
20 and immunities as if they were performing their duties in their home
21 state. Civil defense forces will continue under the command and control
22 of their regular leaders, but the organizational units will come under
23 the operational control of the civil defense authorities of the state
24 receiving assistance.

25 ARTICLE IV

26 INTERSTATE RECOGNITION OF INDIVIDUAL QUALIFICATIONS

27 If a person holds a license, certificate, or other permit issued by
28 any state or political subdivision of a state evidencing the meeting of
29 qualifications for professional, mechanical or other skills, that

1 person may render aid involving that skill in any party state to meet an
2 emergency or disaster, and that state shall give due recognition to the
3 license, certificate, or other permit as if issued in the state in which
4 aid is rendered.

5 ARTICLE V

6 LIABILITY

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

12 ARTICLE VI

13 SUPPLEMENTAL AGREEMENTS

14 Inasmuch as it is probable that the pattern and detail of the
15 machinery for mutual aid among two or more states may differ from that
16 appropriate among other party states, this compact contains elements of
17 a broad base common to all states, and nothing in this compact precludes
18 any state from entering into supplementary agreements with other states.
19 Such supplementary agreements may comprehend, but are not limited to,
20 provisions for evacuation and reception of injured and other persons,
21 and the exchange of medical, fire, police, public utility, reconnais-
22 sance, welfare, transportation, and communications personnel, equipment
23 and supplies.

24 ARTICLE VII

25 INJURY AND DEATH COMPENSATION

26 Each party state shall provide for the payment of compensation and
27 death benefits to injured members of the civil defense forces of that
28 state and the representatives of deceased members of those forces, in
29 case those members sustain injuries or are killed while rendering aid

1 under this compact, in the same manner and on the same terms as if the
2 injury or death were sustained within that state.

3 ARTICLE VIII

4 COMPENSATION TO ASSISTING STATE

5 A party state rendering aid in another state under this compact
6 shall be reimbursed by the party state receiving the aid for any loss or
7 damage to, or expense incurred in, the operation of any equipment
8 answering a request for aid, and for the cost incurred in connection
9 with the request; however, an aiding party state may assume in whole or
10 in part the loss, damage, expense, or other costs, or may loan the
11 equipment or donate the services to the receiving party state without
12 charge or cost; in addition, any two or more party states may enter into
13 supplementary agreements establishing a different allocation of costs as
14 among those states. The United States government may relieve the party
15 state receiving aid from any liability, and reimburse the party state
16 supplying civil defense forces for the compensation paid to and the
17 transportation, subsistence, and maintenance expenses of those forces
18 during the time of rendering the aid or assistance outside the state,
19 and may also pay fair and reasonable compensation for the use of the
20 supplies, materials, equipment, or facilities so used or consumed.

21 ARTICLE IX

22 CRISES RELOCATION PLANS

23 Plans for the orderly relocation and reception of the civilian
24 population as the result of an emergency or disaster shall be worked out
25 from time to time between representatives of the party states and the
26 various local civil defense areas of those states. These plans shall
27 include the manner of transporting the persons being relocated, the
28 number of people to be received in different areas, the manner in which
29 food, clothing, housing, and medical care will be provided, the regis-

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ARTICLE XIII

ENTRY INTO FORCE

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

ARTICLE XIV

WITHDRAWAL

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

ARTICLE XV

SEVERABILITY

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

ARTICLE XVI

COVERAGE

(a) This Article is in effect only as among those states which have enacted it into law or in which the governors have adopted it under

1 constitutional or statutory authority sufficient to give it the force of
2 law as part of this compact. Nothing contained in this Article or in
3 any supplementary agreement made in implementation of it abridges,
4 impairs, or supersedes any other provision of this compact or any obli-
5 gation undertaken by a state pursuant to it, except that if its terms so
6 provide, a supplementary agreement in implementation of this Article may
7 modify, expand, or add to any such obligation as among the parties to
8 the supplementary agreement.

9 (b) In addition to the occurrences, circumstances and subject
10 matter to which preceding Articles of this compact make it applicable,
11 this compact and its authorizations, entitlements, and procedures apply
12 to:

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

15 (2) action useful in coping with disasters arising from any
16 cause or designed to increase the capability to cope with any such
17 disasters;

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

22 (4) the giving and receiving of aid by political subdivisions
23 of party states;

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

27 (c) Except as expressly limited by this compact or a supplementary
28 agreement in force pursuant to it, any aid authorized by this compact or
29 such a supplementary agreement may be furnished by any agency of a party

1 state, by a political subdivision of such a state, or by a joint agency;
2 such an agency or political subdivision is entitled to reimbursement for
3 the aid to the same extent and in the same manner as a state. The
4 personnel of a joint agency, when rendering aid under this compact, have
5 the same rights, authority and immunity as personnel of party states.

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

9 ARTICLE XVII

10 CONSTRUCTION

11 Nothing in this compact limits previous or future entry into the
12 Interstate Civil Defense and Disaster Compact of this state with other
13 states.

14 Sec. 26.23.140. LOCAL DISASTER EMERGENCIES. (a) A local disaster
15 emergency may be declared only by the principal executive officer of a
16 political subdivision. It may not be continued or renewed for a period
17 in excess of seven days, except by or with the consent of the governing
18 board of the political subdivision. Any order or proclamation declar-
19 ing, continuing, or terminating a local disaster emergency shall be
20 given prompt and general publicity, and shall be filed promptly with
21 the Alaska division of emergency services and the appropriate municipal
22 clerk.

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

27 (c) No interjurisdictional agency or official of one may declare
28 a local disaster emergency unless expressly authorized by the agreement
29 under which the agency functions. An interjurisdictional disaster

1 agency shall provide aid and services in accordance with agreement under
2 which it functions.

3 Sec. 26.23.150. DISASTER PREVENTION. (a) In addition to disaster
4 prevention measures as included in the state, local and interjuris-
5 dictional disaster plans, the governor shall consider, on a continuing
6 basis, steps that could be taken to prevent or reduce the harmful con-
7 sequences of disasters. At his direction, and under any other authority
8 and competence they have, state agencies, including but not limited to
9 those charged with responsibilities in connection with flood plain
10 management, stream encroachment and flow regulation, weather modifica-
11 tion, fire prevention and control, air quality, public works, land use
12 and land use planning and construction standards, shall make studies of
13 disaster-prevention-related matters. The governor, from time to time,
14 shall make recommendations to the legislature, local governments, and
15 other appropriate public and private entities as may facilitate measures
16 for the prevention or reduction of the harmful consequences of disasters.

17 (b) Appropriate departments, in conjunction with the Alaska
18 division of emergency services, shall keep land uses and location of
19 structures and other facilities under continuing study, and identify
20 areas which are particularly susceptible to severe land shifting, sub-
21 sidence, flood, or other catastrophic occurrence. The studies under
22 this subsection shall concentrate on means of reducing or avoiding the
23 dangers caused by this occurrence or the consequences of it.

24 (c) If the Alaska division of emergency services believes, on the
25 basis of the studies or other competent evidence and after consultation
26 with the appropriate local planning agencies, that an area is suscep-
27 tible to a disaster of catastrophic proportions without adequate warn-
28 ing, that existing building standards and land use controls in that area
29 are inadequate and could add substantially to the magnitude of the

1 disaster, and that changes in zoning regulations, other land use regu-
2 lations, or building requirements are essential in order to further the
3 purposes of this section, it shall specify the essential changes to the
4 governor.

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

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

13 (c) Any person claiming compensation for the use, damage, loss, or
14 destruction of property occasioned by action taken under this chapter
15 shall file a claim for that compensation with the Alaska division of
16 emergency services in the form and manner required by the division.

17 (d) Unless the amount of compensation resulting from property
18 damaged, lost, or destroyed is agreed upon between the claimant and the
19 Alaska division of emergency services, the amount of compensation shall
20 be calculated in the same manner as compensation due for a taking of
21 property under the condemnation laws of this state.

22 Sec. 26.23.170. COMMUNICATIONS. The Alaska division of emergency
23 services shall ascertain what means exist for rapid and efficient
24 communications in times of disaster emergency. The division shall
25 consider the desirability of supplementing these communications re-
26 sources, or of integrating them into a comprehensive state or state-
27 federal telecommunications network or other communication system or
28 network. In studying the character and feasibility of any system or its
29 several parts, the division shall evaluate the possibility of multi-

1 purpose use of it or its parts for general state and local governmental
2 purposes. The division shall make recommendations to the governor as
3 appropriate.

4 Sec. 26.23.180. MUTUAL AID. (a) Political subdivisions not
5 participating in interjurisdictional arrangements under this chapter
6 nevertheless shall be encouraged and assisted by the Alaska division of
7 emergency services to conclude suitable arrangements for furnishing
8 mutual aid in coping with disasters. The arrangements shall include
9 provision of aid by persons and units in public employment.

10 (b) In concurring with local disaster plans, the governor shall
11 consider whether they contain adequate provisions for the rendering and
12 receipt of mutual aid.

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

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

1 Sec. 26.23.200. LIMITATIONS. Nothing in this chapter

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

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

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

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

23 Sec. 26.23.210. RELATIONSHIP TO CIVIL DEFENSE STATUTE. The
24 Alaska civil defense statute (AS 26.20), applies to preparedness,
25 response, and recovery from disasters caused by enemy attack and other
26 hostile military or paramilitary action. The provisions of this chap-
27 ter, other than sec. 130 of this chapter, apply to preparedness, re-
28 sponse, and recovery in cases of natural and non-military man-made
29 disasters.

1 Sec. 26.23.220. ADMINISTRATION. This chapter shall be adminis-
2 tered by the Department of Military Affairs, which is responsible to,
3 and which may receive delegations of authority from, the governor.

4 Sec. 26.23.230. DEFINITIONS. As used in this chapter

5 (1) "disaster" means the occurrence or imminent threat of
6 widespread or severe damage, injury, or loss of life or property result-
7 ing from any natural or non-military man-made cause including, but not
8 limited to, fire, flood, earthquake, landslide, mudslide, avalanche,
9 wind-driven water, weather condition, tsunami, oil spill or other water
10 contamination requiring emergency action to avert danger or damage,
11 volcanic activity, epidemic, air contamination, blight, infestation,
12 explosion, riot, equipment failure, or shortage of food, water, fuel, or
13 clothing;

14 (2) "disaster emergency" means the condition declared by
15 proclamation of the governor or declared by the principal executive
16 officer of a political subdivision to designate the imminence or occur-
17 rence of a disaster;

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

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

22 (5) "political subdivision" means a borough or city, whether
23 home rule or otherwise, including municipalities unified under AS 29.-
24 68.240 - 29.68.440, unincorporated village, or other unit of local
25 government;

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

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

1 state.

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

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

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

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

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

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

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

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

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

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

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

13 (3) whether or not the urban renewal project was made neces-
14 sary by a [NATURAL] disaster;

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

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

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

21 (g) In this section "[NATURAL] disaster" means a [NATURAL] disas-
22 ter proclaimed by the President of the United States.

23 * Sec. 11. This Act takes effect immediately in accordance with AS 01.-
24 10.070(c).