

BY REP. GRUENBERG, Larson, Foster

1 IN THE HOUSE

2

HOUSE BILL NO. 556

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to disaster relief and prepared-
7 ness."

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

9 * Section 1. AS 14.07.020(a) is amended to read:

10

(a) The department shall

11

(1) exercise general supervision over the public schools of
12 the state except the University of Alaska;

13

(2) study the conditions and needs of the public schools of
14 the state and adopt or recommend plans for the improvement of the
15 public schools;

16

(3) provide advisory and consultative services to all
17 public school governing bodies and personnel;

18

(4) prescribe by regulation a minimum course of study for
19 the public schools; the regulations must provide that if a course in
20 American Sign Language is given, the course shall be given credit as a
21 course in a foreign language;

22

(5) establish, in coordination with the Department of
23 Health and Social Services, a program for the continuing education of
24 children who are held in detention facilities in the state during the
25 period of detention;

26

(6) accredit those public schools which meet accreditation
27 standards prescribed by regulation by the department; these regu-
28 lations shall be adopted by the department and presented to the legis-
29 lature during the first 10 days of any regular session, and become

1 effective 45 days after presentation or at the end of the session,
2 whichever is earlier, unless disapproved by a resolution concurred in
3 by a majority of the members of each house;

4 (7) prescribe by regulation, after consultation with the
5 state fire marshal, the commissioner of health and social services,
6 the commissioner of environmental conservation, and the adjutant
7 general, as appropriate [AND THE STATE SANITARIAN], standards that
8 will assure healthful and safe conditions in the public and private
9 schools of the state, subject to the condition that the standards for
10 private schools may not be more stringent than those for public
11 schools; the standards must include, standards that

12 (A) in addition to the requirements of AS 18.15.145,
13 require [THAT WILL ASSURE HEALTHFUL AND SAFE CONDITIONS IN THE
14 PUBLIC AND PRIVATE SCHOOLS OF THE STATE INCLUDING A REQUIREMENT
15 OF] physical examinations and immunizations in pre-elementary
16 schools; and

17 (B) assure that, for buildings used by students and
18 staff for educational purposes, the chief school administrator
19 has prepared an earthquake preparedness plan to ensure the safety
20 and care of students and staff before, during, and after an
21 earthquake [THE STANDARDS FOR PRIVATE SCHOOLS MAY NOT BE MORE
22 STRINGENT THAN THOSE FOR PUBLIC SCHOOLS];

23 (8) exercise general supervision over pre-elementary
24 schools that receive direct state or federal funding;

25 (9) provide accredited elementary and secondary correspon-
26 dence study programs available to any Alaskan through a centralized
27 office of correspondence study;

28 (10) accredit private schools which request accreditation
29 and which meet accreditation standards prescribed by regulation by the

1 department; nothing in this paragraph authorizes the department to
2 require religious or other private schools to be licensed;

3 (11) review plans for construction of new public elementary
4 and secondary schools and for additions to and major rehabilitation of
5 existing public elementary and secondary schools and, in accordance
6 with regulations adopted by the department, determine and approve the
7 extent of eligibility for state aid of a school construction project
8 begun after July 1, 1978; for the purposes of this paragraph, "plans"
9 include educational specifications, schematic designs, and final
10 contract documents;

11 (12) provide educational opportunities in the areas of
12 vocational education and training, and basic education to individuals
13 over 16 years of age who are no longer attending school;

14 (13) administer the grants awarded under AS 14.11.020;

15 (14) establish, in coordination with the Department of
16 Public Safety, a school bus driver training course.

17 * Sec. 2. AS 26.23.020(c) is amended to read:

18 (c) A condition of disaster emergency shall be declared by
19 proclamation of the governor if the governor finds that a disaster has
20 occurred or that such an occurrence is imminent or threatened. If the
21 legislature is not in session when a proclamation is issued, concur-
22 rently with the issuance of the proclamation, the governor shall issue
23 a call [SHALL BE ISSUED BY THE GOVERNOR] to convene a special session
24 of the legislature to consider ratification of actions taken under
25 this chapter. A call for a special session under this section may be
26 cancelled by the unanimous agreement of the presiding officers of the
27 senate and [,] house of representatives and the governor before the
28 actual convening of the special session. If a special session is
29 held, actions taken by the governor under this chapter that are not

1 ratified by the legislature within 15 days of its convening are void.
2 The disaster emergency so declared remains in effect until the gover-
3 nor finds that the threat or danger has passed or the disaster has
4 been dealt with to the extent that emergency conditions no longer
5 exist and the governor terminates the disaster emergency by proclama-
6 tion; but a proclamation of disaster emergency does not remain in
7 effect for longer than 30 days unless renewed by the legislature. The
8 legislature, by concurrent resolution, may terminate a disaster emer-
9 gency at any time. All proclamations issued under this subsection
10 must indicate the nature of the disaster, the area or areas threatened
11 or affected, and the conditions that have brought it about or which
12 make possible the termination of the disaster emergency.

13 * Sec. 3. AS 26.23.040(a) is amended to read:

14 (a) The Alaska division of emergency services shall prepare and
15 maintain a state emergency plan and keep it current. The plan may
16 include provisions for

17 (1) prevention and minimization of injury and damage caused
18 by disasters;

19 (2) prompt and effective response to disasters;

20 (3) emergency relief;

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

23 (5) recommendations for

24 (A) zoning, building, and other land use controls; [,
25 SAFETY MEASURES FOR SECURING MOBILE HOMES OR OTHER NONPERMANENT
26 OR SEMI-PERMANENT STRUCTURES,] and

27 (B) other preventive and preparedness measures de-
28 signed to eliminate or reduce disasters or their impact;

29 (6) assistance to local officials in designing local

1 emergency action plans;

2 (7) authorization and procedures for the construction of
3 temporary works designed to protect against or mitigate danger, dam-
4 age, or loss from a disaster;

5 (8) [PREPARATION AND DISTRIBUTION TO THE APPROPRIATE STATE
6 AND LOCAL OFFICIALS OF CATALOGS OR EXTRACTS LISTING FEDERAL, STATE,
7 AND PRIVATE ASSISTANCE PROGRAMS;

8 (9)] organization of manpower and chains of command;

9 (9) [(10)] coordination of federal, state, and local disas-
10 ter activities;

11 (10) [(11)] coordination of the state emergency plan with
12 the disaster plans of the federal government; and

13 (11) [(12)] other matters necessary to carry out the pur-
14 poses of this chapter.

15 * Sec. 4. AS 26.23.040(b) is amended to read:

16 (b) The Alaska division of emergency services shall play an
17 integral part in the development and revision of local and interjuris-
18 dictional disaster plans prepared under AS 26.23.060. To this end, it
19 may employ or otherwise secure the services of professional and tech-
20 nical personnel capable of providing expert assistance to political
21 subdivisions, their disaster agencies, and interjurisdictional plan-
22 ning and disaster agencies. [THESE PERSONNEL SHALL CONSULT WITH
23 POLITICAL SUBDIVISIONS AND AGENCIES ON A REGULAR BASIS AND SHALL MAKE
24 FIELD EXAMINATIONS OF THE AREAS, CIRCUMSTANCES, AND CONDITIONS TO
25 WHICH PARTICULAR LOCAL AND INTERJURISDICTIONAL DISASTER PLANS ARE
26 INTENDED TO APPLY AND MAY SUGGEST OR REQUIRE REVISIONS.]

27 * Sec. 5. AS 26.23.040(e) is amended to read:

28 (e) The Alaska division of emergency services shall

29 (1) determine requirements of the state and its political

1 subdivisions for food, clothing, and other necessities in the event of
2 a disaster emergency;

3 (2) [PROCURE AND PRE-POSITION SUPPLIES, MEDICINES, MATERI-
4 ALS, AND EQUIPMENT;

5 (3)] adopt standards and requirements for local and inter-
6 jurisdictional disaster plans;

7 (3) [(4)] periodically review local and interjurisdictional
8 disaster plans;

9 (4) [(5)] provide for mobile support units;

10 (6)] establish and operate, or assist political subdi-
11 visions, their disaster agencies, and interjurisdictional disaster
12 agencies to establish and operate[.] training [AND PUBLIC INFORMATION]
13 programs;

14 (5) [(7)] make surveys of industries, resources, and facil-
15 ities in the state, both public and private, as are necessary to carry
16 out the purposes of this chapter;

17 (8)] plan and make arrangements for the availability and
18 use of any private facilities, services, and property and, if neces-
19 sary and if in fact used, provide for payment for use under terms and
20 conditions agreed upon by the parties;

21 (6) [(9)] ESTABLISH A REGISTER OF PERSONS WITH TYPES OF
22 TRAINING AND SKILLS IMPORTANT IN DISASTER PREVENTION, PREPAREDNESS,
23 RESPONSE, AND RECOVERY;

24 (10) ESTABLISH A REGISTER OF MOBILE AND CONSTRUCTION EQUIP-
25 MENT AND TEMPORARY HOUSING AVAILABLE FOR USE IN A DISASTER EMERGENCY;

26 (11)] prepare, for issuance by the governor, orders, procla-
27 mations, and regulations as necessary or appropriate in coping with
28 disasters;

29 (7) [(12)] cooperate with the federal government and any

1 public or private agency or entity in achieving any purpose of this
2 chapter and in implementing programs for disaster prevention, pre-
3 paredness, response and recovery;

4 (8) [(13)] develop and carry out procedures and policies to
5 effectively employ disaster relief funds made available by the gover-
6 nor's authority or by special legislative action; these procedures
7 shall include application and documentation by disaster victims or
8 applicants, review, verification and funding approval, and processing
9 of appeals;

10 (9) [(14)] do other things necessary or proper for the
11 implementation of this chapter.

12 * Sec. 6. AS 26.23.050(b) is amended to read:

13 (b) Whenever, and to the extent that, money is needed to cope
14 with a disaster, the first recourse shall be to money [FUNDS] regular-
15 ly appropriated to state and local agencies. The second recourse
16 shall be to money [FUNDS] available in the disaster relief fund or the
17 oil and hazardous substance release response fund, as appropriate. If
18 money available from these sources is insufficient, and if the gover-
19 nor finds that other sources of money to cope with the disaster are
20 not available or are insufficient, the governor may, notwithstanding
21 the limitations [ANY LIMITATION] imposed by AS 37.07.080(e),

22 (1) transfer and spend money appropriated for other pur-
23 poses; or

24 (2) [, IN SITUATIONS INVOLVING NATURAL DISASTERS,] borrow
25 from the United States government or other public or private sources
26 for a term not to exceed two years.

27 * Sec. 7. AS 26.23.060(a) is amended to read:

28 (a) Each political subdivision in the state is within the juris-
29 diction of, and shall be served by, the Alaska division of emergency

1 services. A [AN INCORPORATED] municipality also may be served by a
2 local or interjurisdictional agency responsible for disaster prepared-
3 ness and coordination of response.

4 * Sec. 8. AS 26.23.060(c) is amended to read:

5 (c) Each political subdivision that does not have a disaster
6 agency and has not made arrangements to secure or participate in the
7 services of a disaster agency shall designate a liaison officer to
8 facilitate the cooperation and protection of that political subdivi-
9 sion [CITY] in the work of disaster prevention, preparedness, re-
10 sponse, and recovery.

11 * Sec. 9. AS 26.23.080 is amended to read:

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

15 (1) upon the governor's determination that a political
16 subdivision [LOCAL GOVERNMENT] of the state will suffer a substantial
17 loss of tax and other revenue from the disaster and has demonstrated a
18 need for financial assistance to perform its governmental functions,
19 apply to the federal government, on behalf of the political subdivi-
20 sion [LOCAL GOVERNMENT], for a loan; the governor may receive and
21 disburse the proceeds of any approved loan to any applicant political
22 subdivision [LOCAL GOVERNMENT];

23 (2) determine the amount needed by any applicant political
24 subdivision [LOCAL GOVERNMENT] to restore or resume its governmental
25 functions, and to certify the amount to the federal government; [HOW-
26 EVER, AN APPLICATION AMOUNT MAY NOT EXCEED 25 PER CENT OF THE ANNUAL
27 OPERATING BUDGET OF THE APPLICANT FOR THE FISCAL YEAR IN WHICH THE
28 MAJOR DISASTER OCCURRED;]

29 (3) recommend to the federal government, based upon review

1 by the governor, the cancellation of all or any part of repayment
2 when, for the first three full fiscal years following the major disas-
3 ter, the revenue of the political subdivision [LOCAL GOVERNMENT] is
4 insufficient to meet its operating expenses, including additional
5 disaster- related expenses of a municipal operation character.

6 * Sec. 10. AS 26.23.110(a) is amended to read:

7 (a) When the governor has declared a disaster emergency, or the
8 President, at the request of the governor, has declared a major disas-
9 ter or emergency to exist in this state, the governor may

10 (1) through the use of state agencies, clear from publicly
11 or privately owned land or water, debris and wreckage that may threat-
12 en public health, safety, or property;

13 (2) apply for and accept funds from the federal government
14 and use those funds to make grants to a political subdivision [ANY
15 LOCAL GOVERNMENT] for the purpose of removing debris or wreckage from
16 publicly or privately owned land or water.

17 * Sec. 11. AS 26.23.110(b) is amended to read:

18 (b) Authority under (a)(1) of this section may not be exercised
19 unless the affected political subdivision [LOCAL GOVERNMENT], corpo-
20 ration, organization, or individual unconditionally authorizes the
21 removal of the debris or wreckage from public and private property
22 and, in the case of removal of debris or wreckage from private prop-
23 erty, first agrees to indemnify the state government against claims
24 arising from the removal.

25 * Sec. 12. AS 26.23.230(5) is amended to read:

26 (5) "political subdivision" means

27 (A) a [HOME RULE OR GENERAL LAW BOROUGH OR CITY IN-
28 CLUDING A UNIFIED] municipality;

29 (B) [,] an unincorporated village; [,] or

1 (C) another [OTHER] unit of local government;

2 * Sec. 13. AS 44.19.048(b) is amended to read:

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

7 (1) to implement provisions of law relating to disaster
8 relief in the case of a disaster [AS DEFINED IN AS 44.19.050 OCCURRING
9 AFTER OCTOBER 11, 1967];

10 (2) to alleviate the effects of a disaster [AS DEFINED IN
11 AS 44.19.050 OCCURRING AFTER OCTOBER 11, 1967,] by making loans or
12 grants to persons or municipalities on terms the governor considers
13 appropriate or by other means the governor considers appropriate.

14 * Sec. 14. AS 44.19.048(c) is amended to read:

15 (c) Subject to the restrictions of [(d) AND] (e) of this sec-
16 tion, the governor may, without additional legislative authorization,
17 expend during a [FOR ANY] fiscal year not more than \$500,000 of the
18 assets of the disaster relief fund to prevent or minimize the effects
19 of an event that [WHICH] occurs in [ANY PART OF] the state [AFTER
20 OCTOBER 11, 1967] and that [WHICH], in the determination of the
21 governor, poses a direct and imminent threat of resulting in a
22 disaster of sufficient magnitude and severity to justify state action.

23 * Sec. 15. AS 44.19.049(a) is amended to read:

24 (a) Grants and loans for urban renewal shall be made available
25 to municipalities damaged by disasters occurring in the state [AFTER
26 AUGUST 1, 1967] in order to match federal funds under federal urban
27 renewal programs. A grant or loan of state money [FUNDS] to a munic-
28 ipality for an urban renewal program under this section may not exceed
29 25 percent of the aggregate of the net project costs of the urban

1 renewal project. State money [FUNDS] shall be made available to a
2 municipality to match federal funds only if the urban renewal project
3 is made necessary by the disaster.

4 * Sec. 16. AS 44.19.049(b) is amended to read:

5 (b) Money [THE FUNDS] for the grants or loans authorized by
6 [UNDER] this section shall come from the disaster relief fund provided
7 for in AS 44.19.048(a) [AS 44.19.048 - 44.19.050].

8 * Sec. 17. AS 44.19.049(c) is amended to read:

9 (c) An [NO] urban renewal project that costs more than [COSTING
10 OVER] \$30,000,000 is not eligible for grants or loans under this
11 section.

12 * Sec. 18. AS 44.19.049(d) is amended to read:

13 (d) The governor shall determine the eligibility of a municipal-
14 ity for a grant and loan of money [FUNDS] to match federal funds for
15 urban renewal. In making the determination the governor shall con-
16 sider the following standards:

17 (1) the amount of participating money available from the
18 United States government for urban renewal;

19 (2) the amount and availability of money [FUNDS] from other
20 sources to meet the municipality's required contribution of matching
21 funds;

22 (3) whether or not the urban renewal project was made
23 necessary by a disaster;

24 (4) the needs of other municipalities damaged by the disas-
25 ter for funds to match federal funds for urban renewal projects, and
26 the urgency of the needs of other communities as compared with the
27 community under consideration;

28 (5) the cost of the urban renewal project;

29 (6) the general welfare of the state and its inhabitants.

1 * Sec. 19. AS 44.19.050 is repealed and reenacted:
2 Sec. 44.19.050. DEFINITIONS. In AS 44.19.048 - 44.19.050
3 (1) "disaster" has the meaning given in AS 26.23.230;
4 (2) "legislative authorization" means
5 (A) the approval of the legislature given during
6 (i) a regular legislative session;
7 (ii) a special legislative session convened under
8 AS 26.23.020(c); or
9 (B) the approval of the Legislative Budget and Audit
10 Committee if the legislature is not convened in regular session
11 or in special session.
12 * Sec. 20. AS 26.23.090(c) and AS 44.19.048(d) are repealed.
13