

Original sponsor(s): REP. GRUENBERG, Larson, Foster, Finkelstein

1 IN THE HOUSE BY THE HESS COMMITTEE  
2 CS FOR HOUSE BILL NO. 556 (HESS)  
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 26.23.020(c) is amended to read:  
10 (c) A condition of disaster emergency shall be declared by  
11 proclamation of the governor if the governor finds that a disaster has  
12 occurred or that such an occurrence is imminent or threatened. If the  
13 legislature is not in session when a proclamation is issued, concu-  
14 rrently with the issuance of the proclamation, the governor shall issue  
15 a call [SHALL BE ISSUED BY THE GOVERNOR] to convene a special session  
16 of the legislature to consider ratification of actions taken under  
17 this chapter. A call for a special session under this section may be  
18 cancelled by the unanimous agreement of the presiding officers of the  
19 senate and [,] house of representatives and the governor before the  
20 actual convening of the special session. If a special session is  
21 held, actions taken by the governor under this chapter that are not  
22 ratified by the legislature within 15 days of its convening are void.  
23 The disaster emergency so declared remains in effect until the gover-  
24 nor finds that the threat or danger has passed or the disaster has  
25 been dealt with to the extent that emergency conditions no longer  
26 exist and the governor terminates the disaster emergency by proclama-  
27 tion; but a proclamation of disaster emergency does not remain in  
28 effect for longer than 30 days unless renewed by the legislature. The  
29 legislature, by concurrent resolution, may terminate a disaster

1 emergency at any time. All proclamations issued under this subsection  
2 must indicate the nature of the disaster, the area or areas threatened  
3 or affected, and the conditions that have brought it about or which  
4 make possible the termination of the disaster emergency.

5 \* Sec. 2. AS 26.23.040(a) is amended to read:

6 (a) The Alaska division of emergency services shall prepare and  
7 maintain a state emergency plan and keep it current. The plan may  
8 include provisions for

9 (1) prevention and minimization of injury and damage caused  
10 by disasters;

11 (2) prompt and effective response to disasters;

12 (3) emergency relief;

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

15 (5) recommendations for

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

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

21 (6) assistance to local officials in designing local emer-  
22 gency action plans;

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

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

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

1           (9) [(10)] coordination of federal, state, and local disas-  
2           ter activities;

3           (10) [(11)] coordination of the state emergency plan with  
4           the disaster plans of the federal government; and

5           (11) [(12)] other matters necessary to carry out the pur-  
6           poses of this chapter.

7           \* Sec. 3. AS 26.23.040(b) is amended to read:

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

19          \* Sec. 4. AS 26.23.040(e) is amended to read:

20          (e) The Alaska division of emergency services shall

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

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

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

28                 (3) [(4)] periodically review local and interjurisdictional  
29                 disaster plans;

1           (4) [(5) PROVIDE FOR MOBILE SUPPORT UNITS;  
2           (6)] establish and operate, or assist political subdi-  
3           visions, their disaster agencies, and interjurisdictional disaster  
4           agencies to establish and operate, training [AND PUBLIC INFORMATION]  
5           programs;  
6           (5) [(7) MAKE SURVEYS OF INDUSTRIES, RESOURCES, AND FACILI-  
7           TIES IN THE STATE, BOTH PUBLIC AND PRIVATE, AS ARE NECESSARY TO CARRY  
8           OUT THE PURPOSES OF THIS CHAPTER;  
9           (8)] plan and make arrangements for the availability and  
10          use of any private facilities, services, and property and, if neces-  
11          sary and if in fact used, provide for payment for use under terms and  
12          conditions agreed upon by the parties;  
13          (6) [(9) ESTABLISH A REGISTER OF PERSONS WITH TYPES OF  
14          TRAINING AND SKILLS IMPORTANT IN DISASTER PREVENTION, PREPAREDNESS,  
15          RESPONSE, AND RECOVERY;  
16          (10) ESTABLISH A REGISTER OF MOBILE AND CONSTRUCTION EQUIP-  
17          MENT AND TEMPORARY HOUSING AVAILABLE FOR USE IN A DISASTER EMERGENCY;  
18          (11)] prepare, for issuance by the governor, orders, procla-  
19          mations, and regulations as necessary or appropriate in coping with  
20          disasters;  
21          (7) [(12)] cooperate with the federal government and any  
22          public or private agency or entity in achieving any purpose of this  
23          chapter and in implementing programs for disaster prevention, pre-  
24          paredness, response and recovery;  
25          (8) [(13)] develop and carry out procedures and policies to  
26          effectively employ disaster relief funds made available by the gover-  
27          nor's authority or by special legislative action; these procedures  
28          shall include application and documentation by disaster victims or  
29          applicants, review, verification and funding approval, and processing

1 of appeals;

2 (9) [(14)] do other things necessary or proper for the  
3 implementation of this chapter.

4 \* Sec. 5. AS 26.23.050(b) is amended to read:

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

14 (1) transfer and spend money appropriated for other pur-  
15 poses; or

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

19 \* Sec. 6. AS 26.23.060(a) is amended to read:

20 (a) Each political subdivision in the state is within the jurisdic-  
21 tion of, and shall be served by, the Alaska division of emergency  
22 services. A [AN INCORPORATED] municipality also may be served by a  
23 local or interjurisdictional agency responsible for disaster prepared-  
24 ness and coordination of response.

25 \* Sec. 7. AS 26.23.060(c) is amended to read:

26 (c) Each political subdivision that does not have a disaster  
27 agency and has not made arrangements to secure or participate in the  
28 services of a disaster agency shall designate a liaison officer to  
29 facilitate the cooperation and protection of that political

1 subdivision [CITY] in the work of disaster prevention, preparedness,  
2 response, and recovery.

3 \* Sec. 8. AS 26.23.080 is amended to read:

4 Sec. 26.23.080. ~~COMMUNITY DISASTER LOANS.~~ Whenever, at the  
5 request of the governor, the President has declared a major disaster  
6 to exist in this state, the governor may

7 (1) upon the governor's determination that a political  
8 subdivision [LOCAL GOVERNMENT] of the state will suffer a substantial  
9 loss of tax and other revenue from the disaster and has demonstrated a  
10 need for financial assistance to perform its governmental functions,  
11 apply to the federal government, on behalf of the political subdivi-  
12 sion [LOCAL GOVERNMENT], for a loan; the governor may receive and  
13 disburse the proceeds of any approved loan to any applicant political  
14 subdivision [LOCAL GOVERNMENT];

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

21 (3) recommend to the federal government, based upon review  
22 by the governor, the cancellation of all or any part of repayment  
23 when, for the first three full fiscal years following the major disas-  
24 ter, the revenue of the political subdivision [LOCAL GOVERNMENT] is  
25 insufficient to meet its operating expenses, including additional  
26 disaster-related expenses of a municipal operation character.

27 \* Sec. 9. AS 26.23.110(a) is amended to read:

28 (a) When the governor has declared a disaster emergency, or the  
29 President, at the request of the governor, has declared a major

1 disaster or emergency to exist in this state, the governor may

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

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

9 \* Sec. 10. AS 26.23.110(b) is amended to read:

10 (b) Authority under (a)(1) of this section may not be exercised  
11 unless the affected political subdivision [LOCAL GOVERNMENT], corpo-  
12 ration, organization, or individual unconditionally authorizes the  
13 removal of the debris or wreckage from public and private property  
14 and, in the case of removal of debris or wreckage from private prop-  
15 erty, first agrees to indemnify the state government against claims  
16 arising from the removal.

17 \* Sec. 11. AS 26.23.230(5) is amended to read:

18 (5) "political subdivision" means

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

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

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

23 \* Sec. 12. AS 44.19.048(b) is amended to read:

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

28 (1) to implement provisions of law relating to disaster  
29 relief in the case of a disaster [AS DEFINED IN AS 44.19.050 OCCURRING

1 AFTER OCTOBER 11, 1967];

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

6 \* Sec. 13. AS 44.19.048(c) is amended to read:

7 (c) Subject to the restrictions of [(d) AND] (e) of this sec-  
8 tion, the governor may, without additional legislative authorization,  
9 expend during a [FOR ANY] fiscal year not more than \$500,000 of the  
10 assets of the disaster relief fund to prevent or minimize the effects  
11 of an event that [WHICH] occurs in [ANY PART OF] the state [AFTER  
12 OCTOBER 11, 1967] and that [WHICH], in the determination of the gover-  
13 nor, poses a direct and imminent threat of resulting in a disaster of  
14 sufficient magnitude and severity to justify state action.

15 \* Sec. 14. AS 44.19.049(a) is amended to read:

16 (a) Grants and loans for urban renewal shall be made available  
17 to municipalities damaged by disasters occurring in the state [AFTER  
18 AUGUST 1, 1967] in order to match federal funds under federal urban  
19 renewal programs. A grant or loan of state money [FUNDS] to a munic-  
20 ipality for an urban renewal program under this section may not exceed  
21 25 percent of the aggregate of the net project costs of the urban  
22 renewal project. State money [FUNDS] shall be made available to a  
23 municipality to match federal funds only if the urban renewal project  
24 is made necessary by the disaster.

25 \* Sec. 15. AS 44.19.049(b) is amended to read:

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

29 \* Sec. 16. AS 44.19.049(c) is amended to read:

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

4 \* Sec. 17. AS 44.19.049(d) is amended to read:

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

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

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

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

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

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

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

22 \* Sec. 18. AS 44.19.050 is repealed and reenacted:

23           Sec. 44.19.050. DEFINITIONS. In AS 44.19.048 - 44.19.050

24           (1) "disaster" has the meaning given in AS 26.23.230;

25           (2) "legislative authorization" means

26           (A) the approval of the legislature given during

27                   (i) a regular legislative session;

28                   (ii) a special legislative session convened under

29 AS 26.23.020(c); or

1                    (B) the approval of the Legislative Budget and Audit  
2                    Committee if the legislature is not convened in regular session  
3                    or in special session.

4                    \* Sec. 19. AS 26.23.090(c) and AS 44.19.048(d) are repealed.

5