

BY SEN. ZHAROFF

1 IN THE SENATE

2

SENATE BILL NO. 433

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 the authority of the governor to
7 commandeer or utilize certain private property under
8 the Alaska Disaster Act in the event of a catastroph-
9 ic oil discharge."

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

11 * Section 1. AS 26.23.020(g) is amended to read:

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

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

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

22 (3) transfer personnel or alter the functions of state
23 departments and agencies or units of them for the purpose of perform-
24 ing or facilitating the performance of disaster emergency services;

25 (4) except as limited by (h) of this section and subject to
26 any applicable requirements for compensation under AS 26.23.160,
27 commandeer or utilize any private property [, EXCEPT FOR ALL NEWS
28 MEDIA OTHER THAN AS SPECIFICALLY PROVIDED FOR IN THIS CHAPTER], if the
29 governor considers this necessary to cope with the disaster emergency;

1 (5) direct and compel the relocation of all or part of the
2 population from any stricken or threatened area in the state, if the
3 governor considers relocation necessary for the preservation of life
4 or for other disaster mitigation purpose;

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

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

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

12 (9) make provisions for the availability and use of tempo-
13 rary emergency housing; and

14 (10) allocate or redistribute food, water, fuel, or cloth-
15 ing.

16 * Sec. 2. AS 26.23.020 is amended by adding a new subsection to read:

17 (h) The provisions of (g)(4) of this section do not apply

18 (1) to news media except as specifically provided in this
19 chapter;

20 (2) to tank vessels and oil barges that are of other than
21 American registry in the event of a catastrophic oil discharge that
22 constitutes a disaster emergency under AS 46.04.080; in this para-
23 graph, "oil barge" and "tank vessel" have the meanings given in
24 AS 46.04.900.