

SCOMM

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Official Business

Alaska State Legislature

House

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State Capitol
Juneau, Alaska 99811

HB 322 SPONSOR STATEMENT

HB 322 has been introduced to improve the administration of temporary housing during state declared disaster emergencies. This legislation was introduced in the 1994 session as HB 421, and passed the House on March 14, 1994 by 40-0. It died in Senate Rules Committee at the end of the 1994 legislative session.

This bill would increase the efficiency of the Division of Emergency Services by removing an unnecessary administrative burden required by current statutory language. Current statutes (AS 26.23.100) do not authorize DMVA to make grants to individuals for providing temporary housing during disasters. The Division of Emergency Services is therefore required to provide the housing directly to individuals, by assigning staff to contact housing providers, arrange for leases, renew lease arrangements periodically as needed, and generally act as an intermediary between the lessors and the persons using the temporary housing. This task is administratively burdensome and increases the cost of administering the temporary housing program.

Federal disasters allow the granting of funds direct to individuals for them to make their own temporary housing arrangements. Temporary housing in federal disasters is paid 100% by the Federal Emergency Management Agency (FEMA).

Adopting language to authorize the state to grant funds for temporary housing in state disasters, similar to the authority existing in federal disasters, would reduce administrative costs during state disasters, remove liability for the state as a lessor, and reduce government involvement in personal issues. Making an immediate temporary housing grant award payment to eligible applicants would allow each family in a state disaster to secure housing which best fits their housing needs.

Two state disasters have occurred recently which have required the provision of temporary housing: the Kodiak storm disaster of November 1991, and the Tenakee fire disaster of July 1993.

**DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

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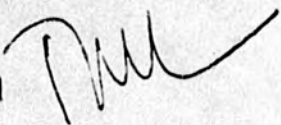
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 27, 1995

SUBJECT: Sectional Summary of HB 322. (Work Order No. 9-LS1112\A)

TO: Representative Pete Kott
Attn: George Dozier

FROM: Terri Lauterbach 
Legislative Counsel

You have requested a sectional summary of the above-described bill. Since you have not asked any specific questions about the bill, this summary is quite brief. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 authorizes the governor to make grants to disaster victims for temporary housing assistance.

TML:kb
95-306.klb

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 322

Revision Date:		Dept. Affected: <u>Military and Veterans Affairs</u>	
Title:	<u>An Act authorizing grants for temporary housing assistance during emergencies and disasters</u>	BRU: <u>Alaska National Guard</u>	
Sponsor:	<u>House Special Committee on Military and Veterans Affairs</u>	Component: <u>Commissioner's Office</u>	
Requestor:	<u>House Special Committee on Military and Veterans Affairs</u>	COMPONENT SERIAL NO. 414	

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ _____

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Zero fiscal impact. This bill gives the division of emergency services a more efficient way of providing temporary housing during disasters. The cost of temporary housing would continue to be charged to the disaster itself.

Prepared by:	Jeff Morrison, Director	Phone: 465-4730	
Division:	Administrative Support Services Division	Date:	4/26/95
Approved by Commissioner:	<i>Jeff Morrison</i> for MG Jake Lestenkof	Date:	4/26/95
Agency:	Military and Veterans Affairs		

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MEMORANDUM**STATE OF ALASKA**

Department of Military and Veterans Affairs

TO: Pat Pourchot
Legislative Director
Office of the Governor

DATE: March 16, 1995

PHONE: 465-4730

FROM: Jake Lestenkof
Commissioner

SUBJECT: DMVA Legislative
Proposals

I have reviewed the original legislative proposals forwarded by this department to you last December. While none of them can be considered priority policy issues for the Governor, two of them are important enough to our department to initiate some activity.

It is my understanding that you do not want to have the Governor introduce any measures unless they are significant policy issues. Nevertheless, I believe that, with your concurrence, I would be able to find some friendly legislators to introduce the measures which I believe are important to our department. If we can get bills at least introduced and heard in one or two committees, it will greatly enhance our ability to get them passed by the second session of this legislature, instead of waiting for two years to accomplish some legislative progress.

I seek your approval to approach specific legislators on the following issues:

1. Temporary Housing During Disasters:

This proposal will allow for the granting of funds directly to disaster victims of state disasters to allow them to make their own temporary housing arrangements. Currently state law does not allow this, and temporary housing is arranged by state personnel, increasing the administrative burden during a disaster and exposing the state to potential liabilities. Similar legislation almost passed the Legislature last session (HB421 died in Senate Rules).

2. Hiring of Exempt Employees During Disasters:

Our experience during the 1994 Fall Floods disaster has highlighted an administrative procedure for temporary hiring during emergencies which is burdensome and limits the department's effective and timely response. All temporary hires for emergency response activities must now go through the routine procedure for hiring non-permanent employees: if they are not hired

from a register, they are limited to a duration of only 120 days. "Emergency hires" are only allowed to stay on board for 30 days. Allowing temporary hires for emergency response to be established as exempt positions (similar to the hiring authority for DNR's fire suppression activities--see AS 39.25.110(19)) will allow temporary employees needed for emergency response to be hired quickly and retained as long as needed.

In addition to the two proposals described above, DMVA also submitted housekeeping bills for your consideration. I would like to forgo the action on these housekeeping changes until the 1996 session of this legislature.

I would welcome the opportunity to meet you to discuss the strategy to be used and legislators or committees to be approached in addressing the three proposals above.

cc:

Roger Schnell, Deputy Commissioner

Brig Gen Ken Taylor, Commander, Air National Guard

Col Mike McCourt, Chief of Staff, Army National Guard

Ervin Paul Martin, Director, Division of Emergency Services

John Fleming, Director, National Guard Youth Corps

Roger Patch, Director, Facilities Maintenance Division

Jeff Morrison, Director, Administrative Services Division

1995 LEGISLATIVE PROPOSAL FORM

DEPARTMENT: Military and Veterans Affairs (File: LEG95-1B.DOC)

SUBJECT OF PROPOSED BILL: Temporary housing during emergencies

DEPARTMENT PRIORITY NO. _____

SPECIFY: Governor's Legislation ____ / Friendly Legislation ____

SUMMARY OF INTENT : Include what the problem is, how this proposal solves it, how many incidents have occurred which necessitates this change, and include a short synopsis of how your proposal fits with the Governor's objectives.

This bill would increase the efficiency of the Division of Emergency Services by removing an unnecessary administrative burden involved in providing temporary housing during state-declared disaster emergencies. Current statutory language does not authorize DMVA to make grants to individuals for providing temporary housing during disasters. The Division of Emergency Services is therefore required to provide the housing directly to individuals, by assigning staff to contact housing providers, arrange for leases, renew lease arrangements every three months, and generally act as an intermediary between the lessors and the persons using the temporary housing. This task is administratively burdensome and increases the cost of administering the temporary housing program.

Federal disasters allow the granting of funds direct to individuals for them to make their own temporary housing arrangements. Adopting language to authorize the state to grant funds for temporary housing in state disasters, similar to the authority existing in federal disasters, would reduce administrative costs, remove liability for the state as a lessor, and reduce government involvement in personal issues. Making an immediate temporary housing grant award payment to eligible applicants would allow each family in a state disaster to secure housing which best fits their housing needs.

Two state disasters have occurred recently which have required the provision of temporary housing: the Kodiak storm disaster of November 1991, and the Tenakee fire disaster of July 1993.

ESTIMATED FISCAL IMPACT (briefly describe):

Operating: Unknown. A separate appropriation from the Disaster is authorized for each disaster declaration.

Capital: None

Revenue: None

WHAT OTHER DEPARTMENTS WILL BE AFFECTED BY THIS PROPOSAL: None

WHO WILL SUPPORT THIS BILL: Department leadership

WHO WILL OPPOSE THIS BILL: None known at this time.

BRIEFLY OUTLINE ANY PRECEDENTS FOR THIS PROPOSAL IN ALASKA OR OTHER STATES: In federally declared disasters, the State of Alaska is authorized by the Federal Emergency Management Agency (FEMA) to make grants for temporary housing. The state guidelines for state-declared disasters should parallel the FEMA guidelines for federally declared disasters.

IF A SUBSTANTIALLY SIMILAR BILL HAS BEEN DRAFTED AND NOT INTRODUCED, OR INTRODUCED AND NOT PASSED, PLEASE GIVE LAWLOG OR BILL NUMBER (cite year): This legislation was introduced in the 1994 session as HB421, and passed the House. It died in Senate Rules after the Senate Finance Committee made changes which altered the character of the bill to the point where it was not acceptable by DMVA.

COMMISSIONER'S SIGNATURE

DATE

Governor's Office Notes:

[File: LEG95-1B.DOC]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
BRIEFING PAPER HB421

Background:

Whenever people are displaced from their homes because of a disaster, part of the disaster assistance provided by the Division of Emergency Services (DES) is the provision of temporary housing. The authority for doing this is addressed in A.S. 26.23.100. The current authority is limited to the state making direct payments for providing temporary housing. The statutes also allow the state to work through local governments to provide temporary housing.

Current statutes do not authorize DMVA to make housing assistance grants to persons displaced from their homes during state-declared disasters. Without this authority, DMVA must negotiate lease/rental terms for every individual or family requiring temporary housing during a disaster. This task is administratively burdensome and increases the administrative costs of a disaster by requiring time to monitor and manage the lease agreements. However, the process for providing temporary housing in a federally-declared disaster is significantly more efficient.

In a federally-declared disaster, Federal Emergency Management Agency (FEMA) staff directly administers the temporary housing program, using 100% federal funds. The federal temporary housing program makes grants directly to individuals for them to arrange their own temporary housing. Granting funds to recipients to arrange their own housing reduces administrative costs, removes liability from the government as a lessor, and reduces government involvement in personal issues.

Impact of proposed legislation:

HB421 will specifically permit DMVA to grant funds to eligible disaster victims who have located temporary housing. The eligibility of disaster victims would be determined by the staff of the Division of Emergency Services (DES) using criteria established in the Temporary Housing Assistance Plan promulgated by DES. This granting authority will greatly expedite the ability of DMVA to respond to providing for temporary housing during a disaster, and would allow each family or individual affected to secure housing which best fits their housing needs.

The addition of this granting authority will add another tool in the ability of DES to respond to temporary housing needs. It will not be the only way these needs are met, and circumstances of a particular event will influence the choice of approaches to temporary housing.

STATE OF ALASKA

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

WALTER J. HICKEL, GOVERNOR

P.O. BOX 110900
JUNEAU, ALASKA 99811-0900
PHONE: (907) 465-4600
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April 27, 1994

Senator Steve Frank
Co-chair, Senate Finance Committee
Alaska State Legislature

Senator Drue Pearce
Co-chair, Senate Finance Committee
Alaska State Legislature

Dear Senators Frank and Pearce,

Re: HB 421, Temporary Housing During Disasters

Thank you for scheduling a hearing on HB 421 so quickly. As Representative Mulder's staff, Tim Sullivan, pointed out in your hearing of April 26, we expect passage of this bill to improve our ability to respond quickly to meeting the emergency housing needs of disaster victims.

Tim has relayed to me some of the concerns voiced during the hearing, and I wanted to let you know my response to those concerns.

The committee raised a concern over the temporary housing assistance provided by the state being subordinate to any similar assistance available from the federal government or from private insurance providers. Under our current plans and procedures, this is already the case.

In any federally declared disaster, we maximize the federal funds available for all purposes, including housing. Normally, the Federal Emergency Management Agency takes over the temporary housing program during federally declared disasters, and there is little, if any, involvement of state agencies or funds for temporary housing in federal disasters. Although I have not had the opportunity to review any specific language proposed in a committee substitute regarding this issue, I do not believe it would present any problems if added to the bill.

The requirement to subordinate temporary housing assistance to private insurance reimbursements is something that we conceptually support as well, since our procedures already incorporate this requirement. It does not make sense to pay someone for temporary housing needs if they are also being paid by their private insurance.

Since the issue of subordination of temporary housing grants to federal and private insurance benefits is already addressed in departmental procedures, there is no objection to incorporating it into statutory language as well. However, it would not be necessary to do so, if your committee chose not to make this amendment.

The final issue raised in committee concerns a limit on the amount of temporary housing funds, with a possible link to the previous section in Alaska Statutes regarding the individual and family grants limit of \$5,000 [AS 26.23.090 (b)(2)]. Apparently the committee wanted to limit the total amount for both these programs (combined) to \$5,000 for each disaster victim. I do not believe this would provide the public with the assistance they need and deserve if they become victims of a disaster.

The individual and family grant (IFG) program is intended to provide for immediate necessary items lost as a result of a disaster. Any insurance claims paid to disaster victims for their immediate needs is deducted from the amount paid under IFG grants. These grants normally pay the following types of immediate needs: food, clothing, medicine, etc. State law limits the amount of an IFG grant to no more than \$5,000; however, they are frequently less than that amount, as they are intended only to meet immediate needs.

The temporary housing program addressed in AS 26.23.100 provides for alternate housing when people (homeowners or renters) are displaced from their homes. Displacements as a result of disasters can be for long periods of time. The current temporary housing plan allows for state funding of temporary housing for a maximum of 18 months, with reviews every three months to verify continued eligibility. There is no dollar limit to the amount now spent on temporary housing; the only limit is the 18 month time frame. Without the ability to grant funds to disaster victims for temporary housing (which HB 421 would allow), the state must negotiate all lease agreements and make payments directly to landlord of the temporary housing. The intent of HB 421 was to simplify and streamline the method in which the state pays for temporary housing, and not to create additional restrictions on the program.

Placing a dollar restriction on temporary housing would create a financial hardship to displaced disaster victims when they can least afford it. Often, homeowners have their home completely destroyed, but are still required to make mortgage payments. Combining this limitation with the IFG grant amount would create

further hardship by requiring disaster victims to choose between meeting their needs for the immediate and necessary items funded by IFG grants, or meeting their needs for temporary housing.

The purpose of the temporary housing program is to enable disaster victims to live close to their pre-disaster jobs, family, friends, schools, and community. This facilitates their recovery from the disaster by assuring some stability and normalcy until they can obtain permanent housing in their community. I do not believe it is consistent with the philosophy of providing necessary disaster relief to limit the amount to be paid for temporary housing. This action could have the effect of creating an enclave of homeless people who cannot afford to get back on their feet after a disaster.

The intent of both the IFG program and the temporary housing program is to provide rapid temporary emergency relief, and not to add to the trauma of a disaster by limiting the amount of relief such that basic emergency needs go unmet.

I believe that the limitation being proposed would result in serious deficiencies in the state's ability to fairly and compassionately meet the needs of disaster victims. I urge you to reject any such limitation in HB 421.

I hope this information is useful to you in your further consideration of HB 421.

Sincerely,

Ervin Paul Martin. Director
Division of Emergency Services

cc: Representative Eldon Mulder
Hugh L. Cox III, Commissioner
Dick Eliason, Governor's Legislative Liaison

[HB421L1]

tance. The governor may make a grant to an individual and family under this subsection as follows:

(1) when the President declares a major disaster, the governor may make a grant of an amount whose total of federal and state shares does not exceed the maximum amount authorized by 42 U.S.C. 5178(f) for grants payable to individuals and families;

(2) when the President does not declare a major disaster but the governor declares a disaster emergency, the governor may make a grant of an amount not to exceed \$5,000.

(c) [*Repealed, § 18 ch 178 SLA 1990.*] (§ 3 ch 104 SLA 1977; am §§ 9, 18 ch 178 SLA 1990)

Effect of amendments. — The 1990 amendment deleted "the total of federal and state shares not to exceed \$5,000" following "financial grants" and "in any single major disaster declared by the president" following "individual or family" and substituted "the disaster" for "a major di-

saster" in the first sentence of subsection (b); added the second sentence of subsection (b); and repealed subsection (c), which penalized fraudulent or wilful misstatements of fact in connection with financial assistance applications.

Sec. 26.23.100. Temporary housing. (a) Whenever the governor has proclaimed a disaster emergency, or the President, at the request of the governor, has declared an emergency or a major disaster to exist in this state, the governor may

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

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

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

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

(C) becoming a copartner with a political subdivision for the execution and performance of any temporary housing for disaster-victim projects and, for those purposes, pledging the credit of the state on terms considered appropriate, having due regard for current debt transactions of the state;

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

Proposed statutory language to be added in a bill:

*Sec 1. AS 39.25.110 is amended by adding a new section to read:

(30) persons employed by the Department of Military and Veterans Affairs for a disaster emergency

[File: BILPROP1.DOC]

Sec. 39.25.110. Exempt service. Unless otherwise provided by law, the following positions in the state service constitute the exempt service and are exempt from the provisions of this chapter and the rules adopted under it:

(1) persons elected to public office by popular vote or appointed to fill vacancies in elected offices;

(2) justices, judges, magistrates, and employees of the judicial branch including employees of the judicial council;

(3) employees of the state legislature and its agencies;

(4) the head of each principal department in the executive branch;

(5) officers and employees of the University of Alaska;

(6) certificated teachers and noncertificated employees employed by a regional educational attendance area established and organized under AS 14.08.031 — 14.08.041 to teach in, administer, or operate schools under the control of a regional educational attendance area school board;

(7) certificated teachers employed by the Department of Education as correspondence teachers, teachers in skill centers operated by the Department of Education, or in Mt. Edgecumbe School;

(8) patients and inmates employed in state institutions;

(9) persons employed in a professional capacity to make a temporary or special inquiry, study or examination as authorized by the governor;

(10) members of boards, commissions, or authorities;

(11) the officers and employees of the following boards, commissions, and authorities:

(A) Alaska Gas Pipeline Financing Authority;

(B) Alaska Permanent Fund Corporation;

(C) Alaska Industrial Development and Export Authority;

(D) Alaska Commercial Fisheries Entry Commission;

(E) Alaska Commission on Postsecondary Education;

(F) Alaska Aerospace Development Corporation;

(12) the executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority;

(13) the state medical examiner appointed under AS 12.65.015 and physicians licensed to practice in this state and employed by the division of mental health and developmental disabilities in the Department of Health and Social Services or by the Department of Corrections;

(14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission, except for those employed in the division of geological and geophysical surveys in the Department of Natural Resources;

(15) officers, agents, and employees of the Alcoholic Beverage Con-

trol Board granted limited peace officer powers by the Alcoholic Beverage Control Board under AS 04.06.110;

(16) persons employed by the division of marine transportation as masters and members of the crews of vessels who operate the state ferry system and who are covered by a collective bargaining agreement provided in AS 23.40.040;

(17) officers and employees of the state who reside in foreign countries;

(18) employees of the Alaska Seafood Marketing Institute;

(19) fire fighters employed by the Department of Natural Resources for a fire emergency;

(20) employees of the Office of the Governor and the office of the lieutenant governor, including the staff of the governor's mansion;

(21) employees of the Citizens' Advisory Commission on Federal Areas in Alaska (AS 41.37.010);

(22) youth employed by the Department of Natural Resources under the Youth Employment and Student Intern programs;

(23) the executive director of the Medicaid Rate Advisory Commission;

(24) students employed by the state institutions in which the students are enrolled;

(25) the executive director and staff of the Alaska Science and Technology Foundation (AS 37.17.010);

(26) investment officers in the Department of Revenue;

(27) the executive director and other staff of the Alaska Tourism Marketing Council;

(28) persons engaged in employment or pre-employment training programs operated by the Department of Military and Veterans' Affairs;

(29) *[Repealed, § 9 ch 115 SLA 1989.]* (§ 5 ch 144 SLA 1960; am § 1 ch 48 SLA 1961; am § 1 ch 133 SLA 1961; am § 3 ch 93 SLA 1962; am § 3 ch 24 SLA 1966; am § 31 ch 46 SLA 1970; am § 65 ch 69 SLA 1970; am § 13 ch 113 SLA 1970; am § 3 ch 78 SLA 1971; am § 18 ch 78 SLA 1974; am § 42 ch 127 SLA 1974; am § 2 ch 32 SLA 1975; am § 2 ch 79 SLA 1975; am § 37 ch 124 SLA 1975; am § 1 ch 157 SLA 1976; am § 3 ch 90 SLA 1978; am § 7 ch 18 SLA 1980; am § 43 ch 106 SLA 1980; am § 10 ch 131 SLA 1980; am § 4 ch 148 SLA 1980; am § 4 ch 106 SLA 1981; am §§ 2, 3 ch 37 SLA 1982; am § 7 ch 112 SLA 1982; am § 1 ch 11 SLA 1983; am § 1 ch 103 SLA 1984; am § 58 ch 21 SLA 1985; am § 1 ch 50 SLA 1985; am § 69 ch 14 SLA 1987; am § 1 ch 61 SLA 1987; am § 2 ch 37 SLA 1988; am § 2 ch 78 SLA 1988; am § 26 ch 141 SLA 1988; am E.O. No. 72 § 2 (1989) am § 11 ch 95 SLA 1989; am §§ 7, 9 ch 115 SLA 1989; am § 10 ch 88 SLA 1991; am § 1 ch 17 SLA 1992; am § 4 ch 47 SLA 1993)

Revised
enacted a
Effect
1988 amended
inserted
The section
July 1, 1988
The title
June 9, 1988
The first
March 1, 1988
paragraph
The section
July 1, 1988
The title
June 16, 1988

Cited
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