

SCOMM

115:19

**EVERYTHING YOU
EVER
WANTED TO KNOW
ABOUT
DISASTERS IN ALASKA.**

AS IT IS NOW

Sec. 26.23.025. The legislature and disaster emergencies.

(a) The provisions of this section apply when the governor declares a condition of disaster emergency under AS 26.23.020 (c) and in response to the disaster the governor proposes to expend

- (1) more than \$1,000,000 of the assets of the disaster relief fund under AS 26.23.300 (b);
- (2) more than \$500,000 of the assets of the disaster relief fund under AS 26.23.300 (c); or
- (3) an amount from the disaster relief fund that exceeds the unallocated balance of the fund.

(b) When the governor declares a condition of disaster emergency while the legislature is in session, concurrently with the issuance of the proclamation the governor shall prepare and deliver to the presiding officers of the legislature and to the persons who chair the finance committees in each house of the legislature

- (1) a financing plan relating to the source or sources of money available from sources identified in AS 26.23.050 (b) that the governor proposes to use to cope with the disaster; or
- (2) a supplemental appropriation to provide money necessary to cope with the disaster.

(c) When the governor declares a condition of disaster emergency while the legislature is not in session, concurrently with the issuance of the disaster emergency proclamation the governor shall

- (1) convene a special session of the legislature under this subsection within five days unless the presiding officers of both the house of representatives and the senate agree that a special session should not be convened and so advise the governor in writing; and
- (2) prepare and deliver to the presiding officers of the legislature and to the persons who chair the finance committees in each house of the legislature

(A) a financing plan relating to the source or sources of money available from sources identified in AS 26.23.050 (b) that the governor proposes to use to cope with the disaster; or

(B) a supplemental appropriation to provide money necessary to cope with the disaster.

(d) If the declaration of a disaster emergency occurs while the legislature is in session, or if a special session is held, actions taken by the governor under this chapter that are not ratified by a concurrent resolution adopted during that session are void.

(e) If the legislature does not convene in special session under (c)(1) of this section, the governor may act under this chapter in a manner that is consistent with the financing plan submitted.

(f) The legislature, by concurrent resolution, may terminate a disaster emergency at any time.

Sec. 44.33.285. Action by governor. (ECONOMIC DISASTER)

The governor may, upon recommendation of the commissioner of commerce and economic development, designate by proclamation an area as an area impacted by an economic disaster. When an area is so designated, the legislature may appropriate money for assistance grants and the governor may recommend in the governor's budget submission that capital projects planned for the area be accelerated and that new projects be funded for the area. The proclamation may provide that waivers of capital projects requirements, as authorized in AS 44.33.300 , become effective only to the extent set out in the proclamation.

Sec. 26.23.900. Definitions.

In this chapter

- (1) "commission" means the Alaska State Emergency Response Commission;
- (2) "disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause, including
 - (A) fire, flood, earthquake, landslide, mudslide, avalanche, wind-driven water, weather condition, tsunami, volcanic activity, epidemic, air contamination, blight, infestation, explosion, riot, or shortage of food, water, fuel, or clothing;
 - (B) the release of oil or a hazardous substance, if the release requires prompt action to avert environmental danger or damage; and
 - (C) equipment failure, if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation;
- (3) "disaster emergency" means the condition declared by proclamation of the governor or declared by the principal executive officer of a political subdivision to designate the imminence or occurrence of a disaster;
- (4) "emergency" has the meaning given in 42 U.S.C. 5122;
- (5) "hazardous substance" has the meaning given in AS 46.03.826 ;
- (6) "major disaster" has the meaning given in 42 U.S.C. 5122;

HOW SOME OTHER STATES DEFINE "DISASTER"

MINNESOTA:

12.03 Definitions.

Subd. 2. Disaster.

"Disaster" means a situation that creates an actual or imminent serious threat to the health and safety of persons, or a situation that has resulted or is likely to result in catastrophic loss to property or the environment, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Emergency.

"Emergency" means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring.

Subd. 4. Emergency management.

"Emergency management" means the preparation for and the carrying out of emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, from acute shortages of energy, or from incidents occurring at nuclear power plants that pose radiological or other health hazards. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency human services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, implementation of energy supply emergency conservation and allocation measures, and other functions related to civilian protection, together with all other activities necessary or incidental to preparing for and carrying out these functions.

Subd. 5b. Hazard mitigation.

"Hazard mitigation" means an action taken to reduce or eliminate the long-term risk to human life and property from natural and other types of hazards.

Subd. 5c. Imminent.

"Imminent" means clear and present danger to life or property rights as a result of an emergency or disaster.

FLORIDA:

252.34 Definitions.--As used in ss. 252.31-252.60, the term:

(1) "Disaster" means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor, or the President of the United States. Disasters shall be identified by the severity of resulting damage, as follows:

(a) "Catastrophic disaster" means a disaster that will require massive state and federal assistance, including immediate military involvement.

(b) "Major disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance.

(c) "Minor disaster" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance.

(2) "Division" means the Division of Emergency Management of the Department of Community Affairs, or the successor to that division.

(3) "Emergency" means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(4) "Emergency management" means the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to:

(a) Reduction of vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action.

(b) Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies.

(c) Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency.

(d) Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.

(e) Provision of an emergency management system embodying all aspects of preemergency preparedness and postemergency response, recovery, and mitigation.

(f) Assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.

(5) "Local emergency management agency" means an organization created in accordance with the provisions of ss. 252.31-252.91 to discharge the emergency management responsibilities and functions of a political subdivision.

(6) "Manmade emergency" means an emergency caused by an action against persons or society, including, but not limited to, enemy attack, sabotage, terrorism, civil unrest, or other action impairing the orderly administration of government.

(7) "Natural emergency" means an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, severe wave action, a drought, or an earthquake.

(8) "Political subdivision" means any county or municipality created pursuant to law.

(9) "Technological emergency" means an emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident

ARIZONA:

A. The governor may declare an emergency arising from such major disasters as provided in this section and incur liabilities therefor, regardless of whether or not the legislature is in session.

1. Invasions, hostile attacks, riots or insurrections.

2. Epidemics of disease or plagues of insects.

3. Floods or floodwaters.

4. Acts of God or any major disaster.

5. Wild land fires, but only after all necessary authorizations under section 37-623.02 are exhausted.

**SENATE BILL NO. 101
MINUTES
SENATE FINANCE COMMITTEE**

DARWIN PETERSON, staff to Senator John Torgerson, explained the committee substitute.

Section 1 amended the statute AS 26.23.020 to provide that a proclamation of disaster emergency is effective for only 30 days unless extended by the Legislature by law.

Section 2 repealed and reenacted AS 26.23.025 relating to the Legislature and disaster emergencies.

Section 8 set out the information the Governor must provide the Legislature upon declaring a disaster emergency. This subsection also set out the procedure that the Governor must follow to obtain approval for additional money or expenditure authority from the Legislature to cope with a disaster. Approval for additional money or expenditure authority could only be obtained by an act of the Legislature.

Subsection (b) provided that if a declaration of a disaster emergency occurs while the Legislature is in session or if a special session is held, actions taken by the Governor that are not ratified by law, adopted during that session are void.

Subsection (c) provided that the Legislature may terminate a declaration of disaster emergency any time by law.

He explained some of the differences between the CS and the original bill. In current law, if the Legislature is in session, the Governor's disaster declaration can be ratified by a current resolution. If it was during the interim, a special session was convened unless the presiding officers of the House of Representatives and the Senate agree in writing that a special session was not necessary. The Legislature may terminate a disaster emergency by concurrent resolution.

The committee substitute would require a disaster declaration to be ratified or terminated by law rather than

by a concurrent resolution. It would also require a special session to be convened during the interim to ratify a declaration.

Section 3 repealed and reenacted AS 26.23.300 that provided for the creation and operation of the disaster relief fund. Subsections (b) and (c) were in current law and stated that the Governor may expend up to \$500,000 of the fund to address an event that posed a direct and imminent threat of disaster that warranted state action. It also provided that the Governor could expend up to \$1 million from the fund to address disaster.

Subsections (d) through (h) were reenacted language. Subsection (d) provided that the Governor could expend up to \$5 million from the fund to address a disaster resulting from certain specified events: fire, flood, earthquake, severe storm, tsunami, volcanic activity, epidemic, explosion, riot and release of oil or hazardous substance.

Subsection (e) provided that the Governor could not exceed the spending limits set out in (c) and (d) unless the President of the United States declared the disaster to be a major disaster and the Legislature approved the expenditure of additional assets from the disaster relief fund.

Subsection (f) provided that a community or area was eligible only once for flood disaster relief funded from the disaster relief fund.

Subsections (g) and (h) stated that the Governor shall provide an annual accounting of expenditures from the disaster relief fund and that the Governor could adopt regulations to implement this section.

Section 4 amended the definition of disaster. The language "a natural or manmade cause including" was removed "or shortage of food, water, fuel or clothing" was inserted.

Subsection (a) "the event of weather condition" was removed and "severe storm" was inserted. Also deleted was the language, "or shortage of food, water, fuel or clothing".

Senator Sean Parnell moved for adoption of CS SB 101 Version "H". Senator Al Adams objected. He had questions on the special session provisions. He wondered if there would be numerous special sessions.

He also felt the need to elaborate on the definition of "severe storms". It should include cold snaps and long term cold temperatures. He then asked how often the community could have one flood - in a lifetime or annually.

Co-Chair John Torgerson walked through his intentions. Most of the things incorporated were attempts to clarify language. It would bring the Legislature back into a special session for expenditures over \$5 million. This provision was inserted at the suggestion by Senator Dave Donley.

He referred to a handout listing the incidences of disasters over \$5 million. There were only two. Therefore, past history did not show that the Legislature would be in special sessions under this new provision.

The definition of "severe storms" was at the suggestion of Senator Randy Phillips to remove "weather conditions" and provide a broader definition. He believed it would cover severe cold snaps.

He noted that FEMA would not provide assistance for a second flood if their suggestions after the first flood were not heeded, such as building above the flood plain.

He admitted the bill still needed work and that was the reason for this discussion.

Senator Dave Donley explained that part of his proposal for the \$5 million limit, was to include a safety valve to allow the presiding officers to poll the members of the Legislature to see if a majority supported allowing the Governor to go beyond \$5 million. This was a way to avoid a special session. He still supported that and felt it was reasonable in a disaster situation.

Co-Chair John Torgerson said he wished to ask the Legislative Council from the Legal Services Division for an opinion on the issue of binding the Legislature through a poll.

DID HE?

Senator Al Adams asked if with the figures stated in the proposed CS, would the disaster relief fund be funded in the regular budget or be incorporated the special session.

He then referred to another provision that stated a

disaster relief could not continue for more than 30 days unless set into law. He wanted history of the length of prior disasters from the Division of Emergency Services.

Co-Chair John Torgerson commented that provision was in existing law and that it could be looked at.

Co-Chair John Torgerson addressed the question on funding. This would not change any of the available funding mechanisms. The Governor was not prevented from taking funds where legally available to be used for the disaster.

GEORGE UTERMOHLE, Legislative Council, Division of Legal Services, Legislative Affairs Agency, came to the table at the request of Co-Chair John Torgerson. Co-Chair John Torgerson questioned him about polling the Legislature and the binding authority. George Utermohle replied that there was precedent in the state for action to be taken other than passage of a law by the Legislature. He detailed the reasons for this.

Co-Chair John Torgerson asked if this was changed back to concurrent resolution, would the poll not be binding. George Utermohle responded that a decision or approval by the presiding officers would not be sufficient, nor would a concurrent resolution.

Senator Dave Donley asked what was the difference between that method and the existing practice of the presiding officers giving approval to the Governor. George Utermohle answered that there was no difference. Senator Dave Donley then challenged that the current law was also illegal. Co-Chair John Torgerson explained the present law did not approve funds. The current decision made by the presiding officers was whether to come into a special session. Senator Dave Donley countered that was still binding because the Legislature could petition a special session. Co-Chair John Torgerson agreed. There was further debate.

Senator Al Adams noted the different funding limits set in the CS. He wanted to know if there was a requirement for a special session for any disaster over \$1 million. George Utermohle it would require additional approval is obtained from the Legislature in that particular instance. Co-Chair John Torgerson affirmed that the special session would be required for additional funding if the disaster didn't conform to the definition of disaster.

The CS SB 101 Version "H" Workdraft was adopted without objection.

DAVID LIEBERSBACK, Director, Division of Emergency Services, Department of Military and Veterans Affairs, testified via teleconference to the adopted CS. He spoke to the need for special sessions. In the reality of his experience over the last few years, the special session would be required more often because there was no appropriation to the disaster relief fund and the fund was currently empty. Therefore, the Governor would need to call special session because he would not have other sources sufficient to cope with the disaster.

Co-Chair John Torgerson interrupted to ask what made him say that since no changes in the provisions for financing disasters were proposed. David Liebersback responded that there was no money in the disaster relief fund and the provision stated that if there was no money in the fund to deal with the disaster a special session would be required. Co-Chair John Torgerson said that was not true, the Governor had the option of taking funds available to him from other departments to use for relief.

David Liebersback spoke to another potential problem under the special session provision and that was the time it would take to get the funding processed to enable relief efforts.

He then noted numerous events over the past 20 years where flooding occurred in the same place. He listed several floods in Anchorage, the Mat-Su Borough and Fairbanks. Without state money to match, the division would be unable to get federal funds for these floods.

Relating to the definition of disaster, David Liebersback felt that what had been done was good, but that it limited the division. He suggested "resulting from and event including" would allow for the possibility on an unforeseen event.

Senator Al Adams asked if he had a definition of severe storms. David did not and said it would have to be developed.

Senator Sean Parnell wanted to know if there was a definition of severe storms that FEMA used. He thought FEMA used similar language but wanted more information.

Senator Lyda Green referred to US Code definition. She had been concerned about the difference between disasters and major disasters noting the differing amounts of money spent to respond to each.

Co-Chair John Torgerson asked for the definition of major catastrophe. Would the Bristol Bay situation return to the definition? Senator Lyda Green answered no.

Senator Sean Parnell commented on Senator Lyda Green's referral to the US code.

Recess 9:30 AM teleconference connection lost - [recording affected] / 9:34 AM

Senator Lyda Green continued talking about the federal definition of disasters that the state would have to provide matching funds to receive federal relief. It referred to a catastrophe being the trigger. Then a major disaster meant, "any natural catastrophe including, hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snow storm or drought. She thought Senator Loren Leman's drafted amendment followed that definition.

Co-Chair John Torgerson explained that Senator Loren Leman had drafted an amendment that was not yet distributed that incorporated many of Senator Lyda Green's suggestions. He gave her a copy of the amendment in case she wished to sponsor it. Senator Lyda Green said she would like to incorporate a definition of emergency into the amendment.

Senator Al Adams requested Nico Bus to come to the table to answer questions about relief for fires. Under the proposed language, would the state avert federal funding for relief?

NICO BUS, Administrative Services Manager, Division of Support Services, Department of Military and Veterans Affairs and Department of Natural Resources, commented on the fire program in general. The emergency statutes referred to both fire and the disaster relief fund. Previously, there was a fire suppression fund that was used for fire disasters. That fund had been completely depleted. The next recourse was through the disaster

relief fund, where up to \$1 million could be used. He noted that fund was also depleted. When looking at money regularly appropriated for fire suppression, the fund was insufficient. Over the last four or five years, the department found itself in the position where they had to declare a disaster for even the smallest fires. He detailed the budget expenditure process. Recently, the only option was to take funds from other governmental operations. The Administration and the Legislature decided that was not a good plan. Government and projects should not be halted for this. The solution was to do a financing plan then request a supplemental appropriation when the Legislature came back into regular session. The money was borrowed against the general fund. Under the CS, he was unsure if there would be many requests for special sessions because the financing plan would no longer be used. He felt that to borrow money from existing programs would be problematic.

Co-Chair John Torgerson repeated that the financing schemes would not be changed. He stressed that while the department claimed each year that the disaster relief fund was underfunded, the Legislature never short funded the programs. As to the matter of special sessions, that was a call of this Legislature.

Senator Al Adams had a question on the CS if it would allow the capture of all available federal funds. Nico Bus responded that most of the federal funds appropriated to both the Department of Natural Resources and the Department of Military and Veterans Affairs was sufficient. The problem was with the federal fund appropriations.

Senator Lyda Green noted her amendment was being drafted. There was another issue regarding Senator Randy Phillips' proposed amendment to the original bill relating to the Department of Commerce and Economic Development for economic disasters. She felt the committee should address one type of disaster without addressing the other.

Senator Randy Phillips moved for adoption of Amendment #1 with technical changes to comply with the CS Version "H".

BRUCE CAMPBELL, staff to Senator Randy Phillips, explained the amendment. There had been some concern about the assistance grants language. Discussions with George Utermohle changed their understanding of what that language meant. Furthermore, this amendment would add language in

which the government shall encourage private capital. There seemed to be implications on line 14 that the capital projects were public capital projects. They wanted to make sure it was clear that it could include private, as well as capital projects for economic disasters. In an economic disaster, the Governor could select projects that needed to be moved forward rapidly in permit review and other capital expenditures.

Senator Dave Donley wondered what would be different about this law compared to the current law. Bruce Campbell explained that the new language would encourage the Governor to move more quickly with permit packages. He detailed a past instances with the Southeast timber disasters where if the Governor had the power, state land could have been opened and the mills possibly kept open. While it may or may not work, he stressed the need to offer the opportunity.

Senator Lyda Green suggested the federal definition of economic disaster added to this section. She read, "the annual income to workers in the designated area drop below the average annual income for the base period for workers in the designated area and the drop in income is of just magnitude."

Senator Sean Parnell said it would open the title up for further review and the question was whether the committee wished to only address natural disasters or add economic disaster. Senator Lyda Green felt this was the section where natural disasters fell and thought they needed to oversee that.

Senator Sean Parnell agreed and noted that if the title would be opened it should be dealt with in this committee rather than passing the bill along.

Co-Chair John Torgerson understood the intent and didn't disagree that there needed to be work done with the economic disasters. However, he didn't think this amendment would accomplish that without causing more problems.

Senator Sean Parnell said if it was to be added it needed to be dealt with here.

Senator Randy Phillips offered holding this amendment until after the other amendments were heard.

Co-Chair John Torgerson asked David Liebersback how much total funds could be distributed under economic disasters. David said his department didn't handle the economic disasters, the Department of Commerce and Economic Development did. He didn't have that information. Co-Chair John Torgerson said his office would request that information from the Department of Commerce and Economic Development.

Senator Randy Phillips withdrew his motion to adopt Amendment #1.

Senator Randy Phillips moved for adoption of Amendment #2. Co-Chair John Torgerson explained would delete the term, "a major disaster" and reinsert, "determined by the President of the United States to cause damage of significant severity and magnitude to warrant major disaster assistance under the Federal Disaster Relief Act of 1974." This was to address the concern that there could be a major disaster but it may not qualify for federal disaster relief aid. Senator Al Adams asked if this amendment would cover all federal funds that might be available. Would it limit the state's ability to obtain federal funds?

Tape: SFC - 99 #58, Side B 9:54 AM

Senator Al Adams concluded his question.

Co-Chair John Torgerson answered no, it authorized the Governor to obtain funds from all sources. It just said that before the Governor could spend over \$1 million, or \$5 million, the disaster must be declared to qualify under the federal standards.

Amendment #2 was adopted without objection.

Senator Randy Phillips moved for adoption of Amendment #3. Senator Randy Phillips explained this was to address a concern that the department expressed. Co-Chair John Torgerson objected because the language, "such as" may be too broad.

Senator Al Adams commented this amendment was similar to the suggestions made by David Liebersback to insert, "resulting from a cause, including."

CAROL CARROLL, Director, Division of Support Services,

Department of Military and Veterans Affairs, came to the table. She addressed the question of whether Senator Randy Phillips's amendment would take care of the concerns of the Division of Emergency Services. It would. She restated the concerns that it was unknown what types of events would be. By limiting events to a list of disasters, some events may be excluded that the Legislature may later want to declare.

Senator Randy Phillips said he now viewed the change as opening it up rather than narrowing it down. He didn't want to do that. He withdrew his motion to adopt Amendment

Senator Dave Donley moved to amend and adopt Amendment #4. He detailed the technical change to line 20 to insert, "in writing" and spoke to the intent of the amendment to have the notice and the assent in writing. He felt it was important to have discussion on the special session matter. He was not convinced that this was the answer, but it would facilitate a discussion. He agreed with the provisions in the CS placing the \$5 million limit before additional Legislative appropriation. He wanted the committee to talk about the flexibility to avoid a special session.

Senator Sean Parnell wanted to know if it was the intent that all members of the respective houses be polled in writing. Senator Dave Donley answered it was.

Senator Sean Parnell moved to amend Amendment #4 to insert "all" following "after polling". Senator Al Adams requested the amendment be read in its proposed form. Senator Dave Donley complied.

Without objection Amendment #4 was amended to change "in writing". Without objection, Amendment #4 amended was amended to insert the word "all".

Co-Chair John Torgerson said his earlier object to the polling was under the pretense that the committee would be approving money to exceed the \$1 million or the \$5 million disaster cap. But under this amendment, the questions before the members would only be whether or not to come into special session. George Utermohle affirmed and detailed.

Co-Chair John Torgerson asked if this basically conformed to the CS or was there major changes. George Utermohle explained that including this amendment into the CS would require a substantial change to the structure. Co-Chair

John Torgerson wanted to know if it would affect just the polling or if it would change other provisions as well. George Utermohle replied that it would make major changes to the CS. The conceptual issue of capping the Governor's unrestricted expenditures at \$5 million was consistent. But how those two melded in the CS and the amendment took different approaches. A new CS would probably be required to see how they worked together.

Senator Dave Donley was willing to withdraw the amendment and draft another to the CS version to offer on the Senate floor. Co-Chair John Torgerson did not have a problem with the approach but just wanted to understand what was being changed. He spoke to his concerns with the polling of the Legislature.

George Utermohle said he would need to have time to study and compare the effects of the CS and the amendment. Senator Dave Donley said it was too major to send out of Senate Finance Committee incomplete.

Senator Randy Phillips suggested that Senator Lyda Green's concern with Amendment #1 could also be worked on in a new CS. Co-Chair John Torgerson spoke of the effect this bill would have on the FY99 supplemental budget bill.

Senator Dave Donley felt the CS was adequate and he did not want it to impede the supplemental budget. Co-Chair John Torgerson said the matter should be debated before the bill left committee.

Senator Sean Parnell offered to take up the bill the next day. Co-Chair John Torgerson said it was his intent that the bill held in committee until the Monday meeting.

He wanted direction from the committee on Amendment #1. Senator Gary Wilken felt the two should be separate. Co-Chair John Torgerson asked if Senator Lyda Green would consider separate legislation to address economic disaster. Senator Lyda Green didn't see how one could be addressed without consideration of the other.

Senator Sean Parnell commented that the economic disasters might have been a more appropriate route with this bill. He reread the definition of economic disasters and concluded the economic disaster section was pointed directly at helping people whose income had been dramatically affected. The question was, did the committee

want to open that matter up as well. It could be such that once the emergency disaster statutes were fixed, then the Administration had the option to utilize the current economic disaster statute as it was. The difference would be that when the Governor designated an area as being an economic disaster area, the Legislature then considered whether to appropriate the money. He didn't see an automatic appropriation by the Governor.

Senator Lyda Green said it appeared there was a very high standard since the income had to drop below the base income for workers in the designated areas and the average family of all residents had to drop below the poverty guideline. She was unsure if the Western Alaska Fishing Disaster would have qualified. She still felt the matter needed to be considered. Senator Sean Parnell said the point was well taken.

Co-Chair John Torgerson asked Senator Lyda Green to research the matter. It was his desire that if it involved a major change, it be handled as separate legislation. If it were a small change, it could be incorporated in this bill.

Senator Al Adams requested consideration be given to the definition of severe storms. Co-Chair John Torgerson agreed.

Senator Dave Donley withdrew his motion to adopt Amendment

Senator Al Adams requested the adopted amendment incorporated into the new CS for the members to review.

Co-Chair John Torgerson ordered the bill held in committee.

March 22, 1999

"An Act amending the definition of 'disaster.'"

This was the third hearing for this bill.

Co-Chair John Torgerson brought the committee's attention to a proposed committee substitute, Version "I", noting that it added language to page 3 lines 19-21.

Senator Randy Phillips moved for adoption of CS SB 101 Version "I". Without objection, it was adopted.

Co-Chair John Torgerson said it was his intention to hear testimony on the new version of the bill and then address the proposed amendments.

GENERAL PHIL OATES, Commissioner, Department of Military and Veterans Affairs, testified via teleconference from Fort Richardson. He stated that the proposed legislation relating to disasters and the disaster relief fund would impact two of the most fundamental responsibilities of government. First, was the requirement to provide rapid response and assistance to disasters and secondly, to do so in a fiscally responsible manner. His testimony was given to help the committee establish the proper balance between the two.

General Oates went through the bill by section. He noted he was operating off of the version adopted the prior week (Version "H").

He began with Section 2 saying that the proposed legislation indicated that the Governor must submit finance plans for disaster declarations in which he or she intended to expend general funds. He had no objection to that change noting that it was an administrative requirement that the department could meet. Also under Section 2, existing legislation dictated that a special session be convened within five days unless the presiding officers of both the House of Representatives and the Senate advised the Governor in writing that a special session should not be convened. The proposed legislation would not only direct the Governor to convene a special session within five days it also deleted the Governor's authority to act if the session was not convened. General Oates had objections to that provision. First, he noted the high costs to convene a special session. Normally, the Legislature was not in session when disasters occurred. He had reviewed the Division of Emergency Services records and concluded that an average of three special sessions per year would be required under this provision. He also had objection to the elimination of the Governor's ability to act by legislative inaction. He felt that was not a good policy. He thought the current law gave the Legislature more flexibility and would still allow them to come together when necessary. In fact, he noted it was the responsibility of the Executive Branch to ensure that the Legislature had prompt and continuing access to information to determine whether a special session was necessary or

whether a disaster declaration should continue.

Section 3 in the proposed legislation limited the Governor's authority to expend more than \$1 million nonspecific or \$5 million for specific instances. He defined nonspecific funds as those present in the disaster relief fund. Specific instances he defined as those contained in the list of disasters provided for in the legislation after a presidential declaration. He felt those amounts were too restrictive. Normally, the division would be unable to obtain a presidential declaration for the \$5 million. He stressed that the presidential declaration may happen overnight, it usually took days or sometimes months to get. He also opposed to the provision limiting flood relief to once per community. He shared that nearly every community in Alaska had flooded at least once. This would also penalize communities that could not obtain flood insurance. It could possibly eliminate federal participation in future flooding events without the Governor's ability to match federal funds. He added that the Division of Emergency Services was currently requiring flood insurance through the regulatory process.

Section 4 in existing legislation was sufficiently broad enough to allow the Governor to declare and respond to disasters caused by natural and manmade events, according to General Oats. The proposed legislation would limit the types of disasters to specific events identified in the bill. He stressed that it was easy to define a disaster, but difficult to make a list that delineated all the events that would create a possible disaster. He gave examples not included in the bill as drought, erosion, ice storms, shipwrecks, aircraft crashes, train wrecks, prolonged severe cold, water or solid contamination, human error, Y2K failures and many others. He suggested following FEMA's description of disasters and list "including" events of certain types. He felt that would be more prudent than limiting the disasters to specific events.

Co-Chair John Torgerson noted a proposed amendment that changed the special session requirements. It would change the provision to require a polling of the Legislature to determine whether a special session would be convened for each instance. He noted another proposed conceptual amendment addressing floods that would allow a one-time \$5 million coverage and another \$1 million coverage be provided without Legislative approval.

Senator Al Adams made another suggestion relating to the declaration of disasters on page 4 line 11 to insert "weather" between the words, "severe storms". This could take into account some of events not yet covered.

Senator Lyda Green asked if the commissioner had a definition for "emergency". General Oates suggested following FEMA's definition for emergencies and disasters. FEMA defined emergency as, "any occasion or instance for which in the determination of the president, federal assistance is needed to implement state and local efforts and capabilities to save lives and protect property and public health and safety or to lessen or avert the threat of a catastrophe in any part of the United States." It also when on to define major disaster and used the word "including", which he felt was important because it was not limiting language.

JOHN ALCANTRA, Emergency Management Coordinator, Kenai Peninsula Borough, testified via teleconference from Kenai. Prior to this position, he served as chief of staff on previous two federal disaster declarations in Alaska: the 1995 SouthCentral Flood Disaster, and the 1996 Millers Reach Fire. He shared General Oats' concerns with the bill including the restriction of the one-time flood. He proposed consulting with the State Emergency Response Commission that would be meeting in Anchorage on April 14. There was also a Local Emergency Planning Committee that would be meeting the day before. He suggested the Legislature work with the members of these organizations who dealt with emergency management. He noted there were paid staff and volunteers in many of the municipalities throughout the state. He requested a member of the Senate address the commission.

John Alcantra continued that he felt there was room for improvement with the better administration of funds and local government participation in the process.

He said issues of communities receiving flood assistance too often could be addressed with regulatory changes easier than in statutes.

He agreed with General Oates on Section 4 that the definitions of disasters should be left open to allow unforeseen events such as severe cold and Y2K failures.

Co-Chair John Torgerson announced that the committee would

try to address all the issues involved with this bill before moving it from the committee. He stated that the bill would not be held pending the aforementioned meetings. He recommended the organizations submit recommendations to the committee in writing.

BOB STEWART, Emergency Management Coordinator, Municipality of Anchorage testified via teleconference from Anchorage. He concurred with General Oats' comments as well. He focused on Sections 3 and 4. He felt that by limiting the funding for events related to floods, the wording itself could be punitive to those communities that had floods or would have floods under this provision unless funding for mitigation was built in. He also wanted to know the definition of "community". It was unclear to him since it could refer to a portion of the municipality's jurisdiction, or also refer to types of floods. He warned that without clarification, the legislation would penalize local governments for the twenty-five percent match that they would ordinarily obtain from the state when there was a federally declared disaster.

He next addressed Section 4 and echoed General Oats' comments that when the events were listed in law, invariably some events would be disregarded since all could not be listed. However in the interest of moving the legislation forward, he suggested adding "shelters" to the language. In a Y2K environment, there could be shelter problems that would require the declaration of a disaster emergency. He also recommended that if the bill was going to list qualified disasters, it include Y2K and aviation disasters.

Co-Chair John Torgerson requested the testimony be submitted to the committee in writing that day.

Co-Chair John Torgerson ordered the bill held in committee.

MINUTES
SENATE FINANCE COMMITTEE

March 24, 1999

SENATE BILL NO. 101

"An Act amending the definition of 'disaster.'"

This was the fourth hearing for this bill. Co-Chair John Torgerson noted that during the last hearing, the committee dopted CS Version "I" as a Workdraft.

Senator Sean Parnell moved for adoption of Amendment #5. Co-Chair John Torgerson explained that it added intent Section to the bill to alleviate fear that the committee would change the way the Governor could receive federal Funds. He stated that the bill did not do that, but the intent language was proposed to clarify the matter.

Without objection, Amendment #5 was adopted.

Senator Al Adams moved for adoption of Amendment #6. Co-Chair John Torgerson objected. Senator Al Adams explained the amendment would add the words, "an event including" to page 4 line 8. The reason for this addition was to ensure that FEMA funds would not be lost. Co-Chair John Torgerson spoke to objection, saying that there could be other interpretations to the language to suggest the disasters would not be limited to the list, but that others could be included.

Amendment #6 failed to be adopted by a vote of 2-7. Senator Al Adams and Senator Pete Kelly cast the yea votes.

There was discussion by the committee to clarify the status of the CS, past actions taken and the amendments proposed.

Senator Dave Donley moved for adoption of Amendment #7. Senator Al Adams objected. Senator Dave Donley explained that the amendment was mostly conforming language to make Section 2 work. It would give the Legislature an option not to convene a special session if the expenditure was over \$5 million. It set up a method for the presiding officers to poll the members of the Legislature and receive written consent by the majority of the members of each body. It would make the provision of polling of Legislatures acceptable using telephonic facsimile, electronic mail or other means of written communication. Co-Chair John Torgerson referred to page 1 section 1 and noted the language stating that the proclamation of disaster could not last longer than 30 days unless extended by the Legislature by law. He wondered if there shouldn't be a conforming amendment to that provision also to possibly allow for the extension to be made other than with a law or concurrent resolution. Senator Dave Donley countered that the existing law said a disaster could not last longer than 30 days without concurrent resolution. Therefore, the same problem existed under current law. Co-Chair John Torgerson responded that the current law intended that the Legislature would convene a special session and pass a law for the extension. Senator Dave Donley said the distinction between law and a concurrent resolution wouldn't be impacted by this because, unless it was determined that the current system was flawed and the special session law had been ignored, the CS would become consistent even though it was inconsistent in current law. With the adoption of Amendment #7 there was a possibility it could become inconsistent again. Co-Chair John Torgerson said the bill drafters would be directed to ensure conformity.

Senator Al Adams referred to page 2 line 1 of the Amendment explained that if that was done, funding could be approved for a disaster of over \$1 million or, \$5 million if the federal government declared it. It would also give the option to handle the funding through the legislative process. He asked the sponsor to comment. Senator Dave Donley said that would change the framework of the CS. Senator Al Adams said it would make it simpler to get access to the federal funds and to also implement Senator Dave Donley's polling.

method. Senator Dave Donley said the CS was intended to bring more accountability into the system. By inserting the "or" the Governor would be free to spend money without consulting the Legislature as long as the federal government declared the disaster. Senator Al Adams countered that the legislation shouldn't be made so tight that when there was a disaster, the state would be unable to respond. Senator Al Adams conceded that if the sponsor did not agree with the proposed amendment to Amendment #7, he would not offer it. Senator Dave Donley thanked him and declined the amendment.

Without objection, Amendment #7 was adopted.

Amendment #8 was brought before the committee. Co-Chair John Torgerson noted that page 2 lines 6-15 of the CS deleted by Amendment #7 thus affecting the proposed changes in Amendment #8 to page 2 line 9 of the CS.

ANNETTE KREITZER, staff to Senator Loren Leman, spoke to Amendment #8. She testified that no changes from Amendment #8. She told the committee that proposed deletions of, "26.23.300(c) and (d)" and insert of, "26.23.300(b) and (c)" in Amendment #9 was simply a function of what would happen on page 2 lines 22-26 of the CS.

She quantified that this amendment was drafted as a result of committee discussions about how to go through the process. This would remove the \$500,000 limit and provide specific expenditures of up to \$1 million from the disaster relief fund. The qualifications would be, "to save lives protect property and public health and safety or lessen or avert the threat of a disaster that posed a direct and imminent threat of sufficient severity and magnitude to justify state action." This language was taken from FEMA's definition of emergency.

The next significant change was to page 3 line 7 of the CS, the limiting section of specific types of disasters allowable. It added "mitigate environmental damage" to the release of oil or hazardous substances.

The next proposed change was to reduce the spending cap from \$5 million to \$3 million on page 3 line 8. She indicated that was a policy call for the committee to decide what figure it chose to use.

Co-Chair John Torgerson interrupted asking that the amendment be divided. There was discussion as to where the division would occur. Co-Chair John Torgerson asked for clarification that the first portion of the amendment would delete the half million-dollar provision for smaller disasters and increase it to \$1 million. Annette Kreitzer affirmed explaining that the reason for that change related to the definition of disaster and the committee's action to separate out certain disasters on page 3 lines 4-9 for specific treatment by the Legislature. Co-Chair John Torgerson noted that the \$500,000 trigger was liberal and the definition was very broad so that it could encompass the smaller disasters. It had seemed an appropriate amount of money to fund the smaller events and this change would raise that amount and tighten the definition.

Annette Kreitzer said that was correct and that it was a policy call for the committee. She noted the various discussions relating to the bill. Co-Chair John Torgerson asked if the \$500,000 was in existing language. Annette Kreitzer answered that the \$1 million limit was the existing language. Co-Chair John Torgerson thought the \$500,000 limit was also in current statute.

Co-Chair John Torgerson entertained a motion to divide the question.

Senator Loren Leman moved for adoption of Amendment #8A. This consisted of all of page 1 and page 2 lines 1-10 excluding lines 3-5 of Amendment #8.

Annette Kreitzer recommended including page 3 lines 21 and 22 of Amendment #8 noting that it was parallel language. Senator Loren Leman amended his motion to include that in Amendment #8A.

Senator Al Adams said it was difficult to understand the amendment because it set different flooring levels relating to the \$500,000 and \$1 million limits. It also was difficult to understand what authority the governor would have at different flooring levels. He suggested a change of the word "possesses" to "poses". He then spoke to the concerns of only allowing relief for one flood per community. What would happen if there was a second flood and the state wanted to save lives and protect property and health? He then noted that the cost of most disasters was above \$3 million for Alaska and he felt the \$5 million limit should not be lowered. He complained about the definitions of the disasters asking why the list did not include disasters more likely to occur in Alaska. He would vote no on the amendment.

Senator Lyda Green discussed the definition of disaster. She referred to current statute and its reference it made to US code. The definition included in the current amendment was nearly identical to the current statute. Therefore, this amendment would not depart from the definition, it just hadn't been followed in the past. Senator Al Adams rebutted that if that were the case, he could ask where was the definition of severe winter storms in the amended definition.

Senator Sean Parnell read the amendment differently. As he understood, it would allow the Governor, without additional Legislative authorization, to expend funds for the purposes of saving lives, protecting property, etc. All this amendment would do was bring to light the immediacy of the impact to the people affected and give the Governor the ability to fund those disasters. It did not set dollar limits. Senator Loren Leman said Senator Sean Parnell was correct.

Senator Loren Leman made technical amendment to the amended Amendment #8A to change "possesses" to "poses" on page 1 line 12 and page 2 line 8.

Senator Al Adams still questioned what would happen in the case of a second flood. Was it the intent of the sponsor to prevent the state and federal government from assisting in

the protection of lives and property. Co-Chair John Torgerson informed him there was another amendment that addressed the flood provision. It was not his intent to not allow assistance. He noted the two triggers of \$5 million for the first flood and \$1 million for the next flood. He detailed the provision.

Co-Chair John Torgerson asked Annette to read the language with the amended Amendment #8A incorporated. She read into the record portions of the CS Version "I" as it would be amended.

Senator Sean Parnell asked why, as a policy matter, did the committee want to get rid of the \$500,000 provision. Annette subsection b the 500,000. Annette Kreitzer responded that this amendment was drafted in the initial stages of the bill to reflect the feelings of the committee at that time. She realized that the feelings might have changed. Senator Sean Parnell liked the language but questioned the deletion of the \$500,000. Co-Chair John Torgerson agreed saying it essentially raised the amount that the governor could expend and that it had worked fine in the past.

Senator Sean Parnell asked if an amendment to delete page 1 lines 4 and 5 of Amendment #8 would affect the provisions on page 2 starting with line 22 of the CS Version "I". Annette Kreitzer suggested a conceptual amendment to direct the Division of Legal Services to conform the language to include the saving lives and property provision and retain the \$500,000 provision. She gave detail.

Senator Sean Parnell moved to conceptually amend the amended Amendment #8A. This would delete page 1 lines 4 and 5 of Amendment #8, and essentially retain the language on page 2 lines 22-26 of the CS Version "I" and leave the \$500,000 trigger in the bill.

Senator Al Adams asked if that would affect the change to renumber AS 26.23.300 as proposed on page 1 lines 1-3 of Amendment #8 and also addressed in Amendment #7. Annette commented that she saw it as a technical amendment to conform to the bill. Senator Sean Parnell stated his intent to have the bill drafters incorporate the necessary technical changes. The intent of his motion was to retain the language regarding the \$500,000 provision.

Without objection, the amended Amendment #8A was again amended.

Senator Lyda Green moved to conceptually amend Amendment delete all of lines 24-26 of the CS Version "I" and be replaced with the language from page 1 lines 11-13 of Amendment #8. She read the proposed language into the record.

Senator Sean Parnell questioned why the committee would do that with the \$500,000 trigger when it was included with the \$1 million trigger. He noted Senator Al Adams's point that there were other smaller events that the state may want to respond to. Senator Lyda Green responded that when declaring disasters, the standard must be consistent or there would be a risk of starting to assist in a disaster and the cost running above the \$500,000.

Senator Dave Donley understood this, if there was a small disaster and the cost rose above the \$500,000 it would be pushed into the higher category and the additional restrains would be imposed. Senator Lyda Green commented.

Tape: SFC - 99 #63, Side B 7:03 PM

Co-Chair John Torgerson asked if the language should be inserted were intended by Amendment #8 rather than as proposed in the amendment to the amended Amendment #8A.

Senator Dave Donley said that while there was a good argument for accountability, there was an outweighed argument for flexibility when the cost was below \$500,000. By allowing that flexibility, the Legislature did not give up the greater accountability for the larger disasters.

Senator Lyda Green asked for clarification of the restrictions between the \$500,000 and \$1 million dollar expenditures. There was discussion on the subsections affected.

Co-Chair John Torgerson restated the amendment into the record. Senator Randy Phillips objected to the motion.

Senator Loren Leman felt the committee should roll back and start over. He thought the committee had gotten off track with this amendment.

Senator Lyda Green withdrew her motion to amend the amended Amendment #8A.

Co-Chair John Torgerson noted that brought the committee back to Amendment #8A as amended. Senator Al Adams maintained his objection. He restated his earlier comments that the amendment was difficult to understand and the delegation of powers was also difficult to ascertain. He noted that this bill could not be amended to adequately satisfy all the member of the committee.

Amendment #8A as amended was adopted by a vote of 8-1. Senator Al Adams cast the nay vote.

Senator Loren Leman stated that he would not offer Amendment #8B. This consisted of page 2 lines 3-5 and lines 11-25 of Amendment #8.

Senator Loren Leman moved for adoption of Amendment #8C. This consisted of page 3 lines 1-20 and the deletion of page 2 lines 3-5 and lines 11-25 of Amendment #8. Senator Lyda Green objected. Annette Kreitzer explained that the portion remaining (page 3 lines 1-20) spoke to the definition of disaster. This amendment would change the definition to make it similar to the FEMA definition of major disaster. She read the definition into the record. She added that she had checked with the National Weather Service to see how they defined prolonged cold temperatures. She learned that they defined a short period of cold a "cold snap" and a longer period of cold a "cold spell". The term, "prolonged extreme cold" came from the FEMA's reference to prolonged extreme heat.

Co-Chair John Torgerson asked for clarification of the intent of the amendment. Annette Kreitzer responded that it was difficult for her to understand and that she was only able to determine the new language rather than what was deleted. She continued to detail the amendment. Co-Chair John Torgerson noted that it would actually delete the language down through line 8 of page 3 of the CS and replace the entire definition.

Senator Gary Wilken asked for the rationale behind the elimination of "or clothing". Annette said clothing was considered property and was not listed separately under FEMA language.

Co-Chair John Torgerson pointed out that the new definition would also eliminate avalanche. Annette responded that it was the intent of the amendment to stay within the FEMA language. However, she said the severe extreme cold provision was added and the committee could chose to add a provision for avalanche also.

Senator Loren Leman moved to amend Amendment #8C to insert "avalanche" to page 3 line 12 after "mudslide" in Amendment

Senator Lyda Green asked if other parts of the statute referred to the US code that defined natural disaster. She read the definition into the record. She felt the statute had to either conform to the federal code or eliminate any reference to it. Co-Chair John Torgerson said he would entertain an amendment to do so.

Senator Al Adams asked if the statute reflected the US code, would that make it easier to get federal funding.

Senator Dave Donley didn't think so.

Senator Al Adams wanted to know what events might happen in Alaska that was not included in the definition. He had concerns about the elimination of potential events that might happen in the future. Co-Chair John Torgerson explained that the Governor could still spend up to \$500,000 on them. If the Governor chose to declare the event a disaster, he could spend up to \$1 million. Any amount more than that would then trigger the legislative special session component.

Senator Lyda Green felt it should be called a "major" disaster.

Break 7:24 PM / 7:40 PM

Senator Lyda Green moved to amend Amendment #8C as amended. This would delete language on page 3 of the CS beginning with "resulting" on line 4 and ending with "damage," on line 7 and replace with different language, which she read into the record. Co-Chair John Torgerson offered a friendly amendment to the amendment to replace the language to be inserted with, "as defined in AS 26.23.900(2)". Senator Lyda Green accepted the friendly amendment.

Co-Chair John Torgerson noted that this amendment would remove from the list of allowable disasters, epidemic, explosion and riot. If this was the will of the committee, he felt it should be noted in the record. Senator Lyda Green stated that was her intent.

Without objection, the amendment to amend Amendment #8C as amended was adopted.

Without objection, Amendment #8C as amended was adopted.

Senator Randy Phillips moved for adoption of Amendment #9. Senator Al Adams asked how it compared to the changes made with Amendment #8. Co-Chair John Torgerson explained that this amendment would change the provisions regarding floods to pay \$5 million once. If costs exceeded \$5 million, the Legislature must approve expenditures using the polling method. If a second flood occurred in the same geographical area, the maximum amount allowed would be \$1 million without Legislative approval.

Senator Al Adams removed his objection. Without objection,

Amendment #9 was adopted.

JOHN SHIVELY, Commissioner, Department of Natural Resources testified. He said his office delivered a letter to the Senate Finance Committee that outlined the department's concerns about the affect of the bill, which he didn't think the committee intended. However, because of the funding procedure, he thought there would be consequences to the wildlife fire fighting services. In the past, the program was funded from the disaster funds with the department coming to the Legislature the next session with a supplemental request to replenish the fund. Under this bill, it would be necessary to declare a disaster and to request additional funds from the Legislature before they could be expended. Fire fighting costs over the last several years averaged over \$11 million. Because the new bill set a \$5 million limit, a special session would need to be called each fire season.

He suggested a couple solutions. One was to pre-fund the fire fighting program. He felt that could be problematic for a number of reasons. Another solution would be for the Legislature to exempt some wild land fire fighting. That would allow the status quo by having the Legislative leadership approve the funds as needed. Another solution was to incorporate the polling of the Legislature to convene a special session.

Co-Chair John Torgerson asked what was the current limit for spending on wildfires. Jon Shively responded that the initial limit was whatever the Legislature appropriated. Last year that amount was \$3.5 million. When more was expended, the department requested money from the disaster relief fund. That fund usually was not sufficient, and a request was made to the Governor. The Governor then notified the Legislative leadership for approval for more funds to continue to fight the fires. He stressed that the costs constantly went over the initial appropriation. There was no limit for fire fighting as such other than the Legislative leadership deciding to refuse the request.

Co-Chair John Torgerson corrected him saying that the Legislative leadership didn't approve additional funds, only declining to convene a special session, thus allowing the Governor to expend funds. Under the proposed bill, the limit would be raised to \$5 million. Jon Shively countered that he did not interpret it that way. The spending limit was not the problem; it was the fact that there was no

money in the fund. There was further discussion between Co-Chair John Torgerson and Jon Shively on the matter.

Senator Al Adams asked if the Legislature would appropriate more money to the disaster relief fund. Co-Chair John Torgerson answered that chances were there would not be additional funds. Senator Al Adams stated that he felt more money should be appropriated. Co-Chair John Torgerson understood but noted that this bill would allow the Governor to use other funds for disasters without legislative authority. He stressed that prior to this bill, the Governor only had authority to expend up to \$1 million. This bill would allow him to spend up to \$5 million.

Co-Chair John Torgerson noted that his office hadn't received the aforementioned letter from the Department of Natural Resources.

It was determined there was no one present wishing to testify on the bill.

Co-Chair John Torgerson announced he did not intend to move the bill from committee at this meeting. He would have a new CS drafted for the committee to review. He ordered the bill held in committee.

SB 101
Comments from Military and Veterans' Affairs Committee
4/13/99

STAFF

This bill does not try to exclude economic disaster. Provision for responding to an economic disaster is found in section 44.33.285

Just for the record, the western Alaska Fisheries Disaster was labeled as a "natural" disaster -- note economic as inferred by a representative.

Polling as a way of not going to special session is meant to be quicker and getting a broader feel for the intent of the legislature.

Senate finance re-defined the list of disasters and they feel that it is complete, however, there may be room to include other disasters.

DEPARTMENT and Committee

Problem with the definitions is that it is entirely too inclusive and even removes all man made disasters -- except explosion and bombing.

Polling entire legislature may cost response capability.

Epidemic may fall under another area of the statues similar to economic disaster.

Introduction of the Local Emergency Planning Committees (LEPC) who were introduced as the from line dealing with many of the victims of disasters.

With regard to the polling -- during the miller's reach fire, the fire burned through the fiber cable and disrupted communications (in the area?) and thus polling in this situation would have been difficult.

Gail Phillips noted that there is a mechanism for appropriating funds while the legislature is not in session and that is through the Legislative Budget and Audit Committee.

Sec. 24.20.201. Powers.

(a) The Legislative Budget and Audit Committee has the power to:

(4) review revenue projections, state agency appropriation requests, the expenditure of state funds, including the relationship between state agency program accomplishments and legislative intent, and the fiscal policies and procedures of state government;

(5) review and approve proposed changes to agency authorized budgets as provided in AS 37.07(Executive Budget Act);

(6) make recommendations concerning appropriations, their expenditure, and the fiscal policies and procedures of state government to the governor when appropriate, and to the legislature;

**THE FOLLOWING PAGES MAY
NOT FILM LEGIBLY BECAUSE OF
THE POOR QUALITY OF THE ORIGINAL**

TONY KNOWLES, GOVERNOR

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

P.O. BOX 110000
JUNEAU, ALASKA 99811-0000
PHONE (907) 465-2600
FAX (907) 465-2075

March 17, 1999

**CONTINGENT
APPROPRIATIONS
OPINION:**

Hon. Tony Knowles, Governor
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811

Re: CCS HB 100 - Supplemental and other
appropriations
Our file: 883-99-0003

Dear Governor Knowles:

At the request of your legislative director Pat Pourchet, we have reviewed CCS HB 100, an Act making capital, supplemental and other appropriations. This bill would, in sec. 22, provide a means to alleviate the impending cashflow problems of the state general fund. Under the authority of appropriations authorizing amounts from the constitutional budget reserve fund (art. IX, sec. 17 of the Alaska Constitution) (hereinafter "CBRF"), the balance of the CBRF has been used periodically during the fiscal year to provide cash to pay warrants upon presentation to the state treasury. For this reason, we have been asked to expedite the review of this bill before the date that the state would be unable to honor warrants.

Even though the CBRF is a separate dedicated fund established in the Alaska Constitution, we have advised that, under certain circumstances, surplus in the CBRF is available to alleviate cash flow problems of the general fund. For fiscal year 1996 we advised as follows concerning the use of the CBRF:

This [CBRF] appropriation will also be useful in managing an anticipated cashflow shortfall that could develop early in the upcoming fiscal year. This CBRF appropriation fills the gap between general fund appropriations and available revenues received for the fiscal year. Expenditures can be greater in the first and second quarters of the fiscal year. Revenues accrue somewhat evenly throughout the fiscal year. It is often the case that general fund revenues is insufficient early in the fiscal year to cover all authorized expenditures under general fund appropriations. Rather than delay

Hon. Tony Knowles, Governor
Our file: 883-99-0003

March 17, 1999
Page 2

expenditures, the CBRF appropriation will serve as the revenue source for these appropriations. This should be done even if the anticipated revenues for the fiscal year are more than enough to cover the expenditures for the early quarters of the fiscal year. The date of certification for such obligation will be the factor for determining if general fund revenue is available or if CBRF money should be used.

There also must be some rational method for preventing CBRF money from being used for a disproportionate share of expenditures.

1995 Inf. Op. AK'y Gen. (June 15; 883-95-0113). The opinion goes on to acknowledge the development of a cash management plan by the Departments of Revenue and Administration and concludes that the plan contains specific safeguards to prevent overcharging the CBRF for cash management purposes. Because the legislature limited the CBRF appropriation to no more than \$700,000,001, the use of the surplus of the CBRF had to be limited so as not to inadvertently exceed the spending authorization enacted by law. The enactment of sec. 22 of the bill will provide temporary relief and will permit the continued use of CBRF surplus to provide the cash necessary to honor warrants.

We have identified the following additional legal issues for your consideration during your review of the bill:

Page 1, line 9 - page 2, line 5: This appropriation does not fully fund the expenditures authorized for the Western Alaska Fisheries Disaster declared under the Alaska Disaster Act (AS 26.23). The means of financing the disaster response was determined by the development of a financing plan that was laid before the legislature as required by AS 26.23.025(c). The Twentieth Alaska State Legislature elected not to convene in special session to change the financing plan and, as a consequence, state law authorized the governor to implement the plan. AS 26.23.025(e). It now appears that a succeeding legislature intends to withhold payment for some of the legitimate expenses of meeting the disaster. This places the state in a difficult legal position because the legislative history of this bill records that the deficiency is aimed at certain capital grants made to entities that in some cases entered into binding commitments for the grant money. State disaster officials were authorized to make the grants and the grantees acted reasonably when they relied on the authority of the state grantor agency regarding the availability of the grants. To avoid litigation costs and hardship to the grantees, the legislature should recognize a moral obligation to fully fund the financing plan in which a previous legislature acquiesced. To do otherwise may make persons who provide goods and services in the course of responding to declared disasters reluctant to do business with the state. It is also probable that the state will suffer the expense and uncertainty of litigation over these actions.

Hon. Tony Knowles, Governor
Our file: 883-99-0003

March 17, 1999
Page 3

In this connection, the condition set out on page 2, lines 2-5 is possibly not valid. The condition purports to make the entire amount appropriated to fund the Western Alaska Fisheries Disaster dependent upon the enactment of a version of SB 101 that is intended to restrict the power of the governor to call a future disaster. This condition would in effect undo valid obligations that were entered into under a properly authorized financing plan. To the extent that the condition purports to do this, it is probably invalid and unenforceable. All events relevant to the decision to declare the Western Alaska Fisheries Disaster have occurred. The amendments to the Disaster Act proposed in SB 101 are therefore not related to the financing of an item set out in the supplemental appropriation bill. In which case, the condition would violate the confinement requirement set out in art. II, sec. 13, of the Alaska Constitution which requires that appropriation bills must be "confined" to appropriations. The introduction of this condition adds nonappropriation material into the bill and is therefore invalid. As you have done in the past, and until the Alaska Supreme Court decides otherwise, you may veto this condition as a discrete item, or you may determine not to veto the item and ignore its provisions.

Page 2, line 9 - page 3, line 25: This is the appropriation that provides authorization to pay judgments and claims against the state. The Department of Law is the recipient of the appropriation because the attorney general is the representative of the state in the litigation. When the attorney general presents a claim or judgment for payment by the legislature, the attorney general is representing the matter to be a valid debt of the state. The legislature has taken extraordinary measures to set out each case as a separate appropriation. The legislative history reflects these measures were included so the Department of Law would be limited in its ability to reallocate amounts between the objects of expenditure identified with this appropriation. The intent of this action, which can be found in the record of the Senate Finance Committee, is to pointedly refuse to provide authorization to cover the attorney fee and cost award in Bess v. Ulmer. Senators expressed displeasure with the Alaska Supreme Court's decision in which it invalidated an amendment being proposed to the voters by the legislature. The amounts involved are small so it appears that the actions taken are nothing more than a gesture between coordinate branches of government. The courts are entitled to comity from the other branches of state government to further the exercise of judicial powers. Unlike the executive branch, the Alaska Supreme Court is constrained from entering into a public debate with the legislature about its decisions. While the action is nothing more than a gesture, it is a poor example of establishing the comity expected between equal branches of state government.

Page 3, lines 19 - 22: This item contains another expression of legislative displeasure with the Alaska Court System. The item covers a contract claim settled by the court administration. Rather than funding the settlement from the state general fund as was done for other similar settlements, an appropriation was made out of the operating budget of the court system to the Department of Law. The intent is make the court system "pay" for the settlement. This is a misguided notion because state money will be "paying" for the settlement. The notion that the court administration will suffer from deprivation of operating money is plainly wrong. It is the public who

Disaster Cost Index

RECEIVED

MAR 17 1999

Senate Finance
Committee

DISASTER	DSTR #	TOTAL	FED REVENUE	GENERAL FUNDS
Karluk	78-1	\$171,573.00	\$0.00	\$171,573.00
Campbell Creek, Anchorage	78-2	\$10,811.00	\$0.00	\$10,811.00
Wrangell/Craig	78-3	\$392,000.00	\$0.00	\$392,000.00
Matanuska-Susitna Borough	79-4	\$50,000.00	\$0.00	\$50,000.00
Delta Fire	79-5	\$3,250,000.00	\$0.00	\$3,250,000.00
West Coast	80-6	\$121,352.00	\$0.00	\$121,352.00
Willow Creek	80-7	\$20,118.00	\$0.00	\$20,118.00
Kodiak Island	80-8	\$171,771.00	\$0.00	\$171,771.00
Anchorage Windstorm	80-9	\$461,448.00	\$0.00	\$461,448.00
Bristol Bay	81-10	\$113,083.00	\$0.00	\$113,083.00
Copper Center	81-11	\$13,168.00	\$0.00	\$13,168.00
Angoon	81-12	\$10,987.00	\$0.00	\$10,987.00
Southcentral	82-13	\$275,013.00	\$0.00	\$275,013.00
Emmonak	82-14	\$259,623.00	\$0.00	\$259,623.00
Fort Yukon	82-15	\$811,323.00	\$0.00	\$811,323.00
Russian Mission	83-16	\$141,324.00	\$0.00	\$141,324.00
Takotna	83-17	\$358,650.00	\$0.00	\$358,650.00
Kipnuk	83-18	\$905.00	\$0.00	\$905.00
Aniak	83-19	\$75,614.00	\$0.00	\$75,614.00
Ketchikan	84-20	\$1,000.00	\$0.00	\$1,000.00
Cordova	84-21	\$125,777.00	\$0.00	\$125,777.00
Chefornak	84-22	\$32,193.00	\$0.00	\$32,193.00
Inalakeet	84-23	\$726,865.00	\$0.00	\$726,865.00
Mountain Village	84-24	\$986,427.00	\$0.00	\$986,427.00
Elim	84-25	\$384,588.00	\$0.00	\$384,588.00
Kotzebue	84-26	\$673,101.00	\$0.00	\$673,101.00
Cold Bay	84-27	\$1,345.00	\$0.00	\$1,345.00
Alakanuk	84-28	\$277,544.00	\$0.00	\$277,544.00
Emmonak	84-29	\$22,884.00	\$0.00	\$22,884.00
Cold Bay	85-30	\$740,000.00	\$0.00	\$740,000.00
Russian Mission	85-31	\$89,325.00	\$0.00	\$89,325.00
Southeast Alaska	85-32	\$958,519.00	\$0.00	\$958,519.00
Haines	85-33	\$1,581,506.00	\$0.00	\$1,581,506.00
Savoonga	85-34	\$255,954.00	\$0.00	\$255,954.00
Gambell	85-35	\$33,673.00	\$0.00	\$33,673.00
Buckland	85-36	\$83,585.00	\$0.00	\$83,585.00
Kobuk	85-37	\$17,979.00	\$0.00	\$17,979.00
Anvik	85-38	\$17,878.00	\$0.00	\$17,878.00
Emmonak	85-39	\$72,832.00	\$0.00	\$72,832.00
Pilot Station	85-40	\$34,736.00	\$0.00	\$34,736.00
Upper Kuskokwim River	85-41	\$56,826.00	\$0.00	\$56,826.00
Pitka's Point	86-42	\$12,740.00	\$0.00	\$12,740.00
Bethel	86-43	\$475,507.00	\$0.00	\$475,507.00
Gambell	86-44	\$201,693.00	\$0.00	\$201,693.00
Cordova	86-45	\$16,462.00	\$0.00	\$16,462.00
Manakotak	86-46	\$69,449.00	\$0.00	\$69,449.00
Thorne Bay	86-47	\$258,512.00	\$0.00	\$258,512.00
Metlakatla	86-48	\$90,547.00	\$0.00	\$90,547.00

Submitted to
Department of
Military and
Veteran's Affs

Distributed
by Senator
Torgerson

Disaster Cost Index

DISASTER	DSTR #	TOTAL	FED REVENUE	GENERAL FUNDS
Unalaska	86-49	\$181,937.00	\$0.00	\$181,937.00
Thorne Bay (Bridge)	86-52	\$11,778.00	\$0.00	\$11,778.00
Venetie	86-51	\$54,615.00	\$0.00	\$54,615.00
Pelican	86-52	\$18,024.00	\$0.00	\$18,024.00
Crown Point	86-53	\$712,097.00	\$0.00	\$712,097.00
Napakiaik	86-54	\$15,000.00	\$0.00	\$15,000.00
Chukchi Sea Storm	87-55	\$3,791,026.00	\$2,252,618.00	\$1,538,408.00
Southcentral AK Flood	87-56	\$8,642,440.00	\$5,375,542.00	\$3,266,898.00
Aniak (Sewer)	87-57	\$52,500.00	\$0.00	\$52,500.00
Venetie	87-58	\$86,000.00	\$0.00	\$86,000.00
Kotzebue	87-59	\$1,231,610.00	\$0.00	\$1,231,610.00
Sleetmute/Red Devil	87-60	\$51,602.00	\$0.00	\$51,602.00
Delta Junction	87-61	\$22,257.00	\$0.00	\$22,257.00
Aniak	87-62	\$993,861.00	\$0.00	\$993,861.00
Buckland	87-63	\$203,548.00	\$0.00	\$203,548.00
Richardson Highway	88-64	\$0.00	\$0.00	\$0.00
Wainwright Fire	88-65	\$2,186,931.00	\$0.00	\$2,186,931.00
Angoon	88-66	\$29,514.00	\$0.00	\$29,514.00
Togiak	88-67	\$35,000.00	\$0.00	\$35,000.00
Klehini River Bridge	88-68	\$92,482.00	\$0.00	\$92,482.00
Barrow School Fire	88-69	\$2,410,159.00	\$1,396,822.00	\$1,013,337.00
Haines Flooding	88-70	\$78,590.00	\$0.00	\$78,590.00
Beaver	88-71	\$22,990.00	\$0.00	\$22,990.00
hefornak	88-72	\$272,735.00	\$0.00	\$272,735.00
Chenega Bay	88-73	\$36,423.00	\$0.00	\$36,423.00
Pitka's Point	88-74	\$97,761.00	\$0.00	\$97,761.00
Nondalton	88-75	\$776,897.00	\$0.00	\$776,897.00
Crooked Creek	88-76	\$133,230.00	\$0.00	\$133,230.00
Napakiaik/Napaskiak	88-77	\$125,292.00	\$0.00	\$125,292.00
Kaltag	89-78	\$28,883.00	\$0.00	\$28,883.00
Eagle	89-79	\$8,242.00	\$0.00	\$8,242.00
Shishmaref	89-80	\$318,072.00	\$0.00	\$318,072.00
Klawock	89-81	\$48,157.00	\$0.00	\$48,157.00
Yukon Flats	89-82	\$84,757.00	\$0.00	\$84,757.00
Omega Block(Cold Wthr)	89-83	\$1,319,656.00	\$881,288.00	\$438,368.00
Northwest Arctic Borough	89-84	\$4,974,908.00	\$3,672,967.00	\$1,301,941.00
St. George	89-85	\$229,853.00	\$170,598.00	\$59,255.00
Sand Point	89-86	\$23,062.00	\$16,174.00	\$6,888.00
Ahkiok	89-87	\$45,937.00	\$31,931.00	\$14,006.00
North Slope Borough	89-88	\$113,364.00	\$0.00	\$113,364.00
Valdez Oil Spill	89-89	\$361,679.00	\$0.00	\$361,679.00
Galena	89-90	\$175,124.00	\$129,265.00	\$45,859.00
Glennallen	89-91	\$15,000.00	\$0.00	\$15,000.00
Circle	89-92	\$196,657.00	\$0.00	\$196,657.00
Ft. Yukon	89-93	\$194,812.00	\$0.00	\$194,812.00
89 Spring Floods	89-94	\$4,739,881.00	\$3,232,831.00	\$1,507,050.00
Klawock	90-95	\$9,927.00	\$0.00	\$9,927.00
Fairbanks North Star Boro	90-96	\$65,640.00	\$0.00	\$65,640.00
Mat-Su Borough	90-97	\$358,772.00	\$0.00	\$358,772.00

Disaster Cost Index

DISASTER	DSTR #	TOTAL	FED REVENUE	GENERAL FUNDS
Whittier	90-98	\$634,103.00	\$0.00	\$634,103.00
Municipality of Anchorage	90-99*	\$2,269,000.00	\$0.00	\$2,269,000.00
Seward/Kenal Peninsula	90-100	\$529,552.00	\$0.00	\$529,552.00
Richardson Highway	90-101	\$0.00	\$0.00	\$0.00
Search and Rescue	90-102	\$100,000.00	\$0.00	\$100,000.00
Mt. Redoubt	90-103	\$269,886.00	\$0.00	\$269,886.00
KPB Mt. Redoubt	90-104	\$149,403.00	\$0.00	\$149,403.00
Tattletk	90-105	\$92,242.00	\$0.00	\$92,242.00
Broadcasting	90-106	\$130,000.00	\$0.00	\$130,000.00
Kongiganak	90-107	\$20,000.00	\$0.00	\$20,000.00
Moose	90-108	\$196,522.00	\$0.00	\$196,522.00
Manakotak	90-109	\$15,000.00	\$0.00	\$15,000.00
Stebbins	90-110	\$1,000,000.00	\$0.00	\$1,000,000.00
Hazard Mit. 89 Spring Flood	90-111	\$619,828.00	\$328,472.00	\$291,356.00
Snow and Ice Removal	90-112	\$2,000,000.00	\$0.00	\$2,000,000.00
McGrath	90-113	\$39,409.00	\$0.00	\$39,409.00
Kobuk	90-114	\$6,153.00	\$0.00	\$6,153.00
Fire Suppresion	90-115	\$1,000,000.00	\$0.00	\$1,000,000.00
Teklanika Fire	90-116	\$1,000,000.00	\$0.00	\$1,000,000.00
Bethel	90-117	\$600,176.00	\$0.00	\$600,176.00
Statewide Fires	91-118	\$1,995,914.00	\$1,021,500.00	\$974,414.00
Hazard Mitigation C.W.	91-119	\$556,754.00	\$264,985.00	\$291,769.00
Lower Kuskokwim	91-120	\$835,297.00	\$0.00	\$835,297.00
otzebue	91-121*	\$463,500.00	\$0.00	\$463,500.00
Nome	91-122	\$105,000.00	\$0.00	\$105,000.00
Teller	91-123	\$173,723.00	\$0.00	\$173,723.00
Lowell Creek Tunnell	91-124	\$369,786.00	\$0.00	\$369,786.00
Diomede	91-125	\$622,594.00	\$0.00	\$622,594.00
Eagle	91-126	\$33,174.00	\$0.00	\$33,174.00
Togiak	91-127	\$51,384.00	\$0.00	\$51,384.00
Larsen Bay	91-128	\$20,000.00	\$0.00	\$20,000.00
Karluk	91-129	\$22,000.00	\$0.00	\$22,000.00
Marshall	91-130	\$15,741.00	\$0.00	\$15,741.00
Angoon	91-131	\$91,468.00	\$0.00	\$91,468.00
Fairbanks North Star Boro	91-132	\$1,664,378.00	\$663,286.00	\$1,001,092.00
Aniak	91-133	\$550,089.00	\$230,666.00	\$319,423.00
McGrath	91-134	\$608,391.00	\$298,071.00	\$310,320.00
Red Devil	91-135	\$239,953.00	\$130,379.00	\$109,574.00
Anvik	91-136	\$181,700.00	\$41,971.00	\$139,729.00
Grayling	91-137	\$78,630.00	\$3,569.00	\$75,061.00
Emmonak	91-138	\$398,246.00	\$191,544.00	\$206,702.00
Holy Cross	91-139	\$20,265.00	\$0.00	\$20,265.00
Alakanuk	91-140	\$210,506.00	\$55,034.00	\$155,472.00
Shageluk	91-141	\$57,867.00	\$9,321.00	\$48,546.00
Galena	92-142	\$67,061.00	\$0.00	\$67,061.00
DNR Fire Suppression	92-143	\$0.00	\$0.00	\$0.00
Mat-Su Borough	92-144	\$515,900.00	\$0.00	\$515,900.00
Whitestone	92-145	\$168,700.00	\$0.00	\$168,700.00
ttle Diomede	92-146	\$67,684.00	\$0.00	\$67,684.00

Flood Fed Disaster

Disaster Cost Index

DISASTER	DSTR #	TOTAL	FED REVENUE	GENERAL FUNDS
Aniak Loan	92-147	\$5,082.00	\$0.00	\$5,082.00
Diomedea Fire	92-148	\$974,172.00	\$0.00	\$974,172.00
New Koliganek	92-149	\$67,526.00	\$0.00	\$67,526.00
Kodiak	92-150	\$1,564,957.00	\$0.00	\$1,564,957.00
Earthquake Mitigation	92-151	\$225,748.00	\$0.00	\$225,748.00
Seward Sewage	92-152	\$754,541.00	\$0.00	\$754,541.00
Eagle Village Flood	92-153*	\$205,000.00	\$0.00	\$205,000.00
Eagle City Flood	92-154	\$61,147.00	\$0.00	\$61,147.00
Galena Ice Jam Flood	92-155	\$442,615.00	\$0.00	\$442,615.00
Flood Response	92-156	\$22,059.00	\$0.00	\$22,059.00
Yukon River Flood	92-157	\$1,167,796.22	\$0.00	\$1,167,796.22
Fire Disaster	93-158	\$0.00	\$0.00	\$0.00
Norton Sound Herring Fish	93-159	\$0.00	\$0.00	\$0.00
Haines Highway Disaster	93-160	\$0.00	\$0.00	\$0.00
Mt. Spurr	93-161	\$287,846.00	\$0.00	\$287,846.00
Nome	93-162	\$0.00	\$0.00	\$0.00
Kuskokwim Chum	94-163	\$0.00	\$0.00	\$0.00
Tenakee Springs Fire	94-164*	\$200,000.00	\$0.00	\$200,000.00
Department of Natural Res	94-165	\$1,000,000.00	\$0.00	\$1,000,000.00
Shaker IV	94-166	\$357,778.00	\$0.00	\$357,778.00
Prince of Wales Island	94-167	\$0.00	\$0.00	\$0.00
Fort Yukon Haz Mit	94-168	\$356,765.00	\$166,000.00	\$190,765.00
McGrath Road Disaster	94-169	\$170,999.00	\$0.00	\$170,999.00
Galena Flood	94-170*	\$663,500.00	\$0.00	\$663,500.00
Cummins Road	95-171	\$38,810.00		\$38,810.00
Mat-Su Borough Loan	95-172	\$500,000.00		\$500,000.00
1994 Falls Floods PA	95-173	\$60,713,870.00	\$52,558,473.00	\$8,155,397.00
1994 Koyukuk Flood Haz Mit	95-173	\$11,402,495.00	\$8,551,871.00	\$2,850,624.00
1994 Koyukuk Flood TH	95-173	\$335,616.00	\$335,616.00	\$0.00
Metlakatta	95-174	\$31,863.00		\$31,863.00
Skagway	95-175	\$112,786.00		\$112,786.00
Yukon-Delta Kuskokwim	95-176*	\$228,050.00		\$228,050.00
Aniak	95-177*	\$406,000.00		\$406,000.00
Bethel	95-178	\$128,861.00		\$128,861.00
Statewide Fire	95-179	\$0.00		\$0.00
1995 Southcentral Flood	96-180*	\$13,054,800.00	\$9,900,000.00	\$3,154,800.00
Miller's Reach Fire	96-181*	\$15,868,000.00	\$12,000,000.00	\$3,868,000.00
96 Southeast Storm	96-182*	\$630,000.00		\$630,000.00
Tanana/Copper River Flood	97-185*	\$944,614.00		\$944,614.00
Bristol Bay Fish 1997	98-184*	\$515,000.00	\$375,000.00	\$140,000.00
Shishmaref 1997	98-186*	\$1,403,500.00	\$800,000.00	\$603,500.00
DNR Fire Suppression	98-187*	\$0.00		\$0.00
Endicott Mtn Flooding	98-188*	\$826,000.00		\$826,000.00
WAFD	98-189*	\$26,100,000.00	\$18,000,000.00	\$8,100,000.00
98 Southeastern Storm	98-190*	\$2,535,500.00	\$1,108,100.00	\$1,427,400.00
* - Indicates disasters that are open and total spent equals total authorized				
TOTALS		\$215,847,167.22	\$124,193,894.00	\$91,653,273.22

X

+

Federal Emergency Management Agency

PREPAREDNESS

PREPAREDNESS, TRAINING & EXERCISES

[home | site help | search | feedback | library]

Disasters take many forms. They're caused by gale force winds, sudden floods, releases of deadly chemicals, fire, ice, even upheavals of the earth itself. When disaster strikes, the best protection is knowing what to do.

To find out more about disasters and steps you can take to prepare, select a disaster or other topic below for further information. To find out detailed information about your community's disaster plans, call your local office of emergency services.

Natural Disasters

- Earthquakes
- Extreme Heat
- Fire Safety During or After a Disaster
- Floods and Flash Floods
- ✓ • Hurricanes
- Landslides and Mudflows
- ✓ • Tornadoes
- ✓ • Tsunamis (DIFFERENCE BETWEEN TIDAL WAVE)
- Volcanoes
- Wildland Fires
- Winter Driving
- ✓ • Winter Storms
- Winter Preparedness Safety Tips
- ✓ • Thunderstorms and Lightning

Technological Disasters

- Hazardous Materials
- House and Building Fires
- Radiological Accidents -- Under Revision
- Nuclear Power Plant Emergency
- Terrorism

It is important to consider the plight of animals during disasters. For more information on this subject, visit the Animals and Emergencies section.

FEMA also produces a number of publications.



The Federal Disaster Declaration Process and Disaster Aid Programs

RESPONSE AND RECOVERY

First RESPONSE to a disaster is the job of local government's emergency services with help from nearby municipalities, the state and volunteer agencies. In a catastrophic disaster, and if the governor requests, federal resources can be mobilized through the Federal Emergency Management Agency (FEMA) for search and rescue, electrical power, food, water, shelter and other basic human needs.

It is the long-term **RECOVERY** phase of disaster which places the most severe financial strain on a local or state government. Damage to public facilities and infrastructure, often not insured, can overwhelm even a large city.

A governor's request for a major disaster declaration could mean an infusion of federal funds, but the governor must also commit significant state funds and resources for recovery efforts.

A Major Disaster could result from a hurricane, earthquake, flood, tornado or major fire which the President determines warrants supplemental federal aid. The event must be clearly more than state or local governments can handle alone. If declared, funding comes from the President's Disaster Relief Fund, which is managed by FEMA, and disaster aid programs of other participating federal agencies.

A Presidential Major Disaster Declaration puts into motion long-term federal recovery programs, some of which are matched by state programs, and designed to help disaster victims, businesses and public entities.

An Emergency Declaration is more limited in scope and without the long-term federal recovery programs of a Major Disaster Declaration. Generally, federal assistance and funding are provided to meet a specific emergency need or to help prevent a major disaster from occurring.

THE MAJOR DISASTER PROCESS

A Major Disaster Declaration usually follows these steps:

- **Local Government Responds**, supplemented by neighboring communities and volunteer agencies. If overwhelmed, turn to the state for assistance;
- **The State Responds** with state resources, such as the National Guard and state agencies;
- **Damage Assessment** by local, state, federal, and volunteer organizations determines losses and recovery needs;
- **A Major Disaster Declaration** is requested by the governor, based on the damage assessment, and an agreement to commit state funds and resources to the long-term recovery;
- **FEMA Evaluates** the request and recommends action to the White House based on the disaster, the local community and the state's ability to recover;
- **The President** approves the request or FEMA informs the governor it has been denied. This decision process could take a few hours or several weeks depending on the nature of the disaster.

DISASTER AID PROGRAMS

There are two major categories of disaster aid:

1. **Individual Assistance** - for damage to residences and businesses or personal property losses, and
2. **Public Assistance** - for repair of infrastructure, public facilities and debris removal.

INDIVIDUAL ASSISTANCE

Immediately after the declaration, recovery workers arrive, set up offices and may open Disaster Application Centers as required. The center is a central point at which disaster victims meet with interviewers to describe their personal losses and apply for aid. Under any circumstances, there is always a **toll-free teleregistration number** available to take applications by phone.

Disaster aid to individuals generally falls into the following categories:

- **Disaster Housing** may be available for up to 18 months, using local resources, for persons whose residences were damaged or destroyed. This program also includes funding for emergency repairs to damaged homes.
- **Low-Interest Disaster Loans** are available after a disaster for homeowners and renters from the U.S. Small Business Administration (SBA) to cover uninsured property losses. Loans may be for repair or replacement of homes,

automobiles, clothing or other damaged personal property. Loans are also available to businesses for property loss and economic injury.

- **Disaster Grants**, ranging from several hundred dollars to a maximum of \$13,100, are available to disaster victims who are unable to repay a loan. Grants are for serious disaster-related needs and necessary expenses not covered by other programs. These may include replacement of clothing, automobiles or medical expenses.
- **Other Disaster Aid Programs** include crisis counseling, disaster-related unemployment assistance, legal aid and assistance with income tax, Social Security and Veteran's benefits. Other state or local help may also be available.

Assistance Process -- After the application is taken, the damaged property is inspected to verify the loss. If approved, an applicant will soon receive a check for rental assistance or a grant. Loan applications require more information and approval may take several weeks after application. The deadline for most individual assistance programs is 60 days following the President's major disaster declaration.

Audits are done later to ensure that aid went to only those who were eligible and that disaster aid funds were used only for their intended purposes. These federal program funds cannot duplicate assistance provided by other sources such as insurance.

After a major disaster, FEMA tries to notify all disaster victims about the available aid programs and urge them to apply. The news media are encouraged to visit an application center, meet with disaster officials, and help publicize the disaster aid programs and the toll-free teleregistration number.

PUBLIC ASSISTANCE

Public Assistance is aid to state or local governments to pay part of the costs of rebuilding a community's damaged infrastructure. Generally, public assistance programs pay for 75 per cent of the approved project costs. Public Assistance may include debris removal, emergency protective measures and public services, repair of damaged public property, loans needed by communities for essential government functions and grants for public schools.

HAZARD MITIGATION

Disaster victims and public entities are encouraged to avoid the life and property risks of future disasters. Examples include the elevation or relocation of chronically flood-damaged homes away

from flood hazard areas, retrofitting buildings to make them resistant to earthquakes or strong winds, and adoption and enforcement of adequate codes and standards by local, state and federal government. FEMA encourages and helps fund damage mitigation measures when repairing disaster damaged structures. - December 1996

Updated: January 13, 1998

Federal Emergency Management Agency

STATE OF ALASKA

DECLARATION OF DISASTER EMERGENCY

WHEREAS, it has been determined that the 1998 salmon returns are catastrophically below expected levels given the natural cyclic fluctuations of the past 20 years and that this disaster impacts the following areas: the entire Bristol Bay and Chignik Fisheries; the Yukon River, fisheries districts Y1 to Y5, including the mouth of the Yukon communities of Emmonak, Alakanuk, Kotlik, and Sheldon's Point; the Kuskokwim River areas including W1 and W2; the following communities south of the mouth of the Yukon and north of the Kuskokwim mouth: Kipnuk, Chefornak, Mekoryuk, Toksook Bay, Nightmute, Tununak, and Newtok; and the subsistence communities of Hooper Bay, Chevak, and Scammon Bay; and

WHEREAS, the Bering Sea suffered a catastrophic rise in sea surface temperatures in 1997; and

WHEREAS, unprecedented ocean conditions disrupted the Bering Sea food chain causing starvation of seabirds and marine mammals; and

WHEREAS, Bering Sea salmon populations collapsed during this same period and have exhibited signs of disease and food stress; and

WHEREAS, as a result of the disastrous impact of the low salmon runs, there are food shortages and imminent widespread threats to health and safety to individuals and communities throughout the above described disaster area. Individuals are unable to purchase basic necessities such as food, essential utilities, and heating fuel. Some villages, including Hooper Bay, Scammon Bay, and Chevak failed to secure their chum salmon and seal subsistence foods; and

WHEREAS, many segments of Alaska's commercial salmon industry experienced severe downturns this past fishing season, the regions described above were especially impacted, both in terms of historic low prices and, for some fisheries, a near-total collapse in salmon returns. Many families in the regions described above risk not being able to afford to heat their homes now and through the upcoming winter. A similar collapse occurred last year, compounding the effect of this year's disaster for many of these families. Given Alaska's harsh winter climate, where temperatures are some of the lowest in the nation, fuel is a survival necessity; and

WHEREAS, the severity and magnitude of the emergency is beyond the effective response capability of local resources and additional assistance is necessary; and

WHEREAS, there are insufficient regularly appropriated funds to cover these requirements; and

NOW THEREFORE, on this date July 30, 1998, under the authority granted by Alaska Statute 26.23.020(c), I find a condition of disaster emergency exists in the regions and communities described above, and that this condition is of sufficient severity and magnitude to warrant a disaster declaration in order to provide assistance; and

FURTHER, I designate the Commissioner of the Department of Military and Veteran's

Affairs (DMVA) to take the lead in organizing state agency response to the disaster. DMVA, along with other state agencies as appropriate, is authorized to utilize any funds made available for such purposes

which are considered necessary for disaster assistance and administrative and disaster management expenses. The Commissioner of DMVA, or authorized designee, is authorized to task, as necessary, the state departments and agencies in accordance with the State Emergency Plans; and is further authorized to exercise, as necessary, the provisions under

AS 26.23.020(g)(9) and (10).

By: _____

Tony Knowles

Governor



Official Business

Alaska State Legislature

State Capitol
Juneau, AK 99801-1182

August 6, 1998

The Honorable Tony Knowles
Governor of Alaska
P.O. Box 110001
Juneau, Alaska 99811-0001

Dear Governor Knowles:

This letter is a follow-up to Senate President Miller's and House Speaker Phillips' July 30, 1998, response to your "Declaration of Disaster Emergency" for the Western Alaskan fisheries disaster.

While we agree it is important to assist Alaskans who experience severe hardship from this disaster, the general fund revenue outlook for the state continues to remind us of the need to spend scarce funds wisely, maximizing the benefit of each dollar spent. You should not construe the President's and the Speaker's response as tacit legislative agreement to any spending which does not result in a direct and immediate benefit to the Alaskans affected by this disaster.

We have a number of requests and concerns regarding your proposed expenditures. Specifically:

1. Please actively pursue all other disaster relief funding sources, including federal funds, to minimize the need to appropriate scarce state general fund dollars;
2. Please develop and implement a relief plan that provides funding only to Alaskans residing in the designated disaster area who are the victims of this disaster, not to non-Alaskans;
3. Please keep the focus on aid going directly to affected individuals, minimizing all state agency and local community overhead expenses;
4. Although you chose to seek additional funds through a supplemental request, rather than reallocate existing resources in accordance with AS 26.23.050(b), we believe it would be best to reappropriate any available funds to provide relief monies where possible. Therefore, we request you prepare for submission to the Finance Committees a list of the projected lapsing appropriation balances required under AS 37.07.040(9) at the beginning of the regular session, rather than waiting until the 45th legislative day;
5. We support use of emergency funding to provide one-time critical relief to affected Alaskans; we do not support using emergency funding to supplement existing programs or fund more bureaucracy. Accordingly, please ensure your relief plan does not fund the regular, on-going operations of any state agency or to establish new programs. In light of this, we are not confident that your proposal to increase spending on existing community intervention programs by another \$400,000 or to fund a new science panel will gain Legislative approval as part of a disaster relief package;

The Honorable Tony Knowles
August 6, 1998
Page 2

- 6. Your proposal to provide \$1.5 million to match the \$7 million of federal relief aid appropriated last year by the Legislature was considered during the regular session. With the assistance and agreement of your Department of Community and Regional Affairs, the Finance Committees declined to appropriate general funds for the required match, opting instead to require the communities that were to receive the aid to provide the match with in-kind contributions or funding. As a result, we are not confident that there is or will be sufficient legislative support to change that agreed-upon approach to providing the match. If you believe strongly that the communities will be unable to provide the entire match, it may be appropriate for you to use your contingency funds to provide part of that match. Alternatively, please ask the Department of Community and Regional Affairs to identify other non-general fund sources for this funding;
- 7. Regardless of whether you use your contingency funds to match the federal aid, we recommend you utilize your contingency fund to supplement those funds currently budgeted and available in agency budget for disaster relief; and
- 8. Finally, we ask that you ensure accurate and full documentation of all expenditures related to this disaster. We are recommending that the Legislative Budget and Audit Committee (LBAC) request a status report on your progress in providing assistance to affected Alaskans, including expenditure summaries and projections, at the Committee's September or October meeting. In addition, we are recommending that the LBAC offer the services of the Legislative Auditor to assist you in establishing a method of assuring all disaster related expenditures are auditable.

Had you placed your proposal before the legislature while we were convened in Juneau nine days earlier there would have been ample opportunity to have a thorough discussion of your plan before you implemented it without having to incur the expense of another special session. Nevertheless, given the current reality, we believe that your adherence to the requests outlined above will maximize the impact of the relief provided to eligible Alaskans while minimizing the cost.

Sincerely,

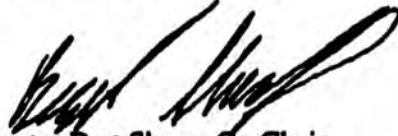


Senator Drue Pearce, Co-Chair
Senate Finance Committee

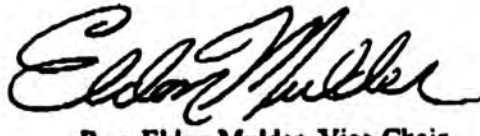
GENE THERRIAULT

by KT

Rep. Gene Therriault, Co-Chair
House Finance Committee



Senator Bert Sharp, Co-Chair
Senate Finance Committee



Rep. Eldon Mulder, Vice-Chair
House Finance Committee

- cc: Senate Leadership
- House Leadership
- Senate Finance Committee Members
- House Finance Committee Members
- Senator Randy Phillips, Chairman, Legislative Budget and Audit Committee

TONY KNOWLEN
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 486-3800
Fax (907) 486-3832

August 18, 1998

The Honorable Drue Pearce, Cochair
Senate Finance Committee
716 West Fourth Avenue, Suite 500
Anchorage, AK 99501-2133

The Honorable Bert Sharp, Cochair
Senate Finance Committee
119 North Cushman Street, Suite 201
Fairbanks, AK 99801-1182

The Honorable Eldon Mulder, Vice Chair
House Finance Committee
716 West Fourth Avenue, Suite 310
Anchorage, AK 99501-2133

The Honorable Gene Therriault, Cochair
House Finance Committee
119 North Cushman Street, Suite 101
Fairbanks, AK 99801-1182

Dear Senators Pearce and Sharp and Representatives Therriault and Mulder:

I received your August 6 letter on the Western Alaska fisheries disaster. The type of inquiries and recommendations in that letter would seem to indicate that you are urging a different approach than the standard one taken in past disasters such as the Miller's Reach fire and Southcentral floods. I would hope we agree that all Alaska citizens deserve equal attention to their needs in times of disaster. Under this principle, it is imperative we be consistent in the state's response to disasters. Rest assured we are treating this declared disaster as we have treated others in the recent past by working to direct aid quickly and appropriately to Alaskans in need, aggressively pursuing federal disaster funds, and keeping administrative overhead to a minimum.

This fisheries disaster may not be as easy to "see" as a fire or flood, but it is no less damaging to the residents of the area. The needs in the disaster regions are indeed acute — witness the subsistence and other food shortages, lack of home heating fuel for the upcoming winter, and threatened cut-offs of electric service --- all because people have not been able to get their normal subsistence fish and/or their usual income from commercial fishing.

August 17, 1998

Page 2

While Alaskans are accustomed to helping each other as much as possible in a crisis, I doubt anyone thinks the needs of these 87 communities can be met without state and federal aid. Even before receiving your letter, I had focused our response on the needs of Alaskans. Emergency Living Expense Assistance will be available only to residents of the declared disaster area who have commercial fishing permits, crew licenses, or who are directly employed in fish processing facilities. The maximum available for qualified individuals is \$1,500 with a \$5,000 limit per family. This aid can be used only for food stamp eligible items; heating fuel; or for electric, sewer, or water utility bills. Assistance will be in the form of credit with approved vendors rather than cash payments.

One of your concerns was that we actively pursue other funding sources to minimize the need for general funds. Our pursuit of federal assistance began when I called the Federal Emergency Management Agency director James Lee Witt on July 30 to inform him of the situation and our intention to request federal disaster funding. My letter to President Clinton was sent the next day. We are pursuing Magnuson-Stevens Act and other federal aid programs with top cabinet officials and are working closely with Senator Stevens who visited the Disaster Assistance Center in Togiak with me last week. As you know, weather is causing severe crop failures in the Lower 48, resulting in several federal disaster declarations. We hope this will make it easier for federal officials and others to understand Alaska has suffered a massive failure of our fishing "crops" as a result of weather patterns over which we have no control.

Even if we are successful in securing federal disaster assistance, state matching funds will be required well in excess of what is available from the sources suggested in your letter. As noted in my July 30 letters to Senate President Miller and House Speaker Phillips, there was barely \$20,000 remaining in the disaster fund when this disaster was declared. Projected balances from the current fiscal year are obviously not available for many months and cannot be accurately projected so early in the fiscal year. The governor's contingency fund would be no more adequate or appropriate as a significant source of disaster aid than the Legislature's own contingency fund. These sources were not suggested when the Legislature was in the process appropriating funds for the Miller's Reach fire. While we will always seek federal disaster funds where warranted, I hope you are not suggesting that some disasters are "less entitled" to general funds than others.

I can assure you we have no intention of funding regular agency operations through the disaster declaration. In fact, many of the disaster assistance team members are simply detailed to this effort from their "home" agencies such as Community and Regional Affairs. However, we clearly have additional expenses such as hiring temporary workers to meet the tremendous workload and opening disaster assistance centers — just as we did for the Miller's Reach fire and other large disasters. Working throughout 87 villages in such a large geographic area means significant travel expenses, although we are using local residents where possible to reduce travel costs and provide a few days employment where it is most needed — in the disaster area itself.

As for your statement that using disaster funds for science panels may not "gain legislative approval as part of the disaster package", I believe it would be irresponsible of us to ignore the need for immediate scientific work to identify more precisely the causes of the poor fish runs and determine what can be done to mitigate the problem. While no one can promise immediate relief from the impact of weather conditions, we cannot wait until the next legislative session to begin

August 17, 1998

Page 3

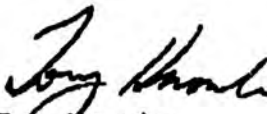
this scientific work or there will be no time left before the next fishing season to even begin to analyze and address the situation.

I must correct the record on your statement that "with the assistance and agreement" of the Department Community and Regional Affairs, the Finance Committees did not appropriate matching state funds for federal Magnuson-Stevens disaster aid. As you know, Administration officials continued to press throughout the session for state general funds to match the \$7 million in federal assistance which had been made available. In the final days, when it was clear no state funds would be appropriated and there would be no ability to obtain the federal dollars, Community and Regional Affairs suggested the state and communities try to identify existing appropriations which the federal government might be willing to consider for the required match. The state never asked the Mat-Su or the Kenai Boroughs to do this for the disasters declared in their regions. With the second consecutive season of severe economic loss, it is now clear local match monies from existing or non-state sources is simply not available to capture the available federal monies. I hope the Legislature will recognize this and treat this disaster as we do all others, by appropriating the necessary match monies to secure all possible federal assistance.

As you may know, last Friday members of my cabinet conducted a legislative briefing teleconference on this disaster and our response to date. We will continue to provide updates to the Legislature and others over the next several weeks and months.

I am sending your letter and this reply to communities in the disaster region, as well as the mayors of the Mat-Su and Kenai Boroughs, so they are aware of your concerns.

Sincerely,



Tony Knowles
Governor

cc: Senate President Mike Miller
House Speaker Gail Phillips
Senate Minority Leader Jim Duncan
House Minority Leader Gene Kubina
House and Senate Finance Committee members
Senators Lyman Hoffman and Georgiana Lincoln
Representatives Irene Nicolai and Ivan Ivan
Senator Ted Stevens
Senator Frank Murkowski
Representative Don Young
Mayor Darcie Salmon, Matanuska Susitna Borough
Mayor Mike Navarre, Kenai Borough
Mr. Myron Naneng, President, Association of Village Council Presidents
Mr. Will Mayo, President, Tanana Chiefs Council
Mr. Terry Hoeflerle, Chief Executive Officer, Bristol Bay Native Association

FISCAL NOTE

REPORTED OUT OF
SFC 3/31/99

STATE OF ALASKA 1999 LEGISLATIVE SESSION

BILL NO. **CSSB101(FIN)**

Revision Date: 6-Apr-99
 Title: An Act amending the definition of "disaster".
 Sponsor: Senate Finance
 Requestor: Senate Finance

Dept Affected: Military & Veterans Affairs
 BRU: Disaster Planning & Control
 Component: Disaster Planning & Control
 Component Serial No. #2329

Expenditures/Revenues (Inflation not included unless otherwise noted below)

(Thousands of Dollars)

OPERATING EXPENDITURES	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES (runi code)	0.0	0.0	0.0	0.0	0.0	0.0
---------------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: \$ none

POSITIONS

POSITIONS	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS:

(Attach a separate page if necessary)

There is no fiscal impact for DMVA anticipated with implementation of this legislation.

Prepared by: Dave Liebersbach, Director *[Signature]* Phone: 458-7028
 Division: Emergency Services Date: 6-Apr-99
 Approved by Commissioner: *[Signature]* Date: 4-6-99
 Agency: Military & Veterans Affairs

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

REPORTED OUT OF
SFC 3/31/99

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

BILL NO. CSSB 101 (FIN)

Revision Date/Time (Note if correction) 4/1/99 4:00 PM Dept. Affected Environmental Conservation
 Title Definition of Disaster BRU Administration
 Component Commissioner's Office
 Sponsor Senate Finance
 Requester Senate Finance Component Serial No. 633

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Mike Conway, Director Phone 465-5298
 Division Statewide Public Services Date/Time 4/2/99 9:02 AM
 Approved by Michele Brown, Commissioner *Michele Brown* Date 4-2-99
 Agency Department of Environmental Conservation

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

March 27, 1999

SUBJECT: Application of CSSB 101(FIN)(draft version K) to a fishery disaster
(Work Order No. 21-LS0625\K)

TO: Senator John Torgerson
Attn: Darwin Peterson

FROM: George Utermohle *GU*
Legislative Counsel

RECEIVED
MAR 27 1999
Senate Finance
Committee

You have asked whether a fishery disaster, such as that declared by Governor Knowles during 1998, would fall within the definition of "disaster" as amended by sec. 5, CSSB 101(FIN)(draft version K).

SHORT ANSWER – The 1998 fishery disaster declaration for Western Alaska was apparently based on the present or imminent shortage of food and fuel due to a catastrophic decline in salmon returns associated with warm sea surface temperatures (weather condition). Under the definition of "disaster" as proposed by sec. 5, CSSB 101(FIN)(draft version K), the events on which the declaration of the 1998 fishery disaster were based would no longer qualify as a disaster. If those events were to reoccur, those events by themselves could not serve as a basis for declaring a disaster under AS 26.23.

DISCUSSION – On July 30, 1998, Governor Knowles declared a condition of disaster emergency for regions and communities in Western Alaska. The Declaration of Disaster Emergency failed to explicitly state the specific events on which the declaration was based. The declaration referred to a catastrophic decline in the 1998 salmon returns for Western Alaska and to a catastrophic rise in sea surface temperatures during the prior year. The declaration did not assert a direct connection between sea surface temperature and the decline in salmon returns. The declaration did state that, due to the low salmon returns to Western Alaska, there was a shortage of food in the area, there was an imminent shortage of fuel in the area during the coming winter, and there were imminent widespread threats to health and safety in the area. It was the present or imminent shortage of food and fuel and an unspecified weather condition associated with the rise in sea surface temperature and with the decline in salmon returns that apparently provided the basis for the disaster declaration.

Though the conditions described in the governor's disaster declaration for the fishery disaster are less dramatic than the 1964 Good Friday earthquake, the 1967 Fairbanks flood, or the 1996 wild fires in the Matanuska-Susitna Valley, the circumstances underlying the governor's declaration arguably fall within the current definition of "disaster" under

AS 26.23.900(2).^{1'} The governor is responsible for determining whether events constitute a disaster. The governor's exercise of discretion to find that a disaster exists would be construed broadly in order to further the important public policies underlying AS 26.23, if a disaster declaration were ever challenged in the courts.

Section 5, CSSB 101(FIN)(draft version K) proposes to significantly change the definition of "disaster"^{2'} for purposes of AS 26.23. Of particular relevance to the 1998 Western Alaska fishery disaster, a disaster cannot result from an unspecified weather condition (only specifically enumerated weather conditions can serve as a basis for a disaster) or from a shortage of food or fuel. Under the proposed definition of "disaster", a shortage of food or fuel would not justify a disaster declaration unless the shortage was a consequence of a specific natural or man-made event listed in the definition of "disaster".

^{1'} For purposes of the Alaska Disaster Act (AS 23.26.010 - 23.26.220), a "disaster" is (emphasis added):

the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause, including

(A) fire, flood, earthquake, landslide, mudslide, avalanche, wind-driven water, weather condition, tsunami, volcanic activity, epidemic, air contamination, blight, infestation, explosion, riot, or shortage of food, water, fuel, or clothing;

(B) the release of oil or a hazardous substance, if the release requires prompt action to avert environmental danger or damage; and

(C) equipment failure, if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation.

^{2'} The definition of "disaster" as proposed by CSSB 101(FIN)(draft version K) reads:

"disaster" means the occurrence or imminent threat of widespread or severe damage, injury, loss of life or property, or shortage of food, water, or fuel resulting from

(A) hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, snowstorm, prolonged extreme cold, or drought;

(B) fire, flood, or explosion;

(C) the release of oil or a hazardous substance if the release requires prompt action to avert environmental danger or mitigate environmental damage; or

(D) equipment failure if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation;

Senator John Torgerson

March 27, 1999

Page 3

Thus, if the proposed changes to the definition of "disaster" made by CSSB 101(FIN)(draft version K) are enacted, a condition of disaster emergency could not be declared for a failure of salmon returns based on the circumstances identified in the Declaration of Disaster Emergency for the 1998 fishery disaster.

If I may be of further assistance, please advise.

GM:glc

99-141.glc

AS IT IS NOW

Sec. 26.23.025. The legislature and disaster emergencies.

(a) The provisions of this section apply when the governor declares a condition of disaster emergency under AS 26.23.020 (c) and in response to the disaster the governor proposes to expend

- (1) more than \$1,000,000 of the assets of the disaster relief fund under AS 26.23.300 (b);
- (2) more than \$500,000 of the assets of the disaster relief fund under AS 26.23.300 (c); or
- (3) an amount from the disaster relief fund that exceeds the unallocated balance of the fund.

(b) When the governor declares a condition of disaster emergency while the legislature is in session, concurrently with the issuance of the proclamation the governor shall prepare and deliver to the presiding officers of the legislature and to the persons who chair the finance committees in each house of the legislature

- (1) a financing plan relating to the source or sources of money available from sources identified in AS 26.23.050 (b) that the governor proposes to use to cope with the disaster; or
- (2) a supplemental appropriation to provide money necessary to cope with the disaster.

(c) When the governor declares a condition of disaster emergency while the legislature is not in session, concurrently with the issuance of the disaster emergency proclamation the governor shall

(1) convene a special session of the legislature under this subsection within five days unless the presiding officers of both the house of representatives and the senate agree that a special session should not be convened and so advise the governor in writing; and

(2) prepare and deliver to the presiding officers of the legislature and to the persons who chair the finance committees in each house of the legislature

(A) a financing plan relating to the source or sources of money available from sources identified in AS 26.23.050 (b) that the governor proposes to use to cope with the disaster; or

(B) a supplemental appropriation to provide money necessary to cope with the disaster.

(d) If the declaration of a disaster emergency occurs while the legislature is in session, or if a special session is held, actions taken by the governor under this chapter that are not ratified by a concurrent resolution adopted during that session are void.

(e) If the legislature does not convene in special session under (c)(1) of this section, the governor may act under this chapter in a manner that is consistent with the financing plan submitted.

(f) The legislature, by concurrent resolution, may terminate a disaster emergency at any time.

Sec. 44.33.285. Action by governor. (ECONOMIC DISASTER)

The governor may, upon recommendation of the commissioner of commerce and economic development, designate by proclamation an area as an area impacted by an economic disaster. When an area is so designated, the legislature may appropriate money for assistance grants and the governor may recommend in the governor's budget submission that capital projects planned for the area be accelerated and that new projects be funded for the area. The proclamation may provide that waivers of capital projects requirements, as authorized in AS 44.33.300, become effective only to the extent set out in the proclamation.

Sec. 26.23.900. Definitions.

In this chapter

(1) "commission" means the Alaska State Emergency Response Commission;

(2) "disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause, including (BUT NOT LIMITED...)
↑ IS WHAT IT MEANS.

(A) fire, flood, earthquake, landslide, mudslide, avalanche, wind-driven water, weather condition, tsunami, volcanic activity, epidemic, air contamination, blight, infestation, explosion, riot, or shortage of food, water, fuel, or clothing;

(B) the release of oil or a hazardous substance, if the release requires prompt action to avert environmental danger or damage; and

(C) equipment failure, if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation;

(3) "disaster emergency" means the condition declared by proclamation of the governor or declared by the principal executive officer of a political subdivision to designate the imminence or occurrence of a disaster;

(4) "emergency" has the meaning given in 42 U.S.C. 5122;

(5) "hazardous substance" has the meaning given in AS 46.03.826 ;

(6) "major disaster" has the meaning given in 42 U.S.C. 5122;

FEMA

42 USC Sec. 5122

TITLE 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 68 - DISASTER RELIEF

SUBCHAPTER I - FINDINGS, DECLARATIONS, AND DEFINITIONS

-HEAD-

Sec. 5122. Definitions

-STATUTE-

As used in this chapter -

(1) Emergency. - "Emergency" means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

(2) Major disaster. - "Major disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

HOW SOME OTHER STATES DEFINE "DISASTER"

MINNESOTA:

12.03 Definitions.

Subd. 2. Disaster.

"Disaster" means a situation that creates an actual or imminent serious threat to the health and safety of persons, or a situation that has resulted or is likely to result in catastrophic loss to property or the environment, and for which traditional sources of relief and assistance within the affected area are unable to repair or prevent the injury or loss.

Emergency.

"Emergency" means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring.

Subd. 4. Emergency management.

"Emergency management" means the preparation for and the carrying out of emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, from acute shortages of energy, or from incidents occurring at nuclear power plants that pose radiological or other health hazards. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency human services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, implementation of energy supply emergency conservation and allocation measures, and other functions related to civilian protection, together with all other activities necessary or incidental to preparing for and carrying out these functions.

Subd. 5b. Hazard mitigation.

"Hazard mitigation" means an action taken to reduce or eliminate the long-term risk to human life and property from natural and other types of hazards.

Subd. 5c. Imminent.

"Imminent" means clear and present danger to life or property rights as a result of an emergency or disaster.

FLORIDA:

252.34 Definitions.--As used in ss. 252.31-252.60, the term:

(1) "Disaster" means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by a county, the Governor, or the President of the United States. Disasters shall be identified by the severity of resulting damage, as follows:

(a) "Catastrophic disaster" means a disaster that will require massive state and federal assistance, including immediate military involvement.

(b) "Major disaster" means a disaster that will likely exceed local capabilities and require a broad range of state and federal assistance.

(c) "Minor disaster" means a disaster that is likely to be within the response capabilities of local government and to result in only a minimal need for state or federal assistance.

(2) "Division" means the Division of Emergency Management of the Department of Community Affairs, or the successor to that division.

(3) "Emergency" means any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

(4) "Emergency management" means the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to:

(a) Reduction of vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies or hostile military or paramilitary action.

(b) Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies.

(c) Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency.

(d) Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.

(e) Provision of an emergency management system embodying all aspects of preemergency preparedness and postemergency response, recovery, and mitigation.

(f) Assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.

(5) "Local emergency management agency" means an organization created in accordance with the provisions of ss. 252.31-252.91 to discharge the emergency management responsibilities and functions of a political subdivision.

(6) "Manmade emergency" means an emergency caused by an action against persons or society, including, but not limited to, enemy attack, sabotage, terrorism, civil unrest, or other action impairing the orderly administration of government.

(7) "Natural emergency" means an emergency caused by a natural event, including, but not limited to, a hurricane, a storm, a flood, severe wave action, a drought, or an earthquake.

(8) "Political subdivision" means any county or municipality created pursuant to law.

(9) "Technological emergency" means an emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident

ARIZONA:

A. The governor may declare an emergency arising from such major disasters as provided in this section and incur liabilities therefor, regardless of whether or not the legislature is in session.

1. Invasions, hostile attacks, riots or insurrections.

2. Epidemics of disease or plagues of insects.

3. Floods or floodwaters.

4. Acts of God or any major disaster.

5. Wild land fires, but only after all necessary authorizations under section 37-623.02 are exhausted.

Legislative Budget and Audit and Disaster \$

AS24.20.201 powers

(a) The Legislative Budget and Audit Committee has the power to:

(4) review revenue projections, state agency appropriation requests, the expenditure of state funds, including the relationship between state agency program accomplishments and legislative intent, and the fiscal policies and procedures of state government;

(5) review and approve proposed changes to agency authorized budgets as provided in AS 37.07 (Executive Budget Act);

(6) make recommendations concerning appropriations, their expenditure, and the fiscal policies and procedures of state government to the governor when appropriate, and to the legislature;

AS37.07.080 program execution (executive budget act)

(h) The increase of an appropriation item based on additional federal or other program receipts not specifically appropriated by the full legislature may be expended in accordance with the following procedures:

(1) the governor shall submit a revised program to the Legislative Budget and Audit Committee for review;

(2) 45 days shall elapse before commencement of expenditures under the revised program unless the Legislative Budget and Audit Committee earlier recommends that the state take part in the federally or otherwise funded activity;

(3) should the Legislative Budget and Audit Committee recommend within the 45-day period that the state not initiate the additional activity, the governor shall again review the revised program and if the governor determines to authorize the expenditure, the governor shall provide the Legislative Budget and Audit Committee with a statement of the governor's reasons before commencement of expenditures under the revised program.

SUMMARY OF DISASTERS IN ALASKA SINCE 1978

Senator John Torgerson

- | | |
|--|---------------------|
| 1) How many disasters have there been in Alaska? | 190 since 1978 |
| 2) How many disasters received Federal Assistance? | 32 or 17% of total |
| <u>Disasters funded from state GF</u> | |
| 3) How many have been <u>under</u> \$500,000 | 143 or 75% of total |
| 4) How many have been <u>over</u> \$500,000 | 47 or 25% of total |
| 5) How many have been <u>between</u> \$500,000 and \$1,000,000 | 28 or 15% |
| 5) How many have been over \$1,000,000 | 20 or 11% of total |
| 5a) Of the 20 disasters over \$1,000,000
how many received Federal money? | 12 |

CONTINUATION OF FORM: P2

YEAR	GENERAL FUND	FEDERAL FUND	INTERAGENCY RECEIPTS	SUPP. TOTAL	IA NON-FIRE SUPPORT	COMP. TOTAL	ACRES PROTECTED	NUMBER FIRES
FY98	\$23,686.1	\$8,379.4		\$32,065.5	\$14.6	\$32,080.1	134,000	591
FY97	12,552.5	\$8,897.1		\$21,449.6	\$39.7	\$21,489.3	134,000	568
FY96	16,592.4	\$13,306.2		\$29,898.6	\$416.4	\$30,315.0	134,000	615
FY95	5,572.7	\$8,334.1	\$3,618.4	\$17,525.2	\$4,674.5	\$22,199.7	134,000	430
FY94	5,649.1	\$4,413.7	4,602.9	\$14,665.7		\$14,665.7	134,000	508
FY93	7,743.3	\$3,069.0	5.1	\$10,817.4		\$10,817.4	134,000	516
FY92	15,071.1	\$4,126.0	19.8	\$19,216.9		\$19,216.9	134,000	517
FY91 high	27,531.2	\$23,446.8	27.1	\$51,005.1		\$51,005.1	134,000	819
FY90 low	4,263.7	\$5,771.3	2,110.7	\$12,145.7		\$12,145.7	134,000	545
FY89	7,104.4	\$2,250.0		\$9,354.4		\$9,354.4	134,000	370
FY88	11,697.0	\$2,412.6		\$14,109.6		\$14,109.6	134,000	460
FY87	8,238.5	\$2,376.9		\$10,615.4		\$10,615.4	134,000	514
FY86	6,904.6	\$2,752.4		\$9,657.0		\$9,657.0	134,000	661
TOTAL	\$152,606.6	\$89,535.5	\$10,384.0	\$252,526.1	\$5,145.2	\$257,671.3		7,114
	GENERAL FUND/YR	FEDERAL/YR	IA/YR	TOTAL/YR	IA NON-FIRE SUPPORT/YR	TOTAL		
	\$10,982.9	\$5,483.4	\$749.7	\$17,215.9	\$467.7	\$17,683.7		

AVERAGE (high GF, Fed and IA FY91 and low GF, Fed and IA FY90 removed) EXPENDITURES = \$11.0 million GF and \$.7 million, IA = \$11.7 million GF.

INTERAGENCY NON-FIRE SUPPORT:

FY 95 \$4,674.5 of funds were expended in support of Koyukuk Flood in Fall 1994.

FY 96 \$416.4 of funds expended on Fall Storm Support, Search and Rescue (SAR), and Fuel Support.

FY 97 \$39.7 of funds were expended on Search and Rescue for Public Safety, Petersburg Water Crisis, and Fuel Support for ADF&G.

FY 98 \$14.6 of funds were expended on Search and Rescue for Public Safety, Wildfire Beetle, and Fuel Support for ADF&G.

**ADDITIONAL
EXPLANATION
FORM**

AGENCY NATURAL RESOURCES

BRU STATEWIDE FIRE SUPPRESSION PROGRAM

COMPONENT FIRE SUPPRESSION #437

Page 3 of 9

Revised Date:

FY00

0000922

Disaster Cost Index

RECEIVED

MAR 17 1999

Senate Finance
Committee

DISASTER	DSTR #	TOTAL	FED REVENUE	GENERAL FUNDS
Karluk	78-1	\$171,573.00	\$0.00	\$171,573.00
Campbell Creek, Anchorage	78-2	\$10,811.00	\$0.00	\$10,811.00
Wrangell/Craig	78-3	\$392,000.00	\$0.00	\$392,000.00
Matanuska-Susitna Borough	79-4	\$50,000.00	\$0.00	\$50,000.00
Delta Fire	79-5	\$3,250,000.00	\$0.00	\$3,250,000.00
West Coast	80-6	\$121,352.00	\$0.00	\$121,352.00
Willow Creek	80-7	\$20,118.00	\$0.00	\$20,118.00
Kodiak Island	80-8	\$171,771.00	\$0.00	\$171,771.00
Anchorage Windstorm	80-9	\$461,448.00	\$0.00	\$461,448.00
Bristol Bay	81-10	\$113,083.00	\$0.00	\$113,083.00
Copper Center	81-11	\$13,168.00	\$0.00	\$13,168.00
Angoon	81-12	\$10,987.00	\$0.00	\$10,987.00
Southcentral	82-13	\$275,013.00	\$0.00	\$275,013.00
Emmonak	82-14	\$259,623.00	\$0.00	\$259,623.00
Fort Yukon	82-15	\$811,323.00	\$0.00	\$811,323.00
Russian Mission	83-16	\$141,324.00	\$0.00	\$141,324.00
Takotna	83-17	\$358,650.00	\$0.00	\$358,650.00
Kipnuk	83-18	\$905.00	\$0.00	\$905.00
Aniak	83-19	\$75,614.00	\$0.00	\$75,614.00
Ketchikan	84-20	\$1,000.00	\$0.00	\$1,000.00
Cordova	84-21	\$125,777.00	\$0.00	\$125,777.00
Chefornak	84-22	\$32,193.00	\$0.00	\$32,193.00
Unalakleet	84-23	\$726,865.00	\$0.00	\$726,865.00
Mountain Village	84-24	\$986,427.00	\$0.00	\$986,427.00
Elim	84-25	\$384,588.00	\$0.00	\$384,588.00
Kotzebue	84-26	\$673,101.00	\$0.00	\$673,101.00
Cold Bay	84-27	\$1,345.00	\$0.00	\$1,345.00
Alakanuk	84-28	\$277,544.00	\$0.00	\$277,544.00
Emmonak	84-29	\$22,884.00	\$0.00	\$22,884.00
Cold Bay	85-30	\$740,000.00	\$0.00	\$740,000.00
Russian Mission	85-31	\$89,325.00	\$0.00	\$89,325.00
Southeast Alaska	85-32	\$958,519.00	\$0.00	\$958,519.00
Haines	85-33	\$1,581,506.00	\$0.00	\$1,581,506.00
Savoonga	85-34	\$255,954.00	\$0.00	\$255,954.00
Gambell	85-35	\$33,673.00	\$0.00	\$33,673.00
Buckland	85-36	\$83,585.00	\$0.00	\$83,585.00
Kobuk	85-37	\$17,979.00	\$0.00	\$17,979.00
Anvik	85-38	\$17,878.00	\$0.00	\$17,878.00
Emmonak	85-39	\$72,832.00	\$0.00	\$72,832.00
Pilot Station	85-40	\$34,736.00	\$0.00	\$34,736.00
Upper Kuskokwim River	85-41	\$56,826.00	\$0.00	\$56,826.00
Pitka's Point	86-42	\$12,740.00	\$0.00	\$12,740.00
Bethel	86-43	\$475,507.00	\$0.00	\$475,507.00
Gambell	86-44	\$201,693.00	\$0.00	\$201,693.00
Cordova	86-45	\$16,462.00	\$0.00	\$16,462.00
Manakotak	86-46	\$69,449.00	\$0.00	\$69,449.00
Thorne Bay	86-47	\$258,512.00	\$0.00	\$258,512.00
Metlakatla	86-48	\$90,547.00	\$0.00	\$90,547.00

Submitted to
Department of
Military and
Veteran's Affs
Distributed
by Senator
Torgerson

Disaster Cost Index

DISASTER	DSTR #	TOTAL	FED REVENUE	GENERAL FUNDS
Unalaska	86-49	\$181,937.00	\$0.00	\$181,937.00
Thorne Bay (Bridge)	86-52	\$11,778.00	\$0.00	\$11,778.00
Venetie	86-51	\$54,615.00	\$0.00	\$54,615.00
Pelican	86-52	\$18,024.00	\$0.00	\$18,024.00
Crown Point	86-53	\$712,097.00	\$0.00	\$712,097.00
Napaklak	86-54	\$15,000.00	\$0.00	\$15,000.00
Chukchi Sea Storm	87-55	\$3,791,026.00	\$2,252,618.00	\$1,538,408.00
Southcentral AK Flood	87-56	\$8,642,440.00	\$5,375,542.00	\$3,266,898.00
Aniak (Sewer)	87-57	\$52,500.00	\$0.00	\$52,500.00
Venetie	87-58	\$86,000.00	\$0.00	\$86,000.00
Kotzebue	87-59	\$1,231,610.00	\$0.00	\$1,231,610.00
Sleetmute/Red Devil	87-60	\$51,602.00	\$0.00	\$51,602.00
Delta Junction	87-61	\$22,257.00	\$0.00	\$22,257.00
Aniak	87-62	\$993,861.00	\$0.00	\$993,861.00
Buckland	87-63	\$203,548.00	\$0.00	\$203,548.00
Richardson Highway	88-64	\$0.00	\$0.00	\$0.00
Wainwright Fire	88-65	\$2,186,931.00	\$0.00	\$2,186,931.00
Angoon	88-66	\$29,514.00	\$0.00	\$29,514.00
Togiak	88-67	\$35,000.00	\$0.00	\$35,000.00
Klehini River Bridge	88-68	\$92,482.00	\$0.00	\$92,482.00
Barrow School Fire	88-69	\$2,410,159.00	\$1,396,822.00	\$1,013,337.00
Haines Flooding	88-70	\$78,590.00	\$0.00	\$78,590.00
Beaver	88-71	\$22,990.00	\$0.00	\$22,990.00
Sheforak	88-72	\$272,735.00	\$0.00	\$272,735.00
Chenega Bay	88-73	\$36,423.00	\$0.00	\$36,423.00
Pitka's Point	88-74	\$97,761.00	\$0.00	\$97,761.00
Nondalton	88-75	\$776,897.00	\$0.00	\$776,897.00
Crooked Creek	88-76	\$133,230.00	\$0.00	\$133,230.00
Napaklak/Napasklak	88-77	\$125,292.00	\$0.00	\$125,292.00
Kaltag	89-78	\$28,883.00	\$0.00	\$28,883.00
Eagle	89-79	\$8,242.00	\$0.00	\$8,242.00
Shishmaref	89-80	\$318,072.00	\$0.00	\$318,072.00
Klawock	89-81	\$48,157.00	\$0.00	\$48,157.00
Yukon Flats	89-82	\$84,757.00	\$0.00	\$84,757.00
Omega Block(Cold Wthr)	89-83	\$1,319,656.00	\$881,288.00	\$438,368.00
Northwest Arctic Borough	89-84	\$4,974,908.00	\$3,672,967.00	\$1,301,941.00
St. George	89-85	\$229,853.00	\$170,598.00	\$59,255.00
Sand Point	89-86	\$23,062.00	\$16,174.00	\$6,888.00
Ahkiok	89-87	\$45,937.00	\$31,931.00	\$14,006.00
North Slope Borough	89-88	\$113,364.00	\$0.00	\$113,364.00
Valdez Oil Spill	89-89	\$361,679.00	\$0.00	\$361,679.00
Galena	89-90	\$175,124.00	\$129,265.00	\$45,859.00
Glennallen	89-91	\$15,000.00	\$0.00	\$15,000.00
Circle	89-92	\$196,657.00	\$0.00	\$196,657.00
Ft. Yukon	89-93	\$194,812.00	\$0.00	\$194,812.00
89 Spring Floods	89-94	\$4,739,881.00	\$3,232,831.00	\$1,507,050.00
Klawock	90-95	\$9,927.00	\$0.00	\$9,927.00
Fairbanks North Star Boro	90-96	\$65,640.00	\$0.00	\$65,640.00
Mat-Su Borough	90-97	\$358,772.00	\$0.00	\$358,772.00

Disaster Cost Index

DISASTER	DSTR #	TOTAL	FED REVENUE	GENERAL FUNDS
Whittier	90-98	\$634,103.00	\$0.00	\$634,103.00
Municipality of Anchorage	90-99*	\$2,269,000.00	\$0.00	\$2,269,000.00
Seward/Kenai Peninsula	90-100	\$529,552.00	\$0.00	\$529,552.00
Richardson Highway	90-101	\$0.00	\$0.00	\$0.00
Search and Rescue	90-102	\$100,000.00	\$0.00	\$100,000.00
Mt. Redoubt	90-103	\$269,886.00	\$0.00	\$269,886.00
KPB Mt. Redoubt	90-104	\$149,403.00	\$0.00	\$149,403.00
Tattiek	90-105	\$92,242.00	\$0.00	\$92,242.00
Broadcasting	90-106	\$130,000.00	\$0.00	\$130,000.00
Kongiganak	90-107	\$20,000.00	\$0.00	\$20,000.00
Moose	90-108	\$196,522.00	\$0.00	\$196,522.00
Manakotak	90-109	\$15,000.00	\$0.00	\$15,000.00
Stebbins	90-110	\$1,000,000.00	\$0.00	\$1,000,000.00
Hazard Mt. 89 Spring Flood	90-111	\$619,828.00	\$328,472.00	\$291,356.00
Snow and Ice Removal	90-112	\$2,000,000.00	\$0.00	\$2,000,000.00
McGrath	90-113	\$39,409.00	\$0.00	\$39,409.00
Kobuk	90-114	\$6,153.00	\$0.00	\$6,153.00
Fire Suppresion	90-115	\$1,000,000.00	\$0.00	\$1,000,000.00
Tekdanika Fire	90-116	\$1,000,000.00	\$0.00	\$1,000,000.00
Bethel	90-117	\$600,176.00	\$0.00	\$600,176.00
Statewide Fires	91-118	\$1,995,914.00	\$1,021,500.00	\$974,414.00
Hazard Mitigation C.W.	91-119	\$556,754.00	\$264,985.00	\$291,769.00
Lower Kuskokwim	91-120	\$835,297.00	\$0.00	\$835,297.00
otzebue	91-121*	\$463,500.00	\$0.00	\$463,500.00
Nome	91-122	\$105,000.00	\$0.00	\$105,000.00
Teller	91-123	\$173,723.00	\$0.00	\$173,723.00
Lowell Creek Tunnell	91-124	\$369,786.00	\$0.00	\$369,786.00
Diomede	91-125	\$622,594.00	\$0.00	\$622,594.00
Eagle	91-126	\$33,174.00	\$0.00	\$33,174.00
Togiak	91-127	\$51,384.00	\$0.00	\$51,384.00
Larsen Bay	91-128	\$20,000.00	\$0.00	\$20,000.00
Karluk	91-129	\$22,000.00	\$0.00	\$22,000.00
Marshall	91-130	\$15,741.00	\$0.00	\$15,741.00
Angoon	91-131	\$91,468.00	\$0.00	\$91,468.00
Fairbanks North Star Boro	91-132	\$1,664,378.00	\$663,286.00	\$1,001,092.00
Aniak	91-133	\$550,089.00	\$230,666.00	\$319,423.00
McGrath	91-134	\$608,391.00	\$298,071.00	\$310,320.00
Red Devil	91-135	\$239,953.00	\$130,379.00	\$109,574.00
Anvik	91-136	\$181,700.00	\$41,971.00	\$139,729.00
Grayling	91-137	\$78,630.00	\$3,569.00	\$75,061.00
Emmonak	91-138	\$398,246.00	\$191,544.00	\$206,702.00
Holy Cross	91-139	\$20,265.00	\$0.00	\$20,265.00
Alakanuk	91-140	\$210,506.00	\$55,034.00	\$155,472.00
Shageluk	91-141	\$57,867.00	\$9,321.00	\$48,546.00
Galena	92-142	\$67,061.00	\$0.00	\$67,061.00
DNR Fire Suppression	92-143	\$0.00	\$0.00	\$0.00
Mat-Su Borough	92-144	\$515,900.00	\$0.00	\$515,900.00
Whitestone	92-145	\$168,700.00	\$0.00	\$168,700.00
Little Diomede	92-146	\$67,684.00	\$0.00	\$67,684.00

Updated 03/17/99

Disaster Cost Index

DISASTER	DSTR #	TOTAL	FED REVENUE	GENERAL FUNDS
Aniak Loan	92-147	\$5,082.00	\$0.00	\$5,082.00
Diomedea Fire	92-148	\$974,172.00	\$0.00	\$974,172.00
New Koliganek	92-149	\$67,526.00	\$0.00	\$67,526.00
Kodiak	92-150	\$1,564,957.00	\$0.00	\$1,564,957.00
Earthquake Mitigation	92-151	\$225,748.00	\$0.00	\$225,748.00
Seward Sewage	92-152	\$754,541.00	\$0.00	\$754,541.00
Eagle Village Flood	92-153*	\$205,000.00	\$0.00	\$205,000.00
Eagle City Flood	92-154	\$61,147.00	\$0.00	\$61,147.00
Galena Ice Jam Flood	92-155	\$442,615.00	\$0.00	\$442,615.00
Flood Response	92-156	\$22,059.00	\$0.00	\$22,059.00
Yukon River Flood	92-157	\$1,167,796.22	\$0.00	\$1,167,796.22
Fire Disaster	93-158	\$0.00	\$0.00	\$0.00
Norton Sound Herring Fish	93-159	\$0.00	\$0.00	\$0.00
Haines Highway Disaster	93-160	\$0.00	\$0.00	\$0.00
Mt. Spurr	93-161	\$287,846.00	\$0.00	\$287,846.00
Nome	93-162	\$0.00	\$0.00	\$0.00
Kuskokwim Chum	94-163	\$0.00	\$0.00	\$0.00
Tenakee Springs Fire	94-164*	\$200,000.00	\$0.00	\$200,000.00
Department of Natural Res	94-165	\$1,000,000.00	\$0.00	\$1,000,000.00
Shaker IV	94-166	\$357,778.00	\$0.00	\$357,778.00
Prince of Wales Island	94-167	\$0.00	\$0.00	\$0.00
Fort Yukon Haz Mit	94-168	\$356,765.00	\$166,000.00	\$190,765.00
McGrath Road Disaster	94-169	\$170,999.00	\$0.00	\$170,999.00
Galena Flood	94-170*	\$663,500.00	\$0.00	\$663,500.00
Cummins Road	95-171	\$38,810.00		\$38,810.00
Mat-Su Borough Loan	95-172	\$500,000.00		\$500,000.00
1994 Falls Floods PA	95-173	\$60,713,870.00	\$52,558,473.00	\$8,155,397.00
1994 Koyukuk Flood Haz Mit	95-173	\$11,402,495.00	\$8,551,871.00	\$2,850,624.00
1994 Koyukuk Flood TH	95-173	\$335,616.00	\$335,616.00	\$0.00
Metlakatla	95-174	\$31,863.00		\$31,863.00
Skagway	95-175	\$112,786.00		\$112,786.00
Yukon-Delta Kuskokwim	95-176*	\$228,050.00		\$228,050.00
Aniak	95-177*	\$406,000.00		\$406,000.00
Bethel	95-178	\$128,861.00		\$128,861.00
Statewide Fire	95-179	\$0.00		\$0.00
1995 Southcentral Flood	96-180*	\$13,054,800.00	\$9,900,000.00	\$3,154,800.00
Miller's Reach Fire	96-181*	\$15,868,000.00	\$12,000,000.00	\$3,868,000.00
96 Southeast Storm	96-182*	\$630,000.00		\$630,000.00
Tanana/Copper River Flood	97-185*	\$944,614.00		\$944,614.00
Bristol Bay Fish 1997	98-184*	\$515,000.00	\$375,000.00	\$140,000.00
Shishmaref 1997	98-186*	\$1,403,500.00	\$800,000.00	\$603,500.00
DNR Fire Suppression	98-187*	\$0.00		\$0.00
Endicott Mtn Flooding	98-188*	\$826,000.00		\$826,000.00
WAFD	98-189*	\$26,100,000.00	\$18,000,000.00	\$8,100,000.00
98 Southeastern Storm	98-190*	\$2,535,500.00	\$1,108,100.00	\$1,427,400.00
* - Indicates disasters that are open and total spent equals total authorized				
TOTALS		\$215,847,167.22	\$124,193,894.00	\$91,653,273.22

X

+

State Emergency Response Commission

Resolution

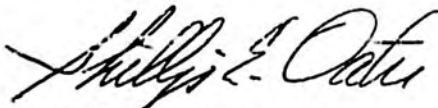
At the April 14, 1999 meeting of the State Emergency Response Commission, Senate Bill 101 was a topic of discussion. After much discussion amongst the SERC Commission Members and the representatives of the Local Emergency Planning Committees, the following resolution was unanimously passed:

Whereas, the State of Alaska, State Emergency Response Commission is tasked with the responsibility to provide guidance for planning and preparedness for all hazards which might endanger the people, property or environment in the State of Alaska.

Whereas, by unanimous consent of the SERC Members and from representatives of the Local Emergency Planning Committees throughout the State, the State Emergency Response Commission expresses their opposition to Bill 101 regarding "An Act relating to disasters and to the disaster relief fund."

Whereas, the State Emergency Response Commission, requested that the Co-Chair, Department of Military and Veterans Affairs Commissioner Phillip Oates, provide to the Legislature a statement of concern regarding Senate Bill 101 regarding "An Act relating to disasters and to the disaster relief fund."

Signed:



Phillip E. Oates
Co-Chair SERC
Commissioner, DMVA

Alaska State Legislature
House Finance Committee

REPRESENTATIVE
MARK HANLEY

Co-Chair
(907) 465-4938
Fax (907) 465-2418

INTERIM ADDRESS
718 W. 4th Ave., Suite 300
Anchorage, Alaska 99501-2133
(907) 258-8192
Fax (907) 258-8188



State Capitol, Juneau, Alaska 99801-1182

REPRESENTATIVE
GENE THERRIault

Co-Chair
(907) 465-4797
Fax (907) 465-3884

INTERIM ADDRESS
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax (907) 488-4271

MEMORANDUM

DATE: November 24, 1998

TO: Senator Randy Phillips, Chairman
Legislative Budget and Audit Committee

FROM: Representative Gene Therriault, Co-Chair ^{MSM} _{for}
House Finance Committee

SUBJECT: Western Alaska Fisheries Disaster - Information Request

At the last L.B.&A. Committee meeting, agency officials provided the Committee with a briefing on the Western Alaska Fisheries Disaster. While this update was useful, I respectfully ask that you consider having OMB provide more detailed information to the Committee at the next meeting.

Specifically, I would like to see a summary which shows for each program contained in this relief effort:

- the anticipated funding amounts, by source (fed or state).
- the anticipated amount of state match required, if any.
- all expenditures and obligations to-date.
- the total expenditures projected.
- an estimated time frame for completion.
- a brief description of the purpose, eligibility requirements, and targeted beneficiaries.
- how effectiveness will be measured upon completion.

Thank you for consideration of my request.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

SECTIONAL ANALYSIS

CSSB 101(FIN) am

“An Act relating to disasters and to the disaster relief fund.”

Section 1 of the bill sets out the intent of the legislature to not alter the governor’s ability to request or receive federal disaster relief and emergency assistance.

Section 2 of the bill amends AS 26.23.020(c) to provide that a proclamation of disaster emergency is effective for only 30 days unless extended by the legislature by law.

Section 3 of the bill repeals and reenacts AS 26.23.025 relating to the legislature and disaster emergencies.

Subsection (a) sets out the information that the governor must provide to the legislature upon declaring a disaster emergency. This subsection also sets out the procedure that the governor must follow to obtain approval for additional money or expenditure authority from the legislature to cope with the disaster. Approval for additional money or expenditure authority may only be obtained by act of the legislature.

Subsection (b) provides that if the declaration of a disaster emergency occurs while the legislature is in session, or if a special session is held, actions taken by the governor that are not ratified by law adopted during that session are void.

Subsection (c) provides that the legislature may terminate a declaration of disaster emergency at any time by law.

Section 4 of the bill repeals and reenacts AS 26.23.300, relating to the disaster relief fund.

Subsection (b) provides that the governor may expend up to \$500,000 of state funds to address an event that, in the governor’s opinion, poses a direct and imminent threat of disaster that warrants state action.

Subsection (c) provides that the governor may expend up to \$1,000,000 of state funds to address a disaster as defined in Section 5. Additionally, the funding authorization in

subsection (c) is subject to a federal declaration of disaster as determined by the President of the United States.

Subsection (d) provides that the governor may expend up to \$5,000,000 of state funds to address a wildland fire disaster only.

Subsection (e) states that the governor may not exceed the spending limits set out in (b), (c) and (d) of this section unless the legislature has approved a financing plan to cope with the disaster. If the legislature is not in session, the presiding officers must poll the members of each body and receive written assent by a majority of the members approving the governor's financing plan designed to address the disaster. In the event that a majority of the members of the legislature do not authorize additional funding for the disaster in question, the governor can convene a special session.

Subsection (f) and (g) provide that the governor shall provide an annual accounting of expenditures from the disaster relief fund and that the governor may adopt regulations to implement this section.

Section 5 of the bill amends AS 26.23.900(2) providing for a new definition of disaster.

Federal Emergency Management Agency

PREPAREDNESS

PREPAREDNESS, TRAINING & EXERCISES

[home | site help | search | feedback | library]

Disasters take many forms. They're caused by gale force winds, sudden floods, releases of deadly chemicals, fire, ice, even upheavals of the earth itself. When disaster strikes, the best protection is knowing what to do.

To find out more about disasters and steps you can take to prepare, select a disaster or other topic below for further information. To find out detailed information about your community's disaster plans, call your local office of emergency services.

Natural Disasters

- [Earthquakes](#)
- [Extreme Heat](#)
- [Fire Safety During or After a Disaster](#)
- [Floods and Flash Floods](#)
- [Hurricanes](#)
- [Landslides and Mudflows](#)
- [Tornadoes](#)
- [Tsunamis](#)
- [Volcanoes](#)
- [Wildland Fires](#)
- [Winter Driving](#)
- [Winter Storms](#)
- [Winter Preparedness Safety Tips](#)
- [Thunderstorms and Lightning](#)

Technological Disasters

- [Hazardous Materials](#)
- [House and Building Fires](#)
- [Radiological Accidents -- *Under Revision*](#)
- [Nuclear Power Plant Emergency](#)
- [Terrorism](#)

It is important to consider the plight of animals during disasters. For more information on this subject, visit the [Animals and Emergencies](#) section.

[FEMA also produces a number of publications.](#)



The Federal Disaster Declaration Process and Disaster Aid Programs

RESPONSE AND RECOVERY

First RESPONSE to a disaster is the job of local government's emergency services with help from nearby municipalities, the state and volunteer agencies. In a catastrophic disaster, and if the governor requests, federal resources can be mobilized through the Federal Emergency Management Agency (FEMA) for search and rescue, electrical power, food, water, shelter and other basic human needs.

It is the long-term **RECOVERY** phase of disaster which places the most severe financial strain on a local or state government. Damage to public facilities and infrastructure, often not insured, can overwhelm even a large city.

A governor's request for a major disaster declaration could mean an infusion of federal funds, but the governor must also commit significant state funds and resources for recovery efforts.

A Major Disaster could result from a hurricane, earthquake, flood, tornado or major fire which the President determines warrants supplemental federal aid. The event must be clearly more than state or local governments can handle alone. If declared, funding comes from the President's Disaster Relief Fund, which is managed by FEMA, and disaster aid programs of other participating federal agencies.

A Presidential Major Disaster Declaration puts into motion long-term federal recovery programs, some of which are matched by state programs, and designed to help disaster victims, businesses and public entities.

An Emergency Declaration is more limited in scope and without the long-term federal recovery programs of a Major Disaster Declaration. Generally, federal assistance and funding are provided to meet a specific emergency need or to help prevent a major disaster from occurring.

THE MAJOR DISASTER PROCESS

A Major Disaster Declaration usually follows these steps:

- **Local Government Responds**, supplemented by neighboring communities and volunteer agencies. If overwhelmed, turn to the state for assistance;
- **The State Responds** with state resources, such as the National Guard and state agencies;
- **Damage Assessment** by local, state, federal, and volunteer organizations determines losses and recovery needs;
- **A Major Disaster Declaration** is requested by the governor, based on the damage assessment, and an agreement to commit state funds and resources to the long-term recovery;
- **FEMA Evaluates** the request and recommends action to the White House based on the disaster, the local community and the state's ability to recover;
- **The President** approves the request or FEMA informs the governor it has been denied. This decision process could take a few hours or several weeks depending on the nature of the disaster.

DISASTER AID PROGRAMS

There are two major categories of disaster aid:

1. **Individual Assistance** - for damage to residences and businesses or personal property losses, and
2. **Public Assistance** - for repair of infrastructure, public facilities and debris removal.

INDIVIDUAL ASSISTANCE

Immediately after the declaration, recovery workers arrive, set up offices and may open Disaster Application Centers as required. The center is a central point at which disaster victims meet with interviewers to describe their personal losses and apply for aid. Under any circumstances, there is always a **toll-free teleregistration number** available to take applications by phone.

Disaster aid to individuals generally falls into the following categories:

- **Disaster Housing** may be available for up to 18 months, using local resources, for persons whose residences were damaged or destroyed. This program also includes funding for emergency repairs to damaged homes.
- **Low-Interest Disaster Loans** are available after a disaster for homeowners and renters from the U.S. Small Business Administration (SBA) to cover uninsured property losses. Loans may be for repair or replacement of homes,

automobiles, clothing or other damaged personal property. Loans are also available to businesses for property loss and economic injury.

- **Disaster Grants**, ranging from several hundred dollars to a maximum of \$13,100, are available to disaster victims who are unable to repay a loan. Grants are for serious disaster-related needs and necessary expenses not covered by other programs. These may include replacement of clothing, automobiles or medical expenses.
- **Other Disaster Aid Programs** include crisis counseling, disaster-related unemployment assistance, legal aid and assistance with income tax, Social Security and Veteran's benefits. Other state or local help may also be available.

Assistance Process -- After the application is taken, the damaged property is inspected to verify the loss. If approved, an applicant will soon receive a check for rental assistance or a grant. Loan applications require more information and approval may take several weeks after application. The deadline for most individual assistance programs is 60 days following the President's major disaster declaration.

Audits are done later to ensure that aid went to only those who were eligible and that disaster aid funds were used only for their intended purposes. These federal program funds cannot duplicate assistance provided by other sources such as insurance.

After a major disaster, FEMA tries to notify all disaster victims about the available aid programs and urge them to apply. The news media are encouraged to visit an application center, meet with disaster officials, and help publicize the disaster aid programs and the toll-free teleregistration number.

PUBLIC ASSISTANCE

Public Assistance is aid to state or local governments to pay part of the costs of rebuilding a community's damaged infrastructure. Generally, public assistance programs pay for 75 per cent of the approved project costs. Public Assistance may include debris removal, emergency protective measures and public services, repair of damaged public property, loans needed by communities for essential government functions and grants for public schools.

HAZARD MITIGATION

Disaster victims and public entities are encouraged to avoid the life and property risks of future disasters. Examples include the elevation or relocation of chronically flood-damaged homes away

from flood hazard areas, retrofitting buildings to make them resistant to earthquakes or strong winds, and adoption and enforcement of adequate codes and standards by local, state and federal government. FEMA encourages and helps fund damage mitigation measures when repairing disaster damaged structures. - December 1996

Updated: January 13, 1998

Federal Emergency Management Agency

MEMORANDUM

TO: REP. MURKOWSKI
REP. PHILLIPS
FROM: REP. CROFT, CHAIR
SUBJECT: SB 101
DATE: 04/24/99

Since my surprise appointment as Chair, I have met with staff from Sen. Phillips (Bruce Campbell) and Sen. Torgerson (Darwin Peterson), talked individually with Rep. Murkowski and Rep. Phillips, talked with Sen. Halford, met again with Bruce, Darwin, and Casey Sullivan, talked with Sen. Adams and Marla Berg from his staff, and finally held a TGIF meeting with Bruce, Darwin, Casey, George U., and a surprise appearance by Sen. Torgerson himself. All of these discussions have led me to the following conclusions.

MOST PEOPLE AGREE:

- 1) Under \$500k, Nobody Cares.
- 2) Nobody is Really Worried About Limiting Fire Expenditures.
- 3) Under \$1M, It Makes No Sense to Call a Special Session.
- 4) Over \$1M, Legislators Want the Option to Call a Special Session.

I have therefore had a committee substitute drafted that accomplishes these basic ideas and cleans up some of the more obvious technical problems with the Senate Bill.

POINTS OF CONTINUED CONCERN

- 1) Definition of Disaster.

The draft incorporates a two step definition: a broad one for under \$1M and a more restricted one over \$1M. Fire is in a special category.

- 2) Presiding Officers vs. Polling Members vs. LB&A..

This is a continuing difficulty open to committee discussion.

I-1.S0625\S.1
Utermohle
4/24/99

AMENDMENT

OFFERED IN THE HOUSE

TO: IICS CSSB 101(), Draft Version "S"

1 Page 3, lines 17 - 19:

2 Delete all material and insert:

3 (ii) the presiding officers of both the house of
4 representatives and the senate, after polling members of the respective
5 houses of the legislature and receiving assent from a majority of the
6 members of each house, inform the governor in writing that a special
7 session is not necessary: the poll of members of the legislature may be
8 conducted by telephonic facsimile, by electronic mail, or by other
9 means of written or oral communication."

I-L.S0625S.2
Utermohle
4/24/99

AMENDMENT

OFFERED IN THE HOUSE

TO: HCS CSSB 101(), Draft Version "S"

1 Page 2, following line 29:

2 Insert a new subsection to read:

3 "(l) Notwithstanding (j) of this section, a community or area of the state may
4 receive assets of the disaster relief fund under (j) of this section as the result of a
5 flood only once. If, after the effective date of this Act, a community or area receives
6 disaster relief, grants, loans, or other aid determined appropriate by the governor under
7 (j) of this section as a result of a declaration of a condition of disaster emergency to
8 address a flood, the community or area may receive further disaster relief or other aid
9 to address a subsequent flood only under (h) or (i) of this section."

10 Reletter the following subsection accordingly.

11 Page 4, line 3:

12 Delete "AS 26.23.020(h) - (l)"

13 Insert "AS 26.23.020(h) - (m)"

Disaster Declaration Criteria

Dollar Amount	Defintion(s)	Authority Needed
Less than \$500k or Fire	save lives, protect property an public health and safety, or lessen or avert the threat of disaster that poses a direct and imminent threat to justify state action.	NONE
Less than \$1m	save lives, protect property an public health and safety, or lessen or avert the thresat o the disaster that poses a direct and imminent threat to justify state action.	NONE
Greater than \$1m	Definition of "Disaster" -- imminent threat of severe damage injury,loss of life or property or shorate of food, water or fuel <u>resulting from an event such as:</u> hurricane, tornado, storm, high,water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, snowstorm, prolonged extreme cold, drought, fire, flood, explosion....	Authorization of presiding officers, or, Presidential decleration of disaster.

1-GH1023V
Cramer
3/15/99

**CONFERENCE CS FOR HOUSE BILL NO. 100
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION**

BY THE CONFERENCE COMMITTEE

Offered:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act making and amending capital, supplemental, and other appropriations;**
2 **making and amending appropriations to capitalize funds; ratifying certain**
3 **expenditures; making and amending appropriations under art. IX, sec. 17(c),**
4 **Constitution of the State of Alaska, from the constitutional budget reserve fund;**
5 **and providing for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1. ECONOMIC DISASTER RELIEF. Section 4, ch. 34, SLA 1998, is amended**
8 **to read:**

9 **Sec. 4. The appropriations made by this Act lapse June 30, 2001 [1999].**

10 *** Sec. 2. DISASTER RELIEF FUND. (a) Subject to (b) of this section, the sum of**
11 **\$13,313,543 is appropriated to the disaster relief fund (AS 26.23.300) for costs associated with**
12 **declared disasters from the following sources:**

13 **General fund \$9,805,543**

1 Federal receipts 3,508,000

2 (b) The appropriation made by (a) of this section is conditioned upon the
3 enactment into law after passage during the First Session of the Twenty-First Alaska State
4 Legislature of a version of SB 101, amending the definition of "disaster" for purposes of
5 AS 26.23. *CAN'T PUT IN CONTINGENCY*

6 * Sec. 3. FIRE SUPPRESSION. The sum of \$7,000,000 is appropriated from the general
7 fund to the Department of Natural Resources for fire suppression activities for the fiscal year
8 ending June 30, 1999.

9 * Sec. 4. JUDGMENTS AND CLAIMS. (a) The following appropriations are made from
10 the general fund to the Department of Law to pay judgments and claims against the state for
11 the fiscal year ending June 30, 1999, as stated:

12 JUDGMENT OR CLAIM	13 APPROPRIATION AMOUNT
14 (1) Daniel Aaronson for CSED v. Barnette	\$ 432
15 (2) Bauer & Carse for CSED v. Savage	903
16 (3) Downes, MacDonald & Levengood for In re Hendren	346
17 (4) Trustees for Alaska for Kachemak Bay Conservation 18 Society v. State	42,871
19 (5) Kenneth Kirk for Wrightson v. State	207
20 (6) George T. Freeman for Boyd v. State DOT/PF, 21 Chitty, and Campbell	189,700
22 (7) Susan Sember for Khan v. State	525,953
23 (8) Earthjustice Legal Defense Fund, Inc. for Weiss v. State	514,366
24 (9) Earthjustice Legal Defense Fund, Inc. for Alaska 25 Environmental Center v. Weiss	1,558
26 (10) Clifford, Lyons & Garde for Newton v. State	108,084
27 (11) David Baranow for Vidal v. Vidal	363
28 (12) Houston & Houston for Walz v. Walz	200
29 (13) Perkins Coie for Cleary v. Smith	18,690
30 (14) Rice, Volland & Taylor for Cleary v. Smith	39,059
31 (15) Verne E. Rupright for Doe v. Burton	10,323

1	(16) Mary Alice McKeen for Gabrielli v. Gabrielli	3,309
2	(17) Paul Arrington for Arrington v. CSED	3,236
3	(18) Totland for Totland v. CSED	1,785
4	(19) Lee Holen Law Office for Minder v. State	94,534
5	(20) Brockman v. State	262,034
6	(21) Aleutians East Borough Peninsula Marketing	6,665
7	Association, Aleutians East Borough v. Rosier	
8	(22) Larson, Timbers & Thomas for Davis v. CSED	1,087
9	(23) Tanana Chiefs Conference, Inc., for CSED v. Native	2,153
10	Village of Minto	
11	(24) Bryan Timbers for Nakarak v. CSED	1,059
12	(b) The following appropriations are made from the public employees retirement trust	
13	fund to the Department of Law to pay judgments and claims against the state for the fiscal	
14	year ending June 30, 1999, as stated:	
15	JUDGMENT OR CLAIM	APPROPRIATION AMOUNT
16	(1) Law Offices of William Soule for Williams	\$13,852
17	v. PERS	
18	(2) Mary Ann Williams for Stalnaker v. Williams	1,445
19	(c) The unexpended and unobligated balance, not to exceed \$26,785, of the	
20	appropriation made in sec. 31, ch. 137, SLA 1998, page 65, line 19, and allocated on line 20	
21	(Alaska Court System appellate courts - \$4,026,300) is reappropriated to the Department of	
22	Law to pay judgments and claims against the state for the fiscal year ending June 30, 1999.	
23	(d) The sum of \$10,000 is appropriated from the general fund to the Department of	
24	Law to pay costs associated with the judgments and claims listed in (a) and (b) of this section.	
25	The appropriation made by this subsection lapses June 30, 1999.	
26	* Sec. 5. DEPARTMENT OF CORRECTIONS: CLEARLY. (a) The sum of \$500,000 is	
27	appropriated from the general fund to the Department of Corrections, division of institutions,	
28	for increased prisoner health care costs for the fiscal year ending June 30, 1999.	
29	(b) The sum of \$100,000 is appropriated from the general fund to the Department of	
30	Corrections, division of institutions, for alternative-housing-related costs for the fiscal year	
31	ending June 30, 1999.	

1 (c) The sum of \$3,050,000 is appropriated from the general fund to the Department
 2 of Corrections, division of institutions, for increased costs associated with out-of-state contract
 3 beds for the fiscal year ending June 30, 1999.

4 (d) The sum of \$365,000 is appropriated from the general fund to the Department of
 5 Corrections, division of institutions, for routine prisoner transportation costs for the fiscal year
 6 ending June 30, 1999.

7 (e) Section 31, ch. 137, SLA 1998, page 25, lines 12 - 13, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
10 Existing Community	<u>13,489,500</u>	<u>11,404,600</u>	2,084,900
11 Residential Centers	[13,539,500]	[11,454,600]	

12 (f) Section 31, ch. 137, SLA 1998, page 25, line 14, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
15 Nome Culturally Relevant	<u>276,500</u>	<u>200</u>	276,300
16 CRC	[766,500]	[490,200]	

17 (g) Section 31, ch. 137, SLA 1998, page 25, line 15, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
20 Bethel Culturally Relevant	<u>94,800</u>	<u>42,600</u>	52,200
21 CRC	[144,800]	[92,600]	

22 (h) Section 31, ch. 137, SLA 1998, page 25, lines 27 - 28, is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
25 Community Residential Center	<u>331,000</u>	<u>331,000</u>
26 Offender Supervision	[366,000]	[366,000]

27 * Sec. 6. DEPARTMENT OF ADMINISTRATION. (a) The sum of \$35,000 is
 28 appropriated from statutory designated program receipts to the Department of Administration,
 29 division of finance, for additional operating costs for the fiscal year ending June 30, 1999.

30 (b) The sum of \$678,400 is appropriated from the general fund to the Department of
 31 Administration for the leasing program for the fiscal year ending June 30, 1999.

1 (c) The sum of \$448,000 is appropriated from the general fund to the office of public
 2 advocacy, Department of Administration, for operating costs for the fiscal year ending June 30,
 3 1999.

4 (d) The sum of \$1,000,000 is appropriated from Pioneers' Home receipts to the
 5 Pioneers' Homes, Department of Administration, for increased operating costs for the fiscal
 6 year ending June 30, 1999. It is the intent of the legislature that the appropriation made by
 7 this subsection be used, first, to raise the number of full-time equivalent direct-care nurses to
 8 a minimum ratio of one nurse to 50 residents per shift for residents in comprehensive,
 9 Alzheimer's disease or related dementia, and enhanced assisted living levels of care, and, then,
 10 with any remaining balance, for direct-care certified nurse aides.

11 (e) Section 31, ch. 137, SLA 1998, page 16, lines 11 and 12, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ALLOCATIONS	ITEMS	FUND
			FUNDS
14 Alaska Longevity Programs	<u>24,691,800</u>	<u>24,250,700</u>	441,100
	[25,191,800]	[24,750,700]	
16 Pioneers Homes	<u>23,337,300</u>		
	[23,837,300]		

18 (f) The unexpended and unobligated corporate receipts balances of the appropriations
 19 made in sec. 10, ch. 4, FSSLA 1994, page 7, lines 30 - 31 (federal competitive grants/public
 20 housing - \$7,076,000) and sec. 10, ch. 4, FSSLA 1994, page 7, line 32 (federal competitive
 21 grants - \$4,953,000), and the unexpended and unobligated corporate receipts balance, not to
 22 exceed \$676,834, of the appropriation made in sec. 10, ch. 4, FSSLA 1994, page 7, line 34
 23 (other competitive grants - \$1,300,000) are reappropriated to the Department of Administration
 24 for boiler system replacement at the Fairbanks Pioneers' Home.

25 * **Sec. 7. DEPARTMENT OF COMMUNITY AND REGIONAL AFFAIRS.** The sum of
 26 \$1,050,000 is appropriated from the power cost equalization and rural electric capitalization
 27 fund (AS 42.45.100) to the Department of Community and Regional Affairs for the power cost
 28 equalization program for the fiscal year ending June 30, 1999.

29 * **Sec. 8. DEPARTMENT OF CORRECTIONS.** The sum of \$750,000 is appropriated from
 30 the correctional industries fund (AS 33.32.020(a)) to the Department of Corrections, for
 31 administrative and operational costs associated with the correctional industries program for the

1 fiscal year ending June 30, 1999.

2 * **Sec. 9.** DEPARTMENT OF EDUCATION. (a) The sum of \$2,500,000 is appropriated
3 from federal receipts to the Department of Education, Alaska vocational technical center, for
4 a marine vessel simulator.

5 (b) Section 31, ch. 137, SLA 1998, page 26, lines 6 - 7, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ALLOCATIONS	ITEMS	FUND FUNDS
8 K-12 Support	<u>726,760,700</u>	<u>672,851,000</u>	53,909,700
9	[730,760,700]	[676,851,000]	
10 Foundation Program	<u>656,931,300</u>		
11	[660,931,300]		

12 (c) Section 33, ch. 137, SLA 1998, page 74, line 8, is amended to read:

13 Statutory Designated Program Receipts	<u>881,600</u>
14 <u>Vocational Rehabilitation Small Business</u>	<u>165,000</u>
15 <u>Enterprise Fund</u>	[1,046,600]

16 * **Sec. 10.** DEPARTMENT OF HEALTH AND SOCIAL SERVICES. (a) Section 131,
17 ch. 139, SLA 1998, page 51, lines 11 - 12, is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
20 Emergency Medical Services	<u>311,600</u>	<u>311,600</u>
21 Communications Equipment (ED 99)	[341,600]	[341,600]

22 (b) Section 131, ch. 139, SLA 1998, page 51, lines 16 - 17, is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
25 Vital Statistics Archive Imaging	<u>320,000</u>	<u>320,000</u>
26 and System Replacement (ED 3-4)	[340,000]	[340,000]

27 (c) Section 131, ch. 139, SLA 1998, page 51, lines 18 - 20, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
30 Welfare Reform Information	<u>2,217,200</u>	<u>758,600</u>	1,458,600
31 System and Office	[2,417,200]	[958,600]	

1 Automation (ED 99)

2 (d) Section 6, ch. 138, SLA 1998, page 14, lines 24 - 25, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
5 Client Data Integration	<u>375,000</u>	<u>75,000</u>	300,000
6 Project (ED 99)	[400,000]	[100,000]	

7 (e) The sum of \$1,145,000 is appropriated from the general fund to the Department
8 of Health and Social Services for catastrophic and chronic illness assistance for the fiscal year
9 ending June 30, 1999.

10 (f) Section 3, ch. 138, SLA 1998, page 9, lines 17 - 22, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ALLOCATIONS	ITEMS	FUND
		FUND	FUNDS
13 Alcohol and Drug		<u>11,221,500</u>	1,503,100
14 Abuse Services		[11,305,500]	
15 Administration	1,103,500		
16 Alcohol and Drug			
17 Abuse Grants	9,067,700		
18 Correctional ADA			
19 Grant Services	281,800		
20 Rural Services	<u>2,271,600</u>		
21 Grants	[2,355,600]		

22 (g) Section 3, ch. 138, SLA 1998, page 9, line 23, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
25 Community Mental Health	<u>26,061,600</u>	<u>24,621,700</u>	1,439,900
26 Grants	[26,286,200]	[24,846,300]	

27 (h) Section 3, ch. 138, SLA 1998, page 10, lines 10 - 16, is amended to read:

	ALLOCATIONS
29 Psychiatric	<u>6,950,400</u>
30 Emergency	[7,005,400]
31 Services	

1 Services to the 10,701,400
 2 Chronically [10,801,400]
 3 Mentally Ill
 4 Designated 1,046,300
 5 Evaluation and
 6 Treatment
 7 Services for 6,349,800
 8 Seriously [6,419,400]
 9 Emotionally
 10 Disturbed Youth

11 (i) Section 31, ch. 137, SLA 1998, page 41, lines 3 - 4, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ALLOCATIONS	FUND	FUNDS
	ITEMS		
14 State Health Services	<u>68,575,200</u>	<u>22,799,500</u>	45,775,700
15	[68,626,100]	[22,850,400]	
16 Nursing	<u>13,514,900</u>		
17	[13,524,900]		

18 (j) Section 31, ch. 137, SLA 1998, page 41, line 10, is amended to read:

	ALLOCATIONS
20 Healthy Families	<u>1,175,200</u>
21	[1,195,200]

22 (k) Section 31, ch. 137, SLA 1998, page 41, line 25, is amended to read:

	ALLOCATIONS
24 Community Health	<u>1,575,200</u>
25 Grants	[1,596,100]

26 (l) Section 31, ch. 137, SLA 1998, page 36, line 27, through page 37, line 6, is
 27 amended to read:

	APPROPRIATION	GENERAL	OTHER
	ALLOCATIONS	FUND	FUNDS
	ITEMS		
30 Public Assistance	<u>67,238,000</u>	<u>25,491,000</u>	<u>41,747,000</u>
31 Administration	[65,466,100]	[25,521,000]	[39,945,100]

1	Public Assistance	<u>1,653,100</u>
2	Administration	[1,683,100]
3	Quality Control	988,100
4	Public Assistance	22,581,700
5	Field Services	
6	Fraud Investigation	1,156,400
7	Public Assistance	4,919,900
8	Data Processing	
9	Alaska Work Program	10,424,100
10	Child Care Benefits	<u>25,514,700</u>
11		[23,712,800]

12 (m) The sum of \$821,200 is appropriated to the Department of Health and Social
 13 Services for subsidized adoption and guardianship costs for the fiscal year ending June 30,
 14 1999, from the following sources:

15	General fund	\$656,900
16	Federal receipts	164,300

17 (n) Section 31, ch. 137, SLA 1998, page 21, line 6, is amended to read:

18	APPROPRIATION	GENERAL	OTHER
19	ITEMS	FUND	FUNDS
20	Child Assistance	<u>13,264,600</u>	<u>15,132,200</u>
21		[15,066,500]	[13,330,300]

22 * **Sec. 11. INSURANCE AND BOND CLAIMS.** Section 12, ch. 137, SLA 1998, is
 23 amended to read:

24 Sec. 12. **INSURANCE AND BOND CLAIMS.** (a) The amount necessary to
 25 fund the uses of the state insurance catastrophe reserve account described in
 26 AS 37.05.289(a) is appropriated from that account to the Department of Administration
 27 for those uses.

28 (b) Amounts equivalent to the amounts to be received in settlement of
 29 claims against bonds guaranteeing the reclamation of state land are appropriated
 30 from the general fund to the agency secured by the bond for the purpose of
 31 reclaiming state land affected by a use covered by the bond.

1 * Sec. 12. DEPARTMENT OF LAW. Section 31, ch. 137, SLA 1998, page 45, lines 9 -
2 11, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ALLOCATIONS	FUND	FUNDS
	ITEMS		
5 Oil and Gas Litigation	<u>6,184,100</u>	<u>5,690,600</u>	493,500
6 and Legal Services	[6,366,100]	[5,872,600]	
7 Oil & Gas Litigation	<u>5,808,400</u>		
8	[5,990,400]		

9 * Sec. 13. DEPARTMENT OF NATURAL RESOURCES. The sum of \$92,000 is
10 appropriated from general fund program receipts to the Department of Natural Resources for
11 workload increases at the state recorder's office for the fiscal year ending June 30, 1999.

12 * Sec. 14. DEPARTMENT OF PUBLIC SAFETY. (a) Section 31, ch. 137, SLA 1998,
13 page 53, line 32, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
16 Alaska State Troopers	<u>12,418,000</u>	<u>8,231,900</u>	4,186,100
17	[12,618,000]	[8,431,900]	

18 (b) Section 31, ch. 137, SLA 1998, page 54, line 4, is amended to read:

	ALLOCATIONS
20 Criminal Investigations	<u>3,003,000</u>
21	[3,203,000]

22 (c) Section 31, ch. 137, SLA 1998, page 55, line 13, is amended to read:

	APPROPRIATION	GENERAL	OTHER
	ITEMS	FUND	FUNDS
25 Alaska State Trooper	<u>33,164,400</u>	<u>31,648,600</u>	1,515,800
26 Detachments	[32,964,400]	[31,448,600]	

27 (d) The sum of \$249,600 is appropriated from the general fund to the Department of
28 Public Safety, Alaska state trooper detachments, for program support costs for the fiscal year
29 ending June 30, 1999.

30 * Sec. 15. DEPARTMENT OF PUBLIC SAFETY: CAPITAL LAPSE PROVISION.

31 Section 127(b), ch. 139, SLA 1998, is amended to read:

1 (b) The appropriations made by secs. 3(a), 5, 6, 11, 12(d), 35(a)(2) - (6), 36,
 2 45, 46, 62, 64, 65, 111, 115(b), 116, 119, 120, and 121(b)(2) - (10) of this Act are for
 3 capital projects and lapse under AS 37.25.020.

4 * **Sec. 16. DEPARTMENT OF REVENUE.** (a) The sum of \$852,189 is appropriated to
 5 the Department of Revenue, child support enforcement agency, for operating costs to offset
 6 the anticipated reduction in federal incentive payments for the fiscal year ending June 30,
 7 1999, from the following sources:

8	General fund program receipts	\$421,889
9	Indirect cost reimbursement	430,300

10 (b) The unexpended and unobligated amount, not to exceed \$421,889, from program
 11 receipts received by the child support enforcement division during the fiscal year ending
 12 June 30, 1999, that were collected from Alaska temporary assistance recipients and that exceed
 13 \$7,244,400 is appropriated to the Department of Revenue, child support enforcement division,
 14 for operating costs for the fiscal year ending June 30, 1999.

15 (c) The sum of \$460,000 is appropriated from the constitutional budget reserve fund
 16 (art. IX, sec. 17(c), Constitution of the State of Alaska) to the Department of Revenue,
 17 treasury division, for investment management costs, including management fees, safekeeping
 18 and custody, and audit, for the constitutional budget reserve fund for the fiscal year ending
 19 June 30, 1999.

20 * **Sec. 17. DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES.** (a)
 21 Section 101, ch. 123, SLA 1996, page 88, line 18, is amended to read:

22	Federal Receipts	<u>294,679,000</u>
23		[293,627,900]

24 (b) Section 101, ch. 123, SLA 1996, page 88, line 22, is amended to read:

25	International Airport	<u>19,490,900</u>
26	Revenue Fund	[20,542,000]

27 (c) Section 100, ch. 123, SLA 1996, page 66, lines 34 - 36, is amended to read:

28 **ALLOCATIONS**

29	Anchorage International	1,980,000
30	Airport <u>North and South</u>	
31	Terminal Ramp	

1 Reconstruction (ED 10-25)

2 (d) Section 31, ch. 137, SLA 1998, page 61, lines 3 - 4, is amended to read:

3	APPROPRIATION	GENERAL	OTHER	
4	ITEMS	FUND	FUNDS	
5	Statewide Facility	<u>18,021,600</u>	<u>15,632,400</u>	2,389,200
6	Maintenance and	[17,786,600]	[15,397,400]	
7	Operations			

8 (e) Section 31, ch. 137, SLA 1998, page 61, line 7, is amended to read:

9 ALLOCATIONS

10 Northern Region 7,657,100

11 Facilities [7,422,100]

12 (f) Section 31, ch. 137, SLA 1998, page 61, lines 24 - 25, is amended to read:

13	APPROPRIATION	GENERAL	OTHER	
14	ITEMS	FUND	FUNDS	
15	Measurement Standards &	<u>3,102,900</u>	<u>2,720,500</u>	382,400
16	Commercial Vehicle	[3,466,900]	[3,084,500]	
17	Enforcement			

18 (g) Section 31, ch. 137, SLA 1998, page 61, lines 26 - 27, is amended to read:

19	APPROPRIATION	GENERAL	OTHER	
20	ITEMS	FUND	FUNDS	
21	Central Region Highways and	<u>27,930,300</u>	<u>26,931,900</u>	998,400
22	Aviation	[27,952,100]	[26,953,700]	

23 (h) Section 31, ch. 137, SLA 1998, page 62, lines 3 - 4, is amended to read:

24	APPROPRIATION	GENERAL	OTHER	
25	ITEMS	FUND	FUNDS	
26	Northern Region Highways and	<u>37,342,650</u>	<u>36,558,450</u>	784,200
27	Aviation	[37,128,800]	[36,344,600]	

28 (i) Section 31, ch. 137, SLA 1998, page 60, lines 17 - 20, is amended to read:

29	APPROPRIATION	GENERAL	OTHER	
30	ALLOCATIONS	ITEMS	FUND	
31		FUND	FUNDS	
31	Statewide Design and	<u>31,215,500</u>	<u>1,936,200</u>	29,279,300

1	Law	300.00
2	Public Safety	793.00
3	Alaska Court System	18,973.24

4 * Sec. 20. (a) Section 31, ch. 137, SLA 1998, page 16, lines 7 - 9, is amended to read:

5	APPROPRIATION	GENERAL
6	ITEMS	FUND

7 *****

8 ***** Department of Administration *****

9 *****

10 **Governor's Unallocated Reduction in Appropriations** **-636,200** **-636,200**

11 (b) Section 31, ch. 137, SLA 1998, page 18, lines 24 - 26, is amended to read:

12	APPROPRIATION	GENERAL
13	ITEMS	FUND

14 *****

15 ***** Department of Commerce and Economic Development *****

16 *****

17 **Governor's Unallocated Reduction in Appropriations** **-457,100** **-457,100**

18 (c) Section 31, ch. 137, SLA 1998, page 20, lines 3 - 5, is amended to read:

19	APPROPRIATION	GENERAL
20	ITEMS	FUND

21 *****

22 ***** Department of Community & Regional Affairs *****

23 *****

24 **Governor's Unallocated Reduction in Appropriations** **-111,400** **-111,400**

25 (d) Section 31, ch. 137, SLA 1998, page 22, lines 19 - 21, is amended to read:

26	APPROPRIATION	GENERAL
27	ITEMS	FUND

28 *****

29 ***** Department of Corrections *****

30 *****

31 **Governor's Unallocated Reduction in Appropriations** **-331,700** **-331,700**

1 (e) Section 31, ch. 137, SLA 1998, page 26, lines 3 - 5, is amended to read:

2		APPROPRIATION	GENERAL
3		ITEMS	FUND

4	*****	*****	
5	*****	Department of Education	*****
6	*****	*****	

7	<u>Governor's Unallocated Reduction in Appropriations</u>	<u>-309,000</u>	<u>-309,000</u>
---	--	------------------------	------------------------

8 (f) Section 31, ch. 137, SLA 1998, page 29, lines 18 - 20, is amended to read:

9		APPROPRIATION	GENERAL
10		ITEMS	FUND

11	*****	*****	
12	*****	Department of Environmental Conservation	*****
13	*****	*****	

14	<u>Governor's Unallocated Reduction in Appropriations</u>	<u>-213,000</u>	<u>-213,000</u>
----	--	------------------------	------------------------

15 (g) Section 31, ch. 137, SLA 1998, page 31, lines 8 - 10, is amended to read:

16		APPROPRIATION	GENERAL
17		ITEMS	FUND

18	*****	*****	
19	*****	Department of Fish and Game	*****
20	*****	*****	

21	<u>Governor's Unallocated Reduction in Appropriations</u>	<u>-548,100</u>	<u>-548,100</u>
----	--	------------------------	------------------------

22 (h) Section 31, ch. 137, SLA 1998, page 34, lines 6 - 8, is amended to read:

23		APPROPRIATION	GENERAL
24		ITEMS	FUND

25	*****	*****	
26	*****	Office of the Governor	*****
27	*****	*****	

28	<u>Governor's Unallocated Reduction in Appropriations</u>	<u>-297,000</u>	<u>-297,000</u>
----	--	------------------------	------------------------

29 (i) Section 31, ch. 137, SLA 1998, page 34, lines 28 - 30, is amended to read:

30		APPROPRIATION	GENERAL
31		ITEMS	FUND

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

***** Department of Health and Social Services *****

Governor's Unallocated Reduction in Appropriations -783,200 -783,200

(j) Section 3, ch. 138, SLA 1998, page 5, lines 11 - 13, is amended to read:

***** Department of Health and Social Services *****

Governor's Unallocated Reduction in Appropriations -229,200 -229,200

(k) Section 31, ch. 137, SLA 1998, page 43, lines 9 - 11, is amended to read:

APPROPRIATION GENERAL

ITEMS FUND

***** Department of Labor *****

Governor's Unallocated Reduction in Appropriations -124,100 -124,100

(l) Section 31, ch. 137, SLA 1998, page 44, lines 9 - 11, is amended to read:

APPROPRIATION GENERAL

ITEMS FUND

***** Department of Law *****

Governor's Unallocated Reduction in Appropriations -435,000 -435,000

(m) Section 31, ch. 137, SLA 1998, page 45, lines 16 - 18, is amended to read:

APPROPRIATION GENERAL

ITEMS FUND

***** Department of Military and Veterans Affairs *****

Governor's Unallocated Reduction in Appropriations -125,700 -125,700

(n) Section 31, ch. 137, SLA 1998, page 46, lines 24 - 26, is amended to read:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

	APPROPRIATION	GENERAL
	ITEMS	FUND
	*****	*****
	***** Department of Natural Resources *****	
	*****	*****
	<u>Governor's Unallocated Reduction in Appropriations</u>	<u>-535,200</u> <u>-535,200</u>

(o) Section 31, ch. 137, SLA 1998, page 53, lines 13 - 15, is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
	*****	*****
	***** Department of Public Safety *****	
	*****	*****
	<u>Governor's Unallocated Reduction in Appropriations</u>	<u>-106,000</u> <u>-106,000</u>

(p) Section 31, ch. 137, SLA 1998, page 57, lines 23 - 25, is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
	*****	*****
	***** Department of Revenue *****	
	*****	*****
	<u>Governor's Unallocated Reduction in Appropriations</u>	<u>-108,600</u> <u>-108,600</u>

(q) Section 31, ch. 137, SLA 1998, page 59, lines 14 - 16, is amended to read:

	APPROPRIATION	GENERAL
	ITEMS	FUND
	*****	*****
	***** Department of Transportation/Public Facilities *****	
	*****	*****
	<u>Governor's Unallocated Reduction in Appropriations</u>	<u>-720,500</u> <u>-720,500</u>

(r) Section 14, ch. 137, SLA 1998, is amended to read:

Sec. 14. MARINE HIGHWAY SYSTEM FUND. The sum of **\$27,178,100** [\$27,358,100] is appropriated from the general fund to the Alaska marine highway system fund (AS 19.65.060).

1 (s) The reductions to departmental appropriations made by this section shall be taken
2 from appropriations for

3 (1) personal services costs, to reflect a savings resulting from the governor's
4 hiring freeze;

5 (2) travel, to reflect a savings resulting from restrictions on nonessential travel
6 for state employees; and

7 (3) state purchasing and contracting.

8 * **Sec. 21. RATIFICATIONS.** (a) The following departmental expenditures made in fiscal
9 years 1995, 1996, 1997, and 1998 are ratified to reverse the negative account balances in the
10 Alaska state accounting system in the amounts listed for each AR number. The appropriations
11 from which these expenditures were actually paid are amended by increasing them by the
12 amount listed as follows:

13 (1) Department of Administration

14 (A) AR3589-95 Telecommun Services \$ 32,269.88

15 (B) AR7394-97 OPA Computerization 19.06

16 (C) AR11613-98 Central Duplicating/Mail 193,562.00

17 (2) Department of Community and Regional Affairs

18 AR52704-96 Rural Devel Grants 95 78.41

19 (3) Department of Environmental Conservation

20 AR49731-97 Lab Analysis 1,807.33

21 (4) Department of Law

22 AR13883-97 18-Ketchikan Pulp 1,457.14

23 (5) Department of Revenue

24 AR15538-97 Child Support Enforc 43,398.55

25 (b) The expenditures by the Department of Education from Adak School District
26 assets for legal services related to the closure of the Adak School District, during the
27 following fiscal years and in the following amounts, are ratified:

28	Fiscal Year	Amount
29	1997	\$72,873.54
30	1998	63,305.91

31 (c) The expenditures by the Department of Natural Resources for fire suppression, in

1 the amount of \$5,391,004, for the fiscal year ending June 30, 1998 (AR37313-98 Fire General
2 Fund) are ratified.

3 * Sec. 22. CONSTITUTIONAL BUDGET RESERVE FUND. Section 42(b), ch. 139, SLA
4 1998, is amended to read:

5 (b) If the unrestricted state revenue available for appropriation in fiscal year
6 1999 is insufficient to cover the general fund appropriations made for fiscal year 1999,
7 the amount necessary to balance revenue and general fund appropriations, not to
8 exceed \$900,000,001 [\$700,000,001], is appropriated to the general fund from the
9 budget reserve fund (art. IX, sec. 17, Constitution of the State of Alaska).

10 * Sec. 23. FISH AND GAME. The sum of \$50,000 is appropriated from general fund
11 program receipts to the Department of Fish and Game for the pink salmon pre-emergent fry
12 sampling program in the Kodiak Management Area for the fiscal year ending June 30, 1999.

13 * Sec. 24. CORRECTIONS COMPUTERIZED MANAGEMENT INFORMATION
14 SYSTEM. Section 131, ch. 139, SLA 1998, page 41, lines 4 - 6, is amended to read:

	APPROPRIATION	OTHER
	ITEMS	FUNDS
15 Procurement and Development of a	<u>1,074,000</u>	<u>1,074,000</u>
16 Computerized Management	[500,000]	[500,000]
17 Information System (ED 99)		

18 * Sec. 25. LAPSE PROVISIONS. (a) The appropriation made by sec. 2 of this Act is to
19 capitalize a fund and does not lapse.

20 (b) The appropriation made by sec. 6(f) of this Act lapses June 30, 2000.

21 (c) The appropriation made by sec. 9(a) of this Act is for a capital project and lapses
22 under AS 37.25.020.

23 * Sec. 26. (a) The appropriation made by sec. 16(c) of this Act is made under art. IX, sec.
24 17(c), Constitution of the State of Alaska.

25 (b) Section 22 of this Act amends an appropriation from the constitutional budget
26 reserve fund made under art. IX, sec. 17(c), Constitution of the State of Alaska.

27 * Sec. 27. RETROACTIVITY. Section 21(b) of this Act is retroactive to July 1, 1996.

28 * Sec. 28. This Act takes effect immediately under AS 01.10.070(c).
29
30

WORK DRAFT

WORK DRAFT

WORK DRAFT

1-1.S0625\W
Utermohle
4/24/99

HOUSE CS FOR CS FOR SENATE BILL NO. 101()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to disasters and to the disaster relief fund."

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

3 * Section 1. INTENT. It is the intent of the legislature that this Act does not alter the
4 present authority of the governor to request and receive federal disaster relief and emergency
5 assistance.

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

7 (c) If the governor finds that a disaster has occurred or that a disaster is
8 imminent or threatened, the governor shall, by proclamation, declare a condition of
9 disaster emergency. The disaster emergency remains in effect until the governor finds
10 that the danger has passed or the disaster has been dealt with so that the emergency
11 no longer exists. The governor may terminate the disaster emergency by proclamation.
12 A proclamation of disaster emergency may not remain in effect longer than 30 days
13 unless extended by the legislature by law [A CONCURRENT RESOLUTION]. The
14 proclamation must indicate the nature of the disaster, the area threatened or affected,
15 and the conditions that have brought it about or that make possible the termination of

L

WORK DRAFT

WORK DRAFT

1-1.S0625\W

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

the disaster emergency. A proclamation to declare a state of disaster emergency must also state whether the governor proposes to expend state funds to respond to the disaster under (h) or (i) of this section.

* Sec. 3. AS 26.23.020 is amended by adding new subsections to read:

(h) The governor may expend during a fiscal year not more than \$1,000,000 of state funds per event to prevent, minimize, or respond to the effects of an event that occurs in the state and that, in the determination of the governor, poses a direct and imminent threat of sufficient magnitude and severity to justify state action. Before expending funds under this subsection to respond to an event other than a disaster identified in a proclamation of disaster emergency, the governor shall provide a financing plan to cope with the event to the legislature in the manner prescribed under AS 26.23.025(a).

(i) If the disaster described in the governor's proclamation of a condition of disaster emergency is a fire, the governor may expend state funds as necessary to save lives or protect property and public health and safety.

(j) The governor may expend more than \$1,000,000 of state funds to cope with a disaster or event under (h) of this section under the following circumstances:

(1) if the legislature is in session, the legislature approves a financing plan to cope with the event or disaster that identifies the amount in excess of the expenditure limits that is to be expended from state funds; or

(2) if the legislature is not in session,

(A) the disaster described in the governor's proclamation of a condition of disaster emergency has been determined by the President of the United States to cause damage of sufficient severity and magnitude to warrant major disaster assistance under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

(B) either

(i) the legislature convenes in special session and approves a financing plan to cope with the event or disaster that identifies the amount in excess of the expenditure limits that is to be expended from state funds; or

*insert
time limit
to respond*



L

WORK DRAFT

WORK DRAFT

I-L50625W

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

(ii) the presiding officers of both the house of representatives and the senate agree that a special session should not be convened and so advise the governor in writing.

* Sec. 4. AS 26.23.025 is repealed and reenacted to read:

Sec. 26.23.025. The legislature and disaster emergencies. (a) When the governor declares a condition of disaster emergency under AS 26.23.020(c), concurrently with the issuance of the proclamation, the governor shall prepare and deliver to the presiding officers of the legislature and to the persons who chair the finance committees in each house of the legislature a financing plan describing the amount by fund source of money, including the amount of state match for federal funds, that the governor proposes to use to cope with the disaster, the estimated total expenditures necessary to cope with the disaster, and the estimated time frame necessary to cope with the disaster.

(b) Notwithstanding any other provision of this chapter, if the declaration of a disaster emergency occurs while the legislature is in session or if a special session is held, actions taken by the governor under this chapter after the close of the session that are not ratified by law adopted during that session are void.

(c) The legislature may terminate a disaster emergency at any time by law.

* Sec. 5. AS 26.23.300(h) is amended to read:

(h) Subject to the restrictions of AS 26.23.020(h) - (j) [(d) OF THIS SECTION], the governor may [, WITHOUT ADDITIONAL LEGISLATIVE AUTHORIZATION,] expend [NOT MORE THAN \$1,000,000 OF] the assets of the disaster relief fund for the following purposes:

(1) to implement provisions of law relating to disaster relief in the case of a disaster or an event;

(2) to alleviate the effects of a disaster or an event by making grants or loans to persons or political subdivisions on terms the governor considers appropriate or by other means the governor considers appropriate.

* Sec. 6. AS 26.23.900(2) is amended to read:

(2) "disaster" means the occurrence or imminent threat of widespread or severe damage, injury, [OR] loss of life or property, or shortage of food, water, or fuel

L

WORK DRAFT

WORK DRAFT

1-1.S0625\W

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

resulting from [A NATURAL OR MAN-MADE CAUSE, INCLUDING]

(A) an event such as storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, snowstorm, prolonged extreme cold, drought, fire, flood, [EARTHQUAKE, LANDSLIDE, MUDSLIDE, AVALANCHE, WIND-DRIVEN WATER, WEATHER CONDITION, TSUNAMI, VOLCANIC ACTIVITY,] epidemic, [AIR CONTAMINATION, BLIGHT, INFESTATION,] explosion, or riot [, OR SHORTAGE OF FOOD, WATER, FUEL, OR CLOTHING];

(B) the release of oil or a hazardous substance [,] if the release requires prompt action to avert environmental danger or mitigate environmental damage; or [AND]

(C) equipment failure [,] if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation;

* Sec. 7. AS 26.23.300(c) is repealed.

**ROBERT T. STAFFORD DISASTER AND EMERGENCY ASSISTANCE ACT,
P.L. 93-288 as amended**

JIM B.

(2) "Major disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(3) "United States" means the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(4) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(5) "Governor" means the chief executive of any State.

(6) "Local government" means (A) any county, city, village, town, district, or other political subdivision of any State, any Indian tribe or authorized tribal organizations, or Alaska Native village or organization, and (B) includes any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by a State or political subdivision thereof.

(7) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal government, including the United States Postal Service, but shall not include the American National Red Cross.

(8) "Public facility" means the following facilities owned by a State or local government:

(A) Any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility.

(B) Any non-Federal-aid street, road, or highway.

(C) Any other public building, structure, or system, including those used for educational, recreational, or cultural purposes.

(D) Any park.

(9) "Private nonprofit facility" means private nonprofit educational, utility, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled), other private nonprofit facilities which provide essential services of a governmental nature to the general public, and facilities on Indian reservations as defined by the President.

TITLE

FEDERAL AID

Sec. 201. (a) The President that utilizes services of

- (1) preparat
- gency oper
- (2) training
- (3) postdisa
- (4) annual t
- (5) coordin
- (6) applicat
- (7) reserach

(b) The President shall develop plans and procedures for the prevention, avoidance, and reduction of damage to State and local government property destroyed public and

(c) Upon application in the aggregate to : capabilities for disaster within one year from section shall design preparedness program, which shall—

- (1) set for
- and assist
- slons for :
- (2) includ
- mulation
- cites.

(d) The President shall improve, maintain, and protect natural hazards and hazards, except the

Sec. 202. (a) The President to issue warnings

State Emergency Response Commission

Resolution

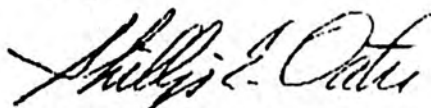
At the April 14, 1999 meeting of the State Emergency Response Commission, Senate Bill 101 was a topic of discussion. After much discussion amongst the SERC Commission Members and the representatives of the Local Emergency Planning Committees, the following resolution was unanimously passed:

Whereas, the State of Alaska, State Emergency Response Commission is tasked with the responsibility to provide guidance for planning and preparedness for all hazards which might endanger the people, property or environment in the State of Alaska.

Whereas, by unanimous consent of the SERC Members and from representatives of the Local Emergency Planning Committees throughout the State, the State Emergency Response Commission expresses their opposition to Bill 101 regarding "An Act relating to disasters and to the disaster relief fund."

Whereas, the State Emergency Response Commission, requested that the Co-Chair, Department of Military and Veterans Affairs Commissioner Phillip Oates, provide to the Legislature a statement of concern regarding Senate Bill 101 regarding "An Act relating to disasters and to the disaster relief fund."

Signed:



Phillip E. Oates
Co-Chair SERC
Commissioner, DMVA

Interim
716 W. 4th Avenue
Anchorage, AK 99501
Phone: 907-269-0174
Fax: 907-269-0177



Session:
State Capitol Bldg., Suite 406
Juneau, AK 99801
Phone: 907-465-3783
Fax: 907-465-2293

**SPECIAL COMMITTEE
ON
MILITARY AND VETERANS' AFFAIRS**

REPRESENTATIVE LISA MURKOWSKI, CHAIR

MEETING AGENDA

April 20, 1999
5 p.m.

- I. Call to Order
- II. **BILL TO BE HEARD:**
 - A. HB 165 – School Crisis Response Planning
 1. Testimony
 - a. Representative Kapsner
 - b. David Liebersbach, Division of Emergency Services
 - c. other
 - B. SB 101 – Definition of Disaster
 1. Testimony
 - a. Darwin Peterson, Office of Senator John Torgerson
 - b. David Liebersbach, Division of Emergency Services
 - c. Other
- III. New Business
 - A. Next Meeting Time
 1. April 27, Presentation by Veterans Advisory Council, Joint Services Organization
- IV. Adjournment

CONTINUATION OF FORM: P2

YEAR	GENERAL FUND	FEDERAL FUND	INTERAGENCY RECEIPTS	SUPP. TOTAL	IA NON-FIRE SUPPORT	COMP. TOTAL	ACRES PROTECTED	NUMBER FIRES
FY98	\$23,686.1	\$8,379.4		\$32,065.5	\$14.6	\$32,080.1	134,000	591
FY97	12,552.5	\$8,897.1		\$21,449.6	\$39.7	\$21,489.3	134,000	568
FY96	16,592.4	\$13,306.2		\$29,898.6	\$416.4	\$30,315.0	134,000	615
FY95	5,572.7	\$8,334.1	\$3,618.4	\$17,525.2	\$4,674.5	\$22,199.7	134,000	430
FY94	5,649.1	\$4,413.7	4,602.9	\$14,665.7		\$14,665.7	134,000	508
FY93	7,743.3	\$3,069.0	5.1	\$10,817.4		\$10,817.4	134,000	516
FY92	15,071.1	\$4,126.0	19.8	\$19,216.9		\$19,216.9	134,000	517
FY91 high	27,531.2	\$23,446.8	27.1	\$51,005.1		\$51,005.1	134,000	819
FY90 low	4,263.7	\$5,771.3	2,110.7	\$12,145.7		\$12,145.7	134,000	545
FY89	7,104.4	\$2,250.0		\$9,354.4		\$9,354.4	134,000	370
FY88	11,697.0	\$2,412.6		\$14,109.6		\$14,109.6	134,000	460
FY87	8,238.5	\$2,376.9		\$10,615.4		\$10,615.4	134,000	514
FY86	6,904.6	\$2,752.4		\$9,657.0		\$9,657.0	134,000	661
TOTAL	\$152,606.6	\$89,535.5	\$10,384.0	\$252,526.1	\$5,145.2	\$257,671.3		7,114
	GENERAL FUND/YR	FEDERAL/YR	IA/YR	TOTAL/YR	IA NON-FIRE SUPPORT/YR	TOTAL		
	\$10,982.9	\$5,483.4	\$749.7	\$17,215.9	\$467.7	\$17,683.7		

AVERAGE (high GF, Fed and IA FY91 and low GF, Fed and IA FY90 removed) EXPENDITURES = \$11.0 million GF and \$.7 million, IA = \$11.7 million GF.

INTERAGENCY NON-FIRE SUPPORT:

FY 95 \$4,674.5 of funds were expended in support of Koyukuk Flood in Fall 1994.

FY 96 \$416.4 of funds expended on Fall Storm Support, Search and Rescue (SAR), and Fuel Support.

FY 97 \$39.7 of funds were expended on Search and Rescue for Public Safety, Petersburg Water Crisis, and Fuel Support for ADF&G.

FY 98 \$14.6 of funds were expended on Search and Rescue for Public Safety, Wildfire Belle, and Fuel Support for ADF&G.

**ADDITIONAL
EXPLANATION
FORM**

AGENCY NATURAL RESOURCES

BRU STATEWIDE FIRE SUPPRESSION PROGRAM

Page 3 of 9

Revised Date:

FY00

AMENDMENT

**OFFERED IN THE HOUSE
TO: CS SB 101 (FIN) am**

BY REPRESENTATIVE

1 Page 2, line 18

2 After: "\$500,000 of state funds "

3 Insert: "per event,"

1 Page 3, line 1

2 After: "\$1,000,000 of state funds "

3 Insert: "per event,"



Disasters take many forms. They're caused by gale force winds, sudden floods, releases of deadly chemicals, fire, ice, even upheavals of the earth itself. When disaster strikes, the best protection is knowing what to do.

To find out more about disasters and steps you can take to prepare, select a disaster or other topic below for further information. To find out detailed information about your community's disaster plans, call your local office of emergency services.

Natural Disasters

- **Earthquakes**
- **Extreme Heat**
- **Fire Safety During or After a Disaster**
- **Floods and Flash Floods**
- **Hurricanes**
- **Landslides and Mudflows**
- **Tornadoes**
- **Tsunamis**
- **Volcanoes**
- **Wildland Fires**
- **Winter Driving**
- **Winter Storms**
- **Winter Preparedness Safety Tips**
- **Thunderstorms and Lightning**

Technological Disasters

- **Hazardous Materials**
- **House and Building Fires**
- **Radiological Accidents -- *Under Revision***
- **Nuclear Power Plant Emergency**
- **Terrorism**

It is important to consider the plight of animals during disasters. For more information on this subject, visit the [Animals and Emergencies section](#).

[FEMA also produces a number of publications.](#)



The Federal Disaster Declaration Process and Disaster Aid Programs

RESPONSE AND RECOVERY

First RESPONSE to a disaster is the job of local government's emergency services with help from nearby municipalities, the state and volunteer agencies. In a catastrophic disaster, and if the governor requests, federal resources can be mobilized through the Federal Emergency Management Agency (FEMA) for search and rescue, electrical power, food, water, shelter and other basic human needs.

It is the long-term **RECOVERY** phase of disaster which places the most severe financial strain on a local or state government. Damage to public facilities and infrastructure, often not insured, can overwhelm even a large city.

A governor's request for a major disaster declaration could mean an infusion of federal funds, but the governor must also commit significant state funds and resources for recovery efforts.

A Major Disaster could result from a hurricane, earthquake, flood, tornado or major fire which the President determines warrants supplemental federal aid. The event must be clearly more than state or local governments can handle alone. If declared, funding comes from the President's Disaster Relief Fund, which is managed by FEMA, and disaster aid programs of other participating federal agencies.

A Presidential Major Disaster Declaration puts into motion long-term federal recovery programs, some of which are matched by state programs, and designed to help disaster victims, businesses and public entities.

An Emergency Declaration is more limited in scope and without the long-term federal recovery programs of a Major Disaster Declaration. Generally, federal assistance and funding are provided to meet a specific emergency need or to help prevent a major disaster from occurring.

THE MAJOR DISASTER PROCESS

A Major Disaster Declaration usually follows these steps:

- **Local Government Responds**, supplemented by neighboring communities and volunteer agencies. If overwhelmed, turn to the state for assistance;
- **The State Responds** with state resources, such as the National Guard and state agencies;
- **Damage Assessment** by local, state, federal, and volunteer organizations determines losses and recovery needs;
- **A Major Disaster Declaration** is requested by the governor, based on the damage assessment, and an agreement to commit state funds and resources to the long-term recovery;
- **FEMA Evaluates** the request and recommends action to the White House based on the disaster, the local community and the state's ability to recover;
- **The President approves** the request or FEMA informs the governor it has been denied. This decision process could take a few hours or several weeks depending on the nature of the disaster.

DISASTER AID PROGRAMS

There are two major categories of disaster aid:

1. **Individual Assistance** - for damage to residences and businesses or personal property losses, and
2. **Public Assistance** - for repair of infrastructure, public facilities and debris removal.

INDIVIDUAL ASSISTANCE

Immediately after the declaration, recovery workers arrive, set up offices and may open Disaster Application Centers as required. The center is a central point at which disaster victims meet with interviewers to describe their personal losses and apply for aid. Under any circumstances, there is always a **toll-free teleregistration number** available to take applications by phone.

Disaster aid to individuals generally falls into the following categories:

- **Disaster Housing** may be available for up to 18 months, using local resources, for persons whose residences were damaged or destroyed. This program also includes funding for emergency repairs to damaged homes.
- **Low-Interest Disaster Loans** are available after a disaster for homeowners and renters from the U.S. Small Business Administration (SBA) to cover uninsured property losses. Loans may be for repair or replacement of homes,

automobiles, clothing or other damaged personal property. Loans are also available to businesses for property loss and economic injury.

- **Disaster Grants**, ranging from several hundred dollars to a maximum of \$13,100, are available to disaster victims who are unable to repay a loan. Grants are for serious disaster-related needs and necessary expenses not covered by other programs. These may include replacement of clothing, automobiles or medical expenses.
- **Other Disaster Aid Programs** include crisis counseling, disaster-related unemployment assistance, legal aid and assistance with income tax, Social Security and Veteran's benefits. Other state or local help may also be available.

Assistance Process -- After the application is taken, the damaged property is inspected to verify the loss. If approved, an applicant will soon receive a check for rental assistance or a grant. Loan applications require more information and approval may take several weeks after application. The deadline for most individual assistance programs is 60 days following the President's major disaster declaration.

Audits are done later to ensure that aid went to only those who were eligible and that disaster aid funds were used only for their intended purposes. These federal program funds cannot duplicate assistance provided by other sources such as insurance.

After a major disaster, FEMA tries to notify all disaster victims about the available aid programs and urge them to apply. The news media are encouraged to visit an application center, meet with disaster officials, and help publicize the disaster aid programs and the toll-free teleregistration number.

PUBLIC ASSISTANCE

Public Assistance is aid to state or local governments to pay part of the costs of rebuilding a community's damaged infrastructure. Generally, public assistance programs pay for 75 per cent of the approved project costs. Public Assistance may include debris removal, emergency protective measures and public services, repair of damaged public property, loans needed by communities for essential government functions and grants for public schools.

HAZARD MITIGATION

Disaster victims and public entities are encouraged to avoid the life and property risks of future disasters. Examples include the elevation or relocation of chronically flood-damaged homes away

from flood hazard areas, retrofitting buildings to make them resistant to earthquakes or strong winds, and adoption and enforcement of adequate codes and standards by local, state and federal government. FEMA encourages and helps fund damage mitigation measures when repairing disaster damaged structures. - December 1996

Updated: January 13, 1998

Federal Emergency Management Agency



Official Business

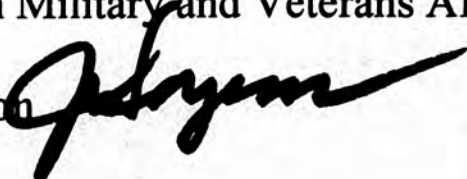
Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

MEMORANDUM

To: Representative Lisa Murkowski, Chair
Special Committee on Military and Veterans Affairs

From: Senator John Torgerson 

Date: April 12, 1999

Re: Scheduling Request for CS SB 101(FIN) am –
Definition of Disaster

Please schedule CS SB 101(FIN) am for a hearing in the Military and Veterans Affairs Committee at your earliest convenience. This bill passed the Senate on 4/9/99 by a reconsideration vote of 15 yeas and 4 nays.

I have attached a sponsor statement and additional back-up information for your review. Please do not hesitate to contact my staff, or me, if you have any questions.



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

Sponsor Statement

CSSB 101(FIN) am

"An Act relating to disasters and to the disaster relief fund."

The Finance Committee Substitute for Senate Bill 101 amended clarifies the definition of a disaster. A disaster is an impending threat or actual damage, injury, loss of life or property, or shortage of food, water or fuel resulting from specified environmental catastrophes.

CSSB 101(FIN) am limits the scope of a disaster by replacing vague terminology in statute with more specific language. This will direct the executive branch of government in identifying what constitutes a disaster prior to making a gubernatorial disaster declaration.

In addition to enumerating the definition of disaster, CSSB 101(FIN) am makes significant changes to funding limits within the executive branch in reference to disaster emergencies. The governor is authorized to expend up to \$500,000 to prevent or minimize the effects of an event that could become a disaster. If a statutorily specified disaster occurs, the governor is subject to two spending caps - \$1,000,000 and \$5,000,000. The \$1,000,000 spending cap requires legislative authorization and a presidential declaration of disaster before further expenditures from state funds are allowed. The \$5,000,000 spending cap only applies to wildland fire disasters.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

March 27, 1999

SUBJECT: Application of CSSB 101(FIN)(draft version K) to a fishery disaster
(Work Order No. 21-LS0625\K)

TO: Senator John Torgerson
Attn: Darwin Peterson

FROM: George Utermohle *GU*
Legislative Counsel

RECEIVED

MAR 27 1999

Senate Finance
Committee

You have asked whether a fishery disaster, such as that declared by Governor Knowles during 1998, would fall within the definition of "disaster" as amended by sec. 5, CSSB 101(FIN)(draft version K).

SHORT ANSWER – The 1998 fishery disaster declaration for Western Alaska was apparently based on the present or imminent shortage of food and fuel due to a catastrophic decline in salmon returns associated with warm sea surface temperatures (weather condition). Under the definition of "disaster" as proposed by sec. 5, CSSB 101(FIN)(draft version K), the events on which the declaration of the 1998 fishery disaster were based would no longer qualify as a disaster. If those events were to reoccur, those events by themselves could not serve as a basis for declaring a disaster under AS 26.23.

DISCUSSION – On July 30, 1998, Governor Knowles declared a condition of disaster emergency for regions and communities in Western Alaska. The Declaration of Disaster Emergency failed to explicitly state the specific events on which the declaration was based. The declaration referred to a catastrophic decline in the 1998 salmon returns for Western Alaska and to a catastrophic rise in sea surface temperatures during the prior year. The declaration did not assert a direct connection between sea surface temperature and the decline in salmon returns. The declaration did state that, due to the low salmon returns to Western Alaska, there was a shortage of food in the area, there was an imminent shortage of fuel in the area during the coming winter, and there were imminent widespread threats to health and safety in the area. It was the present or imminent shortage of food and fuel and an unspecified weather condition associated with the rise in sea surface temperature and with the decline in salmon returns that apparently provided the basis for the disaster declaration.

Though the conditions described in the governor's disaster declaration for the fishery disaster are less dramatic than the 1964 Good Friday earthquake, the 1967 Fairbanks flood, or the 1996 wild fires in the Matanuska-Susitna Valley, the circumstances underlying the governor's declaration arguably fall within the current definition of "disaster" under

AS 26.23.900(2).^{1'} The governor is responsible for determining whether events constitute a disaster. The governor's exercise of discretion to find that a disaster exists would be construed broadly in order to further the important public policies underlying AS 26.23, if a disaster declaration were ever challenged in the courts.

Section 5, CSSB 101(FIN)(draft version K) proposes to significantly change the definition of "disaster"^{2'} for purposes of AS 26.23. Of particular relevance to the 1998 Western Alaska fishery disaster, a disaster cannot result from an unspecified weather condition (only specifically enumerated weather conditions can serve as a basis for a disaster) or from a shortage of food or fuel. Under the proposed definition of "disaster", a shortage of food or fuel would not justify a disaster declaration unless the shortage was a consequence of a specific natural or man-made event listed in the definition of "disaster".

^{1'} For purposes of the Alaska Disaster Act (AS 23.26.010 - 23.26.220), a "disaster" is (emphasis added):

the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from a natural or man-made cause, including

(A) fire, flood, earthquake, landslide, mudslide, avalanche, wind-driven water, weather condition, tsunami, volcanic activity, epidemic, air contamination, blight, infestation, explosion, riot, or shortage of food, water, fuel, or clothing;

(B) the release of oil or a hazardous substance, if the release requires prompt action to avert environmental danger or damage; and

(C) equipment failure, if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation.

^{2'} The definition of "disaster" as proposed by CSSB 101(FIN)(draft version K) reads:

"disaster" means the occurrence or imminent threat of widespread or severe damage, injury, loss of life or property, or shortage of food, water, or fuel resulting from

(A) hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, snowstorm, prolonged extreme cold, or drought;

(B) fire, flood, or explosion;

(C) the release of oil or a hazardous substance if the release requires prompt action to avert environmental danger or mitigate environmental damage; or

(D) equipment failure if the failure is not a predictably frequent or recurring event or preventable by adequate equipment maintenance or operation;

Senator John Torgerson

March 27, 1999

Page 3

Thus, if the proposed changes to the definition of "disaster" made by CSSB 101(FIN)(draft version K) are enacted, a condition of disaster emergency could not be declared for a failure of salmon returns based on the circumstances identified in the Declaration of Disaster Emergency for the 1998 fishery disaster.

If I may be of further assistance, please advise.

GM:glc

99-141.glc



Official Business

Alaska State Senate

Senate Finance Committee

Mail Stop 3100
State Capitol
Juneau, Alaska 99801 1182

SECTIONAL ANALYSIS

CSSB 101(FIN) am

“An Act relating to disasters and to the disaster relief fund.”

Section 1 of the bill sets out the intent of the legislature to not alter the governor’s ability to request or receive federal disaster relief and emergency assistance.

Section 2 of the bill amends AS 26.23.020(c) to provide that a proclamation of disaster emergency is effective for only 30 days unless extended by the legislature by law.

Section 3 of the bill repeals and reenacts AS 26.23.025 relating to the legislature and disaster emergencies.

Subsection (a) sets out the information that the governor must provide to the legislature upon declaring a disaster emergency. This subsection also sets out the procedure that the governor must follow to obtain approval for additional money or expenditure authority from the legislature to cope with the disaster. Approval for additional money or expenditure authority may only be obtained by act of the legislature.

Subsection (b) provides that if the declaration of a disaster emergency occurs while the legislature is in session, or if a special session is held, actions taken by the governor that are not ratified by law adopted during that session are void.

Subsection (c) provides that the legislature may terminate a declaration of disaster emergency at any time by law.

Section 4 of the bill repeals and reenacts AS 26.23.300, relating to the disaster relief fund.

Subsection (b) provides that the governor may expend up to \$500,000 of state funds to address an event that, in the governor’s opinion, poses a direct and imminent threat of disaster that warrants state action.

Subsection (c) provides that the governor may expend up to \$1,000,000 of state funds to address a disaster as defined in Section 5. Additionally, the funding authorization in

subsection (c) is subject to a federal declaration of disaster as determined by the President of the United States.

Subsection (d) provides that the governor may expend up to \$5,000,000 of state funds to address a wildland fire disaster only.

Subsection (e) states that the governor may not exceed the spending limits set out in (b), (c) and (d) of this section unless the legislature has approved a financing plan to cope with the disaster. If the legislature is not in session, the presiding officers must poll the members of each body and receive written assent by a majority of the members approving the governor's financing plan designed to address the disaster. In the event that a majority of the members of the legislature do not authorize additional funding for the disaster in question, the governor can convene a special session.

Subsection (f) and (g) provide that the governor shall provide an annual accounting of expenditures from the disaster relief fund and that the governor may adopt regulations to implement this section.

Section 5 of the bill amends AS 26.23.900(2) providing for a new definition of disaster.

CS FOR SENATE BILL NO. 101(FIN) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 4/9/99
Offered: 4/1/99

Sponsor(s): SENATE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disasters and to the disaster relief fund."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. INTENT.** It is the intent of the legislature that this Act does not alter the
4 present authority of the governor to request and receive federal disaster relief and emergency
5 assistance.

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

7 (c) If the governor finds that a disaster has occurred or that a disaster is
8 imminent or threatened, the governor shall, by proclamation, declare a condition of
9 disaster emergency. The disaster emergency remains in effect until the governor finds
10 that the danger has passed or the disaster has been dealt with so that the emergency
11 no longer exists. The governor may terminate the disaster emergency by proclamation.
12 A proclamation of disaster emergency may not remain in effect longer than 30 days
13 unless extended by the legislature by law [A CONCURRENT RESOLUTION]. The
14 proclamation must indicate the nature of the disaster, the area threatened or affected,
15 and the conditions that have brought it about or that make possible the termination of

1 the disaster emergency.

2 * **Sec. 3.** AS 26.23.025 is repealed and reenacted to read:

3 **Sec. 26.23.025. The legislature and disaster emergencies.** (a) When the[^]
4 governor declares a condition of disaster emergency under AS 26.23.020(c),
5 concurrently with the issuance of the proclamation, the governor shall prepare and
6 deliver to the presiding officers of the legislature and to the persons who chair the
7 finance committees in each house of the legislature a financing plan relating to the
8 source or sources of money available from sources identified in AS 26.23.050(b) that
9 the governor proposes to use to cope with the disaster.

10 (b) If the declaration of a disaster emergency occurs while the legislature is
11 in session or if a special session is held, actions taken by the governor under this
12 chapter that are not ratified by law adopted during that session are void.

13 (c) The legislature may terminate a disaster emergency at any time by law.

14 * **Sec. 4.** AS 26.23.300 is repealed and reenacted to read:

15 **Sec. 26.23.300. Disaster relief fund.** (a) There is in the Office of the
16 Governor a disaster relief fund. The Department of Revenue is custodian of the fund.

17 (b) Except as provided in (c) and (d) of this section, the governor may expend
18 during a fiscal year not more than \$500,000 of state funds, including the assets of the
19 disaster relief fund, to

20 (1) save lives, protect property and public health and safety, or lessen
21 or avert the threat of the disaster that poses a direct and imminent threat of sufficient
22 severity and magnitude to justify state action;

23 (2) implement provisions of law relating to disaster relief to cope with
24 the disaster;

25 (3) alleviate the effects of the disaster by making grants or loans to
26 persons or political subdivisions on terms the governor considers appropriate or by
27 other means the governor considers appropriate.

28 (c) If the disaster described in the governor's declaration of a condition of
29 disaster emergency is determined by the President of the United States to cause
30 damage of sufficient severity and magnitude to warrant major disaster assistance under
31 the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, the

1 governor may expend during a fiscal year not more than \$1,000,000 of state funds,
2 including the assets of the disaster relief fund, to

3 (1) save lives, protect property and public health and safety, or lessen
4 or avert the threat of the disaster that poses a direct and imminent threat of sufficient
5 severity and magnitude to justify state action;

6 (2) implement provisions of law relating to disaster relief to cope with
7 the disaster;

8 (3) alleviate the effects of the disaster by making grants or loans to
9 persons or political subdivisions on terms the governor considers appropriate or by
10 other means the governor considers appropriate.

11 (d) If the disaster described in the governor's declaration of a condition of
12 disaster emergency is the result of a wildland fire, the governor may expend during a
13 fiscal year not more than \$5,000,000 of state funds, including the assets of the disaster
14 relief fund, to

15 (1) save lives, protect property and public health and safety, or lessen
16 or avert the threat of the disaster that poses a direct and imminent threat of sufficient
17 severity and magnitude to justify state action;

18 (2) implement provisions of law relating to disaster relief to cope with
19 the disaster;

20 (3) alleviate the effects of the disaster by making grants or loans to
21 persons or political subdivisions on terms the governor considers appropriate or by
22 other means the governor considers appropriate.

23 (e) The governor may not expend more than \$500,000 under (b) of this
24 section, more than \$1,000,000 under (c) of this section, or more than \$5,000,000 under
25 (d) of this section unless

26 (1) if the legislature is in session, the legislature has approved a
27 financing plan to cope with the disaster that identifies the amount in excess of the
28 expenditure limits that is to be expended from state funds, including the assets of the
29 disaster relief fund; or

30 (2) if the legislature is not in session,

31 (A) the legislature convenes in special session and approves a

1 financing plan to cope with the disaster that identifies the amount in excess of
 2 the expenditure limits that is to be expended from state funds, including the
 3 assets of the disaster relief fund; or

4 (B) the presiding officers of both the house of representatives
 5 and the senate, after polling all members of the respective houses of the
 6 legislature in writing and receiving a response in writing from a majority of the
 7 members of each house, inform the governor in writing that a majority of the
 8 members of each house do not object to the financing plan and do not find that
 9 a special session is necessary; the poll of members of the legislature may be
 10 conducted by telephonic facsimile, by electronic mail, or by other means of
 11 written communication.

12 (f) The governor shall present to the legislature an annual accounting of money
 13 expended from the disaster relief fund.

14 (g) The governor shall adopt regulations to carry out the provisions of this
 15 section.

16 * Sec. 5. AS 26.23.900(2) is amended to read:

17 (2) "disaster" means the occurrence or imminent threat of widespread
 18 or severe damage, injury, [OR] loss of life or property, or shortage of food, water,
 19 or fuel resulting from

20 (A) hurricane, tornado, storm, high water, wind-driven
 21 water, tidal wave, tsunami, earthquake, volcanic eruption, landslide,
 22 mudslide, avalanche, snowstorm, prolonged extreme cold, or drought;

23 (B) [A NATURAL OR MAN-MADE CAUSE, INCLUDING
 24 (A)] fire, flood, or [EARTHQUAKE, LANDSLIDE,
 25 MUDSLIDE, AVALANCHE, WIND-DRIVEN WATER, WEATHER
 26 CONDITION, TSUNAMI, VOLCANIC ACTIVITY, EPIDEMIC, AIR
 27 CONTAMINATION, BLIGHT, INFESTATION,] explosion [, RIOT, OR
 28 SHORTAGE OF FOOD, WATER, FUEL, OR CLOTHING];

29 (C) [(B)] the release of oil or a hazardous substance [,] if the
 30 release requires prompt action to avert environmental danger or mitigate
 31 environmental damage; or [AND]

1 **(D)** [(C)] equipment failure [,] if the failure is not a predictably
2 frequent or recurring event or preventable by adequate equipment maintenance
3 or operation;

STATE OF ALASKA
1999 LEGISLATIVE SESSION

BILL NO. CSSB101(FIN)

Revision Date: 6-Apr-99
 Title: An Act amending the definition of "disaster".
 Sponsor: Senate Finance
 Requestor: Senate Finance

Dept Affected: Military & Veterans Affairs
 BRU: Disaster Planning & Control
 Component: Disaster Planning & Control
 Component Serial No. #2329

Expenditures/Revenues (Inflation not included unless otherwise noted below)

(Thousands of Dollars)

OPERATING EXPENDITURES	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0
---------------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: \$ none

POSITIONS

POSITIONS	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: *(Attach a separate page if necessary)*

There is no fiscal impact for DMVA anticipated with implementation of this legislation.

Prepared by: Dave Liebersbach, Director *[Signature]* Phone: 458-7028
 Division: Emergency Services Date: 6-Apr-99
 Approved by Commissioner: *[Signature]* Date: 4-6-99.
 Agency: Military & Veterans Affairs

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
 For further distribution information call the Governor's Legislative Office

FISCAL NOTE

SFC 3/31/99

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

BILL NO. CSSB 101 (FIN)

Revision Date/Time (Note if correction) 4/1/99 4:00 PM Dept. Affected Environmental Conservation
 Title Definition of Disaster BRU Administration
 Component Commissioner's Office
 Sponsor Senate Finance
 Requester Senate Finance Component Serial No. 633

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Mike Conway, Director Phone 465-5298
 Division Statewide Public Services Date/Time 4/2/99 9:02 AM
 Approved by Michele Brown, Commissioner *Kurt Fedoruk for* Date 4-2-99
 Agency Department of Environmental Conservation

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office



ALASKA STATE LEGISLATURE

SENATOR RANDY PHILLIPS
SENATE DISTRICT L

Session (Jan-May)
State Capitol, Room 103
Juneau, Alaska 99801
1 (907) 465-4949
1 (907) 465-4979 Fax
Toll Free Anchorage Area
1-800-478-4950
Interim
P.O. Box 142
Eagle River, Alaska 99577
1 (907) 694-4949
1 (907) 694-4948 Fax

Memorandum

To: Representative Lisa Murkowski, Chair
House Military and Veterans Affairs Committee

From: Senator Randy Phillips *REP*

Re: Hearing Request for SB 101 "Definition of Disaster"

Please schedule a hearing for SB101 at your earliest convenience.

SB 101 is intended to provide more specific guidance to the administration before unlimited amounts of money are expended on a disaster.

SB101 does three things:

- 1) It replaces the unconstitutional "concurrent resolution" language with "by law."
- 2) Given the accessibility of faxes and e-mail, it requires the President of the Senate and the Speaker of the House to poll all of the members of the body to determine if a Special Session is necessary for the governor to expend disaster funds above a \$5,000,000 level.
- 3) It tightens the definition of "disaster."