

LEG. FINANCE - BILLS 1975 - 1976 574

SB 534 cont. thru SB 539

1 The terms and provisions of the compact referred to in sec. 120 of
2 this chapter are as follows:

3 INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

4 The contracting states solemnly agree:

5 ARTICLE I.

6 PURPOSE.

7 The purpose of this compact is to provide mutual aid among the
8 states in meeting any emergency or disaster resulting from enemy
9 attack or other cause (natural or otherwise) including sabotage and
10 subversive acts, direct attacks by bombs, shellfire, and nuclear,
11 radiological, chemical or bacteriological means, and other weapons.
12 The prompt, full, and effective utilization of the resources of the
13 respective states, including such resources as may be available from
14 the United States government or any other source, are essential to the
15 safety, care, and welfare of the people of the respective states in
16 the event of enemy action or other emergency, and any other resources,
17 including personnel, equipment, or supplies, shall be incorporated
18 into a plan, or plans, of mutual aid to be developed among the civil
19 defense agencies or similar bodies of the states that are parties to
20 this compact. The directors of civil defense of all party states
21 constitute a committee to formulate plans to take all necessary steps
22 for the implementation of this contract.

23 ARTICLE II.

24 CIVIL DEFENSE PLANS AND PROGRAMS.

25 It is the duty of each party state to formulate civil defense
26 plans and programs for application within that state. There shall be
27 frequent consultation between the representatives of the states and
28 with the United States government, and the free exchange of information
29 and plans, including inventories of any materials and equipment avail-

1 able for civil defense. In carrying out these civil defense plans and
2 programs, the party states shall, so far as possible, provide and
3 follow uniform standards, practices, and regulations, including:

4 (1) insignia, arm bands, and any other distinctive articles
5 to designate and distinguish the different civil defense services;

6 (2) blackouts and practice blackouts, air raid drills,
7 mobilization of civil defense forces, and other tests and exercises;

8 (3) warnings and signals for drills or attacks, and the
9 mechanical devices to be used in connection with them;

10 (4) the effective screening or extinguishing of all lights
11 and lighting devices and appliances;

12 (5) shutting off water mains, gas mains, electric power
13 connections, and the suspension of all other utility services;

14 (6) all materials or equipment used, or to be used, for
15 civil defense purposes, in order to assure that those materials and
16 that equipment will be easily and freely interchangeable when used in,
17 or by, any other party state;

18 (7) the conduct of civilians and the movement and cessation
19 of movement of pedestrians and vehicular traffic, before, during, and
20 after drills or attacks;

21 (8) the safety of public meetings or gatherings; and

22 (9) mobile support units.

23 ARTICLE III.

24 ASSISTANCE TO PARTY STATE.

25 Any party state requested to render mutual aid shall take the
26 action necessary to provide and make available the resources covered
27 by this compact in accordance with its terms; however, it is understood
28 that the state rendering aid may withhold resources to the extent
29 necessary to provide reasonable protection for itself. Each party

1 state shall extend to the civil defense forces of any other party
2 state, while operating within its state boundaries under the terms and
3 conditions of this compact, the same powers (except that of arrest,
4 unless specifically authorized by the receiving state), duties, rights,
5 privileges, and immunities as if they were performing their duties in
6 their home state. Civil defense forces will continue under the command
7 and control of their regular leaders, but the organizational units
8 will come under the operational control of the civil defense authorities
9 of the state receiving assistance.

10 ARTICLE IV.

11 INTERSTATE RECOGNITION OF INDIVIDUAL QUALIFICATIONS.

12 If a person holds a license, certificate, or other permit issued
13 by any state or political subdivision of a state evidencing the
14 meeting of qualifications for professional, mechanical or other skills,
15 that person may render aid involving that skill in any party state to
16 meet an emergency or disaster, and that state shall give due recog-
17 nition to the license, certificate, or other permit as if issued in
18 the state in which aid is rendered.

19 ARTICLE V.

20 LIABILITY.

21 No party state or its officers or employees rendering aid in
22 another state pursuant to this compact is liable on account of any act
23 or omission in good faith on the part of those forces while so engaged,
24 or on account of the maintenance or use of any equipment or supplies
25 in connection with rendering that aid.

26 ARTICLE VI.

27 SUPPLEMENTAL AGREEMENTS.

28 Inasmuch as it is probable that the pattern and detail of the
29 machinery for mutual aid among two or more states may differ from that

1 appropriate among other party states, this compact contains elements
2 of a broad base common to all states, and nothing in this compact pre-
3 cludes any state from entering into supplementary agreements with
4 other states. Such supplementary agreements may comprehend, but are
5 not limited to, provisions for evacuation and reception of injured and
6 other persons, and the exchange of medical, fire, police, public
7 utility, reconnaissance, welfare, transportation, and communications
8 personnel, equipment and supplies.

9 ARTICLE VII.

10 INJURY AND DEATH COMPENSATION.

11 Each party state shall provide for the payment of compensation
12 and death benefits to injured members of the civil defense forces of
13 that state and the representatives of deceased members of those forces,
14 in case those members sustain injuries or are killed while rendering
15 aid under this compact, in the same manner and on the same terms as if
16 the injury or death were sustained within that state.

17 ARTICLE VIII.

18 COMPENSATION TO ASSISTING STATE.

19 A party state rendering aid in another state under this compact
20 shall be reimbursed by the party state receiving the aid for any loss
21 or damage to, or expense incurred in, the operation of any equipment
22 answering a request for aid, and for the cost incurred in connection
23 with the request; however, an aiding party state may assume in whole
24 or in part the loss, damage, expense, or other cost, or may loan the
25 equipment or donate the services to the receiving party state without
26 charge or cost; in addition, any two or more party states may enter
27 into supplementary agreements establishing a different allocation of
28 costs as among those states. The United States government may relieve
29 the party state receiving aid from any liability, and reimburse the

1 party state supplying civil defense forces for the compensation paid
2 to and the transportation, subsistence, and maintenance expenses of
3 those forces during the time of rendering the aid or assistance outside
4 the state, and may also pay fair and reasonable compensation for the
5 use of the supplies, materials, equipment, or facilities so used or
6 consumed.

7 ARTICLE IX.

8 EVACUATION PLANS.

9 Plans for the orderly evacuation and reception of the civilian
10 population as the result of an emergency or disaster shall be worked
11 out from time to time between representatives of the party states and
12 the various local civil defense areas of those states. These plans
13 shall include the manner of transporting the evacuees, the number of
14 evacuees to be received in different areas, the manner in which food,
15 clothing, housing, and medical care will be provided, the registration
16 of the evacuees, the provision of facilities for the notification of
17 relatives or friends, the forwarding of evacuees to other areas, the
18 bringing in of additional materials and supplies, and all other
19 relevant factors. These plans shall provide that the party state
20 receiving evacuees shall be reimbursed generally for the out-of-pocket
21 expenses incurred in receiving and caring for those evacuees and for
22 expenditures for transportation, food, clothing, medicines, medical
23 care and like items. These expenditures shall be reimbursed by the
24 party state of which the evacuees are residents, or by the United
25 States government under plans approved by it. After the termination
26 of the emergency or disaster, the party state of which the evacuees
27 are residents shall assume the responsibility for the ultimate support
28 or return of the evacuees.

29 ARTICLE X.

1 AVAILABILITY OF COMPACT.

2 This compact shall be available to any state, territory, or
3 possession of the United States, and the District of Columbia. The
4 term "state" also includes any neighboring foreign country or province
5 or state of one.

6 ARTICLE XI.

7 NON-BORDERING STATES.

8 The governor may enter into this compact with any state which
9 does not border this state if he finds that joint action with the
10 state is desirable in meeting common intergovernmental problems of
11 emergency disaster planning, prevention, response, and recovery.

12 ARTICLE XII.

13 UNITED STATES CIVIL DEFENSE AGENCY PARTICIPATION.

14 The committee established under Article 1 of this compact may
15 request the Civil Defense Agency of the United States government to
16 act as an informational and coordinating body under this compact, and
17 representatives of that agency may attend meetings of the committee.

18 ARTICLE XIII.

19 ENTRY INTO FORCE.

20 This compact becomes operative immediately upon its ratification
21 by any state as between it and any other state or states so ratifying,
22 and is subject to approval by Congress, unless prior Congressional
23 approval has been given. Duly authenticated copies of this compact,
24 and of such supplementary agreements as may be entered into, shall, at
25 the time of their approval, be deposited with each of the party states,
26 the Civil Defense Agency and other appropriate agencies of the United
27 States government.

28 ARTICLE XIV.

29 WITHDRAWAL.

1 This compact continues in force and remains binding on each party
2 state until the legislature or the governor of such a state takes
3 action to withdraw from it. Withdrawal is not effective until 30 days
4 after notice of that action has been sent by the governor of the party
5 state desiring to withdraw to the governors of all other party states.

6 ARTICLE XV.

7 SEVERABILITY.

8 This compact shall be construed to effectuate the purposes stated
9 in Article 1. If any provision of this compact is held unconstitu-
10 tional, or its applicability to any person or circumstance is held
11 invalid, the constitutionality of the remainder of this compact and
12 its applicability to other persons and circumstances are not affected
13 by that holding.

14 ARTICLE XVI.

15 COVERAGE.

16 (a) This Article shall be in effect only as among those states
17 which have enacted it into law or in which the governors have adopted
18 it under constitutional or statutory authority sufficient to give it
19 the force of law as part of this compact. Nothing contained in this
20 Article or in any supplementary agreement made in implementation of it
21 abridges, impairs, or supersedes any other provision of this compact
22 or any obligation undertaken by a state pursuant to it, except that if
23 its terms so provide, a supplementary agreement in implementation of
24 this Article may modify, expand, or add to any such obligation as
25 among the parties to the supplementary agreement.

26 (b) In addition to the occurrences, circumstances and subject
27 matter to which preceding Articles of this compact make it applicable,
28 this compact and its authorizations, entitlements, and procedures
29 apply to:

1 (1) searches for and rescue of persons who are lost,
2 marooned, or otherwise in danger;

3 (2) action useful in coping with disasters arising from any
4 cause or designed to increase the capability to cope with any such
5 disasters;

6 (3) incidents, or the imminence of them, which endanger the
7 health or safety of the public and which require the use of special
8 equipment, trained personnel, or personnel in larger numbers than are
9 locally available in order to reduce, counteract or remove the danger;

10 (4) the giving and receiving of aid by political subdivi-
11 sions of party states;

12 (5) exercises, drills or other training or practice acti-
13 vities designed to aid personnel to prepare for, cope with, or prevent
14 any disaster or other emergency to which this compact applies.

15 (c) Except as expressly limited by this compact or a supplemen-
16 tary agreement in force pursuant to it, any aid authorized by this
17 compact or such a supplementary agreement may be furnished by any
18 agency of a party state, by a political subdivision of such a state,
19 or by a joint agency; such an agency or political subdivision is
20 entitled to reimbursement for the aid to the same extent and in the
21 same manner as a state. The personnel of a joint agency, when ren-
22 dering aid under this compact, have the same rights, authority and
23 immunity as personnel of party states.

24 (d) Nothing in this Article excludes from the coverage of
25 Articles I - XV of this compact any matter which, in the absence of
26 this Article, could reasonably be construed to be covered by Articles
27 I - XV.

28 ARTICLE XVII.

29 CONSTRUCTION.

1 Nothing in this compact limits previous or future entry into the
2 Interstate Civil Defense and Disaster Compact of this state with other
3 states.

4 Sec. 26.23.140. LOCAL DISASTER EMERGENCIES. (a) A local dis-
5 aster emergency may be declared only by the principal executive
6 officer of a political subdivision. It may not be continued or
7 renewed for a period in excess of seven days, except by or with the
8 consent of the governing board of the political subdivision. Any
9 order or proclamation declaring, continuing, or terminating a local
10 disaster emergency shall be given prompt and general publicity, and
11 shall be filed promptly with the Alaska Division of Emergency Services
12 and the borough clerk or the city clerk as the case may be.

13 (b) The effect of a declaration of a local disaster emergency is
14 to activate the response and recovery aspects of any and all appli-
15 cable local or interjurisdictional disaster emergency plans, and to
16 authorize the furnishing of aid and assistance under those plans.

17 (c) No interjurisdictional agency or official of one may declare
18 a local disaster emergency unless expressly authorized by the agreement
19 under which the agency functions. An interjurisdictional disaster
20 agency shall provide aid and services in accordance with the agreement
21 under which it functions.

22 Sec. 26.23.150. DISASTER PREVENTION. (a) In addition to dis-
23 aster prevention measure as included in the state, local, and inter-
24 jurisdictional disaster plans, the governor shall consider, on a
25 continuing basis, steps that could be taken to prevent or reduce the
26 harmful consequences of disasters. At his direction, and under any
27 other authority and competence they have, state agencies, including
28 but not limited to those charged with responsibilities in connection
29 with flood plain management, stream encroachment and flow regulation,

1 weather modification, fire prevention and control, air quality, public
2 works, land use and land use planning and construction standards,
3 shall make studies of disaster-prevention-related matters. The
4 governor, from time to time, shall make recommendations to the legis-
5 lature, local governments, and other appropriate public and private
6 entities as may facilitate measures for the prevention or reduction of
7 the harmful consequences of disasters.

8 (b) The Departments of Natural Resources and Public Works, in
9 conjunction with the Alaska Division of Emergency Services, shall keep
10 land uses and location of structures and other facilities under con-
11 tinuing study, and identify areas which are particularly susceptible
12 to severe land shifting, subsidence, flood, or other catastrophic
13 occurrence. The studies under this subsection shall concentrate on
14 means of reducing or avoiding the dangers caused by this occurrence or
15 the consequences of it.

16 (c) If the Alaska Division of Emergency Services believes, on
17 the basis of the studies or other competent evidence, and after con-
18 sultation with the appropriate local planning agencies, that an area
19 is susceptible to a disaster of catastrophic proportions without
20 adequate warning, that existing building standards and land use con-
21 trols in that area are inadequate and could add substantially to the
22 magnitude of the disaster, and that changes in zoning regulations,
23 other land use regulations, or building requirements are essential in
24 order to further the purposes of this section, it shall specify the
25 essential changes to the governor. If the governor, upon review of
26 the recommendation, finds after public hearing that the changes are
27 essential, he shall so recommend to the agencies or local governments
28 with jurisdiction over the area and subject matter. If no action or
29 insufficient action pursuant to his recommendations is taken within

1 the time specified by the governor, he shall so inform the legislature
2 and request legislative action appropriate to mitigate the impact of
3 disaster.

4 (d) The governor, at the same time that he makes his recommenda-
5 tions under (c) of this section, may suspend the standard or control
6 which he finds to be inadequate to protect the public safety, and by
7 regulation place a new standard or control in effect. The new stan-
8 dard or control remains in effect until rejected by concurrent resolu-
9 tion of the legislature or amended or repealed by the governor.

10 During the time it is in effect, the standard or control contained in
11 the governor's regulation shall be administered and given full effect
12 by all relevant regulatory agencies of the state and local governments
13 to which it applies. The governor's action is subject to judicial
14 review in accordance with the Administrative Procedure Act (AS 44.62)
15 but is not subject to temporary stay pending litigation.

16 Sec. 26.23.160. COMPENSATION. (a) No personal services may be
17 compensated by the state or any political subdivision or agency of it,
18 except in accordance with Alaska law or a local ordinance.

19 (b) Compensation for property shall be made only if the property
20 was commandeered or otherwise used in coping with a disaster emergency,
21 and its use or destruction was ordered by the governor or a member of
22 the disaster emergency forces of this state.

23 (c) Any person claiming compensation for the use, damage, loss,
24 or destruction of property occasioned by action taken under this
25 chapter shall file a claim for it with the Alaska Division of Emergency
26 Services in the form and manner that agency provides.

27 (d) Unless the amount of compensation on account of property
28 damaged, lost, or destroyed is agreed upon between the claimant and
29 the Alaska Division of Emergency Services, the amount of compensation

1 shall be calculated in the same manner as compensation due for a
2 taking of property under the condemnation laws of this state.

3 Sec. 26.23.170. COMMUNICATIONS. The Alaska Division of Emergency
4 Services shall ascertain what means exist for rapid and efficient
5 communications in times of disaster emergencies. The office shall
6 consider the desirability of supplementing these communications
7 resources, or of integrating them into a comprehensive state or state-
8 federal telecommunications network or other communication system or
9 network. In studying the character and feasibility of any system or
10 its several parts, the office shall evaluate the possibility of multi-
11 purpose use of it or its parts for general state and local governmental
12 purposes. The office shall make recommendations to the governor as
13 appropriate.

14 Sec. 26.23.180. MUTUAL AID. (a) Political subdivisions not
15 participating in interjurisdictional arrangements under this chapter
16 nevertheless shall be encouraged and assisted by the Alaska Division
17 of Emergency Services to conclude suitable arrangements for furnishing
18 mutual aid in coping with disasters. The arrangements shall include
19 provision of aid by persons and units in public employment.

20 (b) In passing upon local disaster plans, the governor shall
21 consider whether they contain adequate provisions for the rendering
22 and receipt of mutual aid.

23 (c) It is a sufficient reason for the governor to require an
24 interjurisdictional agreement or arrangement under sec. 70 of this
25 chapter that the area involved and political subdivisions in it have
26 available equipment, supplies, and forces necessary to provide mutual
27 aid on a regional basis, and that the political subdivisions have not
28 already made adequate provision for mutual aid; but in requiring an
29 interjurisdictional arrangement in order to accomplish the purpose of

1 this section, the governor need not require establishment and main-
2 tenance of an interjurisdictional agency or arrangement for any other
3 disaster purposes.

4 Sec. 26.23.190. RIGHT OF ENTRY. If the entry is reasonably
5 necessary to actually alleviate or prevent the disaster, all persons
6 authorized to carry out emergency measures directed under the pro-
7 visions of this chapter shall have free access to all public and
8 private land, premises, and buildings within the areas specified, and
9 are authorized to enter them and to perform such work and take such
10 measures as are appropriate without the consent of the owners of the
11 land, premises, or buildings.

12 Sec. 26.23.200. LIMITATIONS. Nothing in this chapter:

13 (1) interferes with the course or conduct of a labor
14 dispute, except that actions otherwise authorized by this chapter or
15 other laws may be taken when necessary to forestall or mitigate
16 imminent or existing danger to public health or safety;

17 (2) interferes with dissemination of news or comment on
18 public affairs; but any communications facility or organization
19 (including but not limited to radio and television stations, wire
20 services, and newspapers) may be requested to transmit or print public
21 service messages furnishing information or instructions in connection
22 with a disaster emergency, in a manner which encroaches as little as
23 possible upon the normal functions of the news media;

24 (3) affects the jurisdiction or responsibilities of police
25 forces, fire-fighting forces, units of the armed forces of the United
26 States, or of any personnel of them, when on active duty; but state,
27 local, and interjurisdictional disaster emergency plans shall place
28 reliance upon the forces available for performance of functions
29 related to disaster emergencies; or

1 (4) limits, modifies, or abridges the authority of the
2 governor to proclaim martial law, or exercise any other powers vested
3 in him under the constitution, statutes, or common law of this state
4 independent of, or in conjunction with, any provision of this chapter.

5 Sec. 26.23.210. RELATIONSHIP TO CIVIL DEFENSE STATUTE
6 26.20, the Alaska civil defense statute, applies to preparation, mess,
7 response, and recovery from disasters caused by enemy attack and other
8 hostile military or paramilitary action. The provisions of this
9 chapter, other than AS 26.23.130, apply to response and recovery only
10 in cases of natural and non-military man-made disasters.

11 Sec. 26.23.220. ADMINISTRATION. This chapter shall be admini-
12 stered by the Department of Military Affairs, which is responsible to,
13 and which may receive delegations of authority from, the governor.

14 Sec. 26.23.230. DEFINITIONS. As used in this chapter:

15 (1) "disaster" means the occurrence or imminent threat of
16 widespread or severe damage, injury, or loss of life or property re-
17 sulting from any natural or non-military man-made cause including, but
18 not limited to, fire, flood, earthquake, landslide, mudslide, avalanche,
19 weather condition, wave action, oil spill or other water contamination
20 requiring emergency action to avert danger or damage, volcanic activity,
21 epidemic, air contamination, blight, infestation, explosion, riot, equip-
22 ment failure, or shortage of food, water, fuel, or clothing;

23 (2) "major disaster," "emergency," and "temporary housing"
24 mean the same thing as in the federal Disaster Relief Act of 1974
25 (P.L. 93-288, 88 Stat. 143);

26 (3) "political subdivision" means a borough or city,
27 whether home rule or otherwise, including municipalities unified under
28 AS 29.68.240 -- 29.68.440, unincorporated village, or other unit of
29 local government; and

1 (4) "unorganized militia" means all able-bodied persons
2 between the ages of 17 and 59 years, inclusive, who reside in the
3 state.

4 * Sec. 4. AS 44.19.171(b) is amended to read:

5 (b) Subject to the restrictions of (d) and (e) of this section,
6 the governor may, without additional legislative authorization,
7 expend not more than \$1,000,000 [\$500,000] of the assets of the
8 disaster relief fund for the following purposes:

9 (1) to implement provisions of law relating to [NATURAL]
10 disaster relief in the case of a [NATURAL] disaster as defined in sec.
11 175 of this chapter occurring after October 11, 1967;

12 (2) to alleviate the effects of a [NATURAL] disaster as
13 defined in sec. 175 of this chapter occurring after October 11, 1967.

14 * Sec. 5. AS 44.19.171(c) is amended to read:

15 (c) Subject to the restrictions of (d) and (e) of this section,
16 the governor may, without additional legislative authorization, expend
17 for any fiscal year not more than \$500,000 [\$250,000] of the assets of
18 the disaster relief fund to prevent or minimize the effects of an
19 event which occurs in any part of the state after October 11, 1967 and
20 which, in the determination of the governor, poses a direct and
21 imminent threat of resulting in a [NATURAL] disaster of sufficient
22 magnitude and severity to justify state action.

23 * Sec. 6. AS 44.19.175 is repealed and re-enacted to read:

24 Sec. 44.19.175. DEFINITION. In secs. 171 - 177 of this chapter,
25 "disaster" means the occurrence or imminent threat of widespread or
26 severe damage, injury, or loss of life or property resulting from any
27 natural or man-made cause including, but not limited to, fire, flood,
28 earthquake, landslide, avalanche, weather condition, wave action, oil
29 spill or other water contamination requiring emergency action to avert

1 damage, volcanic activity, epidemic, air contamination, blight,
2 infestation, explosion or riot.

3 * Sec. 7. AS 44.19.177(a) is amended to read:

4 Sec. 44.19.177. GRANTS AND LOANS TO MUNICIPALITIES DAMAGED BY A
5 [NATURAL] DISASTER. (a) Grants and loans for urban renewal shall be
6 made available to municipalities damaged by [NATURAL] disasters
7 occurring in the state after August 1, 1967 in order to match federal
8 funds under federal urban renewal programs. A grant or loan of state
9 funds to a municipality for an urban renewal program under this section
10 may not exceed 25 per cent of the aggregate of the net project costs
11 of the urban renewal project. Funds shall be made available to a
12 municipality to match federal funds only if the urban renewal project
13 is made necessary by the [NATURAL] disaster.

14 * Sec. 8. AS 44.19.177(d)(3) is amended to read:

15 (3) whether or not the urban renewal project was made
16 necessary by a [NATURAL] disaster;

17 * Sec. 9. AS 44.19.177(d)(4) is amended to read:

18 (4) the needs of other municipalities damaged by the
19 [NATURAL] disaster for funds to match federal funds for urban renewal
20 projects, and the urgency of the needs of other communities as com-
21 pared with the community under consideration;

22 * Sec. 10. AS 44.19.177(g) is amended to read:

23 (g) In this section "[NATURAL] disaster" means a [NATURAL] dis-
24 aster proclaimed by the President of the United States.

25 * Sec. 11. AS 26.23.150(d), as enacted in Sec. 3 of this Act, has the
26 effect of changing Rule 65, Rules of Civil Procedure, by prohibiting the
27 issuance of a temporary restraining order or preliminary injunction against
28 an act of the governor taken in accordance with the provisions of that
29 section.

1 * Sec. 12. This Act takes effect immediately in accordance with AS 01.-
2 10.070(c).

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JAN 16 1976

The Honorable Chancy Croft
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

In accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill relating to disaster relief. The bill is based on and is substantially similar to the "Example State Disaster Act of 1972," prepared by the Disaster Project of the Council of State Governments under contract with the Office of Emergency Preparedness, Executive Office of the President.

Whatever the need for comprehensive State disaster legislation may have been in the past, the need has been substantially increased by the passage of the federal "Disaster Relief Act Amendments of 1974," P.L. 93-238. Not only is the purpose of that Act to increase State participation and responsibility in the area of disaster relief, but various types of assistance available to states under the Act are contingent upon the adoption of a disaster program by a requesting state.

For example, section 201(c) of the new federal disaster law provides for the granting of \$250,000 to assist a state in the development of disaster preparedness and response plans and programs, but requires that an agency be selected to administer the disaster program and that a State Disaster Plan be submitted to the President in order to qualify for the grant.

AS 26.23.020, as proposed in the attached bill, would establish the responsibility of the governor in disaster situations and delineate the powers to be available to him. As a part of these powers, subsection (g)(1) of AS 26.23.020 grants to the governor the authority to suspend any regulatory statute, order, or regulation of a State agency which adversely affects the State's ability to respond to a disaster emergency. The provision recognizes that in an emergency situation, time constraints may not allow the State to comply with regulatory procedures and still respond effectively to a disaster emergency.

Proposed AS 26.23.030 would legislatively establish the Alaska Division of Emergency Services. This division would replace the present Alaska Disaster Office, an office which presently exists only by administrative order. If the attached bill is passed, that administrative order will be rescinded. Proposed AS 26.23.040 delineates the duties and powers of the Alaska Division of Emergency Services. Central to the duties of the division are the establishment of a State disaster plan and the coordination and development of local and regional disaster plans required by the federal and proposed State disaster laws.

The funding of disaster relief efforts is addressed in AS 26.23.050. This proposal establishes the sources of funds for disaster relief efforts in order of their priority. In addition to the funds appropriated to the agencies responding to a disaster and those available in the Disaster Relief Fund, the governor is granted the authority to transfer and expend money appropriated for other purposes. This provision takes precedence over AS 37.07.080(e) which presently prohibits the interagency transfer of funds. In addition, section 50 permits the governor to borrow necessary funds from any source for the purpose of "natural disasters" -- a phrase used in Article IX, Section 8 of the Alaska Constitution (which allows borrowing without ratification by the voters for natural disasters).

Proposed AS 26.23.080 to 26.23.110 are self-explanatory, are directly keyed to specific provisions of the federal Disaster Relief Act Amendments of 1974, and have been recommended by the Council of State Government's Disaster Project as supplements to the original Example State Disaster Act of 1972.

Proposed AS 26.23.130 would enact into law the Interstate Civil Defense and Disaster Compact. This compact addresses both military and non-military disasters. The compact establishes the legal basis for interstate cooperation in the area of disaster assistance, provides for the limitation of liability of, and the granting of compensation to, assisting states, and provides the foundation for the coordination of interstate disaster plans and procedures. It has been adopted by approximately 14 states so far, although some states have limited its application to bordering states only. The compact and the remainder of Section 3 of the bill are to be administered by the Department of Military Affairs.

Related to the financing of disaster efforts, are the proposed amendments to AS 44.19.171(b) and AS 44.19.171(c), found in Section 4 and Section 5 of the bill. These two

amendments would increase the amount of money which the governor may spend for disaster prevention or relief without additional legislative authorization, from \$500,000 and \$250,000 to \$1,000,000 and \$500,000, respectively.

The civil defense statute (AS 26.20) and the Disaster Relief Fund statute (AS 44.19.171, et seq.) are presently the only laws of Alaska addressing the issue of disaster prevention, preparedness, response and recovery. The former of these laws is primarily concerned with military or para-military disaster, though it could be interpreted to extend to non-military disasters. Use of the Disaster Relief Fund is presently limited to "natural" disasters, and then only to provide limited funds in certain situations. In an effort to delineate precisely to which situations the civil defense statute applies and those to which the Disaster Relief Act would apply, the term "disaster," as used in the proposed disaster Act, has been defined to include only those disasters resulting from natural or non-military, man-made causes (AS 26.23.900(1).) In addition, Section 2 of the proposed Act would make an amendment to AS 26.20.010(a) which would have the effect of limiting the coverage of the civil defense statute to military or para-military situations only.

Because of the expansive grant of authority provided for in the civil defense statute and the proposed Alaska Disaster Relief Act, it is suggested that the scope of these particular statutes be made as explicit as possible. The Interstate Civil Defense and Disaster Compact, however, is to be applicable to both military and non-military disasters.

Sections 6 through 10 of the proposed Act offer amendments to AS 44.19.171, et seq., which would delete the word "natural" wherever it appears in that statute. These amendments are suggested as a result of problems such as those encountered during the Bristol Bay Disaster of 1974. Much discussion occurred at that time as to whether the Bristol Bay disaster was a "natural" disaster or a disaster resulting from man-made causes. Because of these discussions, valuable time was lost in responding to the needs of the people of the area.

In accordance with Rule 40(e) of the Uniform Rules of the Alaska State Legislature, Section 11 states the change in the Alaska Rules of Civil Procedure which would result from the proposed Act.

Article 7 of the proposed Interstate Civil Defense and Disaster Compact (AS 26.23.130) requires that each state adopting the compact provide for injury and death compensation for its civil defense forces rendering assistance under the compact outside of their home state. Therefore, Section 1 proposes that Alaska civil defense and disaster forces, engaged in activities outside of Alaska in accordance with the compact, be considered "state employees" for purposes of Alaska's workmen's compensation law.

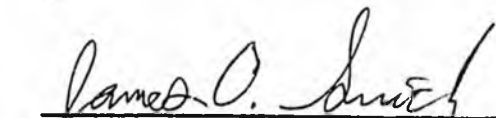
Sincerely,

Jay S. Hammond
Governor

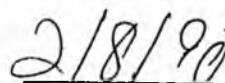


RECORDS CERTIFICATION

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Signature of Camera Operator



Date

COMMITTEE REPORT

HOUSE

5/10/76

Mr. Speaker:

Date May 15 1976

The Committee on FINANCE has had SB 538

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____
COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

[Signature] _____

[Signature] _____

[Signature] _____

[Signature] _____

Members NOT concurring in the Majority report:

[Signature] recommends: No Rec

[Signature] recommends: No Rec

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

Original Sponsor: Rules Committee by
request of the Governor

Offered: 5/10/76
Referred: Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 534

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to military affairs; and providing
7 for an effective date."

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

9 * Section 1. AS 23.30 is amended by adding a new section to read:

10 Sec. 23.23.244. CIVIL DEFENSE AND DISASTER RELIEF FORCES AS STATE
11 EMPLOYEES. A resident of Alaska temporarily engaged in a civil defense
12 or disaster relief function in another state or country under the
13 provisions of AS 26.23.130 is considered an employee of the state for
14 purposes of this chapter.

15 * Sec. 2. AS 26.05.160(a) is amended to read:

16 (a) The adjutant general of the state is appointed by the governor
17 for a term of three years. However, if the National Guard Advisory
18 Board, within 90 days from the date the three-year term expires, recom-
19 mends a second three-year term by majority vote, the adjutant general
20 may serve a second term, subject to the approval of the governor. After
21 service of six years employment as adjutant general, employment with the
22 Department of Military Affairs shall be terminated permanently. The
23 governor shall prescribe the grade of the adjutant general which shall
24 not exceed major general. To be eligible for appointment as adjutant
25 general, a person shall be a citizen of the state. The adjutant general
26 shall make returns and reports to the Chief, National Guard Bureau, and
27 to the governor or to the officers designated by the Chief, National
28 Guard Bureau, and the governor, at the times and in the form prescribed.

29 * Sec. 3. AS 26.05.160 is amended by adding new subsections to read:

1 (c) The adjutant general must have held or hold a federally
2 recognized field-grade commission with at least five years service in
3 the Alaska Army or Air National Guard on initial appointment.

4 (d) The adjutant general, upon appointment, must have completed
5 the command general staff course or its equivalent and one of the war
6 colleges.

7 (e) The adjutant general shall be appointed from a list of not
8 less than three officers having the qualifications specified in (a) -
9 (c) of this section, submitted by majority vote of the National Guard
10 Advisory Board.

11 * Sec. 4. AS 26.05 is amended by adding a new section to read:

12 Sec. 26.05.165. NATIONAL GUARD ADVISORY BOARD. (a) There is
13 created the National Guard Advisory Board, whose members are appointed
14 by the governor and serve at his pleasure. The National Guard Advisory
15 Board is composed of the following:

16 (1) an employee of the Department of Military Affairs who is
17 an active member of the Alaska National Guard;

18 (2) an officer in the Alaska Army National Guard, not em-
19 ployed by the Department of Military Affairs;

20 (3) an enlisted man in the Alaska Army National Guard, not
21 employed by the Department of Military Affairs;

22 (4) an officer in the Alaska Air National Guard, not employed
23 by the Department of Military Affairs;

24 (5) an enlisted man in the Alaska Air National Guard, not
25 employed by the Department of Military Affairs;

26 (6) two interested residents from the general public.

27 (b) The National Guard Advisory Board shall

28 (1) submit lists of recommended officers for the governor's
29 consideration under sec. 160(e) of this chapter;

1 (2) recommend to the governor policies concerning the adminis-
2 tration and operation of the Alaska National Guard;

3 (3) recommend legislation that will enhance the recruitment,
4 retention, and retirement program within the Alaska National Guard;

5 (4) recommend basic force requirements and unit structuring
6 which should be pursued with the National Guard Bureau which will add to
7 the state's militia posture.

8 (c) Members appointed under (a)(1) - (5) of this section shall be
9 members of the Alaska National Guard Association, Inc.

10 * Sec. 5. AS 26.05.180 is repealed and re-enacted to read:

11 Sec. 26.05.180. HEADQUARTERS STAFF OF THE ALASKA NATIONAL GUARD.

12 (a) The headquarters staff of the Alaska National Guard is composed of
13 an Army National Guard component, an Air National Guard component, and a
14 Naval Militia component. The Army National Guard component and the Air
15 National Guard component shall each be commanded by an assistant ad-
16 jutant general appointed by the adjutant general with the concurrence of
17 the governor, subject to confirmation by the legislature. These appoin-
18 tees may not be employees of the Department of Military Affairs and
19 shall hold office for a period of three years or two years after receiv-
20 ing federal recognition in the grade of brigadier general, whichever
21 period is longer. Upon completion of his term of office, the assistant
22 adjutant general shall be transferred to the applicable reserve com-
23 ponent and retired from the state militia. An officer retired under
24 this section is eligible for appointment as adjutant general. On
25 initial appointment, an assistant adjutant general must hold a federally
26 recognized field-grade commission with at least five years service in
27 the Alaska Army National Guard or in the Alaska Air National Guard.

28 (b) If the adjutant general is an Air Force officer, he may, with
29 the approval of the governor, request that the assistant adjutant

1 general for the Army National Guard component be an employee of the
2 Department of Military Affairs and if the adjutant general is an Army
3 officer he may, with the approval of the governor, request that the
4 assistant adjutant general for the Air National Guard component be an
5 employee of the Department of Military Affairs. An employee whose
6 Alaska National Guard commission is terminated under (a) of this section
7 may be an employee of the Department of Military Affairs in a capacity
8 commensurate with his administrative ability.

9 (c) The Department of Military Affairs shall be organized along
10 civilian lines to the maximum extent possible. Notwithstanding AS 44.17
11 there may be no more than one deputy commissioner in the department.
12 The positions established in the department may be filled by either
13 state or federal employees. A state employee who is a director of a
14 division or has a higher administrative position shall hold a federally
15 recognized position in the Alaska Army or Air National Guard or the
16 Naval Militia.

17 * Sec. 6. AS 26.20.010(a) is amended to read:

18 (a) Because of the national emergency and the possibility of
19 disasters or emergencies resulting from enemy attack, sabotage or other
20 hostile action, and in order to insure adequate preparations for such
21 disasters or emergencies, and generally to provide for the common defense
22 [AND TO INSURE THE PUBLIC PEACE, HEALTH, AND SAFETY, AND TO PRESERVE THE
23 LIVES AND PROPERTY OF THE PEOPLE OF THE STATE], it is found and declared
24 to be necessary

25 (1) to provide for a state civil defense agency, and to
26 authorize the creation of local organizations for civil defense;

27 (2) to confer upon the governor and upon the executive heads
28 of the districts of the state the emergency powers provided in this
29 chapter;

1 (3) to provide for mutual aid among the districts of the
2 state, with the other states of the United States, and with the federal
3 government for carrying out civil defense functions;

4 (4) to authorize the establishment of organizations and
5 taking steps as are necessary and appropriate to carry out the pro-
6 visions of this chapter.

7 * Sec. 7. AS 26 is amended by adding a new chapter to read:

8 CHAPTER 23. ALASKA DISASTER ACT.

9 Sec. 26.23.010. PURPOSES. The purposes of this chapter are to:

10 (1) reduce the vulnerability of people and communities of
11 this state to damage, injury, and loss of life and property resulting
12 from a disaster;

13 (2) prepare for the prompt and efficient rescue, care, and
14 treatment of persons victimized or threatened by a disaster;

15 (3) provide a setting conducive to the rapid and orderly
16 start of restoration and rehabilitation of persons and property affected
17 by a disaster;

18 (4) clarify and strengthen the roles of the governor, state
19 agencies, and local governments in prevention of, preparation for,
20 response to, and recovery from a disaster;

21 (5) authorize and provide for cooperation in disaster pre-
22 vention, preparedness, response, and recovery;

23 (6) authorize and provide for the coordination of activities
24 relating to disaster prevention, preparedness, response, and recovery by
25 agencies and officers of the state, and similar state-local, interstate,
26 federal-state, and foreign activities in which the state and its politi-
27 cal subdivisions may participate;

28 (7) provide a disaster management system embodying all
29 aspects of pre-disaster preparedness and post-disaster response; and

1 (8) assist in the prevention of disasters caused or aggra-
2 vated by inadequate planning for, and regulation of, public and private
3 facilities and land use.

4 Sec. 26.23.020. THE GOVERNOR AND DISASTER EMERGENCIES. (a) The
5 governor is responsible for meeting the dangers presented by disasters
6 to the state and its people.

7 (b) The governor may issue orders, proclamations, and regulations
8 necessary to carry out the purposes of this chapter, and amend or rescind
9 them. These orders, proclamations, and regulations have the force of
10 law.

11 (c) A disaster emergency shall be declared by proclamation of the
12 governor if he finds that a disaster has occurred or that such an occur-
13 rence is imminent or threatened. The state-of-disaster emergency con-
14 tinues until the governor finds that the threat or danger has passed or
15 the disaster has been dealt with to the extent that emergency conditions
16 no longer exist and he terminates the state-of-disaster emergency by
17 proclamation; but no state-of-disaster emergency continues for longer
18 than 30 days unless renewed by the governor. The legislature, by concu-
19 rrent resolution, may terminate a state-of-disaster emergency at any
20 time. All proclamations issued under this subsection shall indicate the
21 nature of the disaster, the area or areas threatened or affected, and
22 the conditions which have brought it about or which make possible the
23 termination of the state-of-disaster emergency.

24 (d) An order or proclamation issued under this chapter shall be
25 disseminated promptly by means calculated to bring its contents to the
26 attention of the general public and, unless prevented or impeded by
27 circumstances attendant upon the disaster, promptly filed with the
28 Alaska Division of Emergency Services, the lieutenant governor, and
29 the borough clerk or city clerk, as the case may be, in the area to

1 which it applies.

2 (e) A proclamation of a state-of-disaster emergency activates
3 the disaster response and recovery aspects of the state, local, and
4 interjurisdictional disaster emergency plans applicable to the politi-
5 cal subdivisions or areas in question, and constitutes authority for
6 the deployment and use of any forces to which the plan or plans apply
7 and for use or distribution of any supplies, equipment, materials, and
8 facilities assembled, stockpiled, or arranged to be made available
9 under this chapter or any other provision of law relating to disaster
10 emergencies.

11 (f) During a state-of-disaster emergency, the governor is
12 commander in chief of the organized and unorganized militia and of all
13 other forces available for emergency duty. To the greatest extent
14 practicable, the governor shall delegate or assign command authority
15 by prior arrangement embodied in appropriate orders or regulations,
16 but this does not restrict his authority to do so by orders issued at
17 the time of the disaster emergency.

18 (g) In addition to any other powers conferred upon the governor
19 by law, he may, under this chapter:

20 (1) suspend the provisions of any regulatory statute pre-
21 scribing procedures for the conduct of state business, or the orders
22 or regulations of any state agency, if compliance with the provisions
23 of any such statute, order, or regulation would prevent, or substan-
24 tially hinder or delay action necessary to cope with the disaster
25 emergency;

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

29 (3) transfer the direction, personnel, or functions of

1 state departments and agencies or units of them for the purpose of
2 performing or facilitating the performance of disaster emergency
3 services;

4 (4) subject to any applicable requirements for compensation
5 under sec. 160 of this chapter, commandeer or utilize any private
6 property, except for all news media other than as specifically pro-
7 vided for in this chapter, if he considers this necessary to cope with
8 the disaster emergency;

9 (5) direct and compel the evacuation of all or part of the
10 population from any stricken or threatened area within the state, if
11 he considers this action necessary for the preservation of life or
12 other disaster mitigation response or recovery;

13 (6) prescribe routes, modes of transportation, and distina-
14 tions in connection with necessary evacuations;

15 (7) control ingress to and egress from a disaster area, the
16 movement of persons within the area, and the occupancy of premises in
17 its;

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

20 (9) make provisions for the availability and use of tem-
21 porary emergency housing; and

22 (10) allocate or redistribute food, water, fuel or clothing.

23 Sec. 26.23.030. CREATION OF THE ALASKA DIVISION OF EMERGENCY
24 SERVICES. There is created, in the Department of Military Affairs,
25 the Alaska Division of Emergency Services possessing the powers and
26 duties delineated in sec. 40 of this chapter.

27 Sec. 26.23.040. DUTIES OF THE ALASKA DIVISION OF EMERGENCY
28 SERVICES. (a) The Alaska Division of Emergency Services shall
29 prepare and maintain a State Disaster Plan and keep it current, which

1 plan may include provisions for:

2 (1) prevention and minimization of injury and damage caused
3 by disasters;

4 (2) prompt and effective response to disasters;

5 (3) emergency relief;

6 (4) identification of areas especially vulnerable to a
7 disaster;

8 (5) recommendations for zoning, building, and other land-
9 use controls, safety measures for securing mobile homes or other non-
10 permanent or semi-permanent structures, and other preventive and pre-
11 paredness measures designed to eliminate or reduce disasters or their
12 impact;

13 (6) assistance to local officials in designing local emer-
14 gency action plans;

15 (7) authorization and procedures for the construction of
16 temporary works designed to protect against or mitigate danger, damage,
17 or loss from a disaster;

18 (8) preparation and distribution to the appropriate state
19 and local officials of state catalogs of federal, state, and private
20 assistance programs;

21
22 (9) organization of manpower and chains of command;

23 (10) coordination of federal, state, and local disaster
24 activities;

25 (11) coordination of the State Disaster Plan with the
26 disaster plans of the federal government; and

27 (12) other matters necessary to carry out the purposes of
28 this chapter.

29 (b) The Alaska Division of Emergency Services shall take an

1 dictional disaster plans prepared under sec. 60 of this chapter. To
2 this end, it may employ or otherwise secure the services of profession-
3 al and technical personnel capable of providing expert assistance to
4 political subdivisions, their disaster agencies, and interjurisdiction-
5 al planning and disaster agencies. These personnel shall consult with
6 political subdivisions and agencies on a regular basis and shall make
7 field examinations of the areas, circumstances, and conditions to
8 which particular local and interjurisdictional disaster plans are
9 intended to apply and may suggest or require revisions.

10 (c) In preparing and revising the State Disaster Plan, the
11 Alaska Division of Emergency Services shall seek the advice and
12 assistance of local government, business, labor, industry, agriculture,
13 civic, and volunteer organizations and community leaders. In advising
14 local and interjurisdictional agencies, the office shall encourage
15 them also to seek advice from these sources.

16 (d) The State Disaster Plan or any part of it may be incorporated
17 in regulations or orders of the Alaska Division of Emergency Services
18 which have the force and effect of law.

19 (e) The Alaska Division of Emergency Services shall:

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

23 (2) procure and pre-position supplies, medicines, materials,
24 and equipment;

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

27 (4) periodically review local and interjurisdictional
28 disaster plans;

29 (5) provide for mobile support units;

1 (6) establish and operate, or assist political subdivisions,
2 their disaster agencies, and interjurisdictional disaster agencies to
3 establish and operate, training and public information programs;

4 (7) make surveys of industries, resources, and facilities
5 within the state, both public and private, as are necessary to carry
6 out the purposes of this chapter;

7 (8) plan and make arrangements for the availability and use
8 of any private facilities, services, and property and, if necessary
9 and if in fact used, provide for payment for use under terms and
10 conditions agreed upon by the parties;

11 (9) establish a register of persons with types of training
12 and skills important in disaster prevention, preparedness, response,
13 and recovery;

14 (10) establish a register of mobile and construction equip-
15 ment and temporary housing available for use in a disaster emergency;

16 (11) prepare, for issuance by the governor, orders, procla-
17 mations, and regulations as necessary or appropriate in coping with
18 disasters;

19 (12) cooperate with the federal government and any public
20 or private agency or entity in achieving any purpose of this chapter
21 and in implementing programs for disaster prevention, preparedness,
22 response and recovery; and

23 (13) do other things necessary or proper for the imple-
24 mentation of this chapter.

25 Sec. 26.23.050. FINANCING. (a) It is the intent of the legis-
26 lature, and declared to be the policy of the state, that funds to meet
27 disaster emergencies will always be available.

28 (b) Whenever, and to the extent that, money is needed to cope
29 with a disaster, the first recourse shall be to funds regularly appro-

1 priated to state and local agencies. The second recourse shall be to
2 funds available in the disaster relief fund. If money available from
3 these sources is insufficient, and if the governor finds that other
4 sources of money to cope with the disaster are not available or are
5 insufficient, the governor may, notwithstanding any limitation imposed
6 by AS 37.07.080(e), transfer and spend money appropriated for other
7 purposes or, in situations involving natural disasters, borrow from
8 the United States government or other public or private sources for a
9 term not to exceed two years.

10 (c) Nothing in this section limits the governor's authority to
11 apply for, administer, and spend grants, gifts, or payments in aid of
12 disaster prevention, preparedness, response or recovery.

13 Sec. 26.23.060. LOCAL AND INTERJURISDICTIONAL DISASTER AGENCIES
14 AND SERVICES. (a) Each political subdivision within the state is
15 within the jurisdiction of, and shall be served by, the Alaska Division
16 of Emergency Services and, if an incorporated municipality, also by a
17 local or interjurisdictional agency responsible for disaster prepared-
18 ness and coordination of response.

19 (b) Each borough may maintain a disaster agency, or participate
20 in a local or interjurisdictional disaster agency which, except as
21 otherwise provided in this chapter, has jurisdiction over and serves
22 the entire borough.

23 (c) The governor shall determine which political subdivisions
24 need disaster agencies of their own, and require that they be estab-
25 lished and maintained. He shall make his determinations on the basis
26 of the political subdivision's disaster vulnerability and capability
27 of response related to population size and concentration. The disaster
28 agency of a borough shall cooperate with the disaster agencies of
29 political subdivisions situated within its borders, but does not have

1 jurisdiction within a political subdivision having its own disaster
2 agency. The Alaska Division of Emergency Services shall publish and
3 keep current a list of political subdivisions required to have disaster
4 agencies under this subsection.

5 (d) Each political subdivision which does not have a disaster
6 agency, and has not made arrangements to secure or participate in the
7 services of an agency, may satisfy the requirements of this chapter by
8 having a liaison officer designated to facilitate the cooperation and
9 protection of that city in the work of disaster prevention, prepared-
10 ness, response, and recovery.

11 (e) The principal executive officer of each political subdivision
12 in the state shall notify the Alaska Division of Emergency Services of
13 the manner in which the political subdivision is providing or securing
14 disaster planning and intends to provide or secure emergency services,
15 identify the person who heads the agency from which the services are
16 or will be obtained, and furnish additional information relating to
17 the services as the Alaska Division of Emergency Services requires.

18 (f) Each local and interjurisdictional agency shall prepare and
19 keep current a local or interjurisdictional disaster emergency plan
20 for its area.

21 (g) The local or interjurisdictional disaster agency, as the
22 case may be, shall prepare and distribute to all appropriate officials
23 in written form a clear and complete statement of the emergency re-
24 sponsibilities of all local agencies and officials and of the disaster
25 chain of command.

26 Sec. 26.23.070. ESTABLISHMENT OF INTERJURISDICTIONAL DISASTER
27 PLANNING AND SERVICE AREAS. (a) If the governor finds that two or
28 more adjoining political subdivisions would be better served by an
29 interjurisdictional arrangement than by maintaining separate disaster

1 agencies and services, he may delineate by order an interjurisdictional
2 area adequate to plan for, prevent, or respond to a disaster in that
3 area, and direct steps to be taken as necessary, including the creation
4 of an interjurisdictional relationship, a joint disaster emergency
5 plan, mutual aid, or an area organization for emergency planning and
6 services. A finding by the governor under this subsection shall be
7 based on one or more factors related to the difficulty of maintaining
8 an efficient and effective disaster prevention, preparedness, response,
9 and recovery system without an interjurisdictional relationship, such
10 as:

11 (1) small or sparse population;

12 (2) limitations on public financial resources severe
13 enough to make maintenance of a separate disaster agency and services
14 unreasonably burdensome;

15 (3) unusual vulnerability to disaster as evidenced by a
16 past history of disasters, topographical features, drainage charac-
17 teristics, disaster potential, and presence of disaster-prone facilities
18 or operations;

19 (4) the interrelated character of the political subdivisions
20 in an area; or

21 (5) other relevant conditions or circumstances.

22 (b) If the governor finds that a vulnerable area lies only
23 partly within the state and includes territory in a foreign juris-
24 diction, and that it would be desirable to establish an international
25 relationship, mutual aid, or an area organization for disaster, he
26 shall take steps to that end as desirable. If this action is taken
27 with jurisdictions that have enacted the Interstate Civil Defense and
28 Disaster Compact substantially as contained in sec. 130 of this chapter,
29 any resulting agreement may be considered a supplemental agreement

1 under Article 6 of that compact.

2 (c) If a jurisdiction with which the governor proposes to
3 cooperate under (b) of this section has not enacted the Interstate
4 Civil Defense and Disaster Compact, he may negotiate a special agree-
5 ment with that jurisdiction.

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

9 (1) upon his determination that a local government of the
10 state will suffer a substantial loss of tax and other revenues from
11 the disaster and has demonstrated a need for financial assistance to
12 perform its governmental functions, apply to the federal government,
13 on behalf of the local government, for a loan; he may receive and
14 disburse the proceeds of any approved loan to any applicant local
15 government;

16 (2) determine the amount needed by any applicant local
17 government to restore or resume its governmental functions, and to
18 certify the amount to the federal government; however, no application
19 amount may exceed 25 per cent of the annual operating budget of the
20 applicant for the fiscal year in which the major disaster occurred;

21 (3) recommend to the federal government, based upon his
22 review, the cancellation of all or any part of repayment when, for the
23 first three full fiscal years following the major disaster, the
24 revenues of the local government are insufficient to meet its operating
25 expenses, including additional disaster-related expenses of a municipal
26 operation character.

27 Sec. 26.23.090. STATE FINANCIAL PARTICIPATION IN GRANTS TO
28 DISASTER VICTIMS. (a) Whenever the President, at the request of the
29 governor, has declared a major disaster to exist in this state, the

1 governor may:

2 (1) upon his determination that financial assistance is
3 essential to meet disaster-related necessary expenses or serious needs
4 of individuals or families adversely affected by a major disaster that
5 cannot be otherwise adequately met from other means of assistance,
6 accept a grant by the federal government to fund that financial
7 assistance, subject to the terms and conditions that may be imposed
8 upon the grant;

9 (2) enter into an agreement with the federal government, or
10 any officer or agency of it, pledging the state to participate in the
11 funding of the financial assistance authorized in (1) of this subsec-
12 tion, in an amount not to exceed 25 per cent of the assistance and, if
13 state funds are not otherwise available to the governor, to accept an
14 advance of the state's share from the federal government to be repaid
15 when the state is able to do so.

16 (b) The governor is authorized to make financial grants (not to
17 exceed \$5,000) to an individual or family in any single major disaster
18 declared by the President, to meet disaster-related necessary expenses
19 or serious needs of individuals or families adversely affected by a
20 major disaster which cannot otherwise adequately be met from other
21 means of assistance.

22 (c) A person who fraudulently or wilfully makes a misstatement
23 of fact in connection with an application for financial assistance
24 under this chapter is, upon conviction, punishable by a fine of not
25 more than \$5,000, or imprisonment for not more than one year, or by
26 both.

27 Sec. 26.23.100. TEMPORARY HOUSING. (a) Whenever the governor
28 has proclaimed a disaster emergency, or the President, at the request
29 of the governor, has declared an emergency or a major disaster to

1 exist in this state, the governor may:

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

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

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

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

15 (C) becoming a co-partner with a political subdivision
16 for the execution and performance of any temporary housing for
17 disaster victims projects and, for such purposes, pledging the
18 credit of the state on such terms as deemed appropriate, having
19 due regard for current debt transactions of the state;

20 (3) under such regulations as he may adopt, temporarily
21 suspend or modify, for not more than 60 days, any public health,
22 safety, zoning, transportation, or other requirement of law or regula-
23 tion of the state, when, by proclamation, he declares such a suspension
24 or modification essential to provide temporary housing for disaster
25 victims.

26 (b) A political subdivision of this state may acquire, temporari-
27 ly or permanently, by purchase, lease, or otherwise, sites required
28 for installation of temporary housing units for disaster victims, and
29 to enter into whatever arrangements (including purchase of temporary

1 housing units and payment of transportation charges) which are neces-
2 sary to prepare or equip those sites to receive and use the housing
3 units.

4 Sec. 26.23.110. DEBRIS AND WRECKAGE REMOVAL IN DISASTER EMERGENCY
5 OR MAJOR DISASTER. (a) When the governor has declared a disaster
6 emergency, or the President, at the request of the governor, has
7 declared a major disaster or emergency to exist in this state, the
8 governor may:

9 (1) through the use of state departments or agencies, or
10 the use of any of the state's instrumentalities, clear from publicly
11 or privately owned land or water, debris and wreckage which may
12 threaten public health, safety, or property;

13 (2) accept funds from the federal government and use those
14 funds to make grants to any local government for the purpose of
15 removing debris or wreckage from publicly or privately owned land or
16 water.

17 (b) Authority under (a)(1) of this section may not be exercised
18 unless the affected local government, corporation, organization, or
19 individual unconditionally authorizes the removal of the debris or
20 wreckage from public and private property and, in the case of removal
21 of debris or wreckage from private property, first agrees to indemnify
22 the state government against claims arising from the removal.

23 Sec. 26.23.120. INTERGOVERNMENTAL ARRANGEMENTS. The Interstate
24 Civil Defense and Disaster Compact is hereby enacted into law and
25 entered into with all jurisdictions legally joining in it in a form
26 substantially as contained in sec. 130 of this chapter.

27 Sec. 26.23.130. INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT.
28 The terms and provisions of the compact referred to in sec. 120 of
29 this chapter are as follows:

1 INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

2 The contracting states solemnly agree:

3 ARTICLE I.

4 PURPOSE.

5 The purpose of this compact is to provide mutual aid among the
6 states in meeting any emergency or disaster resulting from enemy
7 attack or other cause (natural or otherwise) including sabotage and
8 subversive acts, direct attacks by bombs, shellfire, and nuclear,
9 radiological, chemical or bacteriological means, and other weapons.
10 The prompt, full, and effective utilization of the resources of the
11 respective states, including such resources as may be available from
12 the United States government or any other source, are essential to the
13 safety, care, and welfare of the people of the respective states in
14 the event of enemy action or other emergency, and any other resources,
15 including personnel, equipment, or supplies, shall be incorporated
16 into a plan, or plans, of mutual aid to be developed among the civil
17 defense agencies or similar bodies of the states that are parties to
18 this compact. The directors of civil defense of all party states
19 constitute a committee to formulate plans to take all necessary steps
20 for the implementation of this contract.

21 ARTICLE II.

22 CIVIL DEFENSE PLANS AND PROGRAMS.

23 It is the duty of each party state to formulate civil defense
24 plans and programs for application within that state. There shall be
25 frequent consultation between the representatives of the states and
26 with the United States government, and the free exchange of information
27 and plans, including inventories of any materials and equipment avail-
28 able for civil defense. In carrying out these civil defense plans and
29 programs, the party states shall, so far as possible, provide and

1 follow uniform standards, practices, and regulations, including:

2 (1) insignia, arm bands, and any other distinctive articles
3 to designate and distinguish the different civil defense services;

4 (2) blackouts and practice blackouts, air raid drills,
5 mobilization of civil defense forces, and other tests and exercises;

6 (3) warnings and signals for drills or attacks, and the
7 mechanical devices to be used in connection with them;

8 (4) the effective screening or extinguishing of all lights
9 and lighting devices and appliances;

10 (5) shutting off water mains, gas mains, electric power
11 connections, and the suspension of all other utility services;

12 (6) all materials or equipment used, or to be used, for
13 civil defense purposes, in order to assure that those materials and
14 that equipment will be easily and freely interchangeable when used in,
15 or by, any other party state;

16 (7) the conduct of civilians and the movement and cessation
17 of movement of pedestrians and vehicular traffic, before, during, and
18 after drills or attacks;

19 (8) the safety of public meetings or gatherings; and

20 (9) mobile support units.

21 ARTICLE III.

22 ASSISTANCE TO PARTY STATE.

23 Any party state requested to render mutual aid shall take the
24 action necessary to provide and make available the resources covered
25 by this compact in accordance with its terms; however, it is understood
26 that the state rendering aid may withhold resources to the extent
27 necessary to provide reasonable protection for itself. Each party
28 state shall extend to the civil defense forces of any other party
29 state, while operating within its state boundaries under the terms and

1 conditions of this compact, the same powers (except that of arrest,
2 unless specifically authorized by the receiving state), duties, rights,
3 privileges, and immunities as if they were performing their duties in
4 their home state. Civil defense forces will continue under the command
5 and control of their regular leaders, but the organizational units
6 will come under the operational control of the civil defense authorities
7 of the state receiving assistance.

8 ARTICLE IV.

9 INTERSTATE RECOGNITION OF INDIVIDUAL QUALIFICATIONS.

10 If a person holds a license, certificate, or other permit issued
11 by any state or political subdivision of a state evidencing the
12 meeting of qualifications for professional, mechanical or other skills,
13 that person may render aid involving that skill in any party state to
14 meet an emergency or disaster, and that state shall give due recog-
15 nition to the license, certificate, or other permit as if issued in
16 the state in which aid is rendered.

17 ARTICLE V.

18 LIABILITY.

19 No party state or its officers or employees rendering aid in
20 another state pursuant to this compact is liable on account of any act
21 or omission in good faith on the part of those forces while so engaged,
22 or on account of the maintenance or use of any equipment or supplies
23 in connection with rendering that aid.

24 ARTICLE VI.

25 SUPPLEMENTAL AGREEMENTS.

26 Inasmuch as it is probable that the pattern and detail of the
27 machinery for mutual aid among two or more states may differ from that
28 appropriate among other party states, this compact contains elements
29 of a broad base common to all states, and nothing in this compact pre-

1 cludes any state from entering into supplementary agreements with
2 other states. Such supplementary agreements may comprehend, but are
3 not limited to, provisions for evacuation and reception of injured and
4 other persons, and the exchange of medical, fire, police, public
5 utility, reconnaissance, welfare, transportation, and communications
6 personnel, equipment and supplies.

7 ARTICLE VII.

8 INJURY AND DEATH COMPENSATION.

9 Each party state shall provide for the payment of compensation
10 and death benefits to injured members of the civil defense forces of
11 that state and the representatives of deceased members of those forces,
12 in case those members sustain injuries or are killed while rendering
13 aid under this compact, in the same manner and on the same terms as if
14 the injury or death were sustained within that state.

15 ARTICLE VIII.

16 COMPENSATION TO ASSISTING STATE.

17 A party state rendering aid in another state under this compact
18 shall be reimbursed by the party state receiving the aid for any loss
19 or damage to, or expense incurred in, the operation of any equipment
20 answering a request for aid, and for the cost incurred in connection
21 with the request; however, an aiding party state may assume in whole
22 or in part the loss, damage, expense, or other cost, or may loan the
23 equipment or donate the services to the receiving party state without
24 charge or cost; in addition, any two or more party states may enter
25 into supplementary agreements establishing a different allocation of
26 costs as among those states. The United States government may relieve
27 the party state receiving aid from any liability, and reimburse the
28 party state supplying civil defense forces for the compensation paid
29 to and the transportation, subsistence, and maintenance expenses of

1 those forces during the time of rendering the aid or assistance outside
2 the state, and may also pay fair and reasonable compensation for the
3 use of the supplies, materials, equipment, or facilities so used or
4 consumed.

5 ARTICLE IX.

6 EVACUATION PLANS.

7 Plans for the orderly evacuation and reception of the civilian
8 population as the result of an emergency or disaster shall be worked
9 out from time to time between representatives of the party states and
10 the various local civil defense areas of those states. These plans
11 shall include the manner of transporting the evacuees, the number of
12 evacuees to be received in different areas, the manner in which food,
13 clothing, housing, and medical care will be provided, the registration
14 of the evacuees, the provision of facilities for the notification of
15 relatives or friends, the forwarding of evacuees to other areas, the
16 bringing in of additional materials and supplies, and all other
17 relevant factors. These plans shall provide that the party state
18 receiving evacuees shall be reimbursed generally for the out-of-pocket
19 expenses incurred in receiving and caring for those evacuees and for
20 expenditures for transportation, food, clothing, medicines, medical
21 care and like items. These expenditures shall be reimbursed by the
22 party state of which the evacuees are residents, or by the United
23 States government under plans approved by it. After the termination
24 of the emergency or disaster, the party state of which the evacuees
25 are residents shall assume the responsibility for the ultimate support
26 or return of the evacuees.

27 ARTICLE X.

28 AVAILABILITY OF COMPACT.

29 This compact shall be available to any state, territory, or

1 possession of the United States, and the District of Columbia. The
2 term "state" also includes any neighboring foreign country or province
3 or state of one.

4 ARTICLE XI.

5 NON-BORDERING STATES.

6 The governor may enter into this compact with any state which
7 does not border this state if he finds that joint action with the
8 state is desirable in meeting common intergovernmental problems of
9 emergency disaster planning, prevention, response, and recovery.

10 ARTICLE XII.

11 UNITED STATES CIVIL DEFENSE AGENCY PARTICIPATION.

12 The committee established under Article 1 of this compact may
13 request the Civil Defense Agency of the United States government to
14 act as an informational and coordinating body under this compact, and
15 representatives of that agency may attend meetings of the committee.

16 ARTICLE XIII.

17 ENTRY INTO FORCE.

18 This compact becomes operative immediately upon its ratification
19 by any state as between it and any other state or states so ratifying,
20 and is subject to approval by Congress, unless prior Congressional
21 approval has been given. Duly authenticated copies of this compact,
22 and of such supplementary agreements as may be entered into, shall, at
23 the time of their approval, be deposited with each of the party states,
24 the Civil Defense Agency and other appropriate agencies of the United
25 States government.

26 ARTICLE XIV.

27 WITHDRAWAL.

28 This compact continues in force and remains binding on each party
29 state until the legislature or the governor of such a state takes

1 action to withdraw from it. Withdrawal is not effective until 30 days
2 after notice of that action has been sent by the governor of the party
3 state desiring to withdraw to the governors of all other party states.

4 ARTICLE XV.

5 SEVERABILITY.

6 This compact shall be construed to effectuate the purposes stated
7 in Article I. If any provision of this compact is held unconstitu-
8 tional, or its applicability to any person or circumstance is held
9 invalid, the constitutionality of the remainder of this compact and
10 its applicability to other persons and circumstances are not affected
11 by that holding.

12 ARTICLE XVI.

13 COVERAGE.

14 (a) This Article shall be in effect only as among those states
15 which have enacted it into law or in which the governors have adopted
16 it under constitutional or statutory authority sufficient to give it
17 the force of law as part of this compact. Nothing contained in this
18 Article or in any supplementary agreement made in implementation of it
19 abridges, impairs, or supersedes any other provision of this compact
20 or any obligation undertaken by a state pursuant to it, except that if
21 its terms so provide, a supplementary agreement in implementation of
22 this Article may modify, expand, or add to any such obligation as
23 among the parties to the supplementary agreement.

24 (b) In addition to the occurrences, circumstances and subject
25 matter to which preceding Articles of this compact make it applicable,
26 this compact and its authorizations, entitlements, and procedures
27 apply to:

28 (1) searches for and rescue of persons who are lost,
29 marooned, or otherwise in danger;

1 (2) action useful in coping with disasters arising from any
2 cause or designed to increase the capability to cope with any such
3 disasters;

4 (3) incidents, or the imminence of them, which endanger the
5 health or safety of the public and which require the use of special
6 equipment, trained personnel, or personnel in larger numbers than are
7 locally available in order to reduce, counteract or remove the danger;

8 (4) the giving and receiving of aid by political subdivi-
9 sions of party states;

10 (5) exercises, drills or other training or practice acti-
11 vities designed to aid personnel to prepare for, cope with, or prevent
12 any disaster or other emergency to which this compact applies.

13 (c) Except as expressly limited by this compact or a supplemen-
14 tary agreement in force pursuant to it, any aid authorized by this
15 compact or such a supplementary agreement may be furnished by any
16 agency of a party state, by a political subdivision of such a state,
17 or by a joint agency; such an agency or political subdivision is
18 entitled to reimbursement for the aid to the same extent and in the
19 same manner as a state. The personnel of a joint agency, when ren-
20 dering aid under this compact, have the same rights, authority and
21 immunity as personnel of party states.

22 (d) Nothing in this Article excludes from the coverage of
23 Articles I - XV of this compact any matter which, in the absence of
24 this Article, could reasonably be construed to be covered by Articles
25 I - XV.

26 ARTICLE XVII.

27 CONSTRUCTION.

28 Nothing in this compact limits previous or future entry into the
29 Interstate Civil Defense and Disaster Compact of this state with other

1 states.

2 Sec. 26.23.140. LOCAL DISASTER EMERGENCIES. (a) A local dis-
3 aster emergency may be declared only by the principal executive
4 officer of a political subdivision. It may not be continued or
5 renewed for a period in excess of seven days, except by or with the
6 consent of the governing board of the political subdivision. Any
7 order or proclamation declaring, continuing, or terminating a local
8 disaster emergency shall be given prompt and general publicity, and
9 shall be filed promptly with the Alaska Division of Emergency Services
10 and the borough clerk or the city clerk as the case may be.

11 (b) The effect of a declaration of a local disaster emergency is
12 to activate the response and recovery aspects of any and all appli-
13 cable local or interjurisdictional disaster emergency plans, and to
14 authorize the furnishing of aid and assistance under those plans.

15 (c) No interjurisdictional agency or official of one may declare
16 a local disaster emergency unless expressly authorized by the agreement
17 under which the agency functions. An interjurisdictional disaster
18 agency shall provide aid and services in accordance with the agreement
19 under which it functions.

20 Sec. 26.23.150. DISASTER PREVENTION. (a) In addition to dis-
21 aster prevention measures as included in the state, local, and inter-
22 jurisdictional disaster plans, the governor shall consider, on a
23 continuing basis, steps that could be taken to prevent or reduce the
24 harmful consequences of disasters. At his direction, and under any
25 other authority and competence they have, state agencies, including
26 but not limited to those charged with responsibilities in connection
27 with flood plain management, stream encroachment and flow regulation,
28 weather modification, fire prevention and control, air quality, public
29 works, land use and land use planning and construction standards,

1 shall make studies of disaster-prevention-related matters. The
2 governor, from time to time, shall make recommendations to the legis-
3 lature, local governments, and other appropriate public and private
4 entities as may facilitate measures for the prevention or reduction of
5 the harmful consequences of disasters.

6 (b) The Departments of Natural Resources and Public Works, in
7 conjunction with the Alaska Division of Emergency Services, shall keep
8 land uses and location of structures and other facilities under con-
9 tinuing study, and identify areas which are particularly susceptible
10 to severe land shifting, subsidence, flood, or other catastrophic
11 occurrence. The studies under this subsection shall concentrate on
12 means of reducing or avoiding the dangers caused by this occurrence or
13 the consequences of it.

14 (c) If the Alaska Division of Emergency Services believes, on
15 the basis of the studies or other competent evidence, and after con-
16 sultation with the appropriate local planning agencies, that an area
17 is susceptible to a disaster of catastrophic proportions without
18 adequate warning, that existing building standards and land use con-
19 trols in that area are inadequate and could add substantially to the
20 magnitude of the disaster, and that changes in zoning regulations,
21 other land use regulations, or building requirements are essential in
22 order to further the purposes of this section, it shall specify the
23 essential changes to the governor.

24 Sec. 26.23.160. COMPENSATION. (a) No personal services may be
25 compensated by the state or any political subdivision or agency of it,
26 except in accordance with Alaska law or a local ordinance.

27 (b) Compensation for property shall be made only if the property
28 was commandeered or otherwise used in coping with a disaster emergency,
29 and its use or destruction was ordered by the governor or a member of

1 the disaster emergency forces of this state.

2 (c) Any person claiming compensation for the use, damage, loss,
3 or destruction of property occasioned by action taken under this
4 chapter shall file a claim for it with the Alaska Division of Emergency
5 Services in the form and manner that agency provides.

6 (d) Unless the amount of compensation on account of property
7 damaged, lost, or destroyed is agreed upon between the claimant and
8 the Alaska Division of Emergency Services, the amount of compensation
9 shall be calculated in the same manner as compensation due for a
10 taking of property under the condemnation laws of this state.

11 Sec. 26.23.170. COMMUNICATIONS. The Alaska Division of Emergency
12 Services shall ascertain what means exist for rapid and efficient
13 communications in times of disaster emergencies. The office shall
14 consider the desirability of supplementing these communications
15 resources, or of integrating them into a comprehensive state or state-
16 federal telecommunications network or other communication system or
17 network. In studying the character and feasibility of any system or
18 its several parts, the office shall evaluate the possibility of multi-
19 purpose use of it or its parts for general state and local governmental
20 purposes. The office shall make recommendations to the governor as
21 appropriate.

22 Sec. 26.23.180. MUTUAL AID. (a) Political subdivisions not
23 participating in interjurisdictional arrangements under this chapter
24 nevertheless shall be encouraged and assisted by the Alaska Division
25 of Emergency Services to conclude suitable arrangements for furnishing
26 mutual aid in coping with disasters. The arrangements shall include
27 provision of aid by persons and units in public employment.

28 (b) In passing upon local disaster plans, the governor shall
29 consider whether they contain adequate provisions for the rendering

1 and receipt of mutual aid.

2 (c) It is a sufficient reason for the governor to require an
3 interjurisdictional agreement or arrangement under sec. 70 of this
4 chapter that the area involved and political subdivisions in it have
5 available equipment, supplies, and forces necessary to provide mutual
6 aid on a regional basis, and that the political subdivisions have not
7 already made adequate provision for mutual aid; but in requiring an
8 interjurisdictional arrangement in order to accomplish the purpose of
9 this section, the governor need not require establishment and main-
10 tenance of an interjurisdictional agency or arrangement for any other
11 disaster purposes.

12 Sec. 26.23.190. RIGHT OF ENTRY. If the entry is reasonably
13 necessary to actually alleviate or prevent the disaster, all persons
14 authorized to carry out emergency measures directed under the pro-
15 visions of this chapter shall have free access to all public and
16 private land, premises, and buildings within the areas specified, and
17 are authorized to enter them and to perform such work and take such
18 measures as are appropriate without the consent of the owners of the
19 land, premises, or buildings.

20 Sec. 26.23.200. LIMITATIONS. Nothing in this chapter:

21 (1) interferes with the course or conduct of a labor
22 dispute, except that actions otherwise authorized by this chapter or
23 other laws may be taken when necessary to forestall or mitigate
24 imminent or existing danger to public health or safety;

25 (2) interferes with dissemination of news or comment on
26 public affairs; but any communications facility or organization
27 (including but not limited to radio and television stations, wire
28 services, and newspapers) may be requested to transmit or print public
29 service messages furnishing information or instructions in connection

1 with a disaster emergency, in a manner which encroaches as little as
2 possible upon the normal functions of the news media;

3 (3) affects the jurisdiction or responsibilities of police
4 forces, fire-fighting forces, units of the armed forces of the United
5 States, or of any personnel of them, when on active duty; but state,
6 local, and interjurisdictional disaster emergency plans shall place
7 reliance upon the forces available for performance of functions
8 related to disaster emergencies; or

9 (4) limits, modifies, or abridges the authority of the
10 governor to proclaim martial law, or exercise any other powers vested
11 in him under the constitution, statutes, or common law of this state
12 independent of, or in conjunction with, any provision of this chapter.

13 Sec. 26.23.210. RELATIONSHIP TO CIVIL DEFENSE STATUTE. AS
14 26.20, the Alaska civil defense statute, applies to preparedness,
15 response, and recovery from disasters caused by enemy attack and other
16 hostile military or paramilitary action. The provisions of this
17 chapter, other than AS 26.23.130, apply to response and recovery only
18 in cases of natural and non-military man-made disasters.

19 Sec. 26.23.220. ADMINISTRATION. This chapter shall be admini-
20 stered by the Department of Military Affairs, which is responsible to,
21 and which may receive delegations of authority from, the governor.

22 Sec. 26.23.230. DEFINITIONS. As used in this chapter:

23 (1) "disaster" means the occurrence or imminent threat of
24 widespread or severe damage, injury, or loss of life or property
25 re-sulting from any natural or non-military man-made cause including, but
26 not limited to, fire, flood, earthquake, landslide, mudslide, avalanche,
27 weather condition, wave action, oil spill or other water contamination
28 requiring emergency action to avert danger or damage, volcanic activity,
29 epidemic, air contamination, blight, infestation, explosion, riot, equip-

1 ment failure, or shortage of food, water, fuel, or clothing;

2 (2) "major disaster," "emergency," and "temporary housing"
3 mean the same thing as in the federal Disaster Relief Act of 1974
4 (P.L. 93-288, 88 Stat. 143);

5 (3) "political subdivision" means a borough or city,
6 whether home rule or otherwise, including municipalities unified under
7 AS 29.68.240 -- 29.68.440, unincorporated village, or other unit of
8 local government; and

9 (4) "unorganized militia" means all able-bodied persons
10 between the ages of 17 and 59 years, inclusive, who reside in the
11 state.

12 * Sec. 8. AS 44.19.171(b) is amended to read:

13 (b) Subject to the restrictions of (d) and (e) of this section,
14 the governor may, without additional legislative authorization,
15 expend not more than \$1,000,000 [\$500,000] of the assets of the
16 disaster relief fund for the following purposes:

17 (1) to implement provisions of law relating to [NATURAL]
18 disaster relief in the case of a [NATURAL] disaster as defined in sec.
19 175 of this chapter occurring after October 11, 1967;

20 (2) to alleviate the effects of a [NATURAL] disaster as
21 defined in sec. 175 of this chapter occurring after October 11, 1967.

22 * Sec. 9. AS 44.19.171(c) is amended to read:

23 (c) Subject to the restrictions of (d) and (e) of this section,
24 the governor may, without additional legislative authorization, expend
25 for any fiscal year not more than \$500,000 [\$250,000] of the assets of
26 the disaster relief fund to prevent or minimize the effects of an
27 event which occurs in any part of the state after October 11, 1967 and
28 which, in the determination of the governor, poses a direct and
29 imminent threat of resulting in a [NATURAL] disaster of sufficient

1 magnitude and severity to justify state action.

2 * Sec. 10. AS 44.19.175 is repealed and re-enacted to read:

3 Sec. 44.19.175. DEFINITION. In secs. 171 - 177 of this chapter,
4 "disaster" means the occurrence or imminent threat of widespread or
5 severe damage, injury, or loss of life or property resulting from any
6 natural or man-made cause including, but not limited to, fire, flood,
7 earthquake, landslide, avalanche, weather condition, wave action, oil
8 spill or other water contamination requiring emergency action to avert
9 damage, volcanic activity, epidemic, air contamination, blight,
10 infestation, explosion or riot.

11 * Sec. 11. AS 44.19.177(a) is amended to read:

12 Sec. 44.19.177. GRANTS AND LOANS TO MUNICIPALITIES DAMAGED BY A
13 [NATURAL] DISASTER. (a) Grants and loans for urban renewal shall be
14 made available to municipalities damaged by [NATURAL] disasters
15 occurring in the state after August 1, 1967 in order to match federal
16 funds under federal urban renewal programs. A grant or loan of state
17 funds to a municipality for an urban renewal program under this section
18 may not exceed 25 per cent of the aggregate of the net project costs
19 of the urban renewal project. Funds shall be made available to a
20 municipality to match federal funds only if the urban renewal project
21 is made necessary by the [NATURAL] disaster.

22 * Sec. 12. AS 44.19.177(d)(3) is amended to read:

23 (3) whether or not the urban renewal project was made
24 necessary by a [NATURAL] disaster;

25 * Sec. 13. AS 44.19.177(d)(4) is amended to read:

26 (4) the needs of other municipalities damaged by the
27 [NATURAL] disaster for funds to match federal funds for urban renewal
28 projects, and the urgency of the needs of other communities as com-
29 pared with the community under consideration;

1 * Sec. 14. AS 44.19.177(g) is amended to read:

2 (g) In this section "[NATURAL] disaster" means a [NATURAL] dis-
3 aster proclaimed by the President of the United States.

4 * Sec. 15. This Act takes effect immediately in accordance with AS 01.-
5 10.070(c).

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JAN 16 1976

The Honorable Chancy Croft
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

In accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill relating to disaster relief. The bill is based on and is substantially similar to the "Example State Disaster Act of 1972," prepared by the Disaster Project of the Council of State Governments under contract with the Office of Emergency Preparedness, Executive Office of the President.

Whatever the need for comprehensive State disaster legislation may have been in the past, the need has been substantially increased by the passage of the federal "Disaster Relief Act Amendments of 1974," P.L. 93-288. Not only is the purpose of that Act to increase State participation and responsibility in the area of disaster relief, but various types of assistance available to states under the Act are contingent upon the adoption of a disaster program by a requesting state.

For example, section 201(c) of the new federal disaster law provides for the granting of \$250,000 to assist a state in the development of disaster preparedness and response plans and programs, but requires that an agency be selected to administer the disaster program and that a State Disaster Plan be submitted to the President in order to qualify for the grant.

AS 26.23.020, as proposed in the attached bill, would establish the responsibility of the governor in disaster situations and delineate the powers to be available to him. As a part of these powers, subsection (g)(1) of AS 26.23.020 grants to the governor the authority to suspend any regulatory statute, order, or regulation of a State agency which adversely affects the State's ability to respond to a disaster emergency. The provision recognizes that in an emergency situation, time constraints may not allow the State to comply with regulatory procedures and still respond effectively to a disaster emergency.

Proposed AS 26.23.030 would legislatively establish the Alaska Division of Emergency Services. This division would replace the present Alaska Disaster Office, an office which presently exists only by administrative order. If the attached bill is passed, that administrative order will be rescinded. Proposed AS 26.23.040 delineates the duties and powers of the Alaska Division of Emergency Services. Central to the duties of the division are the establishment of a State disaster plan and the coordination and development of local and regional disaster plans required by the federal and proposed State disaster laws.

The funding of disaster relief efforts is addressed in AS 26.23.050. This proposal establishes the sources of funds for disaster relief efforts in order of their priority. In addition to the funds appropriated to the agencies responding to a disaster and those available in the Disaster Relief Fund, the governor is granted the authority to transfer and expend money appropriated for other purposes. This provision takes precedence over AS 37.07.080(e) which presently prohibits the interagency transfer of funds. In addition, section 50 permits the governor to borrow necessary funds from any source for the purpose of "natural disasters" -- a phrase used in Article IX, Section 8 of the Alaska Constitution (which allows borrowing without ratification by the voters for natural disasters).

Proposed AS 26.23.080 to 26.23.110 are self-explanatory, are directly keyed to specific provisions of the federal Disaster Relief Act Amendments of 1974, and have been recommended by the Council of State Government's Disaster Project as supplements to the original Example State Disaster Act of 1972.

Proposed AS 26.23.130 would enact into law the Interstate Civil Defense and Disaster Compact. This compact addresses both military and non-military disasters. The compact establishes the legal basis for interstate cooperation in the area of disaster assistance, provides for the limitation of liability of, and the granting of compensation to, assisting states, and provides the foundation for the coordination of interstate disaster plans and procedures. It has been adopted by approximately 14 states so far, although some states have limited its application to bordering states only. The compact and the remainder of Section 3 of the bill are to be administered by the Department of Military Affairs.

Related to the financing of disaster efforts, are the proposed amendments to AS 44.19.171(b) and AS 44.19.171(c), found in Section 4 and Section 5 of the bill. These two

amendments would increase the amount of money which the governor may spend for disaster prevention or relief without additional legislative authorization, from \$500,000 and \$250,000 to \$1,000,000 and \$500,000, respectively.

The civil defense statute (AS 26.20) and the Disaster Relief Fund statute (AS 44.19.171, et seq.) are presently the only laws of Alaska addressing the issue of disaster prevention, preparedness, response and recovery. The former of these laws is primarily concerned with military or para-military disaster, though it could be interpreted to extend to non-military disasters. Use of the Disaster Relief Fund is presently limited to "natural" disasters, and then only to provide limited funds in certain situations. In an effort to delineate precisely to which situations the civil defense statute applies and those to which the Disaster Relief Act would apply, the term "disaster," as used in the proposed disaster Act, has been defined to include only those disasters resulting from natural or non-military, man-made causes (AS 26.23.900(1).) In addition, Section 2 of the proposed Act would make an amendment to AS 26.20.010(a) which would have the effect of limiting the coverage of the civil defense statute to military or para-military situations only.

Because of the expansive grant of authority provided for in the civil defense statute and the proposed Alaska Disaster Relief Act, it is suggested that the scope of these particular statutes be made as explicit as possible. The Interstate Civil Defense and Disaster Compact, however, is to be applicable to both military and non-military disasters.

Sections 6 through 10 of the proposed Act offer amendments to AS 44.19.171, et seq., which would delete the word "natural" wherever it appears in that statute. These amendments are suggested as a result of problems such as those encountered during the Bristol Bay Disaster of 1974. Much discussion occurred at that time as to whether the Bristol Bay disaster was a "natural" disaster or a disaster resulting from man-made causes. Because of these discussions, valuable time was lost in responding to the needs of the people of the area.

In accordance with Rule 40(e) of the Uniform Rules of the Alaska State Legislature, Section 11 states the change in the Alaska Rules of Civil Procedure which would result from the proposed Act.

Article 7 of the proposed Interstate Civil Defense and Disaster Compact (AS 26.23.130) requires that each state adopting the compact provide for injury and death compensation for its civil defense forces rendering assistance under the compact outside of their home state. Therefore, Section 1 proposes that Alaska civil defense and disaster forces, engaged in activities outside of Alaska in accordance with the compact, be considered "state employees" for purposes of Alaska's workmen's compensation law.

Sincerely,

Jay S. Hammond
Governor

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE
 Second Session - Ninth Legislature

I. REQUEST

Bill No. SB 534 Am.
 Title: An Act relating to powers and organization to cope with natural & man made
 Requested by: House Finance Committee Date: 1/19/76 disasters
 Return Date Requested: _____
 Agency: Alaska Disaster Office Program: Disaster Preparedness

II. FISCAL DETAIL

Budget Request Unit(s) Affected: _____

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

B. FUNDING: (Thousands of dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This legislation is required in order to conform to The Federal Disaster Relief Act of 1974 (Public Law 93-288). Alaska does not have statutes covering natural disasters.

IV. ATTACHMENTS

V. DATE: 5/15/76 PREPARED BY: [Signature]

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

The Legislature of the State of Alaska
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. SB-534

Title: An Act relating Natural Disasters

Requested by: Governor's Office

Date: January 16, 1976

Return Date Requested: _____

Agency: _____

Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: No fiscal impact. See Analysis

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

B. FUNDING: (Thousands of dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	/	/	/	/	/
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

See Attachment

IV. ATTACHMENTS

V. DATE: January 16, 1976

PREPARED BY: Terry J. Nidiffer

Deputy Director
Alaska Disaster Office

III. Analysis

The Alaska Disaster Act is proposed to provide a sound legal base and a compendium of provisions which can be employed to meet the growing impact of disaster.

Current State statutes dealing with disasters were enacted during the early days of statehood. At that time, the primary motivation was to provide the basis for preparation and response to military attack, especially involving nuclear weapons. It was thought that governmental action in connection with any kind of catastrophe has common elements. Accordingly, these earlier statutes have been broadened in interpretation to make them more applicable to circumstances caused by floods, earthquakes, conflagrations, and other disruptions of a natural or man-made kind. Within limits, these statutes have proved useful in meeting disaster situations. However, it has become clear that provisions thought useful in a civil defense context are not always suited to meeting all disaster problems and responsibilities. Also, the vulnerability to disaster is steadily increasing commensurate with population and economic growth of the State.

At present, much of the Governor's authority to act in a wide variety of disaster situations is regarded as inherent in his capacity as head of the Executive branch of the State government. It is, therefore, considered appropriate that the Governor be specifically identified as the responsible official with paramount power to direct the overall disaster program and to assume command of disaster response and relief forces in time of emergency. This act makes this identification and provides procedures for the orderly administration of the disaster program.

The enactment of the Alaska Disaster Act per se will not result in an increase in expenditures above the level of funding now authorized for disaster preparedness and operations as currently administered by the Alaska Disaster Office. The Alaska Division of Emergency Services to be created by this Act shall supersede the Alaska Disaster Office and shall carry out the disaster functions of the Act within the resources, facilities, manpower, and funding now authorized and/or available to the Alaska Disaster Office.

In summary, the experience of the past decade has shown many inadequacies in State statutes and measures originally enacted to cope with disaster. In order to deal more directly with the problems of nonmilitary disasters, while not excluding civil defense, this Act is proposed for enactment to meet the rising natural disaster threat.

V. DATE: January 16, 1976

PREPARED BY: Terry J. Nidiffer
Deputy Director
Alaska Disaster Office



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

2/8/90
Date

COMMITTEE REPORT

1/28/76

SENATE

Mr. President:

Date _____

The Committee on FINANCE has had SB 53J relating to refunds of Alaska Fishery Taxes to local governments under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS
- "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

Members NOT concurring in the Majority report:

_____ recommends:
 _____ recommends:
 _____ recommends:
 _____ recommends:
 _____ recommends:

_____ Chairman

COMMITTEE REPORT

FINANCE

1/19/76

SENATE

Mr. President:

Date Jan 27 1976

The Committee on COMMUNITY AND REGIONAL AFFAIRS has had SB 539 relating to refunds of Alaska Fishery Taxes to local governments under consideration. A Majority of the members of the Committee

- recommends it DO PASS
- recommends it DO NOT PASS
- recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR _____ AND THAT CS FOR _____ DO PASS
- "and" recommends it BE REFERRED TO THE _____ COMMITTEE
- reports it back WITHOUT RECOMMENDATION
- "other"

Members signing the Majority report:

Patrick Rodey _____

C. Tilligan _____

Ed. Willis _____

Members NOT concurring in the Majority report:

J. Orsini recommends: no rec

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Patrick Rodey Chairman

539

Introduced: 1/19/76
Referred: Community and
Regional Affairs and
Finance

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IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

SENATE BILL NO. 539

IN THE LEGISLATURE OF THE STATE OF ALASKA
NINTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to refunds of Alaska Fishery Taxes to local governments; and providing for an effective date."

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

* Section 1. AS 43.75.130 is repealed and re-enacted to read:

Sec. 43.75.130. REFUND TO LOCAL GOVERNMENTS. (a) If raw fishery resources are landed within the boundaries of an organized borough but outside the boundaries of a first class city within that borough, or if the raw fishery resources are landed within the boundaries of a first class city in the unorganized borough, the department shall refund 20 per cent of the tax collected under this chapter on the processing of the raw fishery resources to that borough or city where it was landed. If, however, the raw fishery resources are not landed within the boundaries of any first class city or organized borough but are processed within the boundaries of an organized borough and outside the boundaries of a first class city within that borough, or are processed in a first class city in the unorganized borough, then the department shall refund 20 per cent of the tax collected under this chapter on the processing of the raw fishery resources to that borough or city where it was processed.

(b) If raw fishery resources are landed within the boundaries of a first class city in an organized borough, the department

1 shall refund 10 per cent of the amount of tax collected under this
2 chapter on the processing of the raw fishery resources to that city
3 and 10 per cent to the borough. If the raw fishery resources are
4 not landed within the boundaries of any first class city or organized
5 borough but the raw fishery resources are processed within the boundaries
6 of a first class city in a borough, the department shall refund
7 10 per cent of the amount of tax collected under this chapter
8 on the processing of the raw fishery resource to that city and 10
9 per cent to the borough.

10 * Sec. 2. AS 43.75 is amended by adding a new section to read:

11 Sec. 43.75.140. DEFINITIONS. In this chapter

12 (1) "department" means the Department of Revenue;

13 (2) "landed" means the first place where the raw fishery
14 resource is off-loaded on to the shore or to another facility attached
15 to the shore or to another floating vessel;

16 (3) "raw fishery resource" means raw halibut, halibut
17 livers and viscera, salmon, bottom fish, shellfish, clams or other
18 fish.

19 * Sec. 3. AS 43.75.135 is repealed.

20 * Sec. 4. This Act is retroactive to January 1, 1976.

21 * Sec. 5. This Act takes effect immediately in accordance with
22 AS 01.10.070(c).

JAN 16 1977

The Honorable Chancy Croft
President of the Senate
Alaska State Legislature
Juneau, Alaska 99811

Dear Mr. President:

In accordance with AS 24.30.060(b) and the Uniform Rules of the Alaska State Legislature, I am transmitting a bill which changes the method of sharing the Alaska fishery taxes with local governments.

Presently, the Alaska fishery taxes are shared with the municipalities where the fishery resources are processed (i.e., where the tax is collected). In some cases, municipalities may feel the impact of the fishing industry but not receive any of the shared revenue of fishery taxes. For example, at least one municipality, the Bristol Bay Borough, is affected to a major degree by the fishing industry but does not receive any of the shared taxes since the fishing products are processed, and thus the tax is collected, elsewhere.

I feel strongly that the sharing of fishery taxes should go to those municipalities most directly affected by the fishing industry. Accordingly, the bill which I am proposing would share tax revenues with those municipalities where the fishery resources are landed rather than where the tax is collected. If, however, the fishery resources are not landed within a municipality, then the tax revenue will be shared with the municipality where those resources are processed.

In repealing and re-enacting AS 43.75.130, the bill also uses current municipal classifications. In addition, the bill repeals AS 43.75.135 but the current revenue sharing formula is retained. That is, boroughs and cities in the unorganized borough receive 20 per cent of the tax collected; and, in the case of cities within an organized borough, the city receives 10 per cent and the borough receives 10 percent.

Sincerely,

Jay S. Hammond
Governor

ALASKA STATE LEGISLATURE

NINTH..... Legislature .SECONDSession

SENATE BILL..... NO. 539..

By THE RULES COMMITTEE BY.....
REQUEST OF THE GOVERNOR

"An Act relating to refunds of Alaska Fishery Taxes to local governments; and providing for an effective date."

refunds of Alaska Fishery Taxes to local governments

Introduced in the Senate, 19...76

HISTORY IN THE SENATE

19 76	Read first time and referred to Committee on										
1 19	Community & Regional Affairs and Finance										
1 28	Reported back with recommendation that <i>Pass - To Finance</i>										
	Read second time and										
	Read third time and										
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reconsideration										
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PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by President										
	Sent to House										

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Read first time and referred to Committee on										
	Reported back with recommendation that										
	Read second time and										
	Read third time and										
	<table border="0"> <tr><td>PASS</td><td>Effective Date</td></tr> <tr><td>Yeas</td><td>Yeas</td></tr> <tr><td>Nays</td><td>Nays</td></tr> <tr><td>Absent</td><td>Absent</td></tr> <tr><td>Excused</td><td>Excused</td></tr> </table>	PASS	Effective Date	Yeas	Yeas	Nays	Nays	Absent	Absent	Excused	Excused
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PASS	Effective Date										
Yeas	Yeas										
Nays	Nays										
Absent	Absent										
Excused	Excused										
	Reported correctly engrossed										
	Signed by Speaker										
	Returned to Senate										

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Received from House
	Reported correctly enrolled
	Sent to Governor
 By Governor
	Filed with Lt. Governor
	Chapter No.

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. Senate Bill No. 539

Title: Refunds of Alaska Fishery Taxes to Local Governments

Requested by: Senate Finance Committee Date: 1/29/76

Return Date Requested: 2/3/76

Agency: Revenue Program: Administrative Services

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Administrative Services

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES	4.4	18.9	20.4	22.0	23.8	25.7
200 TRAVEL						
300 CONTRACTUAL	.2	.8	.9	.9	1.0	1.1
400 COMMODITIES	.2	.8	.9	.9	1.0	1.1
500 EQUIPMENT	1.0					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	5.8	20.5	22.2	23.8	25.8	27.9

B. FUNDING: (Thousands of dollars)

	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
GENERAL FUND	5.8	20.5	22.2	23.8	25.8	27.9
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
PERMANENT/TEMPORARY	1 /	1 /	1 /	1 /	1 /	1 /
MAN MONTHS (P./T.)	3 /	12 /	12 /	12 /	12 /	12 /

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Accounting requirement of the bill would require full time support of a Tax Examiner II, Range 12. Inflation is calculated at 8% per year. Personal services for FY 76 based on 3 months and cost assuming implementation by April 1, 1976 General Government Salary Schedule used - Benefits are based on 21% of salary. Other expenditures are directly related to the position (e.g., Rent, commodities and equipment (in 1976 only)).

IV. ATTACHMENTS

See memorandum dated January 12, 1976 from Frederick P. Boetsch, Deputy Commissioner to Sterling Gallagher, Commissioner of Revenue.

V. DATE: January 29, 1976

PREPARED BY: Frederick P. Boetsch

DEPUTY COMMISSIONER, TAXATION

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

MEMORANDUM

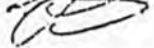
State of Alaska

TO: Sterling Gallagher
Commissioner
Department of Revenue

DATE: January 12, 1976

FILE NO:

TELEPHONE NO:

FROM: Frederick P. Boetsch 
Deputy Commissioner, Taxation
Department of Revenue

SUBJECT: Governor's Bill Providing
for Sharing of Fish Tax
Revenues

The accounting requirements of this bill would necessitate the hiring of a Tax Examiner II on a full-time basis in fiscal year 1976. Since it is unlikely that the bill could be implemented prior to April 1, we have assumed that the costs in the current fiscal year would only be for that 3-month period. In subsequent fiscal years we have assumed the salary, benefits, appropriate contractual and commodity expenses related to the performance of this job.

There is no effect on the actual revenues to the State since neither the tax rate nor the sharing formula itself has been changed. The main change in the bill is the determination of where the taxes should be shared in terms of the local municipality.

cc: Phil Wall, Director
Administrative Services Division

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE
Second Session - Ninth Legislature

I. REQUEST
 Bill No. Senate Bill No. 539
 Title: Refunds of Alaska Fishery Taxes to Local Governments
 Requested by: Senate Finance Committee Date: 1/29/76
 Return Date Requested: 2/3/76
 Agency: Revenue Program: Administrative Services

II. FISCAL DETAIL
 Budget Request Unit(s) Affected: Administrative Services
 A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES	4.4	18.9	20.4	22.0	23.8	25.7
200 TRAVEL						
300 CONTRACTUAL	.2	.8	.9	.9	1.0	1.1
400 COMMODITIES	.2	.8	.9	.9	1.0	1.1
500 EQUIPMENT	1.0					
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	5.8	20.5	22.2	23.8	25.8	27.9

B. FUNDING: (Thousands of dollars)

GENERAL FUND	5.8	20.5	22.2	23.8	25.8	27.9
FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	1 /	1 /	1 /	1 /	1 /	1 /
MAN MONTHS (P./T.)	3 /	12 /	12 /	12 /	12 /	12 /

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Accounting requirement of the bill would require full time support of a Tax Examiner II, Range 12. Inflation is calculated at 8% per year. Personal services for FY 76 based on 3 months and cost assuming implementation by April 1. January 1, 1976 General Government Salary Schedule used - Benefits are based on 21% of salary. Other expenditures are directly related to the position (e.g., Rent, commodities and equipment (in 1976 only)).

IV. ATTACHMENTS

See memorandum dated January 12, 1976 from Frederick P. Boetsch, Deputy Commissioner to Sterling Gallagher, Commissioner of Revenue.

V. DATE: January 29, 1976 PREPARED BY: Frederick P. Boetsch
 DEPUTY COMMISSIONER, TAXATION

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

MEMORANDUM


State of Alaska

TO: Sterling Gallagher
Commissioner
Department of Revenue

DATE: January 12, 1976

FILE NO:

TELEPHONE NO:

FROM: Frederick P. Boetsch 
Deputy Commissioner, Taxation
Department of Revenue

SUBJECT: Governor's Bill Providing
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There is no effect on the actual revenues to the State since neither the tax rate nor the sharing formula itself has been changed. The main change in the bill is the determination of where the taxes should be shared in terms of the local municipality.

cc: Phil Wall, Director
Administrative Services Division

Introduced: 1/19/76
Referred: Community and
Regional Affairs and
Finance

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 539

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to refunds of Alaska Fishery Taxes
7 to local governments; and providing for an effective
8 date."
9

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

11 * Section 1. AS 43.75.130 is repealed and re-enacted to read:

12 Sec. 43.75.130. REFUND TO LOCAL GOVERNMENTS. (a) If raw
13 fishery resources are landed within the boundaries of an organized
14 borough but outside the boundaries of a first class city within
15 that borough, or if the raw fishery resources are landed within
16 the boundaries of a first class city in the unorganized borough,
17 the department shall refund 20 per cent of the tax collected under
18 this chapter on the processing of the raw fishery resources to that
19 borough or city where it was landed. If, however, the raw fishery
20 resources are not landed within the boundaries of any first class
21 city or organized borough but are processed within the boundaries
22 of an organized borough and outside the boundaries of a first class
23 city within that borough, or are processed in a first class city
24 in the unorganized borough, then the department shall refund 20
25 per cent of the tax collected under this chapter on the processing
26 of the raw fishery resources to that borough or city where it was
27 processed.

28 (b) If raw fishery resources are landed within the boundaries
29 of a first class city in an organized borough, the department

1 shall refund 10 per cent of the amount of tax collected under this
2 chapter on the processing of the raw fishery resources to that city
3 and 10 per cent to the borough. If the raw fishery resources are
4 not landed within the boundaries of any first class city or organized
5 borough but the raw fishery resources are processed within the boundaries
6 of a first class city in a borough, the department shall refund
7 10 per cent of the amount of tax collected under this chapter
8 on the processing of the raw fishery resource to that city and 10
9 per cent to the borough.

10 * Sec. 2. AS 43.75 is amended by adding a new section to read:

11 Sec. 43.75.140. DEFINITIONS. In this chapter

12 (1) "department" means the Department of Revenue;

13 (2) "landed" means the first place where the raw fishery
14 resource is off-loaded on to the shore or to another facility attached
15 to the shore or to another floating vessel;

16 (3) "raw fishery resource" means raw halibut, halibut
17 livers and viscera, salmon, bottom fish, shellfish, clams or other
18 fish.

19 * Sec. 3. AS 43.75.135 is repealed.

20 * Sec. 4. This Act is retroactive to January 1, 1976.

21 * Sec. 5. This Act takes effect immediately in accordance with
22 AS 01.10.070(c).

Introduced: 1/19/76
Referred: Community and
Regional Affairs and
Finance

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IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

SENATE BILL NO. 539

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to refunds of Alaska Fishery Taxes
to local governments; and providing for an effective
date."

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

* Section 1. AS 43.75.130 is repealed and re-enacted to read:

Sec. 43.75.130. REFUND TO LOCAL GOVERNMENTS. (a) If raw
fishery resources are landed within the boundaries of an organized
borough but outside the boundaries of a first class city within
that borough, or if the raw fishery resources are landed within
the boundaries of a first class city in the unorganized borough,
the department shall refund 20 per cent of the tax collected under
this chapter on the processing of the raw fishery resources to that
borough or city where it was landed. If, however, the raw fishery
resources are not landed within the boundaries of any first class
city or organized borough but are processed within the boundaries
of an organized borough and outside the boundaries of a first class
city within that borough, or are processed in a first class city
in the unorganized borough, then the department shall refund 20
per cent of the tax collected under this chapter on the processing
of the raw fishery resources to that borough or city where it was
processed.

(b) If raw fishery resources are landed within the boundaries
of a first class city in an organized borough, the department

1 shall refund 10 per cent of the amount of tax collected under this
2 chapter on the processing of the raw fishery resources to that city
3 and 10 per cent to the borough. If the raw fishery resources are
4 not landed within the boundaries of any first class city or organized
5 borough but the raw fishery resources are processed within the boundaries
6 of a first class city in a borough, the department shall refund
7 10 per cent of the amount of tax collected under this chapter
8 on the processing of the raw fishery resource to that city and 10
9 per cent to the borough.

10 * Sec. 2. AS 43.75 is amended by adding a new section to read:

11 Sec. 43.75.140. DEFINITIONS. In this chapter

12 (1) "department" means the Department of Revenue;

13 (2) "landed" means the first place where the raw fishery
14 resource is off-loaded on to the shore or to another facility attached
15 to the shore or to another floating vessel;

16 (3) "raw fishery resource" means raw halibut, halibut
17 livers and viscera, salmon, bottom fish, shellfish, clams or other
18 fish.

19 * Sec. 3. AS 43.75.135 is repealed.

20 * Sec. 4. This Act is retroactive to January 1, 1976.

21 * Sec. 5. This Act takes effect immediately in accordance with
22 AS 01.10.070(c).

Introduced: 1/19/76
Referred: Community and
Regional Affairs and
Finance

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(b) If raw fishery resources are landed within the boundaries of a first class city in an organized borough, the department