



LAWS OF ALASKA

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Source

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Chapter No.

178

AN ACT

Relating to disaster emergencies and disaster and emergency relief and preparedness.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 21, 1990
Actual Effective Date: September 19, 1990

AN ACT

Relating to disaster emergencies and disaster and
emergency relief and preparedness.

* Section 1. AS 26.23.020(c) is repealed and reenacted to read:

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

* Sec. 2. AS 26.23 is amended by adding a new section to read:

Sec. 26.23.025. THE LEGISLATURE AND DISASTER EMERGENCIES. (a) The provisions of this section apply when the governor declares a condition of disaster emergency under AS 26.23.020(c) and in response to the disaster the governor proposes to expend

(1) more than \$1,000,000 of the assets of the disaster relief fund under AS 26.23.300(b);

(2) more than \$500,000 of the assets of the disaster relief

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1 fund under AS 26.23.300(c); or

2 (3) an amount from the disaster relief fund that exceeds
3 the unallocated balance of the fund.

4 (b) When the governor declares a condition of disaster emergency
5 while the legislature is in session, concurrently with the issuance of
6 the proclamation the governor shall prepare and deliver to the presid-
7 ing officers of the legislature and to the persons who chair the
8 finance committees in each house of the legislature

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

12 (2) a supplemental appropriation to provide money necessary
13 to cope with the disaster.

14 (c) When the governor declares a condition of disaster emergency
15 while the legislature is not in session, concurrently with the issu-
16 ance of the disaster emergency proclamation the governor shall

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

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

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

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

29 (d) If the declaration of a disaster emergency occurs while the

1 legislature is in session, or if a special session is held, actions
2 taken by the governor under this chapter that are not ratified by a
3 concurrent resolution adopted during that session are void.

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

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

9 * Sec. 3. AS 26.23.040(a) is amended to read:

10 (a) The Alaska division of emergency services shall prepare and
11 maintain a state emergency plan and keep it current. The plan may
12 include provisions for

13 (1) prevention and minimization of injury and damage caused
14 by disasters;

15 (2) prompt and effective response to disasters;

16 (3) emergency relief;

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

19 (5) recommendations for

20 (A) zoning, building, and other land use controls;

21 (B) [,] safety measures for securing mobile homes or
22 other nonpermanent or semi-permanent structures; [,] and

23 (C) other preventive and preparedness measures de-
24 signed to eliminate or reduce disasters or their impact;

25 (6) assistance to local officials in designing local emer-
26 gency action plans;

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

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

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

5 (9) [(10)] coordination of federal, state, and local disas-
6 ter activities;

7 (10) [(11)] coordination of the state emergency plan with
8 the disaster plans of the federal government; and

9 (11) [(12)] other matters necessary to carry out the pur-
10 poses of this chapter.

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

12 (e) The Alaska division of emergency services shall

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

16 (2) procure and pre-position supplies, medicines, mate-
17 rials, and equipment;

18 (3) adopt standards and requirements for local and inter-
19 jurisdictional disaster plans;

20 (4) periodically review local and interjurisdictional
21 disaster plans;

22 (5) [PROVIDE FOR MOBILE SUPPORT UNITS;

23 (6)] establish and operate, or assist political subdi-
24 visions, their disaster agencies, and interjurisdictional disaster
25 agencies to establish and operate, training [AND PUBLIC INFORMATION]
26 programs;

27 (6) [(7) MAKE SURVEYS OF INDUSTRIES, RESOURCES, AND FACILI-
28 TIES IN THE STATE, BOTH PUBLIC AND PRIVATE, AS ARE NECESSARY TO CARRY
29 OUT THE PURPOSES OF THIS CHAPTER;

1 (8)] plan and make arrangements for the availability and
2 use of any private facilities, services, and property and, if neces-
3 sary and if in fact used, provide for payment for use under terms and
4 conditions agreed upon by the parties;

5 (7) [(9)] establish a register of persons with types of
6 training and skills important in disaster prevention, preparedness,
7 response, and recovery;

8 (8) [(10)] ESTABLISH A REGISTER OF MOBILE AND CONSTRUCTION
9 EQUIPMENT AND TEMPORARY HOUSING AVAILABLE FOR USE IN A DISASTER EMER-
10 GENCY;

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

14 (9) [(12)] cooperate with the federal government and any
15 public or private agency or entity in achieving any purpose of this
16 chapter and in implementing programs for disaster prevention, pre-
17 paredness, response and recovery;

18 (10) [(13)] develop and carry out procedures and policies to
19 effectively employ disaster relief funds made available by the gover-
20 nor's authority or by special legislative action; these procedures
21 shall include application and documentation by disaster victims or
22 applicants, review, verification and funding approval, and processing
23 of appeals;

24 (11) [(14)] do other things necessary or proper for the
25 implementation of this chapter.

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

27 (b) Whenever, and to the extent that, money is needed to cope
28 with a disaster, the first recourse shall be to money [FUNDS] regul-
29 arly appropriated to state and local agencies. The second recourse

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1 shall be to money [FUNDS] available in the disaster relief fund or the
2 oil and hazardous substance release response fund, as appropriate. If
3 money available from these sources is insufficient, and if the gover-
4 nor finds that other sources of money to cope with the disaster are
5 not available or are insufficient, the governor may, notwithstanding
6 the limitations [ANY LIMITATION] imposed by AS 37.07.080(e),

7 (1) transfer and spend money appropriated for other pur-
8 poses; or

9 (2) [, IN SITUATIONS INVOLVING NATURAL DISASTERS,] borrow
10 money [FROM THE UNITED STATES GOVERNMENT OR OTHER PUBLIC OR PRIVATE
11 SOURCES] for a term not to exceed two years.

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

13 (a) Each political subdivision in the state is within the juris-
14 diction of, and shall be served by, the Alaska division of emergency
15 services. A [AN INCORPORATED] municipality also may be served by a
16 local or interjurisdictional agency responsible for disaster prepared-
17 ness and coordination of response.

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

19 (c) Each political subdivision that does not have a disaster
20 agency and has not made arrangements to secure or participate in the
21 services of a disaster agency shall designate a liaison officer to
22 facilitate the cooperation and protection of that political subdivi-
23 sion [CITY] in the work of disaster prevention, preparedness, re-
24 sponse, and recovery.

25 * Sec. 8. AS 26.23.080 is amended to read:

26 Sec. 26.23.080. [COMMUNITY] DISASTER LOANS. Whenever, at the
27 request of the governor, the President has declared a major disaster
28 to exist in this state, the governor may

29 (1) upon the governor's determination that a political

1 subdivision [LOCAL GOVERNMENT] of the state will suffer a substantial
2 loss of tax and other revenue from the disaster and has demonstrated a
3 need for financial assistance to perform its governmental functions,
4 apply to the federal government, on behalf of the political subdivi-
5 sion [LOCAL GOVERNMENT], for a loan; the governor may receive and
6 disburse the proceeds of any approved loan to any applicant political
7 subdivision [LOCAL GOVERNMENT];

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

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

20 * Sec. 9. AS 26.23.090(b) is amended to read:

21 (b) The governor is authorized to make financial grants [, THE
22 TOTAL OF FEDERAL AND STATE SHARES NOT TO EXCEED \$5,000,] to an indi-
23 vidual or family [IN ANY SINGLE MAJOR DISASTER DECLARED BY THE PRESI-
24 DENT,] to meet disaster-related necessary expenses or serious needs of
25 individuals or families adversely affected by the [A MAJOR] disaster
26 that cannot otherwise adequately be met from other means of assis-
27 tance. The governor may make a grant to an individual and family
28 under this subsection as follows:

29 (1) when the President declares a major disaster, the

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

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

7 * Sec. 10. AS 26.23.110(a) is amended to read:

8 (a) When the governor has declared a disaster emergency, or the
9 President, at the request of the governor, has declared a major disas-
10 ter or emergency to exist in this state, the governor may

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

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

18 * Sec. 11. AS 26.23.110(b) is amended to read:

19 (b) Authority under (a)(1) of this section may not be exercised
20 unless the affected political subdivision [LOCAL GOVERNMENT], corpo-
21 ration, organization, or individual unconditionally authorizes the
22 removal of the debris or wreckage from public and private property
23 and, in the case of removal of debris or wreckage from private prop-
24 erty, first agrees to indemnify the state government against claims
25 arising from the removal.

26 * Sec. 12. AS 26.23.210 is amended to read:

27 Sec. 26.23.210. RELATIONSHIP TO CIVIL DEFENSE LAWS [STATUTE].
28 (a) AS 26.20 (civil defense) [THE ALASKA CIVIL DEFENSE STATUTE
29 (AS 26.20),] applies to preparedness, response, and recovery from

1 disasters caused by enemy attack and other hostile military or para-
2 military action.

3 (b) The provisions of this chapter, other than AS 26.23.130,
4 apply to preparedness, response, and recovery in cases of natural and
5 [NONMILITARY] manmade disasters other than disasters listed in (a) of
6 this section.

7 * Sec. 13. AS 26.23.230(1) is amended to read:

8 (1) "disaster" means the occurrence or imminent threat of
9 widespread or severe damage, injury, or loss of life or property
10 resulting from a [ANY] natural or [NONMILITARY] man-made cause, in-
11 cluding

12 (A) [, BUT NOT LIMITED TO,] fire, flood, earthquake,
13 landslide, mudslide, avalanche, wind-driven water, weather condi-
14 tion, tsunami, volcanic activity, epidemic, air contamination,
15 blight, infestation, explosion, riot, [EQUIPMENT FAILURE,] or
16 shortage of food, water, fuel, or clothing;

17 (B) [, OR] the release of oil or a hazardous sub-
18 stance, if the release requires [REQUIRING] prompt action to
19 avert environmental danger or damage; and

20 (C) equipment failure, if the failure is not a pre-
21 dictably frequent or recurring event or preventable by adequate
22 equipment maintenance or operation;

23 * Sec. 14. AS 26.23.230(3) is amended to read:

24 (3) "emergency" has the meaning given in 42 U.S.C. 5122
25 (Disaster Relief and Emergency Act [OF 1974]);

26 * Sec. 15. AS 26.23.230(5) is amended to read:

27 (5) "political subdivision" means

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

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

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

3 * Sec. 16. AS 26.23.230(6) is amended to read:

4 (6) "temporary housing" has the meaning given in the fed-
5 eral Disaster Relief and Emergency Act [OF 1974 (P.L. 93-288, 88 STAT.
6 143)];

7 * Sec. 17. AS 26.23 is amended by adding new sections to read:

8 ARTICLE 2. DISASTER RELIEF FUND.

9 Sec. 26.23.300. DISASTER RELIEF FUND. (a) There is in the
10 Office of the Governor a disaster relief fund. The Department of
11 Revenue is custodian of the fund.

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

16 (1) to implement provisions of law relating to disaster
17 relief in the case of a disaster;

18 (2) to alleviate the effects of a disaster by making
19 grants or loans to persons or political subdivisions on terms the
20 governor considers appropriate or by other means the governor con-
21 siders appropriate.

22 (c) Subject to the restrictions of (d) of this section, the
23 governor may, without additional legislative authorization, expend
24 during a fiscal year not more than \$500,000 of the assets of the
25 disaster relief fund to prevent or minimize the effects of an event
26 that occurs in the state and that, in the determination of the gover-
27 nor, poses a direct and imminent threat of a disaster of sufficient
28 magnitude and severity to justify state action.

29 (d) The governor shall present to the legislature an annual

1 accounting of money expended from the disaster relief fund.

2 (e) The governor shall adopt regulations to carry out the pro-
3 visions of this section.

4 ARTICLE 3. FUEL EMERGENCY.

5 Sec. 26.23.400. FUEL EMERGENCY FUND. There is established in
6 the Office of the Governor the fuel emergency fund. When the governor
7 determines that a shortage of fuel is sufficiently severe to justify
8 state assistance, the governor may make a grant from the fuel emer-
9 gency fund to a political subdivision to purchase emergency supplies
10 of fuel.

11 * Sec. 18. AS 26.23.090(c), AS 44.19.048, 44.19.049, 44.19.050, and
12 44.19.052 are repealed.