



LAWS OF ALASKA

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Chapter No.

AN ACT

Relating to homeland security, to civil defense, to emergencies and to disasters, including disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of disease; establishing the Alaska division of homeland security and emergency management in the Department of Military and Veterans' Affairs and relating to the functions of that division and that department; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to homeland security, to civil defense, to emergencies and to disasters, including
2 disasters in the event of attacks, outbreaks of disease, or threats of attack or outbreak of
3 disease; establishing the Alaska division of homeland security and emergency management in
4 the Department of Military and Veterans' Affairs and relating to the functions of that division
5 and that department; and providing for an effective date.

6

7 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 **PURPOSE.** The purpose of the establishment of the Alaska division of homeland
10 security and emergency management in sec. 6 of this Act and the repeal of AS 26.23.030 in
11 sec. 22 of this Act is to further the consolidation of the Department of Military and Veterans'
12 Affairs' emergency services and homeland security functions into a single division in order to
13 provide for more efficient administration of those functions and to transfer functions of the
14 division of emergency services into the division of homeland security and emergency

1 management.

2 * **Sec. 2.** AS 24.20 is amended by adding a new section to article 5 to read:

3 **Sec. 24.20.680. Legislative review.** (a) The Homeland Security and
4 Emergency Management Subcommittee is established as a subcommittee of the Joint
5 Armed Services Committee established under AS 24.20.650. The subcommittee shall
6 be organized within 15 days after the organization of the committee each legislature.
7 The subcommittee is established to review confidential activities, plans, reports,
8 recommendations, and other materials of the Alaska division of homeland security and
9 emergency management established in AS 26.20.025, or of other agencies or persons,
10 relating to matters concerning homeland security and civil defense, emergencies, or
11 disasters in the state or to the state's preparedness for or ability to mount a prompt
12 response to matters concerning homeland security and civil defense, emergencies, or
13 disasters.

14 (b) Subject to (c) of this section, the subcommittee is composed of six to eight
15 members, as follows:

16 (1) the president of the senate and the speaker of the house of
17 representatives;

18 (2) the respective chairs of the subcommittees of the House and Senate
19 Finance Committees that consider the military and veterans' affairs budget;

20 (3) if the chair of the senate subcommittee described in (2) of this
21 subsection is

22 (A) not a member of the Joint Armed Services Committee
23 established in AS 24.20.650, two senate members of the Joint Armed Services
24 Committee, selected by the president of the senate, one of whom is not a
25 member of the political party to which a majority of members of the senate
26 belong;

27 (B) a member of the Joint Armed Services Committee
28 established in AS 24.20.650, one senate member of the Joint Armed Services
29 Committee selected by the president of the senate;

30 (4) if the chair of the house subcommittee described in (2) of this
31 subsection is

1 (A) not a member of the Joint Armed Services Committee
2 established in AS 24.20.650, two house members of the Joint Armed Services
3 Committee selected by the speaker of the house of representatives, one of
4 whom is not a member of the political party to which a majority of members of
5 the house of representatives belong;

6 (B) a member of the Joint Armed Services Committee
7 established in AS 24.20.650, one house member of the Joint Armed Services
8 Committee selected by the speaker of the house of representatives.

9 (c) To be eligible for service on the subcommittee, a member shall have a
10 federal security clearance at the secret level at the time of entering service or shall
11 have an interim security clearance at the secret level at the time of entering service and
12 shall apply for and receive a federal security clearance at the secret level. Members
13 holding a federal security clearance at the secret level at the time of entering service or
14 receiving the clearance subsequent to entering service shall maintain the federal
15 security clearance at the secret level to remain qualified to serve on the subcommittee.

16 (d) The president of the senate and the speaker of the house of representatives
17 may condition service on the subcommittee by members upon the execution of
18 appropriate confidentiality agreements by the members or by persons assisting those
19 members. Information and documents received by members serving on the
20 subcommittee or persons assisting members under a confidentiality agreement as
21 described in this subsection are not public records and are not subject to public
22 disclosure under AS 40.25.100 - 40.25.220.

23 (e) Members who remain qualified to serve on the subcommittee under this
24 section serve for the duration of the legislature during which the members enter
25 service. If a member is reelected or a member's term of office extends into the next
26 succeeding legislature and the member remains qualified under this section, the
27 member shall continue to serve until the member reenters service on the subcommittee
28 through the operation of (b) of this section or until the member's successor enters
29 service.

30 (f) When a member files a declaration of candidacy for an elective office other
31 than that of member of either house of the legislature, and the member has not

1 resigned from service, the member's service terminates on the date that the member
2 leaves legislative office.

3 * **Sec. 3.** AS 26.20.010 is amended to read:

4 **Sec. 26.20.010. Policy and purpose.** (a) Because of the [NATIONAL
5 EMERGENCY AND THE] possibility of [DISASTERS OR EMERGENCIES
6 RESULTING FROM] enemy or terrorist attack, sabotage, or other hostile action
7 against or in the state, and in order to ensure [INSURE] adequate preparations for
8 attack [DISASTERS] or emergencies, and generally to provide for homeland
9 security and the common defense, it is found and declared to be necessary

10 (1) to provide for a state homeland security and civil defense agency
11 [, AND TO AUTHORIZE THE CREATION OF LOCAL ORGANIZATIONS FOR
12 CIVIL DEFENSE];

13 (2) to confer upon the governor [AND UPON THE EXECUTIVE
14 HEADS OF THE DISTRICTS OF THE STATE] the emergency powers provided in
15 this chapter;

16 (3) to provide for mutual aid and cooperation among the state, local,
17 and private agencies [DISTRICTS] of the state, with the other states of the United
18 States, [AND] with the federal government, and with the provinces of another
19 country, for carrying out homeland security and civil defense functions;

20 (4) to authorize the [ESTABLISHMENT OF ORGANIZATIONS
21 AND] taking of steps that are necessary and appropriate to carry out the provisions of
22 this chapter.

23 (b) It is further declared that the purpose of this chapter and the policy of the
24 state is that all homeland security and civil defense functions of this state be
25 coordinated to the maximum extent with the comparable functions of the federal
26 government, including its various departments and agencies, of the states of the United
27 States and localities, and of private agencies of every type, so that the most effective
28 preparation and use may be made of the state's manpower, resources, and facilities for
29 dealing with any attack [DISASTER] that occurs.

30 * **Sec. 4.** AS 26.20.010 is amended by adding a new subsection to read:

31 (c) It is further declared that the purpose of this chapter and the policy of the

1 state is that all homeland security and civil defense functions of this state be
2 coordinated by and through the Department of Military and Veterans' Affairs, with the
3 cooperation and assistance of all state agencies.

4 * **Sec. 5.** AS 26.20.020 is amended to read:

5 **Sec. 26.20.020. Homeland security and civil [CIVIL] defense powers of**
6 **the Department of Military and Veterans' Affairs.** (a) The Department of Military
7 and Veterans' Affairs is responsible for carrying out the provisions of this chapter
8 [AND, IN THE EVENT OF DISASTER OR EMERGENCY BEYOND LOCAL
9 CONTROL, MAY ASSUME DIRECT OPERATIONAL CONTROL OVER ALL OR
10 ANY PART OF THE CIVIL DEFENSE FUNCTIONS WITHIN THIS STATE].

11 (b) In performing its duties under this chapter, the department may

12 (1) issue, adopt, amend, and rescind the necessary orders and
13 regulations to carry out this chapter, with consideration of the plans **and programs** of
14 the federal government;

15 (2) prepare **and implement** [A] comprehensive **plans** [PLAN] and
16 **programs** [PROGRAM] for the **homeland security and** civil defense of this state,
17 **and coordinate with state agencies in the preparation and implementation of**
18 **those plans and programs,** which shall be integrated into and coordinated with the
19 **homeland security and** civil defense plans **and programs** of the federal government
20 and of each state of the United States to the fullest possible extent, and coordinate the
21 preparation **and implementation** of plans and programs for **homeland security and**
22 civil defense by **political subdivisions and private agencies of** the [DISTRICTS OF
23 THIS] state, which shall be integrated into and coordinated with the **homeland**
24 **security and** civil defense **plans** [PLAN] and **programs** [PROGRAM] of this state to
25 the fullest possible extent;

26 (3) ascertain the requirements of the state [OR THE DISTRICTS OF
27 THE STATE] for food or clothing or other necessities of life in the event of attack and
28 plan for and procure supplies, medicines, materials, and equipment, and use and
29 employ any of the property, services, and resources within the state, for the purposes
30 set **out** [FORTH] in this chapter; make surveys of the industries, resources, and
31 facilities within the state that are necessary to carry out the purposes of this chapter;

1 institute training programs and public information programs; [,] and take all other
2 preparatory steps, including the partial or full mobilization of **homeland security,**
3 **civil defense, and emergency** organizations **and personnel** in advance of actual
4 **attack** [DISASTER], to ensure the furnishing of adequately trained and equipped
5 [FORCES OF CIVIL DEFENSE] personnel **and adequate resources** in time of need;

6 (4) **coordinate** [COOPERATE] with the [PRESIDENT AND HEADS
7 OF THE ARMED FORCES, AND THE CIVIL DEFENSE AGENCY OF THE
8 UNITED STATES, AND WITH THE] officers and agencies of the **United States and**
9 **the** states of the United States, in matters pertaining to the **homeland security and**
10 **civil defense** of the state and nation [AND THE INCIDENTS THEREOF; AND IN
11 THIS CONNECTION, TO TAKE ANY MEASURES THAT IT CONSIDERS
12 PROPER TO CARRY INTO EFFECT A REQUEST OF THE PRESIDENT AND
13 THE APPROPRIATE FEDERAL OFFICERS AND AGENCIES FOR ACTION
14 LOOKING TO CIVIL DEFENSE, INCLUDING THE DIRECTION OR CONTROL
15 OF

16 (A) BLACKOUTS AND PRACTICE BLACKOUTS, AIR
17 RAID DRILLS, MOBILIZATION OF CIVIL DEFENSE FORCES, AND
18 OTHER TESTS AND EXERCISES;

19 (B) WARNINGS AND SIGNALS FOR DRILLS OR
20 ATTACKS AND THE MECHANICAL DEVICES TO BE USED IN
21 CONNECTION WITH THEM;

22 (C) THE EFFECTIVE SCREENING OR EXTINGUISHING
23 OF LIGHTS AND LIGHTING DEVICES AND APPLIANCES;

24 (D) SHUTTING OFF WATER MAINS, GAS MAINS,
25 ELECTRIC POWER CONNECTIONS AND THE SUSPENSION OF
26 OTHER UTILITY SERVICES;

27 (E) THE CONDUCT OF CIVILIANS AND THE
28 MOVEMENT AND CESSATION OF MOVEMENT OF PEDESTRIANS
29 AND VEHICULAR TRAFFIC DURING, BEFORE, AND AFTER DRILLS
30 OR ATTACK;

31 (F) PUBLIC MEETINGS OR GATHERINGS; AND

1 (G) THE EVACUATION AND RECEPTION OF THE
2 CIVILIAN POPULATION];

3 (5) **exercise additional authority delegated by the governor to the**
4 **department** [TAKE ACTION AND GIVE DIRECTIONS TO STATE AND LOCAL
5 LAW ENFORCEMENT OFFICERS AND AGENCIES AS ARE REASONABLE
6 AND NECESSARY] to secure compliance with this chapter and with the orders and
7 regulations issued or adopted under this chapter;

8 (6) employ measures and give directions to the state or local
9 [BOARDS OF] health **agencies** as are reasonably necessary for the purpose of
10 securing compliance with this chapter or with the findings or recommendations of
11 state or local [BOARDS OF] health **agencies** due to conditions arising from
12 [ENEMY] attack or the threat of [ENEMY] attack [OR OTHERWISE];

13 (7) **obtain and** utilize the services, [AND] facilities, **and information**
14 of existing officers [,] and agencies of the state and of the **political subdivisions**
15 [DISTRICTS] of the state, whose duty it is to cooperate with and extend their services,
16 [AND] facilities, **and information** to the department as requested by it;

17 (8) [ESTABLISH AGENCIES AND OFFICES AND APPOINT
18 EXECUTIVE, TECHNICAL, CLERICAL, AND OTHER PERSONNEL
19 NECESSARY TO CARRY OUT THIS CHAPTER, INCLUDING, WITH
20 CONSIDERATION TO THE RECOMMENDATION OF THE LOCAL
21 AUTHORITIES, FULL TIME STATE AND DISTRICT DIRECTORS;

22 (9) delegate authority vested in the department under this chapter, and
23 provide for the subdelegation of this authority;

24 (9) [(10)] sponsor and develop mutual aid **and cooperation** plans and
25 agreements **among** [BETWEEN] the **agencies** [DISTRICTS] of the state, **the political**
26 **subdivisions of the state, and private agencies and organizations;**

27 (10) [(11)] ESTABLISH DISTRICTS IN THE STATE AS ARE
28 NEEDED TO CARRY OUT THE PURPOSES AND INTENT OF THIS CHAPTER;

29 (12) sell, lend, transfer, or deliver supplies or medicines to carry out
30 the policy and purposes set **out** [FORTH] in this chapter on terms and conditions that
31 the department considers reasonable;

1 (11) participate in and conduct exercises to implement homeland
2 security plans and to prepare for a potential attack;

3 (12) advise the governor and the legislature on appropriate policy
4 of the state for matters of homeland security and civil defense; and

5 (13) coordinate with state agencies in providing a recommendation
6 to the governor for state action in response to changes in threat levels [, BUT
7 SUBJECT TO THE FOLLOWING:

8 (A) MONEY DERIVED FROM THE SALE OF SUPPLIES
9 AND MEDICINES SHALL BE DEPOSITED IN A SPECIAL FUND,
10 WHICH SHALL BE USED BY THE DEPARTMENT TO REPLENISH AND
11 PURCHASE THE NECESSARY SUPPLIES AND MEDICINES;

12 (B) A SALE UNDER THIS PARAGRAPH MAY NOT BE
13 FOR AN AMOUNT BELOW 10 PER CENT OF THE REQUISITION COST
14 UNLESS FIRST APPROVED BY THE DEPARTMENT].

15 * **Sec. 6.** AS 26.20 is amended by adding a new section to read:

16 **Sec. 26.20.025. Creation and duties of the Alaska division of homeland**
17 **security and emergency management.** (a) There is established in the department
18 the Alaska division of homeland security and emergency management, possessing the
19 powers and duties as set out in this section and as delegated by the adjutant general of
20 the department.

21 (b) The Alaska division of homeland security and emergency management,
22 with the concurrence and approval of the adjutant general of the department, shall
23 prepare and maintain a state homeland security plan and keep it current. The plan may
24 include provisions for

25 (1) investigation and assessment of attack threats to persons, facilities,
26 systems, infrastructure, and other property in this state;

27 (2) identification of geographical areas, municipalities, facilities,
28 systems, infrastructure, or other property or persons especially vulnerable to an attack;

29 (3) prioritization of measures to protect persons, facilities, systems,
30 infrastructure, and other property in the state from attack;

31 (4) organization of personnel, including chains of command, and other

1 resources;

2 (5) coordination and deployment of personnel, including the organized
3 militia, state and local agency personnel, and authorized volunteers, and other
4 resources to protect persons, facilities, systems, infrastructure, and other property in
5 the state from attack or to respond to an attack;

6 (6) assistance to local officials and private agencies in designing local
7 and private security plans;

8 (7) coordination of federal, state, local, and private agencies' homeland
9 security activities;

10 (8) coordination of the state homeland security plan with the state
11 emergency plan and with the homeland security and disaster plans of the federal
12 government;

13 (9) other planning, prevention, preparedness, response, and mitigation
14 measures designed to eliminate or reduce the threat or effect of an attack; and

15 (10) other actions necessary to carry out the purposes of this chapter.

16 (c) With the concurrence and approval of the adjutant general of the
17 department, the Alaska division of homeland security and emergency management
18 shall

19 (1) develop, coordinate, and maintain a prioritized list of critical
20 infrastructure in the state;

21 (2) determine requirements of the state and its political subdivisions
22 for food, medicine, clothing, and other necessities in the event of an attack;

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

25 (4) plan and make arrangements for the availability and use of private
26 facilities, services, and property and, if necessary and used, provide for payment for
27 use under terms and conditions agreed upon by the state and the other parties or as
28 provided under AS 26.20.045;

29 (5) establish a register of persons with types of training and skills
30 important in homeland security and emergency response functions;

31 (6) prepare, for issuance or adoption by the governor, orders,

1 proclamations, and regulations as necessary or appropriate in coping with attacks;

2 (7) cooperate with the federal government and public or private
3 agencies or entities in achieving the purposes of this chapter and in implementing
4 programs for homeland security, civil defense, and attack prevention, preparedness,
5 response, recovery, and mitigation;

6 (8) do other things necessary or proper for the implementation of this
7 chapter.

8 (d) The division has the additional powers and duties set out in AS 26.23.040.

9 * **Sec. 7.** AS 26.20.030 is amended to read:

10 **Sec. 26.20.030. Reciprocal aid agreements with other governments. In**
11 **accordance with this chapter, the** [THE] governor may enter into reciprocal aid
12 agreements with other states, [AND WITH] the federal government, **and provinces**
13 [EITHER ON A STATEWIDE BASIS OR LOCAL DISTRICT BASIS OR WITH A
14 NEIGHBORING STATE OF THE UNITED STATES OR A PROVINCE] of a
15 foreign country. [THESE MUTUAL AID AGREEMENTS SHALL BE LIMITED
16 TO THE FURNISHING OR EXCHANGE OF FOOD, CLOTHING, MEDICINE,
17 AND OTHER SUPPLIES; ENGINEERING SERVICES; EMERGENCY HOUSING;
18 POLICE SERVICES; NATIONAL OR STATE GUARDS WHILE UNDER THE
19 CONTROL OF THE STATE; HEALTH, MEDICAL AND RELATED SERVICES;
20 FIRE FIGHTING, RESCUE, TRANSPORTATION, AND CONSTRUCTION
21 SERVICES AND EQUIPMENT; PERSONNEL NECESSARY TO PROVIDE OR
22 CONDUCT THESE SERVICES; AND OTHER SUPPLIES, EQUIPMENT,
23 FACILITIES, PERSONNEL, AND SERVICES THAT ARE NEEDED; THE
24 REIMBURSEMENT OF COSTS AND EXPENSES FOR EQUIPMENT, SUPPLIES,
25 PERSONNEL, AND SIMILAR ITEMS FOR MOBILE SUPPORT UNITS, FIRE-
26 FIGHTING UNITS, POLICE UNITS, AND HEALTH UNITS. THE
27 AGREEMENTS SHALL BE ON TERMS AND CONDITIONS THAT ARE
28 CONSIDERED NECESSARY.]

29 * **Sec. 8.** AS 26.20.040 is amended to read:

30 **Sec. 26.20.040. Emergency powers of the governor.** In the event of actual
31 enemy **or terrorist** attack **in or** against the state, **or a credible threat of imminent**

1 **enemy or terrorist attack**, the governor may declare that a state of emergency exists,
2 and, during the period of time that the state of emergency exists or continues, the
3 governor has and may exercise the additional emergency power

4 (1) to enforce all laws and regulations relating to **homeland security**
5 **and** civil defense and assume direct operational control of all **homeland security and**
6 civil defense forces and helpers in the state;

7 (2) to seize, take, or condemn property **if, and only to the extent that,**
8 **the governor determines that the property is needed** for the protection of the public
9 [OR AT THE REQUEST OF THE PRESIDENT, THE ARMED FORCES OR THE
10 CIVIL DEFENSE AGENCY OF THE UNITED STATES], including

11 (A) [ALL MEANS OF] transportation and communication
12 **equipment**, except newspapers and news services;

13 (B) [ALL STOCKS OF] fuel [OF WHATEVER NATURE];

14 (C) food, clothing, equipment, materials, medicines, and
15 supplies; and

16 (D) facilities including buildings and plants;

17 (3) to sell, lend, give, or distribute the fuel, food, clothing, medicines,
18 and supplies among the inhabitants of the state and account to the commissioner of
19 revenue for funds received for the property;

20 (4) to make compensation for the property seized, taken, or condemned
21 on the basis described in AS 26.20.045;

22 (5) **to suspend the provisions of a regulatory statute prescribing**
23 **procedures for the conduct of state business or the order or regulation of a state**
24 **agency if compliance with the provisions of the statute, order, or regulation**
25 **would prevent, or substantially impede or delay, action necessary to cope with**
26 **the emergency;**

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

30 (7) **to transfer personnel or alter the functions of state departments**
31 **and agencies or units of them for the purpose of responding to or facilitating the**

1 **response to the emergency;**

2 **(8)** to perform and exercise other functions, powers, and duties that are
3 considered necessary to promote and secure the safety and protection of the civilian
4 population.

5 * **Sec. 9.** AS 26.20.040 is amended by adding new subsections to read:

6 (b) A state of emergency declared under (a) of this section may not remain in
7 effect longer than 30 days unless extended by the legislature by law and may be
8 terminated by law or withdrawal of the declaration.

9 (c) In this section, "credible threat of imminent enemy or terrorist attack"
10 means a threat of attack against persons or property in the state that the adjutant
11 general of the department or a designee of the adjutant general, in consultation with
12 the commissioner of public safety or a designee of the commissioner of public safety,
13 certifies to the governor has a high probability of occurring in the near future; the
14 certification must be based on specific information received from a local, state,
15 federal, or international agency, or another source that the adjutant general or the
16 designee of the adjutant general, in conjunction with the commissioner of public safety
17 or a designee of the commissioner of public safety, determines is reliable.

18 * **Sec. 10.** AS 26.20.100 is amended to read:

19 **Sec. 26.20.100. Traffic control. In coordination with the Department of**
20 **Public Safety and the Department of Transportation and Public Facilities, the**
21 [THE] department may

22 **(1)** formulate and execute plans and regulations for the control of
23 traffic for the rapid and safe movement of evacuation over public highways and streets
24 of people, troops, or vehicles and materials for **homeland security and civil defense;**
25 **and**

26 **(2)** **establish and operate checkpoints along private or public**
27 **roadways serving critical property or facilities in the state, at the direction of the**
28 **governor when the governor determines that a sufficiently high threat of enemy**
29 **or terrorist attack exists to warrant the action; the checkpoints established under**
30 **this paragraph may be in conjunction with closure of the roadway under**
31 **AS 19.10.100; operation of a checkpoint shall include the posting of checkpoint**

1 signs in a manner that provides advance notice of the checkpoint so that persons
2 are afforded a reasonable opportunity to turn around without passing through
3 the checkpoint; operation of a checkpoint shall be limited to enforcement of the
4 roadway closure or reasonable inspection of persons and vehicles passing
5 through the checkpoint for weapons, explosives, chemicals, biological or
6 biochemical agents, or other instruments capable of causing widespread severe
7 injury to persons or property; however, at a checkpoint authorized under this
8 paragraph, a person is entitled to retain possession of an amount of deadly
9 weapons or defensive weapons that is reasonably justifiable for the person's
10 lawful use, so long as those weapons are not prohibited weapons; in this
11 paragraph, "deadly weapon" and "defensive weapon" have the meanings given
12 in AS 11.81.900(b), and "prohibited weapon" has the meaning given in
13 AS 11.61.200 [NATIONAL DEFENSE OR FOR USE IN A DEFENSE INDUSTRY,
14 AND MAY COORDINATE THE ACTIVITIES OF THE DEPARTMENTS OR
15 AGENCIES OF THE STATE AND OF THE DISTRICTS CONCERNED WITH
16 PUBLIC HIGHWAYS AND STREETS, IN A MANNER THAT WILL BEST
17 CARRY OUT THOSE PLANS].

18 * **Sec. 11.** AS 26.20.110 is amended to read:

19 **Sec. 26.20.110. Lease or loan of state property and transfer of personnel.**

20 Notwithstanding any inconsistent provision of law,

21 [(1)] whenever the governor considers it is in the public interest [,] and
22 the urgency of the situation demands, the governor may

23 **(1)** [(A)] authorize a department or agency of the state to lease or lend,
24 on the terms and conditions that the governor considers necessary to promote the
25 public welfare and protect the interests of the state, real or personal property of the
26 state government to the president, the heads of the armed forces, or to the **homeland**
27 **security or** civil defense agency of the United States;

28 **(2)** [(B)] enter into an agreement on behalf of the state for the use or
29 loan to any **political subdivision** [DISTRICT] of the state, on terms and conditions
30 the governor considers necessary to promote the public welfare and protect the
31 interests of the state, of real or personal property of the state government, or the

1 temporary transfer or employment of personnel of the state government, to or by any
2 **political subdivision** [DISTRICT] of the state [;

3 (2) THE DIRECTOR OF EACH DISTRICT OF THE STATE MAY

4 (A) ENTER INTO A CONTRACT OR LEASE WITH THE
5 STATE, OR ACCEPT A LOAN, OR EMPLOY PERSONNEL, AND THE
6 DISTRICT MAY EQUIP, MAINTAIN, UTILIZE, AND OPERATE THE
7 PROPERTY AND EMPLOY NECESSARY PERSONNEL FOR THAT
8 PURPOSE IN ACCORDANCE WITH THE PURPOSES FOR WHICH THE
9 CONTRACT IS EXECUTED;

10 (B) DO ALL THINGS AND PERFORM ALL ACTS THAT
11 THE GOVERNOR CONSIDERS NECESSARY TO CARRY OUT THE
12 PURPOSE FOR WHICH THE CONTRACT IS MADE].

13 * **Sec. 12.** AS 26.20.145 is amended to read:

14 **Sec. 26.20.145. Immunity of owners of public shelters.** A person owning or
15 controlling real estate who voluntarily and without compensation permits the
16 designation or use of the whole or part of the real estate for the purpose of sheltering
17 persons during an actual or practice attack **or homeland security or civil defense**
18 **emergency or practice drill** shall, together with the person's successors in interest, be
19 immune from suit for negligence arising out of the construction or maintenance of the
20 property causing the death of, or injury to, any person using the shelter during an
21 actual or practice attack **or homeland security or civil defense emergency or**
22 **practice drill**.

23 * **Sec. 13.** AS 26.20.150 is amended to read:

24 **Sec. 26.20.150. Authority to accept services, gifts, grants, and loans.** (a)
25 Whenever the federal government or an agency or officer of the federal government
26 offers to the state [, OR THROUGH THE STATE TO A DISTRICT,] services,
27 equipment, supplies, materials, or funds by way of gift, grant, or loan, for **the purpose**
28 [PURPOSES] of **homeland security or** civil defense, the **department** [STATE
29 ACTING THROUGH THE GOVERNOR, OR THE DISTRICT, ACTING WITH
30 THE CONSENT OF THE GOVERNOR AND THROUGH ITS EXECUTIVE
31 OFFICER OR GOVERNING BODY,] may accept the offer and [UPON

1 ACCEPTANCE THE GOVERNOR OR THE EXECUTIVE OFFICER OR
2 GOVERNING BODY OF THE DISTRICT MAY AUTHORIZE AN OFFICER OF
3 THE STATE OR THE DISTRICT, AS THE CASE MAY BE, TO] receive the
4 services, equipment, supplies, materials, or funds on behalf of the state [OR THE
5 DISTRICT], subject to the terms of the offer and the regulations, if any, of the agency
6 making the offer.

7 (b) Whenever a person offers to the state [OR TO A DISTRICT] services,
8 equipment, supplies, materials, or funds by way of gift, grant, or loan, for purpose of
9 homeland security or civil defense, the department [STATE ACTING THROUGH
10 THE GOVERNOR, OR THE DISTRICT ACTING THROUGH ITS EXECUTIVE
11 OFFICER OR GOVERNING BODY,] may accept the offer and [UPON
12 ACCEPTANCE THE GOVERNOR OR THE EXECUTIVE OFFICER OR
13 GOVERNING BODY OF THE DISTRICT MAY AUTHORIZE AN OFFICER OF
14 THE STATE OR OF THE DISTRICT, AS THE CASE MAY BE, TO] receive the
15 services, equipment, supplies, materials, or funds on behalf of the state, [OR
16 DISTRICT, AND] subject to the terms of the offer.

17 * **Sec. 14.** AS 26.20 is amended by adding a new section to read:

18 **Sec. 26.20.195. Federal regulation of homeland security.** The requirements
19 of this chapter do not apply to facilities, aircraft, vessels, and other means and modes
20 of transportation that are subject to federal homeland security requirements, including
21 aviation security requirements at 49 C.F.R. Chapter XII Subchapter B, Part 1520, and
22 Subchapter C, Parts 1540 - 1550, and maritime and land security requirements at 33
23 C.F.R. Chapter 1 Subchapter H, Parts 101 - 106, and 49 C.F.R. Chapter XII
24 Subchapter D, Parts 1570 - 1572.

25 * **Sec. 15.** AS 26.20.200 is amended by adding new paragraphs to read:

26 (4) "attack" means the use of weapons, explosives, chemicals,
27 biological or biochemical agents, or other instruments with the potential for major
28 force or impact, with apparent intent to inflict widespread or severe injury to persons
29 or property;

30 (5) "homeland security" means the detection, prevention, preemption,
31 and deterrence of, protection from, and response to attacks targeted at territory,

1 population, or infrastructure in this state;

2 (6) "political subdivision" means

3 (A) a municipality; or

4 (B) another unit of local government;

5 (7) "private agency" means a for-profit or nonprofit corporation,
6 unincorporated village, association, or other group or entity operating in the state.

7 * **Sec. 16.** AS 26.23.020(g) is amended to read:

8 (g) In addition to any other powers conferred upon the governor by law, the
9 governor may, under AS 26.23.010 - 26.23.220,

10 (1) suspend the provisions of any regulatory statute prescribing
11 procedures for the conduct of state business, or the orders or regulations of any state
12 agency, if compliance with the provisions of the statute, order, or regulation would
13 prevent, or substantially impede or delay, action necessary to cope with the disaster
14 emergency;

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

18 (3) transfer personnel or alter the functions of state departments and
19 agencies or units of them for the purpose of performing or facilitating the performance
20 of disaster emergency services;

21 (4) subject to any applicable requirements for compensation under
22 AS 26.23.160, commandeer or utilize any private property, except for all news media
23 other than as specifically provided for in AS 26.23.010 - 26.23.220, if the governor
24 considers this necessary to cope with the disaster emergency;

25 (5) direct and compel the relocation of all or part of the population
26 from any stricken or threatened area in the state [,] if the governor considers relocation
27 necessary for the preservation of life or for other disaster mitigation purpose;

28 (6) prescribe routes, modes of transportation, and destinations in
29 connection with necessary relocation;

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

1 (8) suspend or limit the sale, dispensing, or transportation of alcoholic
2 beverages, [FIREARMS,] explosives, and combustibles;

3 (9) make provisions for the availability and use of temporary
4 emergency housing;

5 (10) allocate or redistribute food, water, fuel, [OR] clothing, medicine,
6 or supplies; and

7 (11) use money from the oil and hazardous substance release response
8 account in the oil and hazardous substance release prevention and response fund,
9 established by AS 46.08.010, to respond to a declared disaster emergency related to an
10 oil or hazardous substance discharge.

11 * **Sec. 17.** AS 26.23.040 is amended by adding a new subsection to read:

12 (g) The Alaska division of homeland security and emergency management has
13 the additional powers and duties set out in AS 26.20.025.

14 * **Sec. 18.** AS 26.23.170 is amended to read:

15 **Sec. 26.23.170. Communications.** The Department of Military and
16 Veterans' Affairs [ALASKA DIVISION OF EMERGENCY SERVICES] shall
17 ascertain what means exist for rapid and efficient communications in times of disaster
18 emergency. The department [DIVISION] shall consider the desirability of
19 supplementing these communications resources, or of integrating them into a
20 comprehensive state or state-federal telecommunications network or other
21 communication system or network. In studying the character and feasibility of any
22 system or its several parts, the department [DIVISION] shall evaluate the possibility
23 of multi-purpose use of it or its parts for general state and local governmental
24 purposes. The department [DIVISION] shall make recommendations to the governor
25 as appropriate.

26 * **Sec. 19.** AS 26.23.170 is amended by adding a new subsection to read:

27 (b) A statewide 911 coordinator is established within the Department of
28 Military and Veterans' Affairs to coordinate and facilitate the implementation of 911
29 systems throughout the state. The 911 coordinator shall

30 (1) participate in efforts to set uniform statewide standards for
31 automatic number identification and automatic location identification data

1 transmission for telecommunications systems;

2 (2) make recommendations as necessary for implementation of basic
3 and enhanced 911 service.

4 * **Sec. 20.** AS 26.23.210 is repealed and reenacted to read:

5 **Sec. 26.23.210. Relationship to homeland security and civil defense laws.**

6 (a) In the event of a conflict between this chapter and AS 26.20, including in the event
7 the governor declares a disaster under this chapter due to an attack or credible threat of
8 imminent enemy or terrorist attack as described in AS 26.23.900(2), the provisions of
9 this chapter shall govern.

10 (b) The provisions of AS 26.20.140, providing for immunity of government,
11 employees, and other authorized persons in certain circumstances, apply when the
12 entities or persons covered by AS 26.20.140 perform duties under AS 26.23.010 -
13 26.23.220, except as otherwise provided in AS 26.23.136 for entities or other persons
14 providing assistance to the state under a compact in a form substantially as contained
15 in AS 26.23.136.

16 * **Sec. 21.** AS 26.23.900(2) is amended to read:

17 (2) "disaster" means the occurrence or imminent threat of widespread
18 or severe damage, injury, loss of life or property, or shortage of food, water, or fuel
19 resulting from

20 (A) an incident such as storm, high water, wind-driven water,
21 tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide,
22 avalanche, snowstorm, prolonged extreme cold, drought, fire, flood, epidemic,
23 explosion, or riot;

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

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

30 **(D) enemy or terrorist attack or a credible threat of**
31 **imminent enemy or terrorist attack in or against the state that the**

1 adjutant general of the Department of Military and Veterans' Affairs or a
2 designee of the adjutant general, in consultation with the commissioner of
3 public safety or a designee of the commissioner of public safety, certifies to
4 the governor has a high probability of occurring in the near future; the
5 certification must meet the standards of AS 26.20.040(c); in this
6 subparagraph, "attack" has the meaning given under AS 26.20.200; or
7 (E) an outbreak of disease or a credible threat of an
8 imminent outbreak of disease that the commissioner of health and social
9 services or a designee of the commissioner of health and social services
10 certifies to the governor has a high probability of occurring in the near
11 future; the certification must be based on specific information received
12 from a local, state, federal, or international agency, or another source that
13 the commissioner or the designee determines is reliable;

14 * **Sec. 22.** AS 26.20.050, 26.20.060, 26.20.070, 26.20.080, 26.20.090, 26.20.120,
15 26.20.130, 26.20.160, 26.20.170, 26.20.180, 26.20.200(3); AS 26.23.030, and 26.23.900(4)
16 are repealed.

17 * **Sec. 23.** AS 24.20.680 is repealed January 1, 2009.

18 * **Sec. 24.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 PREPARATION AND PRESENTATION OF PROPOSED LEGISLATION. If the
21 adjutant general of the Department of Military and Veterans' Affairs determines that
22 additional qualifications for service on the Homeland Security and Emergency Management
23 Subcommittee under AS 24.20.680, added by sec. 2 of this Act, would significantly enhance
24 the security of sensitive materials or information to be reviewed under AS 24.20.680, the
25 adjutant general shall prepare a bill proposing amendments to AS 24.20.680, enacted by sec. 2
26 of this Act, for consideration by each house of the legislature, and shall deliver the bill to the
27 Secretary of the Alaska State Senate and the Chief Clerk of the Alaska State House of
28 Representatives not later than 30 days following the convening of the First Regular Session of
29 the Twenty-Fourth Alaska State Legislature.

30 * **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to
31 read:

1 TRANSITION. Notwithstanding AS 24.20.680(a), enacted by sec. 2 of this Act, the
2 Homeland Security and Emergency Management Subcommittee established in AS 24.20.680,
3 enacted by sec. 2 of this Act, shall be organized for the first time within 15 days after the
4 effective date of this section.

5 * **Sec. 26.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 REVISOR'S INSTRUCTIONS. (a) The revisor of statutes is instructed to change the
8 heading of

9 (1) AS 26.20 from "Chapter 20. Civil Defense" to "Chapter 20. Homeland
10 Security and Civil Defense";

11 (2) AS 26.23.040 from "Duties of the Alaska division of emergency services."
12 to "Homeland security duties of the Alaska division of homeland security and emergency
13 management."

14 (b) Wherever in the Alaska Statutes and the Alaska Administrative Code the term
15 "division of emergency services," which is in the Department of Military and Veterans'
16 Affairs, is used, it shall be read as the "division of homeland security and emergency
17 management" when to do so would be consistent with the purpose of this Act.

18 (c) Under AS 01.05.031, the revisor of statutes shall implement this section in the
19 statutes.

20 (d) Under AS 44.62.125(b)(6), the regulations attorney shall implement (b) of this
21 section in the Alaska Administrative Code.

22 * **Sec. 27.** Section 19 of this Act takes effect March 1, 2005.

23 * **Sec. 28.** Except as provided in sec. 27 of this Act, this Act takes effect immediately under
24 AS 01.10.070(c).