

SPONSOR STATEMENT
CSSB 385 (JUD)

(Homeland security, civil defense, emergencies, and disasters)

Updated 4-26-04 Contact: Office of Senator Fred Dyson

The primary purposes of [the legislation](#) are (1) to amend existing civil defense statutes to update them for homeland security purposes; (2) to amend existing disaster statutes to make them applicable to homeland security and outbreaks of disease, (3) to combine two divisions in the Department of Military and Veterans Affairs into a single Division of Homeland Security and Emergency Management; and (4) to establish the Homeland Security and Emergency Management Subcommittee as a legislative subcommittee of the Joint Armed Services Committee.

The civil defense chapter in the DMVA statutes, [AS 26.20](#), was enacted in 1951 during the cold war. The bill updates this chapter to make it relevant to homeland security. It specifies that DMVA shall coordinate homeland security and civil defense functions in the state in cooperation with and with assistance from other state agencies. It authorizes DMVA to undertake certain homeland security planning and preparedness activities. It also repeals obsolete and potentially far-reaching civil defense powers and requirements.

The bill authorizes the Governor to declare an emergency to exercise specified emergency powers in the event of a terrorist attack or a credible threat of imminent attack in the state. “Credible threat” requires certification by the commissioner of DMVA, in consultation with the commissioner of the Department of Public Safety and based on specific reliable information, that there is a high probability of attack in the near future. It also authorizes the Governor to declare a disaster and exercise the Governor’s disaster powers in the event of an attack or imminent threat of attack, or an outbreak of disease or an imminent threat of an outbreak, again requiring certification of the threat. Such declarations are effective for a maximum of 30 days, and the legislature also may terminate the declared emergency or disaster at any time by law.

The bill also authorizes DMVA, in coordination with DPS and the Department of Transportation and Public Facilities, to establish checkpoints along roadways serving critical property or facilities in the state (such as oil pipelines), at the direction of the Governor. This provision strikes a balance between civil liberties and important homeland security concerns. It limits checkpoints to inspection of persons and vehicles for explosives or other instruments capable of causing widespread severe injury, and it applies only to those passing the checkpoints and not to those choosing to turn around. The checkpoints can be established only when the Governor determines that a sufficiently high threat of attack exists to warrant such action (for example, when the federal homeland security threat level is raised to high or extreme). The Governor need not wait until there is a high probability of an attack in the state, as would be required for a declaration of a homeland security emergency or a disaster.

The bill consolidates DMVA’s Division of Emergency Services and its Division

of Homeland Security into a single division, the Division of Homeland Security and Emergency Management. Finally, the bill establishes a new Homeland Security and Emergency Management Subcommittee, a subcommittee of the legislature's Joint Armed Services Committee to review on state activities, plans, recommendations, and other materials relating to homeland security and civil defense, emergencies, and disasters, and to report back to the legislature as necessary. The subcommittee is authorized to obtain information from state agencies relating to these matters, and members of the subcommittee must have or obtain federal security clearance at the secret level.