

FREE CONFERENCE CS FOR SENATE BILL NO. 241

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE FREE CONFERENCE COMMITTEE

Offered: 3/28/20

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the March 11, 2020, governor's declaration of a public health**
2 **disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic;**
3 **providing for a financing plan; making temporary changes to state law in response to**
4 **the COVID-19 outbreak in the following areas: standing orders of the chief medical**
5 **officer; occupational and professional licensing, practice, and billing; telehealth;**
6 **fingerprinting requirements for health care providers; elections in calendar year 2020;**
7 **permanent fund dividend applications and eligibility; state tax filings, payments, and**
8 **penalties; corporations; state and municipal government deadlines; the Alaska regional**
9 **economic assistance program; Medicaid and public assistance; workers' compensation;**
10 **sanitation standards for retail sellers; actions by the Regulatory Commission of Alaska;**
11 **utilities and residential utility service; power cost equalization; forbearance of specified**
12 **state loans; foreclosures; evictions; wills; repossessions; access to federal stabilization**

1 **funds; seafood purchase and distribution; homelessness; administrative hearings; and**
2 **liability for issuing, providing, or manufacturing personal protective equipment; and**
3 **providing for an effective date."**

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

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

7 FINDINGS. (a) The legislature finds that

8 (1) in December 2019, a novel coronavirus known as severe acute respiratory
9 syndrome coronavirus 2 (SARS-CoV-2) was first detected in Wuhan, Hubei province,
10 People's Republic of China, leading to outbreaks of novel coronavirus disease (COVID-19)
11 that have now spread globally;

12 (2) on January 31, 2020, the United States Secretary of Health and Human
13 Services declared a public health emergency under 42 U.S.C. 247d (Public Health Service
14 Act);

15 (3) to date, 50 states have confirmed cases of COVID-19, including
16 confirmation of community transmission of COVID-19;

17 (4) on March 11, 2020, the commissioner of health and social services
18 certified to the governor that there is a high probability that COVID-19 presents a credible
19 threat of an imminent outbreak of the disease in the state, meeting the definition of disaster
20 under AS 26.23.900(2)(E);

21 (5) on March 11, 2020, the governor issued a declaration of a public health
22 disaster emergency under AS 26.23.020 in anticipation of the spread of COVID-19 to the
23 state;

24 (6) in the disaster declaration issued March 11, 2020, the governor found that
25 a statewide response under AS 18.15.390 is required to address the public health disaster
26 emergency and authorized the commissioner of health and social services and the adjutant
27 general of military and veterans' affairs to take all actions necessary to address the public
28 health disaster emergency;

29 (7) on March 12, 2020, the Department of Health and Social Services and the
30 governor announced that the first case of COVID-19 was diagnosed in an individual in

1 Anchorage;

2 (8) additional cases of COVID-19 are being diagnosed across the state;

3 (9) the chief medical officer in the Department of Health and Social Services
4 and the commissioner of health and social services have determined that it will take months of
5 monitoring and active public health management, including closing public facilities, limiting
6 public events, and establishing quarantine and isolation protocols and enforcement under
7 AS 18.15.390, to contain the spread of COVID-19;

8 (10) the adjutant general of the Alaska organized militia has determined that it
9 may be necessary for the Department of Military and Veterans' Affairs, under the guidance of
10 the commissioner of health and social services, to use personnel and other resources of the
11 Department of Health and Social Services to institute actions under AS 26.23.020, including
12 provisions to perform or facilitate performance of disaster emergency services.

13 (b) Based on the findings in (a) of this section, the legislature finds that it is in the
14 best interest of the state to extend the public health disaster emergency declaration issued by
15 the governor on March 11, 2020, and all the powers granted under AS 18.15.390 and
16 AS 26.23.020, until November 15, 2020.

17 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 PUBLIC HEALTH DISASTER EMERGENCY; EXTENSION OF DISASTER
20 EMERGENCY. (a) Under AS 26.23.020(c), the Alaska State Legislature extends to
21 November 15, 2020, the declaration of a public health disaster emergency issued by the
22 governor on March 11, 2020. The extension under this subsection includes an order,
23 proclamation, or regulation issued under AS 26.23.020 and an action taken by the Department
24 of Health and Social Services under the authority granted to the Department of Health and
25 Social Services under AS 18.15.390.

26 (b) Notwithstanding (a) of this section, if the commissioner of health and social
27 services certifies to the governor that there is no longer a present outbreak of novel
28 coronavirus disease (COVID-19) or a credible threat of an imminent outbreak of COVID-19,
29 the governor shall issue a proclamation that the public health disaster emergency identified in
30 the declaration issued by the governor on March 11, 2020, no longer exists as of a date
31 determined by the governor. The certification must be based on specific information received

1 from a state or federal agency or another source that the commissioner determines to be
2 reliable.

3 (c) The governor shall submit a proclamation issued under (b) of this section to the
4 revisor of statutes, the president of the senate, the speaker of the house of representatives, and
5 the lieutenant governor.

6 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 PUBLIC HEALTH DISASTER EMERGENCY; FINANCING PLAN. (a) Under
9 AS 26.23.020(k), the Alaska State Legislature approves this financing plan for the declaration
10 of a public health disaster emergency issued by the governor on March 11, 2020, as extended
11 by sec. 2 of this Act, and provides that the following appropriations and authorizations may be
12 used to cope with the public health disaster emergency:

13 (1) the appropriations made in sec. 8, ch. 2, SLA 2020;

14 (2) the appropriations made in sec. 10, SCS CSHB 234(FIN), Department of
15 Health and Social Services, Thirty-First Alaska State Legislature;

16 (3) the authorization made in sec. 1, CCS HB 205, Department of Health and
17 Social Services, Thirty-First Alaska State Legislature, allowing for up to \$20,000,000 in
18 transfers between all appropriations made in the Department of Health and Social Services,
19 except for transfers from the Medicaid services appropriation;

20 (4) the appropriations made in CCS HB 205, Department of Health and Social
21 Services, Thirty-First Alaska State Legislature,

22 (A) of federal receipts received during the fiscal year ending June 30,
23 2021, for Medicaid services; and

24 (B) to the Department of Health and Social Services public health
25 emergency response for the purpose of responding to the novel coronavirus disease
26 (COVID-19) public health disaster emergency; and

27 (5) the appropriation made in CCS HB 205, Thirty-First Alaska State
28 Legislature, to the disaster relief fund under AS 26.23.300(a).

29 (b) The governor may not expend more than a cumulative total of \$10,000,000 of the
30 assets of the disaster relief fund under AS 26.23.020(h) - (k) or 26.23.300(b) in response to
31 the declaration of a public health disaster emergency issued by the governor on March 11,

1 2020, as extended by sec. 2 of this Act.

2 (c) Notwithstanding AS 26.23.050(b), the expenditure of state funds to cope with the
3 effects of the declaration of a public health disaster emergency issued by the governor on
4 March 11, 2020, as extended by sec. 2 of this Act, is limited to the appropriations and
5 expenditure authority identified in (a) and (b) of this section.

6 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 **STANDING ORDERS.** (a) The chief medical officer in the Department of Health and
9 Social Services, or, if the chief medical officer is incapacitated, the chief medical officer's
10 designee, shall issue standing orders for public health agents and health care providers related
11 to essential public health services and functions and in response to conditions of public health
12 importance that are related to novel coronavirus disease (COVID-19). Standing orders shall
13 be effective until retracted or for the duration of the public health disaster emergency
14 declaration issued by the governor on March 11, 2020, as extended by sec. 2 of this Act.

15 (b) The chief medical officer in the Department of Health and Social Services is not
16 liable for civil damages resulting from an act or omission in issuing a standing order
17 authorized under this section if

18 (1) the standing order

19 (A) is issued to health care providers;

20 (B) is required to mitigate the COVID-19 public health disaster
21 emergency; and

22 (C) contains sufficient information in support of the need for a
23 standing order; and

24 (2) the chief medical officer provides sufficient education or training required
25 to properly implement the standing order, including training manuals, video recordings, and
26 other reasonable means of implementing the standing order.

27 (c) Except as provided in (d) of this section, a public health agent or health care
28 provider who takes action based on a standing order issued by the chief medical officer is not
29 liable for civil damages resulting from an act or omission in implementing the standing order.

30 (d) Nothing in this section precludes liability for civil damages as a result of gross
31 negligence, recklessness, or intentional misconduct.

1 (e) In this section, "essential public health services and functions," "health care
2 provider," and "public health agent" have the meanings given in AS 18.15.395.

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

5 **REPORTS.** Beginning May 1, 2020, the governor shall electronically submit, on the
6 first day of each month, a report to the president of the senate and the speaker of the house of
7 representatives that lists the expenditures used to cope with the public health disaster
8 emergency declared by the governor on March 11, 2020, as extended by sec. 2 of this Act,
9 and identifies all actions taken by the governor, the Department of Health and Social Services,
10 the Department of Military and Veterans' Affairs, and other state agencies directly related to
11 the prevention, control, and status of novel coronavirus disease (COVID-19) cases in the
12 state. The report must include an explanation, made without disclosing information that would
13 identify individuals, of any activities related to the isolation or quarantine of individuals to
14 contain the spread of COVID-19. The governor shall submit a final report not later than
15 January 15, 2021, or 60 days after the date the governor determines, under sec. 2 of this Act,
16 that the public health disaster emergency no longer exists, whichever is earlier. Each report
17 submitted under this section must include cumulative information.

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

20 **PROFESSIONAL AND OCCUPATIONAL LICENSING.** (a) Notwithstanding any
21 other provision of law, during the novel coronavirus disease (COVID-19) public health
22 disaster emergency declared by the governor on March 11, 2020, as extended by sec. 2 of this
23 Act, a professional or occupational licensing board listed in AS 08.01.010, or the director,
24 with respect to a profession regulated by the Department of Commerce, Community, and
25 Economic Development,

26 (1) may not increase licensing fees; and

27 (2) may grant a license, permit, or certificate on an expedited basis to an
28 individual who holds a corresponding license, permit, or certificate in good standing in
29 another jurisdiction to the extent necessary to respond to the public health disaster emergency;
30 a license expedited under this section expires on the earlier of

31 (A) November 15, 2020; or

1 (B) the date the governor determines, under sec. 2 of this Act, that the
2 public health disaster emergency no longer exists.

3 (b) Notwithstanding any other provision of law and to the extent necessary to respond
4 to the public health disaster emergency, a board listed in AS 08.01.010, the commissioner of
5 commerce, community, and economic development, or the director, as applicable, may take
6 additional action necessary to protect public health, safety, and welfare, including

7 (1) temporarily waiving or modifying the continuing education requirements
8 required for licensees to renew a professional license, permit, or certificate in calendar year
9 2020;

10 (2) regulating the scope and duration of any license, permit, or certificate
11 issued under this section;

12 (3) requiring any individual granted a license, permit, or certificate under this
13 section to arrange and agree to supervision, in-person or by other means, by an individual who
14 holds a license, permit, or certificate in good standing for the applicable profession or by an
15 administrator of a facility licensed under AS 47.32.

16 (c) An individual seeking or holding an expedited license, permit, or certificate under
17 this section who travels to the state from outside the state must comply with travel restrictions
18 ordered or guidelines recommended by the Centers for Disease Control and Prevention,
19 United States Department of Health and Human Services that are in effect at the time the
20 individual arrives in the state.

21 (d) In this section, "director" means the director of the division in the Department of
22 Commerce, Community, and Economic Development responsible for business and
23 professional licensing.

24 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 **TELEMEDICINE AND TELEHEALTH.** (a) Notwithstanding any other provision of
27 law, during the novel coronavirus disease (COVID-19) public health disaster emergency
28 declared by the governor under AS 26.23.020 on March 11, 2020, as extended by sec. 2 of
29 this Act, the provisions of AS 08.64.170 and AS 08.68.160 do not apply to a health care
30 provider who is providing treatment, rendering a diagnosis, or prescribing, dispensing, or
31 administering a prescription, excluding a controlled substance listed under AS 11.71.140 -

1 11.71.190, through telehealth as defined in AS 47.05.270(e), without first conducting an in-
2 person physical examination, if

3 (1) the health care provider is licensed, permitted, or certified to provide
4 health care services in another jurisdiction and is in good standing in the jurisdiction that
5 issued the license, permit, or certification;

6 (2) the health care services provided without an in-person physical
7 examination are within the provider's authorized scope of practice in the jurisdiction that
8 issued the provider's license, permit, or certification;

9 (3) in the event that the health care provider determines that the encounter will
10 extend beyond the scope of practice or scope of services described in this section, the health
11 care provider advises the patient that the health care provider is not authorized to provide the
12 services to the patient, recommends that the patient contact a health care provider licensed in
13 the state, and terminates the encounter.

14 (b) The amount charged by a health care provider for services provided under this
15 section must be reasonable and consistent with the ordinary fees typically charged for that
16 service and may not be more than five percent above the ordinary fees typically charged for
17 that service. A health care provider who is required to terminate an encounter under (a)(3) of
18 this section may not charge for any services provided during the encounter.

19 (c) Notwithstanding any other provision of law, during the COVID-19 public health
20 disaster emergency, the commissioner of health and social services may waive any state law
21 or regulation if compliance would substantially prevent or impede the provision of health care
22 services under this section. Nothing in this subsection may be construed to abrogate authority
23 granted to the commissioner of health and social services under AS 18.15.390.

24 (d) In this section, "health care provider" has the meaning given in AS 18.15.395.

25 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 **FINGERPRINTING.** For the duration of the novel coronavirus disease (COVID-19)
28 public health disaster emergency declaration issued by the governor on March 11, 2020, as
29 extended by sec. 2 of this Act, the Department of Commerce, Community, and Economic
30 Development shall coordinate with the Department of Health and Social Services and the
31 Department of Public Safety to expedite the process for applicants under AS 08.29, AS 08.36,

1 AS 08.64, AS 08.68, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86 to submit
2 fingerprints.

3 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 ELECTIONS: LIEUTENANT GOVERNOR. (a) Notwithstanding any provision in
6 AS 15.15 or AS 15.20 to the contrary, for the duration of the novel coronavirus disease
7 (COVID-19) public health disaster emergency declaration issued by the governor on
8 March 11, 2020, as extended by sec. 2 of this Act, the director of the division of elections may
9 conduct all elections in the same manner as an election by mail under AS 15.20.800.

10 (b) The director of the division of elections may adopt regulations necessary to
11 implement this section, including emergency regulations. The director shall inform the public
12 if the elections held in calendar year 2020 will be held in the same manner as an election by
13 mail under AS 15.20.800. The director shall inform the public by means including mail,
14 electronic mail, telephone, social media, public service announcements, radio advertisements,
15 television advertisements, web announcements, or print media.

16 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 PERMANENT FUND DIVIDENDS: APPLICATIONS. Notwithstanding
19 AS 43.23.011(a), the application period for a 2020 dividend ends April 30, 2020.

20 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
21 read:

22 TAX FILINGS, PAYMENTS, AND PENALTIES. Except for any tax return, report,
23 or payment required under AS 43.55 or AS 43.56, a taxpayer required to file a tax return,
24 including an amended return or an information return or report, to the Department of Revenue
25 or to make a payment to the Department of Revenue for a tax, fee, or other charge under
26 AS 05.15, AS 16.10.455, AS 16.51, or AS 43, on or after the effective date of this Act and
27 before July 15, 2020, shall automatically receive an extension of time until July 15, 2020, to
28 file the return, report, or payment. Because of the application of the extensions in this section,
29 a penalty or interest will not be assessed if the taxpayer complies with the filing and payment
30 requirements on or before July 15, 2020. An extension under this section does not apply to a
31 taxpayer for any return or report required to be filed before the effective date of this Act and

1 any payment of tax, interest, penalty, or other charge due before the effective date of this Act.

2 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 MEETINGS OF SHAREHOLDERS; NOTICE OF SHAREHOLDER MEETINGS;
5 CORPORATIONS. (a) Notwithstanding AS 10.06.405, a meeting of shareholders may be
6 held by electronic communication to the extent the corporation's board authorizes and adopts
7 guidelines to govern an electronic meeting.

8 (b) Notwithstanding AS 10.06.410, a corporation that has or is planning to, on the
9 effective date of this Act, distribute a proxy statement and notice of annual meeting to its
10 shareholders may renotece or notice the annual meeting so that the annual meeting may be
11 held by electronic communication authorized under (a) of this section.

12 (c) Notwithstanding AS 10.20.061 - 10.20.076, a meeting of the members of a
13 nonprofit corporation organized under AS 10.20, including meeting notice and determination
14 of a quorum, may be held by telecommunication to the extent the corporation's board adopts
15 or amends bylaws to allow for an electronic meeting.

16 (d) Notwithstanding (a) - (c) of this section and a provision of AS 10.06 or AS 10.20
17 to the contrary, a meeting, including the notice of the meeting and determination of a quorum,
18 of the shareholders of a Native corporation organized under AS 10.06 or the members of a
19 Native corporation organized under AS 10.20 may be held by electronic communication or
20 telecommunication to the extent the corporation's board of directors authorizes holding
21 meetings by electronic communication or telecommunication and adopts guidelines to govern
22 a meeting held by electronic communication or telecommunication. In this subsection,
23 "Native corporation" means a corporation organized under 43 U.S.C. 1601 et seq. (Alaska
24 Native Claims Settlement Act).

25 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 MUNICIPAL GOVERNMENT DEADLINES. Notwithstanding any provision in
28 AS 29 to the contrary, a deadline established under AS 29 that occurs on or after the effective
29 date of this Act is extended until the earlier of

30 (1) November 15, 2020; or

31 (2) the date the governor determines, under sec. 2 of this Act, that the public

1 health disaster emergency no longer exists.

2 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 ALASKA REGIONAL ECONOMIC ASSISTANCE PROGRAM. (a)
5 Notwithstanding AS 44.33.896, the Department of Commerce, Community, and Economic
6 Development may make grants to organizations for distribution as financial assistance to
7 businesses for operating expenses during the novel coronavirus disease (COVID-19) public
8 health disaster emergency declared by the governor on March 11, 2020, as extended by sec. 2
9 of this Act. The Department of Commerce, Community, and Economic Development shall
10 distribute grants under this subsection among qualified organizations based on regional
11 population.

12 (b) An organization that receives a grant under (a) of this section shall

13 (1) develop an application procedure for a business to apply for financial
14 assistance;

15 (2) determine the amount of financial assistance for distribution to a business
16 based on the size, assets, resources, financial history, and needs of the business; and

17 (3) provide information requested by the Department of Commerce,
18 Community, and Economic Development for purposes of the report compiled under
19 AS 44.33.896(e).

20 (c) In this section, "organization" has the meaning given in AS 44.33.896.

21 * **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 WORKERS' COMPENSATION PRESUMPTION OF COMPENSABILITY. (a)
24 Notwithstanding AS 23.30.121, 23.30.395(2), and 23.30.395(24), an employee who contracts
25 the novel coronavirus disease (COVID-19) is conclusively presumed to have contracted an
26 occupational disease arising out of and in the course of employment if, during the public
27 health disaster emergency declared by the governor on March 11, 2020, as extended by sec. 2
28 of this Act, the employee

29 (1) is employed as a firefighter, emergency medical technician, paramedic,
30 peace officer, or health care provider;

31 (2) is exposed to COVID-19 in the course of employment as a firefighter,

1 emergency medical technician, paramedic, peace officer, or health care provider; and

2 (3) receives a

3 (A) COVID-19 diagnosis by a physician;

4 (B) presumptive positive COVID-19 test result; or

5 (C) laboratory-confirmed COVID-19 diagnosis.

6 (b) In this section,

7 (1) "emergency medical technician" has the meaning given in AS 18.08.200;

8 (2) "firefighter" means

9 (A) a person employed by a state or municipal fire department or who
10 is a member of a volunteer fire department registered with the state fire marshal; or

11 (B) a person registered for purposes of workers' compensation with the
12 state fire marshal as a member of a volunteer fire department;

13 (3) "health care provider" has the meaning given in AS 13.52.390;

14 (4) "paramedic" has the meaning given in AS 12.55.185;

15 (5) "peace officer" has the meaning given in AS 11.81.900.

16 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 ALLOWABLE ABSENCE FOR THE PERMANENT FUND DIVIDEND.
19 Notwithstanding AS 43.23.005(a)(4) and 43.23.008(d), during the novel coronavirus disease
20 (COVID-19) public health disaster emergency declared by the governor on March 11, 2020,
21 as extended by sec. 2 of this Act, an individual otherwise eligible for a permanent fund
22 dividend who has notified the commissioner of revenue or the commissioner's designee that
23 the individual expects to be absent from the state for a continuous period on or after
24 March 11, 2020, remains eligible to receive a permanent fund dividend if the only reason the
25 individual would be ineligible to receive a permanent fund dividend is that the individual was
26 absent from the state because of conduct, including maintaining a voluntary or compulsory
27 quarantine, related to avoiding or preventing the spread of the novel coronavirus disease
28 (COVID-19).

29 * **Sec. 17.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 DEPARTMENT OF HEALTH AND SOCIAL SERVICES; RETAIL SELLERS.

1 Notwithstanding any other provision of law, for the duration of the novel coronavirus disease
 2 (COVID-19) public health disaster emergency declared by the governor under AS 26.23.020
 3 on March 11, 2020, as extended by sec. 2 of this Act, the Department of Health and Social
 4 Services may, in coordination with the Department of Military and Veterans' Affairs, establish
 5 sanitation procedures for retail sellers. In this section, "retail seller" includes a market,
 6 grocery store, convenience store, drug store, or similar establishment that

7 (1) is located in a permanent building; and

8 (2) sells to consumers household supplies, perishable items, or food
 9 merchandise, including meat, produce, dairy products, or snack foods.

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

12 TOLLING DEADLINES FOR ACTION BY THE REGULATORY COMMISSION
 13 OF ALASKA. Notwithstanding a contrary provision of AS 42, including a provision of
 14 AS 42.05 or AS 42.08, during the novel coronavirus disease (COVID-19) public health
 15 disaster emergency declared by the governor on March 11, 2020, as extended by sec. 2 of this
 16 Act, all statutory and regulatory deadlines for action by the Regulatory Commission of Alaska
 17 are tolled and failure by the Regulatory Commission of Alaska to act on a filing does not
 18 constitute approval or dismissal by the commission. This section does not apply to a statutory
 19 or regulatory deadline extended by the commission before March 11, 2020, for good cause
 20 under AS 42.05.175(f).

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

23 MORATORIUM ON DISCONNECTION OF RESIDENTIAL UTILITY SERVICE.

24 (a) During the novel coronavirus disease (COVID-19) public health disaster emergency
 25 declared by the governor on March 11, 2020, as extended by sec. 2 of this Act, a public utility
 26 as defined in AS 42.05.990 may not disconnect for nonpayment the residential utility service
 27 of a person experiencing financial hardship related to the COVID-19 public health disaster
 28 emergency. A public utility shall make reasonable efforts to reconnect utility service to a
 29 dwelling that is occupied by a person experiencing financial hardship related to the COVID-
 30 19 public health disaster emergency and that is disconnected for nonpayment on or after
 31 March 11, 2020.

1 (b) A person seeking protection under (a) of this section shall, before the date the
 2 governor determines, under sec. 2 of this Act, that the COVID-19 public health disaster
 3 emergency no longer exists, or before November 15, 2020, whichever is earlier,

4 (1) provide to the public utility a signed statement, sworn under penalty of
 5 perjury, that the person is experiencing financial hardship related to the COVID-19 public
 6 health disaster emergency; and

7 (2) negotiate and agree to a deferred payment agreement with the utility.

8 (c) This section does not relieve a public utility customer of the obligation to pay for
 9 utility service or restrict a public utility's ability to recover an amount due.

10 (d) A utility shall offer a person receiving protection under (a) of this section a
 11 deferred payment agreement allowing repayment over a period of time not shorter than the
 12 period of time of the public health disaster emergency declared by the governor on March 11,
 13 2020, as extended by sec. 2 of this Act. The utility may not impose interest or late fees on a
 14 person receiving protection under (a) of this section who fulfills the terms of a deferred
 15 payment agreement.

16 (e) Notwithstanding any contrary provision of law, the Regulatory Commission of
 17 Alaska and the Alaska Energy Authority may not deny a utility otherwise eligible to receive
 18 power cost equalization payments on behalf of a utility customer power cost equalization
 19 payments for customers receiving protection under (a) of this section.

20 (f) In this section,

21 (1) "financial hardship" means that a person's liquid assets from any source,
 22 including payments from the state or federal government because of the COVID-19 public
 23 health disaster emergency or a state or national disaster declaration related to COVID-19,
 24 when combined, would be insufficient to pay the reasonable cost of food, housing, health
 25 care, and other goods and services vital to the health and wellness of the person and the
 26 person's spouse and dependents; in this paragraph, "dependent" has the meaning given in
 27 AS 23.20.350(g);

28 (2) "person" means a natural person.

29 * **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 REGULATORY ASSETS FOR UNPAID UTILITY BILLS AND

1 EXTRAORDINARY EXPENSES. A utility certificated under AS 42.05 may record
 2 regulatory assets, to be recovered through future rates, for uncollectable residential utility bills
 3 and extraordinary expenses that result from the novel coronavirus disease (COVID-19) public
 4 health disaster emergency declared by the governor on March 11, 2020, as extended by sec. 2
 5 of this Act. The determination as to whether an extraordinary expense resulted from the
 6 COVID-19 public health disaster emergency and the amortization periods for the regulatory
 7 assets are subject to approval by the Regulatory Commission of Alaska before recovery
 8 occurs through future rates. In this section, an "uncollectable residential utility bill" does not
 9 include a debt paid under a deferred payment agreement under sec. 19 of this Act.

10 * **Sec. 21.** The uncodified law of the State of Alaska is amended by adding a new section to
 11 read:

12 MORATORIUM ON EVICTIONS FOR NONPAYMENT OF RENT. (a) Until the
 13 date the governor determines, under sec. 2 of this Act, that the novel coronavirus disease
 14 (COVID-19) public health disaster emergency no longer exists, or until June 30, 2020,
 15 whichever is earlier, the statutory cause of action for forcible entry and detainer for
 16 nonpayment of rent under AS 09.45 and any other statutory cause of action that could be used
 17 to evict or otherwise eject a person who is a residential tenant for nonpayment of rent,
 18 including for nonpayment of rent for a storage unit for personal property, is suspended as
 19 applied to a person experiencing financial hardship related to the COVID-19 public health
 20 disaster emergency.

21 (b) A person seeking protection under (a) of this section shall, before June 30, 2020,
 22 provide to the landlord a signed statement, sworn under penalty of perjury, that the person is
 23 experiencing financial hardship related to the COVID-19 public health disaster emergency.

24 (c) Nothing in this section

25 (1) prevents evictions for misconduct, violations of law, or violations of
 26 contracts outside of inability to pay rent;

27 (2) may be construed to increase civil liability of a landlord.

28 (d) This section does not relieve a person of the obligation to pay rent or restrict a
 29 landlord's ability to recover rent due.

30 (e) In this section,

31 (1) "financial hardship" means that a person's liquid assets from any source,

1 including payments from the state or federal government because of the COVID-19 public
2 health disaster emergency or a state or national disaster declaration related to COVID-19,
3 when combined, would be insufficient to pay the reasonable cost of food, housing, health
4 care, and other goods and services vital to the health and wellness of the person and the
5 person's spouse and dependents; in this paragraph, "dependent" has the meaning given in
6 AS 23.20.350(g);

7 (2) "person" means a natural person.

8 * **Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:

10 INCOME DETERMINATIONS FOR PUBLIC ASSISTANCE. (a) Notwithstanding
11 AS 43.23.240(a), until the date the governor determines, under sec. 2 of this Act, that the
12 novel coronavirus disease (COVID-19) public health disaster emergency no longer exists, or
13 until November 15, 2020, whichever is earlier, in determining the eligibility of an individual
14 under a public assistance program administered by the Department of Health and Social
15 Services in which eligibility for assistance is based on financial need, the Department of
16 Health and Social Services may not consider a permanent fund dividend or money paid to the
17 individual by another state or federal program because of the COVID-19 outbreak as income
18 or resources received by the recipient of public assistance or by a member of the recipient's
19 household unless required to do so by federal law or regulation.

20 (b) Notwithstanding AS 43.23.240(b), and to the extent consistent with federal law,
21 until the date the governor determines, under sec. 2 of this Act, that the COVID-19 public
22 health disaster emergency no longer exists, or until November 15, 2020, whichever is earlier,
23 when determining the eligibility of an individual for medical assistance under 42 U.S.C. 1396
24 - 1396p (Social Security Act, Title XIX), the individual is entitled to receive the same level of
25 medical assistance as the individual would have received under 42 U.S.C. 1396 - 1396p
26 (Social Security Act, Title XIX) had there been no Alaska permanent fund dividend program
27 and no money paid to the individual by another state or federal program because of the
28 COVID-19 outbreak.

29 (c) Notwithstanding AS 43.23.240(c) and the limit in AS 47.25.130, and to the extent
30 consistent with federal law, until the date the governor determines, under sec. 2 of this Act,
31 that the COVID-19 public health disaster emergency no longer exists, or until November 15,

1 2020, whichever is earlier, when determining the eligibility of an individual for financial
2 assistance under AS 47.25.120 - 47.25.300 (general relief assistance program), the individual
3 is entitled to receive the same amount as the individual would have received under other
4 public assistance programs had there been no Alaska permanent fund dividend program and
5 no money paid to the individual by another state or federal program because of the COVID-19
6 outbreak.

7 (d) Notwithstanding AS 43.23.250, until the date the governor determines, under sec.
8 2 of this Act, that the COVID-19 public health disaster emergency no longer exists, or until
9 November 15, 2020, whichever is earlier, a program administered by the state or any of its
10 instrumentalities or municipalities, the eligibility for which is based on financial need, may
11 not consider a permanent fund dividend or money paid to the individual by another state or
12 federal program because of the COVID-19 outbreak as income or resources unless required to
13 do so by federal law or regulation.

14 * **Sec. 23.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 **FORBEARANCE OF STATE LOANS.** (a) Notwithstanding any provision of state
17 law and to the extent consistent with federal law, until the date the governor determines, under
18 sec. 2 of this Act, that the novel coronavirus disease (COVID-19) public health disaster
19 emergency no longer exists, or until November 15, 2020, whichever is earlier, if a borrower
20 experiences financial hardship related to the COVID-19 public health disaster emergency, the
21 state, as a lender or the administrator of a loan, may not find the borrower in default, ask a
22 court or an arbitrator to find the borrower in default, or seize or otherwise obtain collateral
23 that is in the possession or control of the borrower.

24 (b) A borrower seeking protection under (a) of this section shall, before the date the
25 governor determines, under sec. 2 of this Act, that the COVID-19 public health disaster
26 emergency no longer exists, or November 15, 2020, whichever is earlier, provide to the lender
27 or administrator of the loan a signed statement, sworn under penalty of perjury, that the
28 borrower is experiencing financial hardship related to the COVID-19 public health disaster
29 emergency.

30 (c) This section does not relieve a person of the obligation to pay a debt or restrict a
31 creditor's ability to recover an amount due.

1 (d) In this section,

2 (1) "financial hardship" means that a person's liquid assets from any source,
3 including payments from the state or federal government because of the COVID-19 public
4 health disaster emergency or a state or national disaster declaration related to COVID-19,
5 when combined, would be insufficient to pay the reasonable cost of food, housing, health
6 care, and other goods and services vital to the health and wellness of the person and the
7 person's spouse and dependents; in this paragraph, "dependent" has the meaning given in
8 AS 23.20.350(g);

9 (2) "person" means a natural person;

10 (3) "state" means the State of Alaska, the Alaska Industrial Development and
11 Export Authority, the Alaska Commission on Postsecondary Education, and agencies or
12 programs that lend, or enter into agreement to lend, money for or on behalf of the State of
13 Alaska, except for the

14 (A) Alaska Housing Finance Corporation, when the corporation is
15 providing a loan that is not a single family residential mortgage loan or public housing
16 assistance;

17 (B) Alaska Permanent Fund Corporation;

18 (C) Alaska Mental Health Trust Authority;

19 (D) Alaska Municipal Bond Bank;

20 (E) Alaska Retirement Management Board; or

21 (F) Department of Revenue, treasury division.

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

24 **MORATORIUM ON FORECLOSURES.** (a) Until the date the governor determines,
25 under sec. 2 of this Act, that the novel coronavirus disease (COVID-19) public health disaster
26 emergency no longer exists, or until June 30, 2020, whichever is earlier, the statutory cause of
27 action for foreclosure under AS 09.45 and any other statutory cause of action that could be
28 used to foreclose on real property is suspended as applied to a person experiencing financial
29 hardship related to the COVID-19 public health disaster emergency.

30 (b) A person seeking protection under (a) of this section shall, before June 30, 2020,
31 provide to the creditor seeking foreclosure a signed statement, sworn under penalty of perjury,

1 that the person is experiencing financial hardship related to the COVID-19 public health
2 disaster emergency.

3 (c) This section does not relieve a person of the obligation to pay a debt or restrict a
4 creditor's ability to recover an amount due.

5 (d) This section does not apply to real property that is vacant or abandoned.

6 (e) In this section,

7 (1) "financial hardship" means that a person's liquid assets from any source,
8 including payments from the state or federal government because of the COVID-19 public
9 health disaster emergency or a state or national disaster declaration related to COVID-19,
10 when combined, would be insufficient to pay the reasonable cost of food, housing, health
11 care, and other goods and services vital to the health and wellness of the person and the
12 person's spouse and dependents; in this paragraph, "dependent" has the meaning given in
13 AS 23.20.350(g);

14 (2) "person" means a natural person.

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

17 WITNESSING OF WILL SIGNING BY VIDEOCONFERENCE. (a)
18 Notwithstanding AS 13.12.502, for the duration of the novel coronavirus disease (COVID-19)
19 public health disaster emergency declared by the governor on March 11, 2020, as extended by
20 sec. 2 of this Act, and for 10 days thereafter, a will may be signed or witnessed by
21 videoconference by one or more of the witnesses required, if the will contains a statement
22 substantially similar to the following:

23 Under penalty of perjury, I assert that I am a member of a group that has been
24 declared by the World Health Organization or the United States Centers for
25 Disease Control and Prevention to be at higher risk for severe illness from
26 novel coronavirus disease (COVID-19), or I have been advised by a health care
27 provider or a state, local, or federal agency that being in the physical presence
28 of others may expose me or others to a health risk related to novel coronavirus
29 disease (COVID-19).

30 (b) Within 60 days after the execution of a will by videoconference under (a) of this
31 section, each person who witnessed the will by videoconference shall sign and attach to the

1 will, or an exact facsimile of the will, a statement substantially similar to the following:

2 Under penalty of perjury, I assert that (1) the testator has informed me that the
3 testator is a member of a group that has been declared by the World Health
4 Organization or the United States Centers for Disease Control and Prevention
5 to be at higher risk for severe illness from novel coronavirus disease (COVID-
6 19), or I have been advised by a health care provider or a state, local, or federal
7 agency that being in the physical presence of others may expose me or others
8 to a health risk related to novel coronavirus disease (COVID-19); and (2) I am
9 satisfied that the will to which this statement is attached is either the original
10 will signed by the testator or is an exact facsimile of the original will.

11 (c) In this section, "videoconference" means a conference using technology that
12 enables the testator, notary, or the person making the acknowledgment and the person
13 executing the document and witnesses to, while in different locations, simultaneously
14 communicate orally and maintain visual contact.

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

17 UNFAIR OR DECEPTIVE TRADE PRACTICES. A person that charges more than
18 10 percent over the price charged for supplies in this state in the normal course of business
19 before the start of the novel coronavirus disease (COVID-19) public health disaster
20 emergency declared by the governor on March 11, 2020, as extended by sec. 2 of this Act,
21 commits an unfair or deceptive act or practice under AS 45.50.471 - 45.50.561 (Alaska Unfair
22 Trade Practices and Consumer Protection Act), unless the charge that exceeds 10 percent is
23 caused by an increased cost for the seller to purchase the supplies or, for a person in the
24 business of selling fuel, caused by normal fluctuations in the market for fuel based on supply
25 and demand. This section applies regardless of whether the person was in the business of
26 selling supplies before March 11, 2020. In this section, "supplies" means

- 27 (1) food;
28 (2) medicine;
29 (3) medical equipment;
30 (4) fuel;
31 (5) sanitation products;

- 1 (6) hygiene products;
 2 (7) essential household supplies; and
 3 (8) other essential goods.

4 * **Sec. 27.** The uncodified law of the State of Alaska is amended by adding a new section to
 5 read:

6 MORATORIUM ON REPOSSESSION OF MOTOR VEHICLES. (a)
 7 Notwithstanding another provision of law to the contrary, a creditor or person acting on behalf
 8 of a creditor may not repossess or otherwise take possession of a motor vehicle, aircraft, or
 9 watercraft until the date the governor determines, under sec. 2 of this Act, that the novel
 10 coronavirus disease (COVID-19) public health disaster emergency no longer exists, or until
 11 June 30, 2020, whichever is earlier, if a person is experiencing a financial hardship related to
 12 the COVID-19 public health disaster emergency and is unable to make a loan or other agreed-
 13 on payment that is owed on a motor vehicle, aircraft, or watercraft under a loan or security
 14 agreement. In this subsection,

- 15 (1) "aircraft" has the meaning given in AS 02.15.260;
 16 (2) "motor vehicle" has the meaning given in AS 28.90.990; and
 17 (3) "watercraft" has the meaning given in AS 11.46.360.

18 (b) A person seeking protection under (a) of this section shall, before June 30, 2020,
 19 provide to the creditor a signed statement, sworn under penalty of perjury, that the person is
 20 experiencing financial hardship related to the COVID-19 public health disaster emergency.

21 (c) This section does not relieve a person of the obligation to pay a debt or restrict a
 22 creditor's ability to recover an amount due.

23 (d) In this section,

24 (1) "financial hardship" means that a person's liquid assets from any source,
 25 including payments from the state or federal government because of the COVID-19 public
 26 health disaster emergency or a state or national disaster declaration related to COVID-19,
 27 when combined, would be insufficient to pay the reasonable cost of food, housing, health
 28 care, and other goods and services vital to the health and wellness of the person and the
 29 person's spouse and dependents; in this paragraph, "dependent" has the meaning given in
 30 AS 23.20.350(g);

- 31 (2) "person" means a natural person.

1 * **Sec. 28.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 STATE ACCESS TO FEDERAL EDUCATION STABILIZATION FUNDS. The
4 governor shall apply to the United States Department of Education for any emergency funding
5 available to the state through the Education Stabilization Fund under the requirements
6 outlined in the Coronavirus Aid, Relief, and Economic Security Act, also known as the
7 CARES Act, enacted into law by the Second Session of the 116th Congress. The governor
8 shall make reasonable efforts to make assurances required for the state to receive the
9 maximum federal funding allocations allowable under the education stabilization provisions
10 of the CARES Act.

11 * **Sec. 29.** The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 PURCHASE OF SEAFOOD FOR DISTRIBUTION. The Department of Commerce,
14 Community, and Economic Development is encouraged to issue a request for proposal for the
15 purchase of Alaska seafood from the seafood industry for distribution during the COVID-19
16 public health disaster emergency to food banks and soup kitchens in the state, Alaska Native
17 regional corporations, and Alaska Native regional non-profit organizations for distribution
18 throughout the state.

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

21 FINANCIAL ASSISTANCE TO ADDRESS HOMELESSNESS. Until the date the
22 governor determines, under sec. 2 of this Act, that the novel coronavirus disease (COVID-19)
23 public health disaster emergency no longer exists, or until November 15, 2020, whichever is
24 earlier, subject to appropriation, the Alaska Housing Finance Corporation under AS 18.56.090
25 shall provide financial assistance on a statewide, regional, or community basis as necessary to
26 address or prevent homelessness caused by the COVID-19 public health disaster emergency.

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

29 TOLLING OF OFFICE OF ADMINISTRATIVE HEARINGS DEADLINES. (a)
30 Notwithstanding a contrary provision of state law and to the extent consistent with federal
31 law, during the novel coronavirus disease (COVID-19) public health disaster emergency

1 declared by the governor on March 11, 2020, as extended by sec. 2 of this Act, the office of
 2 administrative hearings may toll a statutory or regulatory deadline occurring during the
 3 COVID-19 public health disaster emergency for the duration of the emergency declaration, as
 4 extended by sec. 2 of this Act, and 30 days thereafter, for

5 (1) the office of administrative hearings to take an action or make a decision
 6 or proposed decision;

7 (2) a final decision maker to take an action on a proposed decision of the
 8 office of administrative hearings;

9 (3) a party who is requesting the office of administrative hearings or a final
 10 decision maker to take action or make a decision on a matter.

11 (b) Failure by the office of administrative hearings to take action or make a decision
 12 on a matter by a statutory or regulatory deadline tolled under (a) of this section does not
 13 constitute approval or denial of the matter.

14 (c) This section does not apply to

15 (1) a statutory or regulatory deadline occurring before March 11, 2020, or
 16 after the public health disaster emergency ends;

17 (2) a deadline under AS 44.64.060 related to a matter referred to the office of
 18 administrative hearings by the Department of Revenue or the Department of Health and
 19 Social Services;

20 (3) a deadline for acting on a summary suspension of a facility or occupational
 21 license.

22 (d) The office of administrative hearings shall continue to make reasonable efforts to
 23 take action and issue decisions as soon as possible during the public health disaster
 24 emergency and may not arbitrarily or unreasonably fail to act or make decisions.

25 * **Sec. 32.** The uncodified law of the State of Alaska is amended by adding a new section to
 26 read:

27 **LIABILITY: PERSONAL PROTECTIVE EQUIPMENT.** (a) In addition to the
 28 immunity available under AS 09.65.091, during the novel coronavirus disease (COVID-19)
 29 public health disaster emergency declared by the governor on March 11, 2020, as extended by
 30 sec. 2 of this Act, a health care provider or manufacturer of personal protective equipment is
 31 not liable for civil damages resulting from an act or omission in issuing, providing, or

1 manufacturing personal protective equipment in the event of injury or death to the user of the
 2 personal protective equipment if the personal protective equipment was issued, provided, or
 3 manufactured in good faith to respond to the COVID-19 public health disaster emergency.

4 (b) Nothing in this section precludes liability for civil damages as a result of gross
 5 negligence, recklessness, or intentional misconduct.

6 (c) A health care provider or manufacturer of personal protective equipment that
 7 issues, provides, or manufactures personal protective equipment to respond to the COVID-19
 8 public health disaster emergency declared by the governor on March 11, 2020, as extended by
 9 sec. 2 of this Act, shall notify the user of the personal protective equipment that the equipment
 10 may not meet established federal standards and requirements.

11 (d) In this section, "health care provider" has the meaning given in AS 18.15.395 and
 12 a nursing home.

13 * **Sec. 33.** The uncodified law of the State of Alaska is amended by adding a new section to
 14 read:

15 TRANSITION: REGULATIONS. (a) The commissioner of health and social services
 16 may adopt regulations necessary to implement sec. 22 of this Act.

17 (b) The commissioner of administration or the commissioner's designee may adopt
 18 regulations necessary to implement sec. 23 of this Act.

19 (c) The regulations adopted under this section are not subject to AS 44.62
 20 (Administrative Procedure Act).

21 * **Sec. 34.** Sections 1 - 4, 6 - 20, 22, 23, 30, and 32 of this Act are repealed on the earlier of

22 (1) November 15, 2020; or

23 (2) the date the governor determines, under sec. 2 of this Act, that the public
 24 health disaster emergency declared by the governor under AS 26.23.020 on March 11, 2020,
 25 as extended by sec. 2 of this Act, no longer exists.

26 * **Sec. 35.** Section 5 of this Act is repealed January 16, 2021.

27 * **Sec. 36.** Sections 21, 24, and 27 of this Act are repealed June 30, 2020.

28 * **Sec. 37.** Sections 25, 26, 28, 29, and 31 of this Act are repealed March 11, 2021.

29 * **Sec. 38.** Regulations adopted under sec. 33 of this Act are annulled March 11, 2021.

30 * **Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to
 31 read:

1 RETROACTIVITY. (a) If secs. 1 - 14 and 16 - 21 of this Act take effect after
2 April 10, 2020, secs. 1 - 14 and 16 - 21 of this Act are retroactive to April 10, 2020.

3 (b) Sections 15 and 22 - 32 of this Act are retroactive to March 11, 2020.

4 * **Sec. 40.** This Act takes effect immediately under AS 01.10.070(c).