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

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

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

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

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

FINDINGS. (a) The legislature finds that

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

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

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

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

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

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

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

Anchorage;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) the standing order

(A) is issued to health care providers;

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

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

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

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

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

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

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

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

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

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

(1) may not increase licensing fees; and

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

(A) November 15, 2020; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) November 15, 2020; or

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

health disaster emergency no longer exists.

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

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

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

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

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

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

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

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

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

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

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

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

(3) receives a

(A) COVID-19 diagnosis by a physician;

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

(C) laboratory-confirmed COVID-19 diagnosis.

(b) In this section,

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

(2) "firefighter" means

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

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

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

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

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

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

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

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES; RETAIL SELLERS.

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

(1) is located in a permanent building; and

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

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

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

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

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

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

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

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

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

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

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

(f) In this section,

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

(2) "person" means a natural person.

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

REGULATORY ASSETS FOR UNPAID UTILITY BILLS AND

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

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

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

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

(c) Nothing in this section

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

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

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

(e) In this section,

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

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

(2) "person" means a natural person.

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

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

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

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

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

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

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

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

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

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

(d) In this section,

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

(2) "person" means a natural person;

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

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

(B) Alaska Permanent Fund Corporation;

(C) Alaska Mental Health Trust Authority;

(D) Alaska Municipal Bond Bank;

(E) Alaska Retirement Management Board; or

(F) Department of Revenue, treasury division.

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

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

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

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

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

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

(e) In this section,

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

(2) "person" means a natural person.

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

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

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

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

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

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

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

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

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

(1) food;

(2) medicine;

(3) medical equipment;

(4) fuel;

(5) sanitation products;

(6) hygiene products;

(7) essential household supplies; and

(8) other essential goods.

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

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

(1) "aircraft" has the meaning given in AS 02.15.260;

(2) "motor vehicle" has the meaning given in AS 28.90.990; and

(3) "watercraft" has the meaning given in AS 11.46.360.

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

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

(d) In this section,

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

(2) "person" means a natural person.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) This section does not apply to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) November 15, 2020; or

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

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

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

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

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

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

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

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

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