LAWS OF ALASKA

2020

Source
HB 313

Chapter No.
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AN ACT

Approving and ratifying the actions of the governor and executive branch in expending certain federal receipts and of the Legislative Budget and Audit Committee in approving the expenditure of certain federal receipts during fiscal years 2020 and 2021; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

Approving and ratifying the actions of the governor and executive branch in expending certain federal receipts and of the Legislative Budget and Audit Committee in approving the expenditure of certain federal receipts during fiscal years 2020 and 2021; and providing for an effective date.

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

LEGISLATIVE FINDINGS, PURPOSE, AND INTENT. (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 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; through passage and enactment into law of ch. 10, SLA 2020, the legislature extended the public health disaster emergency until November 15, 2020;

(3) on March 27, 2020, the President of the United States signed into law H.R. 748 (P.L. 116-136, Coronavirus Aid, Relief, and Economic Security Act (CARES Act)) in response to the COVID-19 pandemic;

(4) on March 29, 2020, the legislature recessed the Second Regular Session of the Thirty-First Alaska State Legislature indefinitely in the face of the COVID-19 pandemic;

(5) on April 9, 2020, the President of the United States approved a major disaster declaration for the State of Alaska;

(6) on April 21, 2020, in response to the anticipated receipt of additional federal receipts appropriated to states as part of the CARES Act that were not specifically accounted for in passage of the fiscal year 2020 or fiscal year 2021 budgets, the governor issued a revised program legislative (RPL) package, including RPLs 08-2020-0250 ($562,500,000), 08-2020-0251 ($300,000,000), 05-2020-0074 ($48,000,000), 05-2020-0075 ($5,000,000), 05-2020-0076 ($421,500), 08-2020-0054 ($100,000,000), 12-2020-4049 ($3,585,351), 25-2020-8766 ($29,000,000), 25-2020-8771 ($49,000,000), 25-2020-8772 ($3,034,100), and 45-2020-0002 ($5,000,000), under the authority conferred by AS 37.07.080(h);

(7) on May 1, 2020, the governor revised RPLs 08-2020-0250 ($257,548,754), 08-2020-0251 ($290,000,000), 05-2020-0074 ($44,911,411), 05-2020-0075 ($41,869,617), 05-2020-0076 ($421,500), 12-2020-4049 ($3,585,351), 25-2020-8771 ($49,000,000), 25-2020-8772 ($3,034,100), and 45-2020-0002 ($5,000,000) and issued new RPLs 08-2020-0260 through 08-2020-0382 ($311,024,132) and 04-2020-1059 ($10,000,000) under the authority conferred by AS 37.07.080(h);

(8) on May 1, 2020, the Legislative Budget and Audit Committee approved RPLs 05-2020-0074 ($44,911,411), 05-2020-0075 ($41,869,617), 05-2020-0076 ($421,500), 12-2020-4049 ($3,585,351), 25-2020-8766 ($29,000,000), and 45-2020-0002 ($5,000,000), as revised;

(9) on May 7, 2020, the governor revised RPLs 25-2020-8771 ($49,000,000) and 25-2020-8772 ($1,350,000) and issued new RPLs 25-2020-8776 ($1,219,100) and 25-2020-8777 ($465,000);

(10) on May 11, 2020, the governor again revised RPL 08-2020-0251 ($290,000,000) under the authority conferred by AS 37.07.080(h);

(11) on May 11, 2020, the Legislative Budget and Audit Committee approved RPLs 08-2020-0250 ($257,548,754), 08-2020-0251 ($290,000,000), 25-2020-8771 ($49,000,000), 25-2020-8772 ($1,350,000), 25-2020-8776 ($1,219,100), 25-2020-8777 ($465,000), 08-2020-0260 through 08-2020-0382 ($311,024,132), 08-2020-0054 ($100,000,000), and 04-2020-1059 ($10,000,000), as revised;

(12) the approval of the RPLs on May 1, 2020, and May 11, 2020, was in response to the public health disaster emergency facing the state and was in no way intended to abdicate the legislature's power of appropriation;

(13) the approval of the RPLs has been challenged in court.

(b) It is the purpose of this Act to approve the expenditure of federal receipts proposed by the governor and to ratify the approval of the RPLs identified under (a) of this section by the Legislative Budget and Audit Committee, in order to remove any uncertainty as to the status of the expenditures under the RPLs.

(c) In authorizing the expenditure of federal receipts as proposed by the governor in the RPLs identified under (a) of this section, it is the intent of the legislature that the appropriations identified in the RPLs identified under (a) of this section are increased as approved by the Legislative Budget and Audit Committee.

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

APPROVAL AND RATIFICATION. The actions of the governor and executive branch in expending the federal receipts in accordance with the revised program legislative (RPL) package identified under sec. 1(a) of this Act and the actions of the Legislative Budget and Audit Committee in approving the expenditure of federal receipts in accordance with the RPLs identified under sec. 1(a) of this Act are approved and ratified.

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

SUSPENSION OF OTHER LAW. The provisions of sec. 2 of this Act are effective notwithstanding the provisions of any other law, including AS 37.07.080(h).

*** Sec. 4.** This Act is retroactive to May 1, 2020.

*** Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).