



ALASKA STATE LEGISLATURE
CONFERENCE COMMITTEE FOR SB 241
SENATOR JOHN COGHILL, CO-CHAIR
REP. CHUCK KOPP, CO-CHAIR

State Capitol, Room 119 Juneau, AK 99801-1182
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Sectional Analysis
for FCCS for SB 241

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- Sec. 1 Legislative Findings. Makes legislative findings related to COVID-19, establishing the need to extend the March 11, 2020, public health disaster declaration.
- Sec. 2 Extension of Public Health Emergency/Disaster. Extends the public health disaster emergency until the earlier of November 15, 2020 or the date on which the governor declares the emergency over. If the Department of Health and Social Services commissioner certifies to the governor that there is no longer an outbreak of COVID-19 or a credible threat of an outbreak, the governor shall issue a proclamation declaring the disaster over. The certification must be based on specific information from a state or federal agency, or another source the commissioner decides is reliable.
- Sec. 3 Disaster Financing Plan. Presents the financing plan for the public health disaster emergency, referencing the appropriations made in several bills passed by the 31st Legislature. Allows the governor to spend up to \$10 million from the disaster relief fund in response to the emergency. Limits emergency spending to the financing plan.
- Sec. 4 Chief Medical Officer Standing Orders. Allows the Department of Health and Social Services' chief medical officer to issue standing orders related to COVID-19. If the chief medical officer is incapacitated, a designee may issue the orders. Standing orders are effective until retracted or through the duration of the emergency declaration. The chief medical officer and health care providers are not liable for civil damages for issuing or acting under a standing order, except misconduct.
- Sec. 5 Reports to Legislature. Requires the governor to report monthly the expenditures made in relation to the COVID-19 public health emergency and the actions taken related to prevention, control and status of COVID-19. Reports begin May 1, 2020 and culminate with a final report due to the legislature no later than January 15, 2021 or 60 days after the date the Governor determines that the public health disaster emergency no longer exists, whichever is earlier. Repealed on January 16, 2021.
- Sec. 6 Professional and Occupational Licensing. During the public health emergency, allows the Division of Corporations, Business and Professional Licensing director or a relevant board to grant a license, permit or certificate on an expedited basis to an individual who holds a corresponding license in another jurisdiction. The boards, commissions

and director may take additional action as necessary to protect public health, including temporarily waiving or modifying continuing education requirements; regulating the scope and duration of licenses; not increasing licensing fees; and arranging for supervision of licensees. Professionals who come to Alaska to work under one of these licenses must comply with CDC travel guidelines. A professional or occupational license expedited under this section expires on November 15, 2020 or the date the Governor determines that the public health disaster emergency no longer exists, whichever is earlier.

- Sec. 7 Telemedicine and Telehealth. During the emergency declaration and limited to actions related to COVID-19, licensing is waived for health care providers who provide treatment, diagnosis, or prescribe prescriptions (other than controlled substances), and who do not first conduct an in-person exam, for telemedicine and telehealth. Providers must be in good standing in their jurisdiction and practicing within their scope of license. The amount charged for telehealth must be reasonable and customary, and may not exceed 5 percent of the regular fee for the service provided. The Department of Health and Social Services commissioner may waive regulations or laws that would substantially prevent provision of telehealth services.
- Sec. 8 Fingerprinting. For professional occupations related to public health that require fingerprinting for licensure, directs the Department of Commerce, Community and Economic Development to coordinate with the Department of Health and Social Services and the Department of Public Safety to expedite the fingerprinting process.
- Sec. 9 Division of Elections. For the duration of the COVID-19 public health disaster emergency declaration, 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.
- Sec. 10 Permanent Fund Dividend Application Deadline. Extends the application period for the 2020 Permanent Fund Dividend from March 31, 2020, to April 30, 2020. Automatic voter registration will be processed through April 30, 2020.
- Sec. 11 Department of Revenue Taxation. Extends to July 15, 2020, the filing deadline for certain tax returns, reports or payments to the Department of Revenue. The filing dates for oil and gas taxes and oil and gas property taxes will not be extended. Department of Revenue will not assess penalties or interest to individuals who file under the extension.
- Sec. 12 Electronic and Videoconference Meetings. Allows for meetings of shareholders to be held by electronic communication to the extent allowed by the corporation's board, and allows corporations that have or are planning to distribute a proxy statement and notice of annual meetings to re-notice or notice so that it can be held via electronic communication. It additionally allows nonprofit corporations to do telecommunication meetings and for meetings of shareholders, village corporations organized under the Alaska Native Claims Settlement Act, and Native corporations to

be held via electronic communication or telecommunication – to the extent the corporation’s board authorizes and adopts guidelines for this type of meeting, or amends the corporation’s bylaws to allow for this type of meeting.

- Sec. 13 Municipal Government Deadlines. Provides that certain deadlines established under AS 29 are extended through the end of disaster declaration.
- Sec. 14 Alaska Regional Economic Assistance Program. Provides that during the COVID-19 public health emergency disaster declaration, the Department of Commerce, Community and Economic Development may make grants to organizations for distribution as financial assistance to businesses with operating expenses and shall distribute grants under this Section among qualified organizations based on regional populations. “Organization” is defined under AS 44.33.896.
- Sec. 15 Workers’ Compensation Presumption of Compensability. Provides that individuals employed as firefighters, emergency medical technicians, paramedics, peace officers, or health care providers, who contract COVID-19, are presumed to have contracted an occupational disease arising out of and in the course of employment during the public health disaster emergency declaration and are eligible for workers’ compensation benefits.
- Sec. 16 Allowable Absence for the Permanent Fund Dividend. Provides that an individual who is otherwise eligible for a permanent fund dividend under AS 43.23.005(a)(4) and AS 43.23.008(d), and expects to be absent from the state for a continuous period due to conduct related to avoiding or preventing the spread of COVID-19, including voluntary or compulsory quarantine, remains eligible to receive a permanent fund dividend.
- Sec. 17 Department of Health and Social Services; Retail Sellers. Allows DHSS, in coordination with the Department of Military and Veterans’ Affairs, to establish sanitation procedures for retail sellers.
- Sec. 18 Tolling Deadlines for Action by the Regulatory Commission of Alaska. During the COVID-19 disaster declaration, all statutory and regulatory deadlines for action by the RCA are tolled (suspended), and failure by the RCA to act on a filing does not constitute approval or dismissal by the RCA. This section does not apply to statutory or regulatory deadlines extended by the RCA before March 11, 2020, for good cause under AS 42.05.175(f).
- Sec. 19 Moratorium on Disconnection of Residential Utility Service. Provides that a public utility may not disconnect residential utility service for nonpayment during the COVID-19 public health emergency disaster declaration and shall make reasonable efforts to reconnect utility service to a dwelling occupied by a person experiencing financial hardship related to the COVID-19 disaster declaration.

A person seeking protection under this section shall provide a signed statement stating, under penalty of perjury, that they are experiencing financial hardship due to the COVID-19 disaster emergency or declaration (including government mandates affecting their ability to work) and work with the public utility to negotiate and agree to a deferred payment agreement. Customers must consider all sources of income, including any financial assistance provided to mitigate the financial impacts of the disaster declaration, when declaring a financial hardship and are not absolved of the responsibility of paying the debt.

The public utility may not impose interest or late fees on a person receiving protection under this section. The RCA and the Alaska Energy Authority (AEA) may not deny a utility otherwise eligible to receive power cost equalization (PCE) payments on behalf of a utility customer PCE payments for customers receiving protection under this section.

Sec. 20 Regulatory Assets for Unpaid Utility Bills and Extraordinary Expenses. Provides that a certificated utility may record regulatory assets to be recovered through future rates for uncollectable residential utility bills and extraordinary expenses that result during the COVID-19 public health emergency disaster declaration. A determination as to whether an extraordinary expense resulted from COVID-19 and the amortization periods for the regulatory assets are subject to RCA approval before recovery through future rates.

Sec. 21 Moratorium on Evictions for Nonpayment. Provides a moratorium on evictions from rental properties and storage units containing personal belongings for nonpayment of rent through June 30, 2020 for a person experiencing a financial hardship due to COVID-19. The statutory cause of action for forcible entry and detainer for nonpayment of rent and any other statutory cause of action that could be used to evict or otherwise eject a person for nonpayment is suspended for persons experiencing financial hardship during the disaster.

A person seeking protection under this section shall provide a signed statement stating, under penalty of perjury, that they are experiencing financial hardship due to the COVID-19 disaster emergency or declaration (including government mandates affecting their ability to work). Tenants must consider all sources of income, including any financial assistance provided to mitigate the financial impacts of COVID-19, when declaring a financial hardship and are not absolved of the responsibility of paying the debt. This section does not prevent evictions for misconduct, violations of law, or violations of contracts outside of inability to pay rent, nor can it be construed to increase civil liability of the landlord in a court of law.

Sec. 22 Income Determinations for Public Assistance. Ensures that payments including a Permanent Fund Dividend or aid provided by the state or federal government to mitigate the economic effects of the COVID-19 public health emergency shall not be considered when determining eligibility for Medicaid or public assistance.

Sec. 23 Forbearance for State Loans. Prohibits the state from finding a borrower in default or seizing loan collateral from a borrower experiencing a financial hardship due to the COVID-19 disaster declaration through November 15, 2020. Applies to state agencies, the Alaska Industrial Development and Export Authority, the Alaska Commission on Postsecondary Education, and the Alaska Housing Finance Corporation when providing single family residential mortgage loans and public housing assistance. Does not apply to other Alaska Housing Finance Corporation loans, the Alaska Permanent Fund Corporation, the Alaska Mental Health Trust Authority, the Alaska Municipal Bond Bank, the Alaska Retirement Management Board or the Department of Revenue, Treasury Division.

A borrower seeking protection under this section shall provide a signed statement stating, under penalty of perjury, that they are experiencing financial hardship due to the COVID-19 disaster emergency or declaration (including government mandates affecting their ability to work). Borrowers must consider all sources of income, including any financial assistance provided to mitigate the financial impacts of COVID-19, when declaring a financial hardship and are not absolved of the responsibility of paying the debt.

Sec. 24 Moratorium on Foreclosures. Prohibits a lender from foreclosing on a property owned by person experiencing financial hardship due to the COVID-19 disaster declaration through June 30, 2020.

A borrower seeking protection under this section shall provide a signed statement stating, under penalty of perjury, that they are experiencing financial hardship due to the COVID-19 disaster emergency or declaration (including government mandates affecting their ability to work). Borrowers must consider all sources of income, including any financial assistance provided to mitigate the financial impacts of COVID-19, when declaring a financial hardship and are not absolved of the responsibility of paying the debt.

The property must be owned by a “natural” person, not a company. This section does not apply to property that is vacant or abandoned or commercial.

Sec. 25 Witnessing of Will Signing by Videoconference. During the disaster declaration and for 10 days thereafter, allows a person to have their will signing witnessed by videoconference if the person is at high risk for severe illness due to COVID-19 or, is under advice from a health care provider or government agency to avoid being in the presence of others. Within 60 days, the witnesses must sign a statement, which will be attached to the will, attesting that it is the document they witnessed the person sign on the videoconference.

Sec. 26 Unfair or Deceptive Trade Practices. During the COVID-19 public health disaster declaration, prohibits charging more than 10% over the price charged for “normal course of business” before the emergency was declared. Exceptions for when the

price paid by the person for the item is increased by more than 10% or for fuel, if the increased price is based on normal fluctuations due to supply and demand.

- Sec. 27 Moratorium on Repossession of Motor Vehicles. Prohibits a lender from repossessing a motor vehicle, aircraft, or watercraft through June 30, 2020 from a person who is experiencing financial hardship due to the COVID-19 disaster declaration through June 30, 2020.

A borrower seeking protection under this section shall provide a signed statement stating, under penalty of perjury, that they are experiencing financial hardship due to the COVID-19 disaster emergency or declaration (including government mandates affecting their ability to work). Customers must consider all sources of income, including any financial assistance provided to mitigate the financial impacts of COVID-19, when declaring a financial hardship and are not absolved of the responsibility of paying the debt.

The property must be owned by a “natural” person, not a company.

- Sec. 28 State Access to Federal Education Stabilization Funds. Requires the Governor to apply for and make reasonable efforts to provide necessary assurances to receive the maximum funding available through the Education Stabilization Fund as outlined in the Coronavirus Aid, Relief, and Economic Security Act (CARES).

- Sec. 29 Purchase of Seafood for Distribution. Encourages the Department of Commerce, Community, and Economic Development to issue a Request for Proposals (RFP) to purchase Alaska seafood to provide to food banks and soup kitchens.

- Sec. 30 Financial Assistance to Address Homelessness. Allows the Alaska Housing Finance Corporation (AHFC) to provide additional funds using existing programs to prevent homelessness - \$5 million is provided for this purpose.

- Sec. 31 Tolling of Office of Administrative Hearing Deadlines (OAH). During the COVID-19 disaster declaration and for 30 days thereafter, allows the OAH to toll (suspend) statutory and regulatory deadlines and states that failure by the OAH to take action or make a decision does not constitute approval or denial of the matter.

This section does not apply to Department of Revenue or Department of Health and Social Services administrative hearings, or a summary suspension of a facility or occupational license. The OAH must continue to make reasonable efforts to take action and issue decisions as soon as possible.

- Sec. 32 Liability for Personal Projective Equipment (PPE). Provides for civil liability immunity from damages for injury or death for a health care provider or manufacturer of PPE if they act in good faith to provide PPEs during the COVID-19 public health disaster emergency and the user of the PPE is notified that the PPE may not meet established

- federal standards and requirements. Does not apply to an act of gross negligence, recklessness, or intentional misconduct.
- Sec. 33 Authority for regulations for sections 22 (Public Assistance Hold Harmless) and 23 (Forbearance for State Loans).
- Sec. 34 Repeals most of the sections of the bill on November 15, 2020 or the date on which the governor declares the emergency over, whichever is earlier. Exceptions are noted below.
- Sec. 35 Repeals the reporting requirement on January 16, 2021.
- Sec. 36 Repeals the sections related to moratoriums on evictions, foreclosures and repossession of vehicles on June 30, 2020.
- Sec. 37 Repeals the sections related to witnessing wills by videoconference, unfair or deceptive trade practices, state access to stabilization funds, purchase of seafood for distribution, and tolling of Office of Administrative Hearings deadlines on March 11, 2021.
- Sec. 38 Repeals the temporary regulations on March 11, 2021.
- Sec. 39 & 40 Retroactivity sections and immediate effective date.