

HOUSE BILL NO. 221

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES VANCE, Carpenter, Gillham

Introduced: 5/19/21

Referred: State Affairs, Health and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the powers of the governor and the powers of the Department of**
2 **Health and Social Services during a disaster emergency."**

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

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

6 LEGISLATIVE INTENT. It is the intent of the legislature that if the governor wishes
7 to control the movement of commerce and the general public during a disaster emergency
8 declared under AS 26.23.020(c), the governor and the governor's administration shall give
9 due consideration to Alaskans' unalienable and constitutional rights before issuing a mandate,
10 advisory order, or proclamation.

11 * **Sec. 2.** AS 18.15.390 is amended by adding a new subsection to read:

12 (b) Notwithstanding (a) of this section, the department may not take an action
13 that exceeds the authority granted to the governor in AS 26.23.020(l).

14 * **Sec. 3.** AS 26.23.020(b) is amended to read:

1 (b) The governor may issue orders, proclamations, and regulations necessary
 2 to carry out the purposes of this chapter, and amend or rescind them. These orders,
 3 proclamations, and regulations have the force of law. **The governor shall consider**
 4 **and take all reasonable steps to protect individual civil liberties before issuing an**
 5 **order, proclamation, or regulation under this chapter.**

6 * **Sec. 4.** AS 26.23.020(c) is amended to read:

7 (c) If the governor finds that a disaster has occurred or that a disaster is
 8 imminent or threatened, the governor shall, by proclamation, declare a condition of
 9 disaster emergency. The disaster emergency remains in effect until the governor finds
 10 that the danger has passed or the disaster has been dealt with so that the emergency no
 11 longer exists. The governor may terminate the disaster emergency by proclamation. A
 12 proclamation of disaster emergency **expires after** [MAY NOT REMAIN IN EFFECT
 13 LONGER THAN] 30 days unless **ratified and** extended by the legislature by a
 14 concurrent resolution **passed by an affirmative vote of two-thirds of the**
 15 **membership in joint session.** The proclamation must indicate the nature of the
 16 disaster, the area threatened or affected, and the conditions that have brought it about
 17 or that make possible the termination of the disaster emergency. A proclamation to
 18 declare a condition of disaster emergency must also state whether the governor
 19 proposes to expend state funds to respond to the disaster under (i) or (j) of this section.

20 * **Sec. 5.** AS 26.23.020 is amended by adding a new subsection to read:

21 (l) Notwithstanding any other provision of law, if the governor declares a
 22 condition of disaster emergency under (c) of this section in response to an outbreak of
 23 disease or a credible threat of an imminent outbreak of disease, the governor may issue
 24 only orders, proclamations, and regulations necessary to carry out the powers and
 25 operations of state agencies, including public corporations. The governor may issue
 26 advisements and public health recommendations to the general public, but the
 27 advisement or public health recommendation may not be enforced against a person.
 28 The governor may not control the movement of commerce.