

SENATE BILL NO. 242

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Introduced: 3/25/20

Referred: Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to tolling deadlines for actions by state agencies; relating to income**
2 **determinations for purposes of determining eligibility for certain public assistance**
3 **programs; relating to forbearance from action against borrowers who owe money on**
4 **state loans; relating to a temporary moratorium on certain mortgage foreclosures,**
5 **certain evictions from rental properties, and disconnection of residential utilities; and**
6 **providing for an effective date."**

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

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

10 **MITIGATION OF ECONOMIC HARM DURING NOVEL CORONAVIRUS**
11 **DISEASE OUTBREAK: FINDINGS AND INTENT.** (a) The legislature finds

12 (1) the state has issued numerous health mandates to prevent or slow the
13 spread of novel coronavirus disease (COVID-19) based on authority granted under the

1 declaration of a public health disaster emergency issued by the governor on March 11, 2020;

2 (2) the health mandates have closed businesses, schools, and public facilities,
3 limited travel, prohibited elective medical and dental procedures, and limited in-person social
4 and business gatherings;

5 (3) although the health mandates are a necessary public health precaution, the
6 health mandates have had negative economic consequences on individuals, businesses, and
7 communities in the state, and it is important that the state take a leadership role in mitigating
8 those consequences.

9 (b) The legislature intends to address the negative economic consequences of the
10 health mandates on individuals, businesses, and communities in the state by

11 (1) providing economic relief as quickly as possible;

12 (2) deploying the state's limited resources according to the best use of those
13 resources;

14 (3) targeting state funding to needs that are actual and demonstrated;

15 (4) directing state funding to individuals, businesses, and communities
16 experiencing the greatest impact from the mandates;

17 (5) responding quickly by using existing state programs;

18 (6) augmenting and maximizing state participation in federal programs and
19 ensuring that economic relief provided by the state does not interfere with the state's ability to
20 receive federal money;

21 (7) improving the potential for the state to receive federal reimbursement; and

22 (8) ensuring state agencies and programs that may receive federal money have
23 adequate federal receipt authority.

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

26 TOLLING DEADLINES FOR ACTION BY STATE AGENCIES DURING NOVEL
27 CORONAVIRUS DISEASE OUTBREAK. Notwithstanding a contrary provision of state law
28 and to the extent consistent with federal law, for the duration of the state emergency and for
29 30 days thereafter, statutory and regulatory deadlines for action or decision by a state agency
30 are tolled and failure by a state agency to act on a filing or issue a decision does not constitute
31 approval or denial by the state agency. In this section, "state agency" means a department,

1 office, agency, board, commission, or other organizational unit of the executive branch of the
2 state; "state agency" does not include an agency in the judicial or legislative branch.

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

5 INCOME DETERMINATIONS FOR PUBLIC ASSISTANCE DURING NOVEL
6 CORONAVIRUS DISEASE OUTBREAK. (a) Notwithstanding AS 43.23.240(b), and to the
7 extent consistent with federal law, for the duration of the state emergency and for 30 days
8 thereafter, when determining the eligibility of an individual for medical assistance under 42
9 U.S.C. 1396 - 1396p (Social Security Act, Title XIX), the individual is entitled to receive the
10 same level of medical assistance as the individual would have received under 42 U.S.C. 1396
11 - 1396p (Social Security Act, Title XIX) had there been no Alaska permanent fund dividend
12 program and no money paid to the individual by another state or federal program because of
13 the outbreak of novel coronavirus disease (COVID-19).

14 (b) Notwithstanding AS 43.23.240(c) and the limit in AS 47.25.130, and to the extent
15 consistent with federal law, for the duration of the state emergency and for 30 days thereafter,
16 when determining the eligibility of an individual for financial assistance under AS 47.25.120 -
17 47.25.300 (general relief assistance program), the individual is entitled to receive the same
18 amount as the individual would have received under other public assistance programs had
19 there been no Alaska permanent fund dividend program and no money paid to the individual
20 by another state or federal program because of the outbreak of novel coronavirus disease
21 (COVID-19).

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

24 FORBEARANCE OF STATE LOANS DURING NOVEL CORONAVIRUS
25 DISEASE OUTBREAK. (a) Notwithstanding any provision of state law and to the extent
26 consistent with federal law, for the duration of the state emergency and for 30 days thereafter,
27 the state, as a lender or the administrator of a loan, may not find a borrower in default, ask a
28 court or an arbitrator to find a borrower in default, or seize or otherwise obtain collateral that
29 is in the possession or control of the borrower.

30 (b) In this section, "state" means the State of Alaska and agencies or programs that
31 lend, or enter into agreement to lend, money for or on behalf of the State of Alaska.

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

3 MORATORIUM ON DISCONNECTION OF RESIDENTIAL UTILITY SERVICE
4 DURING NOVEL CORONAVIRUS DISEASE OUTBREAK. For the duration of the state
5 emergency and for 30 days thereafter, a public utility as defined in AS 42.05.990 may not
6 disconnect residential utility service for nonpayment. A public utility shall make reasonable
7 efforts to reconnect utility service to an occupied dwelling the utility disconnected for
8 nonpayment on or after March 11, 2020.

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

11 MORATORIUM ON EVICTION FOR NONPAYMENT OF RENT DURING
12 NOVEL CORONAVIRUS DISEASE OUTBREAK. (a) Notwithstanding a contrary provision
13 of AS 34.03 or another law, for the duration of the state emergency and for 30 days thereafter,
14 a landlord may not evict a person experiencing financial hardship from a property for
15 nonpayment of rent.

16 (b) A person seeking protection under (a) of this section shall, during the time period
17 under (a) of this section, certify to the landlord, in a sworn statement made under penalty of
18 perjury under AS 09.63.020, that the person is experiencing financial hardship.

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

21 MORATORIUM ON FORECLOSURE DURING NOVEL CORONAVIRUS
22 DISEASE OUTBREAK. (a) Notwithstanding a contrary provision of AS 09.45, AS 34.35, or
23 another provision of law, for the duration of the state emergency and for 30 days thereafter, a
24 person may not foreclose on the property of a person experiencing financial hardship.

25 (b) A person seeking protection under (a) of this section shall, during the time period
26 under (a) of this section, certify to the financial institution seeking foreclosure, in a sworn
27 statement made under penalty of perjury under AS 09.63.020, that the person is experiencing
28 financial hardship.

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

31 DEFINITION: TEMPORARY LAW DURING NOVEL CORONAVIRUS DISEASE

1 OUTBREAK. In secs. 1 - 7 of this Act, "state emergency" means the period prescribed by the
2 declaration of a public health disaster emergency issued by the governor on March 11, 2020,
3 and an extension of that declaration by the Alaska State Legislature.

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

6 TRANSITION: REGULATIONS. (a) The commissioner of health and social services
7 may adopt regulations necessary to implement sec. 3 of this Act.

8 (b) The commissioner of administration or the commissioner's designee may adopt
9 regulations necessary to implement sec. 4 of this Act.

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

12 * **Sec. 10.** Sections 1 - 8 of this Act are repealed June 30, 2020.

13 * **Sec. 11.** Regulations adopted under sec. 9 of this Act are annulled June 30, 2020.

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

16 RETROACTIVITY. Sections 2 - 9 of this Act are retroactive to March 11, 2020.

17 * **Sec. 13.** This Act takes effect immediately under AS 01.10.070(c).