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32nd Legislature Committees:

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Vice Chair Senate State Affairs
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Legislative Budget & Audit
Health & Social Services
Joint Armed Services Committee

1/29/22

Sectional

SB144 Disaster Emergencies

“An act relating to disaster emergencies.”

Section 1: AS18.15.390 is amended to amended adding a new subsection, Before the department takes a public health measure, ensures the legislature approves.

Section 2: AS22.10.020 amended adding a new subsection the superior court is the court of original jurisdiction regarding local and state emergency orders, ensuring expedition of challenges heard within 72 hours. Inequality in the applicability or impact of emergency orders on analogous groups, situations, and circumstances is grounds for the superior court to invalidate or enjoin an emergency order on the basis that it is not narrowly tailored to serve a compelling public health service.

Section 3: AS 26.23.020 (c) A Proclamation of disaster emergency may not remain in effect longer than 30 days unless extended by the legislature. A proclamation to declare a condition of disaster emergency must state whether the governor proposed to expend state funds to respond. If the governor issues a subsequent proclamation that is substantially similar, the legislature must affirmatively pass with 2/3 vote approving adopting a concurrent resolution ratifying the proclamation of disaster emergency.

Section 4: Adds a new section Emergency orders that bind, curtail or infringe the rights of private parties must be narrowly tailored to serve a compelling public health or safety purpose. Each emergency order must be limited in duration, applicability and scope in order to reduce infringement of individual liberty. Emergency orders that infringe on constitutional rights are limited to seven days unless legislature is in session and has 15 days to consider and vote to ratify the order with 2/3 affirmative vote. Or, if during interim, the governor may call the legislature into special session to consider and vote on emergency order. If the seven day expiration doesn't apply, the 30 day expiration date applies. Each house may vote to ratify or terminate the emergency order, may debate remote debate electronically or other means to the extent not prohibited by the presiding officer of each house. Emergency order means an emergency order, decree, proclamation, regulation or other mandate.

Section 5: Adds a new paragraph to read AS 29.20.650 (limitations on emergency orders that relate to the public.)

Section 6: AS 29.20 is amended adding a new section, a municipality may issue nonbinding recommendations and guidelines that do not include provisions for enforcement or surveillance. To the extent that a municipality issues emergency orders the orders may not infringe constitutional rights including rights to travel, work, assemble, and speak, the free exercise of religion, contract and property rights, freedom from unreasonable searches and seizures, and the freedom to purchase lawful firearms and ammunition.