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Member of the National League of Cities and the National Association of Counties

TO: Alaska State Legislature

February 5, 2021

RE: In support of an extended disaster declaration

AML appreciates the Legislature's interest in and commitment to clarifying the roles and responsibilities of decision-makers during a disaster. Clearly, Alaska's lawmakers have a fundamental duty to provide oversight of the Administration's actions, to identify State actions that may otherwise have been made by the Legislature, and to address questions of appropriating and legislative authority.

Evidence suggests that decisions made to protect public health, in the form of mandates, effectively flattened the curve and preserved hospital and healthcare capacity, as they were intended. The consequences of those decisions were impacts to the economy, students, seniors, and our social structures. The Legislature will have an important role in helping Alaska recover.

This pandemic has not ended and it remains incumbent on all levels of government to work together to get through this public health emergency and economic disaster. We hope that the Legislature will work together with the Administration and local governments to continue to meet this threat. We will have time to look back and conduct a thorough analysis of the decisions of those who were in a position to make them. AML stands ready to offer solutions to future emergency planning protocols. However, we encourage you to meet today's challenges and put in place the tools needed to act decisively.

Alaska needs a disaster declaration in place, allowing the State to continue to respond to the public health emergency. Important in the declaration is access to AS 26.23, Alaska's Disaster Act – we believe that Sections 2 and 3 are the relevant elements of the bill. Alaska has a Statute in place to address this challenge and it is appropriate to utilize it through this extension. The extension, from our perspective, needs to go beyond 30 days to be efficient but we can appreciate that it may make sense to amend the timeline proposed in the bill so that the Legislature can revisit the declaration earlier.

The justification for this request is that it allows the State to continue to be responsive to the crisis, as need warrants, to work closely with local governments, and to move resources effectively to meet Alaska's needs. AML members need a nimble State government during a disaster, and to have the flexibility necessary to support Alaska's communities. We encourage you to pass legislation to extend the declaration so that Alaska has the tools necessary to meet the continuing challenges that face this state. Once this critical component is in place, we hope that we can spend the time necessary this session to strengthen Alaska's disaster response, by learning from the lessons experienced thus far.

Respectfully,

Pete Petersen, President
AML Board of Directors

AML Testimony in Support of Extending the Declaration

Nils Andreassen, Executive Director

February 5, 2021

I'd like to start by recognizing the Chair's interest in focusing on this bill in the context of where we're at now and moving forward. There will be time throughout this session to strengthen our disaster response and learn from this pandemic.

For now, local governments are faced with the continued effort necessary to ensure the public health of their residents, the recovery of their economies, the return to school of students, and a collaborative, inter-governmental approach to all. While we're glad for this respite in which caseloads are down, healthcare capacity is sufficient, and the vaccine rollout continues to improve, public health officials continue to signal the need for vigilance – new variants could quickly overwhelm our efforts.

An extension of the State's disaster declaration is consistent with a national effort to maintain vigilance. Lack thereof may require more of a role for the federal government, and remove some of the State control that has been a hallmark of our pandemic response. At the same time, while all other states maintain their disaster declarations, for varying amounts of time into the future, lack thereof in Alaska means we are potentially less competitive in procuring supplies relative to other states, who can act quickly and aggressively.

An extension of the State's disaster declaration is consistent with local interest. Two-thirds of local governments have put in place emergency declarations during this period. Local governments have mitigation measures in place that have contributed to flattening the curve and supporting the build-up of and sustaining healthcare capacity. Lack of a State declaration reduces the efficacy of those local mandates, leading to increased conflict about compliance, and potentially to additional mitigation necessary at the local level. At the same time, many have linked their declaration to the State's, and expiration at the State level will mean nearly 100 local governments may have to revisit their own.

An extension of the State's disaster declaration requires a length of time that places our focus on response and not on the next need for the declaration. The timing is important, in that the more the State and local governments can plan for the long-term needs of Alaskans, the better. 30-day declarations, or extensions, mean that more time is occupied by implementing the newly revised and considering and justifying the next. Short term declarations aren't conducive to the contracts needed to implement testing and vaccination efforts.

An extension of the State's disaster declaration allows for close cooperation between levels of government, but action remains independent. The Governor has repeatedly placed a priority on local control. Local governments have responded by putting in place – or not – measures that respond to this pandemic. These are carefully crafted, lawful actions that are data-driven and managed by local incident commanders in cooperation with State and national public health and disaster response officials. They are responsive to local needs. Working together has placed Alaska at the forefront of the nation when it comes to testing, voluntary vaccination, and local implementation of economic recovery measures.

This Legislature, considerate of Alaska's public health, economic recovery, and social support systems, can rely on a disaster declaration that is in place to ensure all three. Let's be clear that addressing the public health concerns contributes to Alaska's ability to recover. The disaster declaration facilitates this,

such that the State's health orders place a priority on the movement of critical infrastructure, help to implement workplace safety protocols, and promote safe travel into and within Alaska. The State's declaration supports the business community and ensures that commerce continues.

On this last point, in-state testing related to travel was a priority for many of our members, rural, local governments that were concerned about spread within the state and into isolated communities. It was only after extensive conversations with the Governor and DHSS that we were able to see State-led efforts to support local governments, who lacked the ability – authority, resources, capacity – to do this on their own.

I want to close by addressing the tangible effects of this declaration, and what we lose when it expires.

1. We lose dozens of local declarations, for those whose emergency ordinances were linked to the state, either to expire completely or that will be amended
 - a. With ten days in front of us, that means that local officials will scramble to address these, and lose the ability to respond quickly to procurement needs or incident management
 - b. This highlights the dangers of a 30-day declaration, when fully half of it is consumed with getting ready for an extension, or not, and having little time to respond if it doesn't occur
2. We lose the State's ability to waive procurement regulations, which has allowed for the smooth flow of PPE and testing and voluntary vaccination supplies
3. We lose the State's ability to send strike teams to high-risk communities, as happened in Fairbanks, Bethel, and a number of remote communities that saw dangerous spikes during this pandemic
4. We lose the State's ability to organize mass vaccination clinics, like those experienced in the Mat Su and in Fairbanks recently
5. We lose non-congregate sheltering contracts, with applications needed for Certificate of Need before action occurs
6. We lose the ability for the State to establish vaccination delivery tiers, and an open process that may leave our most vulnerable populations behind
7. We lose a coordinated response, in some ways, and the likelihood that we have a balkanization of mitigation efforts that are inconsistent across the state as different communities take up their own mitigation efforts while the State's go from shall to should
8. We lose the National Guard's mobilization and response.
9. We lose credibility and public confidence – the declaration, in many ways, communicates to all Alaskans that Alaska's government officials take this pandemic seriously enough to declare a public health emergency, and lack thereof suggest that Alaskans should take it less so

Chair, these losses may mean less effective public health measures, stalled economic recovery, and additional pressures on our healthcare system that may have less capacity as a result.

In the bigger scheme of things, the disaster declaration provides the infrastructure necessary to respond. It doesn't require response, only allows for it. It isn't the same as local mandates, nor really do

current health orders add restrictions to Alaskans' daily lives. The declaration doesn't restrict – it removes restrictions that allow the State to act effectively.

In the bigger scheme of things, the disaster declaration is a necessary piece of a coordinated federal, state, local response. In front of us lie all the other pieces to debate – tools that the Legislature can add to support schools, students, families, tourism, retail, fishing, oil and gas, businesses, and those who have lost jobs or are facing eviction. There is so much more to do in front of us than we have taken up over these past 10 months, without the legislature in session. Now is the time to fill the gaps.

Finally, in the bigger scheme of things, we would argue that there are many other priorities that we will also need to navigate this legislative session, primary among them being the State's fiscal policy, another necessary building block for a strong recovery.

We implore the Legislature to pass this declaration, amended as necessary, but please ensure that the State has the authority found within the Alaska Disaster Act to continue to meet the needs of Alaskans in this continuing crisis.