

MUNICIPALITY OF ANCHORAGE



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Statement from Municipal Attorney Kate Vogel

Anchorage’s masking requirement applies to indoor public and communal areas within the Municipality, including within state offices and facilities. The Attorney General’s memo sows confusion and unnecessarily risks the health and safety of Anchorage residents who do business with or work for state agencies.

Under Alaska law, a home rule municipality possesses all legislative authority not withheld by the legislature.¹ The legislature has not acted to restrict Anchorage’s authority with respect to issuing mask mandates, nor has it exempted state-owned buildings from generally applicable local health and safety rules.² This comports with both public safety and common sense: if the Municipality were to evacuate an area for fire danger, for example, our evacuation order would not exclude state employees or buildings.

Undermining a local public health order with respect to state buildings is not “necessary to carry out the purposes”³ of disaster preparedness—it is bad for the health of our community. The Attorney General’s memo also puts State of Alaska employees in legal jeopardy by giving them inaccurate legal advice.

¹ AS 29.04.010 (“A home rule municipality has all legislative powers not prohibited by law or charter.”); *see also* Alaska Const. art. X, § 1 (“The purpose of this article is to provide for maximum local self-government with a minimum of local government units A liberal construction shall be given to the powers of local government units.”).

² *See, e.g.*, AS 29.10.200 (listing limitations on home rule authority).

³ AS 26.23.020(b).