

ALASKA STATE LEGISLATURE

SENATE FINANCE COMMITTEE



Senator Bert Stedman, Co-Chair
State Capitol, Room 518
Juneau, Alaska 99801-1182
Phone: (907) 465-3873
Sen.Bert.Stedman@akleg.gov

Senator Click Bishop, Co-Chair
State Capitol, Room 516
Juneau, Alaska 99801-1182
Phone: (907) 465-2327
Sen.Click.Bishop@akleg.gov

Explanation of Changes

SENATE CS for CS for HOUSE BILL NO. 76(FIN)

Version 32-GH1011\W.A to 32-GH1011\R

Title Amendments:

Adds “emergency powers of the governor”, “emergency powers of the commissioner of health and social services”, “workers’ compensation”, “program execution”, and “civil liability;”.

Deletes “fingerprinting requirements for health care providers”, “meetings of shareholders”, “relating to informed consent for COVID-19 vaccines”, and “relating to personal objections to the administration of COVID-19 vaccines”.

Section 1: Findings

Changes date on page 3, line 24 from September 30 to December 31

Section 2: Public Health Disaster Emergency; Approval, Ratification, and Extension of Disaster Emergency

Changes date on page 3, line 31 from September 30 to December 31

New Section Added

Section 3: Emergency Powers of The Governor

Restricts the governor from acting in response to COVID-10 public health disaster emergency by removing access to 26.23.020(g)(4-6),(8), and (11)

New Section Added

Section 4: Emergency Powers of The Commissioner of Health and Social Services

Provides declaration powers to the commissioner of Health and Social Services for a public health emergency to respond to the ongoing COVID-19 pandemic to support emergency allotments for Supplemental Nutritional Assistance Program, CMS blanket waivers, 1135 Social Security Act waivers; 1915(c) Appendix K waivers; and funding under the Stafford Act related to non-congregate sheltering.

Provides authority for the commissioner of Health and Social Services during a declared public health emergency to:

- coordinate, allocate, distribute, and manage vaccine doses and therapeutics; and
- request the utilization of emergency procurement if it is related to the public health emergency.

The public health emergency will expire the earlier of when the commissioner determines the public health emergency is no longer necessary or when the federal public health emergency issued under sec. 319 of the Public Health Services Act expires.

Section 5: Public Health Disaster Emergency; Financing Plan

Removes previous subsection (a)(8)

Section 6: Reports

Changes date on page 7, line 4 from March 1 to May 1

Changes date on page 7, lines 11-12 from November 30, 2021 to January 31, 2022

Section 7: Professional and Occupational Licensing

Changes date on page 7, line 27 from September 30 to December 31

Section 8: Telemedicine and Telehealth

On page 9, lines 20-21, includes behavioral health care service providers to the definition of health care provider.

Section 10: School Operating Funds

Changes repeal date from June 30, 2023 to June 30, 2025.

New Section Added

Section 11: Workers' Compensation Presumption of Compensability

Provides that individuals employed as firefighters, emergency medical technicians, paramedics, peace officers, or health care providers, who contract COVID-19, are presumed to have contracted an occupational disease arising out of and in the course of employment during the public health disaster emergency declaration and are eligible for workers' compensation benefits.

New Section Added

Section 12: Program Execution

Restricts the governor from increasing appropriations through the revised program legislation (RPL) process for federal receipts of:

- Coronavirus Response and Relief Supplemental Appropriations Act funds for the Department of Transportation and Public Facilities,
- American Rescue Plan Act funds for the Coronavirus State and Local Fiscal Recovery Funds, or
- funds appropriated by the 117th Congress for infrastructure, jobs, as part of the American Jobs Plan, related to COVID-19 or economic recovery.

Provides clarification that this section does not apply to appropriations and expenditures ratified under HB 313 (ch. 32, SLA 2020), or to appropriations increased in compliance with AS 37.07.080(h) before the retroactive February 14, 2021 effective date.

New Section Added

Section 13: Civil Liability

Provides civil and criminal liability for a state agency, or an employee or agent of the state acting in an official capacity for the state for acts performed in good faith based on the authority in this Act. This section does not grant immunity for acts or omissions that constitute gross negligence, reckless misconduct, or intentional misconduct.

Section 14: Licensee Liability for Client Exposure To COVID-19

Changes section from codified to uncodified law and is repealed June 30, 2023.

Provides clarity for what constitutes “gross negligence” with respect to licensee actions to protect clients from COVID-19. Substantial compliance with applicable health mandates proves a licensee is not negligent. If there are no mandates that apply to the licensee, substantial compliance with mandates from another municipality or federal guidelines would serve as proof that a licensee was not negligent.

Section 15: Business and Employee Liability for Customer Exposure to COVID-19

Changes section from codified to uncodified law and is repealed June 30, 2023.

Provides clarity for what constitutes “gross negligence” with respect to a business’s actions to protect customers from COVID-19. Substantial compliance with applicable health mandates proves a business is not negligent. If there are no mandates that apply to the business, substantial compliance with mandates from another municipality or federal guidelines would serve as proof that a business was not negligent.

Defines “business” for this section using a definition that currently exists in statute.

Section 16: Abortion Funding

Prohibits funds received by the State under the Coronavirus Aid, Relief, and Economic Act, the Coronavirus Response and Relief Supplements Appropriations Act, or the American Rescue Plan Act may be expended for an abortion that is not mandatory under AS 47.07.030(a).

Section 18: Repeals sections of SB 241

Changes date on page 14, line 16 from September 30 to December 31

Section 20: Repeal Section

Adds Sections 3 (Emergency Powers of the Governor), and 13 (Civil Liability Immunity) to the repeal date of December 31, 2021 or when the governor determines a public health disaster emergency no longer exists.

Adds Sections 4 (Emergency Powers of the Commissioner of the Department of Health and Social Services), 14 (Licensee Liability for Client Exposure to COVID-19), and 15 (Business and Employee Liability for Customer Exposure to COVID-19) to the repeal date of June 30, 2023.

Repeals Section 10 (School Operating Funds) on June 30, 2025.

Section 21: Retroactivity

Adds Section 11 (Workers’ Compensation Presumption of Compensability) to retroactive date of November 15, 2020.

Sections Removed

- Fingerprinting
- Meetings of Shareholders
- Informed Consent for COVID-19 Vaccines
- Personal Objection to the Administration of Vaccines

All other changes are technical or conforming.