

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA


(907) 465-2450
LAA.Legal@akleg.gov
120 4th Street, Room 3

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 11, 2021

SUBJECT: Question about CSSB 24(L&C) relating to use of alternate methods for corporate procedures (CSSB 24(L&C); Work Order No. 32-LS0213\B)

TO: Representative Ivy Spohnholz
Attn: Megan Holland


FROM: Theresa Bannister
Legislative Counsel

You have asked whether the definition of "remote communication" in sec. 18 of the bill would allow the use of email and text messaging. Your concern is primarily addressed to the part of the definition that describes the means used for communication as being on a "substantially simultaneous basis."

The definition reads as follows:

(51) "remote communication" means communication by means of electronic communication, conference telephone, videoconference, the Internet, electronic transmission, or other means by which persons not physically present in the same location may communicate with each other on a substantially simultaneous basis. (Emphasis added.)

In my opinion, "substantially simultaneous basis" probably would not allow for the use of email and text messaging and similar means of communication. This is because text messaging and emailing do not provide simultaneous communication. There is an exchange of separate emails or text messages that occur sequentially in time, not simultaneously. However, the use of "substantially " could raise the issue whether very quick exchanges of emails or text messages could be considered to be made substantially simultaneously. Therefore, I recommend that the bill be adjusted to clarify whether email, text messaging, or similar methods are allowed as remote communication under the bill.

If I can be of further assistance, please advise.

TLB:boo
21-034.boo