

# LEGAL SERVICES

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## MEMORANDUM

October 27, 2020

**SUBJECT:** Uniform Rule changes amid the COVID-19 pandemic

**TO:** Senator Gary Stevens  
Legislative Council Chair  
Attn: Katrina Matheny

**FROM:** Megan A. Wallace  
Director



You asked about potential Uniform Rule changes in preparation for the 32nd Alaska State Legislature in response to the COVID-19 pandemic. Below I have highlighted some items that the legislature might consider, but the list below is not exclusive, and legislatures across the country have made a wide-variety of changes to legislative procedure in order to ensure that legislative business can continue.<sup>1</sup>

### **1. Remote committee meetings and floor sessions**

If the legislature is unable to meet in person, expanding remote committee participation or allowing for remote floor session participation or voting is an option.<sup>2</sup>

Uniform Rule 24(a) requires that a committee "report must be signed by a majority of the members of the committee." Thus, Uniform Rule 24(a) has historically been construed to require members to be physically present to vote to move a bill from committee, so that the member can sign the report. Members have otherwise been allowed to fully participate, and frequently do, in committee meetings remotely. If committees contemplate increased remote participation by members, the legislature might consider a temporary rule change to Uniform Rule 24(a) to allow members to vote to move a bill from committee remotely. If the legislature changes the rule, and members are permitted

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<sup>1</sup> See <https://www.ncsl.org/research/about-state-legislatures/covid-19-state-actions-related-to-legislative-operations.aspx>.

<sup>2</sup> See <https://www.ncsl.org/research/about-state-legislatures/continuity-of-legislature-during-emergency.aspx> ("From March through September 2020, legislatures or chambers in at least 25 states, the District of Columbia, Guam and the Virgin Islands changed their procedures to allow for remote participation or voting, or proxy voting, in floor sessions or committee meetings.").

to vote to move a bill when participating remotely, I recommend adopting a uniform procedure for signing the reports as well.

Last session, the senate passed SCR 16, a concurrent resolution that suspended certain Uniform Rules and would have authorized remote participation in floor sessions by videoconference under certain circumstances.<sup>3</sup> If the legislature wants to allow for remote floor sessions during its upcoming session, it might consider passing a measure similar to SCR 16. Procedural changes the legislature might consider include:

- upon agreement of the presiding officers of both houses, authorizing members to attend a session by videoconference; when attendance of members by videoconference is authorized by the presiding officers, the legislature might consider requiring:
  - the presiding officers be physically present in the capitol when conducting a session;
  - a member participating by videoconference be considered present for quorum purposes under Uniform Rule 14(a);
  - a member participating by videoconference be physically present at a Legislative Information Office, unless otherwise approved by the presiding officer;
  - the identity of each member participating by videoconference be verified and the actions of each participating member be authenticated in a manner satisfactory to the presiding officer; the videoconference enable each participating member to hear or read the comments of a member who is recognized by the presiding officer;
  - at least 48 hours' notice be given before a floor session;
  - amendments be turned in to the chief clerk or senate secretary before a floor session; a member may offer only amendments that have been turned in before the floor session; and
  - debate on all matters, including procedural motions, be concise and limited;
- suspending Uniform Rule 24(a), to the extent necessary to authorize a member of the committee to vote by videoconference to report a bill from committee; and
- suspending a call of the house under Uniform Rule 16 when remote participation by videoconference is authorized.

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<sup>3</sup> SCR 16 (31st Alaska State Legislature) was passed 20-0 by the senate on May 19, 2020. The measure was not taken up by the house before adjournment. A copy of SCR 16, as passed by the senate, is attached.

## **2. Limiting floor activity or reducing the length of session**

In addition to allowing for broader remote committee participation or authorizing remote voting, if there is further desire to limit floor activity or reduce the length of session, the legislature might also consider the following procedural changes:

- changing the daily order of business (Uniform Rule 17);
- limiting the subject of legislation to be considered;
- instituting amendment submission deadlines (including both for committee and for floor sessions);
- limiting the number of personal bills members may introduce during the session (Uniform Rule 37);
- adding a personal bill deadline for the first regular session (Uniform Rule 44); or
- reducing days in which citations are approved (Uniform Rule 50).

If you have any questions, or if I can be of further assistance, please advise.

MAW:lme

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Attachment