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Senate Bill 81– Electric and Telephone Cooperative Act Update

Sectional Analysis

"An Act relating to electric and telephone cooperatives; and relating to telephone service and related telecommunications services."

[Sections 1-3 Alaska Cooperative Corporation Act; Page 1](#)

Sec. 1 – AS 10.15.005 Page 1, Lines 4-8

Section one adds “related telecommunications service” to the list of excluded purposes, for the type of cooperative under the Alaska Cooperative Corporation Act from which electric and telephone services are already excluded.

Sec. 2 – AS 10.15.575 Page 1, Lines 9-14, Page 2, Line 1

This section adds “related telecommunication service” to the list of cooperative types exempted from restrictions on the use of the term “cooperative” in its title under the Alaska Cooperative Corporation Act.

Sec. 3– AS 10.15.585 Page 2, Lines 2-8

This section adds “related telecommunication service” to the list of cooperatives types exempted from the application of the Alaska Cooperative Corporation Act.

[Sections 3-21 Electric and Telephone Cooperative Act; Pages 1-3](#)

Sec. 4– AS 10.25.010(a) Page 2, Lines 9-31, Page 3, Lines 1-14

This section adds “related telecommunications service” to the list of physical line types that cooperatives have the power to maintain under and across public lands through the Electric and Telephone Cooperative Act.

Sec. 5 – 10.25.030(a) Page 3, Lines 15-31, Page 4, Line 1

This section broadens the purpose of telephone cooperatives to cover all related telecommunications services and allow cooperatives to offer a full range of telecommunication services.

Sec. 6 – AS 10.25.040(a) Page 4, Lines 2-5

This section adds “telecommunications” and “telecom” to the list of potential terms mandated in the name of cooperatives based on services. It also allows for the use of the term “association” in the naming of a cooperative and changes the abbreviation for cooperatives to “Inc.”.

Sec. 7– AS 10.25.080(a) Page 4, Lines 6-11.

This section adds “related telecommunications” to the list of services an individual agrees to use to be considered a member of the cooperative under the Electric and Telephone Cooperative Act.

Sec. 8 – AS 10.25.090(a) Page 4, Lines 12-18

This section removes the explicit obligation for cooperatives to hold member meetings at a time and place outlined in their bylaws and instead directs them to conduct meetings more generally as their bylaws direct. It also clarifies that the relevant bylaws in this section are the bylaws of the cooperative. This section also allows for the annual meetings of cooperatives to be conducted through teleconference unless prohibited by cooperative bylaws.

Sec. 9 – AS 10.25.090(c) Page 4, Lines 19-22

This section removes the explicit obligation for cooperatives to hold district delegate meeting at a time and place outlined in their bylaws and instead directs them to conduct meetings more generally as their bylaws direct. It also clarifies that the relevant bylaws for this section are the bylaws of the cooperative.

Sec. 10– AS 10.25.100 Page 4, Lines 23-31, Page 5, Lines 1-8

This section adds the use of electronic mail and text messages to the list of acceptable means of communicating notices of regular and special meetings of a cooperative. This section also provides further clarification of the time restrictions of notices of meetings while also outlining what constitutes being given “notice” with relation to email and text notifications.

Sec. 11– AS 10.25.110(a) Page 5, Lines 9-19

This section establishes that individuals considered present under 10.25.110 (c) may be considered present to make a vote to adjourn in circumstances in which quorum has not been met.

Sec. 12– AS 10.25.110 Page 5, Lines 20-22

This section adds subsection (c) to 10.25.110 which allows for those members or delegates that vote electronically to be considered having attended the meeting.

Sec. 13 – AS 10.25.175(a) Page 5, Lines 23-31

This section removes “similar communications equipment “ from the description of authorized teleconference meetings for a cooperative board of directors.

Sec. 14 – AS 10.25.175(c) Page 6, Lines 1-13

This section adds “personnel matters” and “matters the immediate knowledge of which could have an adverse effect on the ability of the cooperative to compete in the market served by the cooperative” to the list of subjects of discussion in an executive session.

Sec. 15– AS 10.25.290(a) Page 6, Lines 15-19

This section adds “related telecommunications services” to the list of services that a corporation could supply to be permissible to convert to a cooperative once it has met the requirements of this chapter.

Sec. 16 – AS 10.25.430 Page 6, Lines 20-31, Page 7, Lines 1-3

This section replaces references to 7 U.S.C. 901 - 950B with 7 U.S.C. 901 - 950bb-2 and removes “of 1936” from the references to the Rural Electrification Act of 1936 to update the chapters references to federal law.

Sec. 17 – AS 10.25.460 Page 7, Lines 4-12

This section adds “a domestic or foreign corporation authorized to transact business in the state whose business office is identical with the registered office” to the types of agents a cooperative is required to maintain in the state.

Sec. 18– AS 10.25.810 Page 7, Lines 13-17

This section adds “related telecommunications service” to the list purposes for which a cooperative, nonprofit, membership corporations may be organized under this chapter.

Sec. 19– AS 10.25.820 Page 7, Lines 18-25

This section adds “related telecommunications service” to the list of services provided by existing nonprofit cooperatives that are subject to this chapter as if originally organized by it.

Sec. 20– AS 10.25.840 Page 7, Lines 26-31, Page 8, Lines 1-4

This section adds a paragraph defining the term "related telecommunications service" to mean the transmission and reception of messages, impressions, pictures, and signals by means of electricity, electromagnetic waves, or any other source of energy, force variations, or impulses, whether conveyed by cable, wire, radiated through space, or transmitted through other media; or a service capable of electronically generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information, through the use of broadband Internet access, data center services, information technology, or other technology services.

Sec. 21– AS 10.25.030(b) and 10.25.400(e) Page 8, Line 5

This section repeals AS 10.25.030(b) which outlined the original meaning of “related telecommunications service”. It also repeals AS 10.25.400(e) which excludes telephone cooperatives which have an annual gross revenue exceeding \$25,000,000 from AS 10.25.400(b) (which outlines the actions that must be taken by a cooperative’s board of directors before a disposition or sale of more than 15% of a cooperative’s total assets) unless a resolution is passed by the cooperative’s board of directors to make AS 10.25.400(b) apply.

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