

CS FOR SENATE BILL NO. 241(RLS) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Amended: 3/24/20

Offered: 3/23/20

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the March 11, 2020, governor's declaration of a public health**
2 **disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic;**
3 **relating to the COVID-19 outbreak; relating to a financing plan; relating to standing**
4 **orders of the chief medical officer; relating to occupational and professional licensing;**
5 **relating to telemedicine and telehealth; relating to fingerprinting requirements; relating**
6 **to elections in calendar year 2020; relating to permanent fund dividend applications;**
7 **relating to automatic voter registration; relating to tax filings, payments, and penalties;**
8 **relating to shareholder meetings; relating to the teachers' retirement system and the**
9 **Public Employees' Retirement System of Alaska; providing for electronic and**
10 **videoconference notification, verification, and acknowledgment of documents; and**
11 **providing for an effective date."**

12 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

1 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
2 to read:

3 FINDINGS. (a) The legislature finds that

4 (1) in December 2019, a novel coronavirus known as severe acute respiratory
5 syndrome coronavirus 2 (SARS-CoV-2) was first detected in Wuhan, Hubei province,
6 People's Republic of China, leading to outbreaks of novel coronavirus disease (COVID-19)
7 that have now spread globally;

8 (2) on January 31, 2020, the United States Secretary of Health and Human
9 Services declared a public health emergency under 42 U.S.C. 247d (Public Health Service
10 Act);

11 (3) to date, 50 states have confirmed cases of COVID-19, including
12 confirmation of community transmission of COVID-19;

13 (4) on March 11, 2020, the commissioner of health and social services
14 certified to the governor that there is a high probability that COVID-19 presents a credible
15 threat of an imminent outbreak of the disease in the state, meeting the definition of disaster
16 under AS 26.23.900(2)(E);

17 (5) on March 11, 2020, the governor issued a declaration of a public health
18 disaster emergency under AS 26.23.020 in anticipation of the spread of COVID-19 to the
19 state;

20 (6) in the disaster declaration issued March 11, 2020, the governor found that
21 a statewide response under AS 18.15.390 is required to address the public health disaster
22 emergency and authorized the commissioner of health and social services and the adjutant
23 general of military and veterans' affairs to take all actions necessary to address the public
24 health disaster emergency;

25 (7) on March 12, 2020, the Department of Health and Social Services and the
26 governor announced that the first case of COVID-19 was diagnosed in an individual in
27 Anchorage;

28 (8) additional cases of COVID-19 are being diagnosed across the state;

29 (9) the chief medical officer in the Department of Health and Social Services
30 and the commissioner of health and social services have determined that it will take months of
31 monitoring and active public health management, including closing public facilities, limiting

1 public events, and establishing quarantine and isolation protocols and enforcement under
2 AS 18.15.390, to contain the spread of COVID-19;

3 (10) the adjutant general of the Alaska organized militia has determined that it
4 may be necessary for the Department of Military and Veterans' Affairs, under the guidance of
5 the commissioner of health and social services, to use personnel and other resources of the
6 Department of Health and Social Services to institute actions under AS 26.23.020, including
7 provisions to perform or facilitate performance of disaster emergency services.

8 (b) Based on the findings in (a) of this section, the legislature finds that it is in the
9 best interest of the state to extend the public health disaster emergency declaration issued by
10 the governor on March 11, 2020, and all the powers granted under AS 18.15.390 and
11 AS 26.23.020, until September 1, 2020.

12 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
13 read:

14 PUBLIC HEALTH DISASTER EMERGENCY; EXTENSION OF DISASTER
15 EMERGENCY. (a) Under AS 26.23.020(c), the Alaska State Legislature extends to
16 September 1, 2020, the declaration of a public health disaster emergency issued by the
17 governor on March 11, 2020. The extension under this subsection includes an order,
18 proclamation, or regulation issued under AS 26.23.020 and an action taken by the Department
19 of Health and Social Services under the authority granted to the Department of Health and
20 Social Services under AS 18.15.390.

21 (b) Notwithstanding (a) of this section, if the commissioner of health and social
22 services certifies to the governor that there is no longer a present outbreak of novel
23 coronavirus disease (COVID-19) or a credible threat of an imminent outbreak of COVID-19,
24 the governor shall issue a proclamation that the public health disaster emergency identified in
25 the declaration issued by the governor on March 11, 2020, no longer exists as of a date
26 determined by the governor. The certification must be based on specific information received
27 from a state or federal agency or another source that the commissioner determines to be
28 reliable.

29 (c) The governor shall submit a proclamation issued under (b) of this section to the
30 revisor of statutes, the president of the senate, the speaker of the house of representatives, and
31 the lieutenant governor.

1 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 PUBLIC HEALTH DISASTER EMERGENCY; FINANCING PLAN. (a) Under
4 AS 26.23.020(k), the Alaska State Legislature approves this financing plan for the declaration
5 of a public health disaster emergency issued by the governor on March 11, 2020, as extended
6 by sec. 2 of this Act, and provides that the following appropriations and authorizations may be
7 used to cope with the public health disaster emergency:

8 (1) the appropriations made in sec. 8, ch. 2, SLA 2020;

9 (2) the appropriations made in sec. 10, SCS CSHB 234(FIN), Department of
10 Health and Social Services, Thirty-First Alaska State Legislature;

11 (3) the authorization made in sec. 1, CCS HB 205, Department of Health and
12 Social Services, Thirty-First Alaska State Legislature, allowing for up to \$20,000,000 in
13 transfers between all appropriations made in the Department of Health and Social Services,
14 except for transfers from the Medicaid services appropriation;

15 (4) the appropriations made in CCS HB 205, Department of Health and Social
16 Services, Thirty-First Alaska State Legislature,

17 (A) of federal receipts received during the fiscal year ending June 30,
18 2021, for Medicaid services; and

19 (B) to the Department of Health and Social Services public health
20 emergency response for the purpose of responding to the COVID-19 public health
21 disaster emergency; and

22 (5) the appropriation made in CCS HB 205, Thirty-First Alaska State
23 Legislature, to the disaster relief fund under AS 26.23.300(a).

24 (b) The governor may not expend more than a cumulative total of \$10,000,000 of the
25 assets of the disaster relief fund under AS 26.23.020(h) - (k) or 26.23.300(b) in response to
26 the declaration of a public health disaster emergency issued by the governor on March 11,
27 2020, as extended by sec. 2 of this Act.

28 (c) Notwithstanding AS 26.23.050(b), the expenditure of state funds to cope with the
29 effects of the declaration of a public health disaster emergency issued by the governor on
30 March 11, 2020, as extended by sec. 2 of this Act, is limited to the appropriations and
31 expenditure authority identified in (a) and (b) of this section.

1 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 STANDING ORDERS. (a) The chief medical officer in the Department of Health and
4 Social Services, or, if the chief medical officer is incapacitated, the chief medical officer's
5 designee, shall issue standing orders for public health agents and health care providers related
6 to essential public health services and functions and in response to conditions of public health
7 importance that are related to novel coronavirus disease (COVID-19). The chief medical
8 officer may issue standing orders establishing sanitation procedures for retail sellers. Standing
9 orders shall be effective until retracted or for the duration of the public health disaster
10 emergency declaration issued by the governor on March 11, 2020, as extended by sec. 2 of
11 this Act.

12 (b) The chief medical officer in the Department of Health and Social Services is not
13 liable for civil damages resulting from an act or omission in issuing a standing order
14 authorized under this section if

15 (1) the standing order

16 (A) is issued to health care providers;

17 (B) is required to mitigate the novel coronavirus disease (COVID-19)
18 public health disaster emergency; and

19 (C) contains sufficient information in support of the need for a
20 standing order; and

21 (2) the chief medical officer provides sufficient education or training required
22 to properly implement the standing order, including training manuals, video recordings, and
23 other reasonable means of implementing the standing order.

24 (c) Except as provided in (d) of this section, a public health agent or health care
25 provider who takes action based on a standing order issued by the chief medical officer is not
26 liable for civil damages resulting from an act or omission in implementing the standing order.

27 (d) Nothing in this section precludes liability for civil damages as a result of gross
28 negligence, recklessness, or intentional misconduct.

29 (e) In this section,

30 (1) "essential public health services and functions," "health care provider," and
31 "public health agent" have the meanings given in AS 18.15.395;

(2) "retail seller" includes a market, grocery store, convenience store, drug store, or similar establishment that

(A) is located in a permanent building; and

(B) sells to consumers household supplies, perishable items, or food merchandise, including meat, produce, dairy products, or snack foods.

* **Sec. 5.** The uncoded law of the State of Alaska is amended by adding a new section to read:

REPORTS. Beginning May 1, 2020, the governor shall electronically submit, on the first day of each month, a report to the president of the senate and the speaker of the house of representatives that lists the expenditures used to cope with the public health disaster emergency declared by the governor on March 11, 2020, and extended by sec. 2 of this Act, and identifies all actions taken by the governor, the Department of Health and Social Services, the Department of Military and Veterans' Affairs, and other state agencies directly related to the prevention, control, and status of novel coronavirus disease (COVID-19) cases in the state. The report must include an explanation, made without disclosing information that would identify individuals, of any activities related to the isolation or quarantine of individuals to contain the spread of COVID-19. The governor shall submit a final report not later than November 1, 2020, or 60 days after the date the governor determines, under sec. 2 of this Act, that the public health disaster emergency no longer exists, whichever is earlier. Each report submitted under this section must include cumulative information.

* **Sec. 6.** The uncoded law of the State of Alaska is amended by adding a new section to read:

PROFESSIONAL AND OCCUPATIONAL LICENSING. (a) Notwithstanding any other provision of law, during the public health disaster emergency declared by the governor under AS 26.23.020 on March 11, 2020, as extended by sec. 2 of this Act, a professional or occupational licensing board listed in AS 08.01.010, or the director, with respect to a profession regulated by the Department of Commerce, Community, and Economic Development, may grant a license, permit, or certificate on an expedited basis to an individual who holds a corresponding license, permit, or certificate in good standing in another jurisdiction to the extent necessary to respond to the public health disaster emergency. A license expedited under this section expires on the earlier of

1 (1) September 1, 2020; or

2 (2) the date the governor determines, under sec. 2 of this Act, that the public
3 health disaster emergency no longer exists.

4 (b) Notwithstanding any other provision of law and to the extent necessary to respond
5 to the public health disaster emergency, a board listed in AS 08.01.010, the commissioner of
6 commerce, community, and economic development, or the director, as applicable, may take
7 additional action necessary to protect public health, safety, and welfare, including

8 (1) temporarily waiving or modifying the continuing education requirements
9 required for licensees to renew a professional license, permit, or certificate in calendar year
10 2020;

11 (2) regulating the scope and duration of any license, permit, or certificate
12 issued under this section;

13 (3) requiring any individual granted a license, permit, or certificate under this
14 section to arrange and agree to supervision, in-person or by other means, by an individual who
15 holds a license, permit, or certificate in good standing for the applicable profession or by an
16 administrator of a facility licensed under AS 47.32;

17 (4) not increasing licensing fees.

18 (c) An individual seeking or holding an expedited license, permit, or certificate under
19 this section who travels to the state from outside the state must comply with travel restrictions
20 ordered or guidelines recommended by the Centers for Disease Control and Prevention,
21 United States Department of Health and Human Services that are in effect at the time the
22 individual arrives in the state.

23 (d) In this section, "director" means the director of the division in the Department of
24 Commerce, Community, and Economic Development responsible for business and
25 professional licensing.

26 * **Sec. 7.** The uncoded law of the State of Alaska is amended by adding a new section to
27 read:

28 **TELEMEDICINE AND TELEHEALTH.** (a) Notwithstanding any other provision of
29 law, during the public health disaster emergency declared by the governor under
30 AS 26.23.020 on March 11, 2020, as extended by sec. 2 of this Act, the provisions of
31 AS 08.64.170 and AS 08.68.160 do not apply to a health care provider who is providing

1 treatment, rendering a diagnosis, or prescribing, dispensing, or administering a prescription,
 2 excluding a controlled substance listed under AS 11.71.140 - 11.71.190, through an audio-
 3 visual, real-time, two-way interactive communication system, without first conducting an in-
 4 person physical examination, if

5 (1) the health care provider is licensed, permitted, or certified to provide
 6 health care services in another jurisdiction and is in good standing in the jurisdiction that
 7 issued the license, permit, or certification;

8 (2) the health care services provided without an in-person physical
 9 examination are within the provider's authorized scope of practice in the jurisdiction that
 10 issued the provider's license, permit, or certification;

11 (3) in the event that the health care provider determines that the encounter
 12 will extend beyond the scope of practice or scope of services described in this section, the
 13 health care provider advises the patient that the health care provider is not authorized to
 14 provide the services to the patient, recommends that a patient contact a health care provider
 15 licensed in the state, and terminates the encounter.

16 (b) The amount charged by a health care provider for services provided under this
 17 section must be reasonable and consistent with the ordinary fees typically charged for that
 18 service and may not be more than five percent above the ordinary fees typically charged for
 19 that service. A health care provider who is required to terminate an encounter under (a)(4) of
 20 this section may not charge for any services provided during the encounter.

21 (c) Notwithstanding any other provision of law, during the public health disaster
 22 emergency declared by the governor under AS 26.23.020 on March 11, 2020, as extended by
 23 sec. 2 of this Act, the commissioner of health and social services may waive any state law or
 24 regulation if compliance would substantially prevent or impede the provision of health care
 25 services under this section. Nothing in this subsection may be construed to abrogate authority
 26 granted to the commissioner of health and social services under AS 18.15.390.

27 (d) In this section, "health care provider" has the meaning given in AS 18.15.395.

28 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 FINGERPRINTING. For the duration of the public health disaster emergency
 31 declaration issued by the governor on March 11, 2020, as extended by sec. 2 of this Act, the

1 Department of Commerce, Community, and Economic Development shall coordinate with the
 2 Department of Health and Social Services and the Department of Public Safety to expedite the
 3 process for applicants under AS 08.29, AS 08.36, AS 08.64, AS 08.68, AS 08.71, AS 08.72,
 4 AS 08.80, AS 08.84, and AS 08.86 to submit fingerprints.

5 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
 6 read:

7 ELECTIONS: LIEUTENANT GOVERNOR. (a) Notwithstanding any provision in
 8 AS 15.15 or AS 15.20 to the contrary, the lieutenant governor may, after consultation with the
 9 commissioner of health and social services, direct that a primary or statewide special election
 10 to be held in the state in calendar year 2020 be held in the same manner as an election by mail
 11 under AS 15.20.800.

12 (b) The director of the division of elections may adopt regulations necessary to
 13 implement this section, including emergency regulations.

14 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
 15 read:

16 PERMANENT FUND DIVIDENDS: APPLICATIONS. Notwithstanding
 17 AS 43.23.011(a), the application period for a 2020 dividend ends April 30, 2020.

18 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
 19 read:

20 TAX FILINGS, PAYMENTS, AND PENALTIES. Except for any tax return, report,
 21 or payment required under AS 43.55 or AS 43.56, a taxpayer required to file a tax return,
 22 including an amended return or an information return or report, to the Department of Revenue
 23 or to make a payment to the Department of Revenue for a tax, fee, or other charge under
 24 AS 05.15, AS 16.10.455, AS 16.51, or AS 43, on or after the effective date of this Act and
 25 before July 15, 2020, shall automatically receive an extension of time until July 15, 2020, to
 26 file the return, report, or payment. Because of the application of the extensions in this section,
 27 a penalty or interest will not be assessed if the taxpayer complies with the filing and payment
 28 requirements on or before July 15, 2020. An extension under this section does not apply to a
 29 taxpayer for any return or report required to be filed before the effective date of this Act and
 30 any payment of tax, interest, penalty, or other charge due before the effective date of this Act.

31 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 ELECTRONIC AND VIDEOCONFERENCE COMMUNICATIONS
3 AUTHORIZED. (a) Notwithstanding AS 10.06.405, a meeting of shareholders may be held
4 by electronic communication to the extent the corporation's board authorizes and adopts
5 guidelines to govern an electronic meeting.

6 (b) Notwithstanding AS 10.06.410, a corporation that has or is planning to, on the
7 effective date of this Act, distribute a proxy statement and notice of annual meeting to its
8 shareholders may renote or notice the annual meeting so that the annual meeting may be
9 held by electronic communication authorized under (a) of this section.

10 (c) Notwithstanding the requirement for in-person notarization, verification, and
11 acknowledgment of a document required by law to be notarized, verified, or acknowledged
12 under AS 09.63, AS 13.26.600, AS 13.52.010, and AS 13.75.010, and notwithstanding the
13 prohibitions under AS 44.50.062, a document may be notarized, verified, or acknowledged by
14 video conferencing between the person who executes the document and the person notarizing,
15 verifying, or acknowledging it.

16 (d) Notwithstanding AS 13.12.502, a will may be signed, witnessed, and
17 acknowledged in person or by videoconference. Within 60 days after the execution of a will
18 by videoconference, each witness shall sign either the original will signed by the testator or an
19 exact facsimile of the will signed by the testator.

20 (e) In (c) and (d) of this section, "videoconference" means a conference using
21 technology that enables the testator, notary, or the person making the acknowledgment and
22 the person executing the document and witnesses to, while in different locations,
23 simultaneously communicate orally and maintain visual contact.

24 * **Sec. 13.** The uncoded law of the State of Alaska is amended by adding a new section to
25 read:

26 COST OF LIVING ADJUSTMENTS UNDER THE TEACHERS' RETIREMENT
27 SYSTEM AND THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF ALASKA. (a)
28 Notwithstanding AS 14.25.142(b) and to the extent consistent with 26 U.S.C. 401(a) and
29 414(d) (Internal Revenue Code), during the public health disaster emergency declared by the
30 governor under AS 26.23.020 on March 11, 2020, as extended by sec. 2 of this Act, a person
31 receiving a cost-of-living allowance under AS 14.25.142 who has notified the commissioner

1 of administration or the commissioner's designee that the person expects to be absent from the
 2 state for a continuous period that first exceeds 90 days on or after March 11, 2020, remains
 3 entitled to receive the allowance after the 90-day period for as long as the person is absent
 4 from the state because of protective measures, including a voluntary or compulsory
 5 quarantine, related to avoiding or preventing the spread of the novel coronavirus disease
 6 (COVID-19).

7 (b) Notwithstanding AS 39.35.480(b) and to the extent consistent with 26 U.S.C.
 8 401(a) and 414(d) (Internal Revenue Code), during the public health disaster emergency
 9 declared by the governor under AS 26.23.020 on March 11, 2020, as extended by sec. 2 of
 10 this Act, a person receiving a cost-of-living allowance under AS 39.35.480 who has notified
 11 the commissioner of administration or the commissioner's designee that the person expects to
 12 be absent from the state for a continuous period that first exceeds 90 days on or after
 13 March 11, 2020, remains entitled to receive the allowance after the 90-day period for as long
 14 as the person is absent from the state because of protective measures, including a voluntary or
 15 compulsory quarantine, related to avoiding or preventing the spread of the novel coronavirus
 16 disease (COVID-19).

17 * **Sec. 14.** Sections 1 - 4 and 6 - 13 of this Act are repealed on the earlier of

18 (1) September 1, 2020; or

19 (2) the date the governor determines, under sec. 2 of this Act, that the public
 20 health disaster emergency declared by the governor under AS 26.23.020 on March 11, 2020,
 21 as extended by sec. 2 of this Act, no longer exists.

22 * **Sec. 15.** Section 5 of this Act is repealed November 2, 2020.

23 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
 24 read:

25 **RETROACTIVITY.** If this Act takes effect after April 10, 2020, this Act is retroactive
 26 to April 10, 2020.

27 * **Sec. 17.** This Act takes effect immediately under AS 01.10.070(c).