

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\E

Title Amendments:

Added "emergency powers of the governor;"

Added "emergency powers of the commissioner of health and social services;"

Added "workers' compensation;"

Added "program execution;"

Added "civil liability;"

Section 1: Findings

(Page 2, line 3 – Page 3, line 24)

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

(Page 3, line 25 – Page 4, line 16)

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

New Section Added

Section 3: Emergency Powers of The Governor

(Page 4, lines 17-22)

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

(Page 4, line 23 – Page 5, line 13)

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, and 1915(c) Appendix K waivers.

Section 5: Public Health Disaster Emergency; Financing Plan

(Page 5, line 14 – Page 6, line 19)

Removes previous subsection (a)(8)

Section 6: Reports

(Page 6, line 20-31)

Changes date on page 6, line 22 from March 1 to May 1

Changes date on page 6, line 29-30 from November 30, 2021 to January 31, 2022

Section 7: Professional and Occupational Licensing

(Page 7, line 1 – Page 8, line 6)

Changes date on page 7, line 14 from September 30 to December 31

Section 8: Telemedicine and Telehealth

(Page 8, line 7 – Page 9, line 8)

On page 9, lines 7-8, includes behavioral health care service providers to the definition of health care provider.

New Section Added

Section 11: Workers' Compensation Presumption of Compensability

(Page 10, line 12 – Page 11, line 6)

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

(Page 11, lines 7-22)

Restricts the governor from increasing appropriations based on receipt of federal receipts through the revised program legislation (RPL) process for the Coronavirus Response and Relief Supplemental Appropriations Act, the American Rescue Plan Act, or the 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

(Page 11, lines 23-31)

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

(Page 12, lines 1-21)

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

(Page 12, line 22 – Page 13, line 17)

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 17: Repeals sections of SB 241

(Page 13, line 22-26)

Changes date on page 13, line 23 from September 30 to December 31

Section 19: Repeal Section

(Page 13, line 31 – Page 14, line 5)

Adds Sections 3 (Emergency Powers of the Governor), and 13 (Civil Liability Immunity) to the repeal date of December 31, 2021.

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.

Section 20: Retroactivity

(Page 14, lines 6-10)

Added 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
- CARES, CRSSA, ARPA Funds cannot be used for abortions.

All other changes are technical or conforming.