

HOUSE CS FOR CS FOR SENATE BILL NO. 241(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 3/26/20

Referred: Today's Calendar

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 municipal government deadlines; and**
9 **providing for an effective date."**

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

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

1 FINDINGS. (a) The legislature finds that

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

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

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

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

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

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

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

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

27 (9) the chief medical officer in the Department of Health and Social Services
28 and the commissioner of health and social services have determined that it will take months of
29 monitoring and active public health management, including closing public facilities, limiting
30 public events, and establishing quarantine and isolation protocols and enforcement under
31 AS 18.15.390, to contain the spread of COVID-19;

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

(b) Based on the findings in (a) of this section, the legislature finds that it is in the best interest of the state to extend the public health disaster emergency declaration issued by the governor on March 11, 2020, and all the powers granted under AS 18.15.390 and AS 26.23.020, until November 15, 2020.

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

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

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

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

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

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

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

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

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

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

15 (A) of federal receipts received during the fiscal year ending June 30,
 16 2021, for Medicaid services; and

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

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

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

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

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

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

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

11 (1) the standing order

12 (A) is issued to health care providers;

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

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

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

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

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

25 (e) In this section, "essential public health services and functions," "health care
 26 provider," and "public health agent" have the meanings given in AS 18.15.395.

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

29 REPORTS. Beginning May 1, 2020, the governor shall electronically submit, on the
 30 first day of each month, a report to the president of the senate and the speaker of the house of
 31 representatives that lists the expenditures used to cope with the public health disaster

1 emergency declared by the governor on March 11, 2020, as extended by sec. 2 of this Act,
 2 and identifies all actions taken by the governor, the Department of Health and Social Services,
 3 the Department of Military and Veterans' Affairs, and other state agencies directly related to
 4 the prevention, control, and status of novel coronavirus disease (COVID-19) cases in the
 5 state. The report must include an explanation, made without disclosing information that would
 6 identify individuals, of any activities related to the isolation or quarantine of individuals to
 7 contain the spread of COVID-19. The governor shall submit a final report not later than
 8 January 15, 2021, or 60 days after the date the governor determines, under sec. 2 of this Act,
 9 that the public health disaster emergency no longer exists, whichever is earlier. Each report
 10 submitted under this section must include cumulative information.

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

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

22 (1) November 15, 2020; or

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

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

29 (1) temporarily waiving or modifying the continuing education requirements
 30 required for licensees to renew a professional license, permit, or certificate in calendar year
 31 2020;

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

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

(4) not increasing licensing fees.

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

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

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

TELEMEDICINE AND TELEHEALTH. (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, the provisions of AS 08.64.170 and AS 08.68.160 do not apply to a health care provider who is providing treatment, rendering a diagnosis, or prescribing, dispensing, or administering a prescription, excluding a controlled substance listed under AS 11.71.140 - 11.71.190, through an audio-visual, real-time, two-way interactive communication system, without first conducting an in-person physical examination, if

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

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

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

(b) The amount charged by a health care provider for services provided under this section must be reasonable and consistent with the ordinary fees typically charged for that service and may not be more than five percent above the ordinary fees typically charged for that service. A health care provider who is required to terminate an encounter under (a)(3) of this section may not charge for any services provided during the encounter.

(c) 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, the commissioner of health and social services may waive any state law or regulation if compliance would substantially prevent or impede the provision of health care services under this section. Nothing in this subsection may be construed to abrogate authority granted to the commissioner of health and social services under AS 18.15.390.

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

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

FINGERPRINTING. For the duration of the public health disaster emergency declaration issued by the governor on March 11, 2020, as extended by sec. 2 of this Act, the Department of Commerce, Community, and Economic Development shall coordinate with the Department of Health and Social Services and the Department of Public Safety to expedite the process for applicants under AS 08.29, AS 08.36, AS 08.64, AS 08.68, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86 to submit fingerprints.

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

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

1 under AS 15.20.800.

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

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

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

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

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

21 * **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 MEETINGS OF SHAREHOLDERS; NOTICE OF SHAREHOLDER MEETINGS.

24 (a) Notwithstanding AS 10.06.405, a meeting of shareholders may be held by electronic
25 communication to the extent the corporation's board authorizes and adopts guidelines to
26 govern an electronic meeting.

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

31 (c) Notwithstanding AS 10.20.061 - 10.20.076, a meeting of the members of a

1 nonprofit corporation organized under AS 10.20, including meeting notice and determination
 2 of a quorum, may be held by electronic communication to the extent the corporation's board
 3 authorizes and adopts guidelines to govern an electronic meeting.

4 (d) Notwithstanding AS 10.20.061 - 10.20.076, a meeting, including the notice of the
 5 meeting and determination of a quorum, of the members of a corporation subject to AS 10.20,
 6 including a village corporation organized under 43 U.S.C. 1601 et seq. (Alaska Native Claims
 7 Settlement Act) and a Native corporation formed under AS 10.06, may be held by electronic
 8 communication to the extent the corporation's board authorizes and adopts guidelines to
 9 govern an electronic meeting.

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

12 MUNICIPAL GOVERNMENT DEADLINES. Notwithstanding any provision in
 13 AS 29 to the contrary, a deadline established under AS 29 that occurs on or after the effective
 14 date of this Act is extended until the earlier of

15 (1) November 15, 2020; or

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

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

19 (1) November 15, 2020; or

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

23 * **Sec. 15.** Section 5 of this Act is repealed January 16, 2021.

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

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

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