

**ALASKA STATE LEGISLATURE
HOUSE RULES STANDING COMMITTEE**

March 25, 2020

6:14 p.m.

MEMBERS PRESENT

Representative Chuck Kopp, Chair
Representative Jennifer Johnston, Vice Chair
Representative Bryce Edgmon
Representative Louise Stutes
Representative Steve Thompson
Representative Lance Pruitt
Representative DeLena Johnson

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Representative Grier Hopkins
Representative Ivy Spohnholz
Representative Andy Josephson

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 241(RLS) AM

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

- MOVED HCS CSSB 241(RLS) AM OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 241

SHORT TITLE: EXTENDING COVID 19 DISASTER EMERGENCY

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

03/22/20	(S)	READ THE FIRST TIME - REFERRALS
03/22/20	(S)	RLS
03/23/20	(S)	RLS WAIVED PUBLIC HEARING NOTICE, RULE 23 & UR 24B
03/23/20	(S)	RLS RPT CS 4DP 1AM NEW TITLE
03/23/20	(S)	DP: COGHILL, GIESSEL, HOFFMAN, VON IMHOF
03/23/20	(S)	AM: BEGICH
03/23/20	(S)	RLS AT 11:15 AM BUTROVICH 205
03/23/20	(S)	Moved CSSB 241(RLS) Out of Committee
03/23/20	(S)	MINUTE(RLS)
03/25/20	(H)	RLS AT 1:00 PM DAVIS 106

WITNESS REGISTER

GRACE ERVINE, Staff
Representative Chuck Kopp
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Kopp, chair of the House Rules Standing Committee, described the changes to CSSB 241(RLS) am, identified as Version U.A. of the bill, and answered questions.

ERROL CHAMPION, Real Estate Broker; Chair
Legislative Issues Committee
Alaska Association of Realtors
Juneau, Alaska

POSITION STATEMENT: Proposed an amendment during the hearing on CSSB 241(RLS) am.

NILS ANDREASSEN, Executive Director
Alaska Municipal League
Juneau, Alaska

POSITION STATEMENT: Requested an amendment and answered a question during the hearing on CSSB 241(RLS) am.

CORI MILLS, Senior Assistant Attorney General
Labor and State Affairs Section
Department of Law
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 241(RLS) am.

GAIL FENUMIAI, Director
Central Office
Division of Elections
Office of the Lieutenant Governor
Juneau, Alaska

POSITION STATEMENT: Answered a question during the hearing on CSSB 241(RLS) am.

ACTION NARRATIVE

[6:14:11 PM](#)

CHAIR CHUCK KOPP called the House Rules Standing Committee meeting to order at 6:14 p.m. Representatives Pruitt, Stutes, Edgmon, Johnston, Thompson, Johnson, and Kopp were present at the call to order. Also present were Representatives Hopkins, Spohnholz, and Josephson.

SB 241-EXTENDING COVID 19 DISASTER EMERGENCY

[6:14:53 PM](#)

CHAIR KOPP announced the only order of business would be CS FOR SENATE BILL NO. 241(RLS) am, "An Act extending the March 11, 2020, governor's declaration of a public health disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic; relating to the COVID-19 outbreak; relating to a financing plan; relating to standing orders of the chief medical officer; relating to occupational and professional licensing; relating to telemedicine and telehealth; relating to fingerprinting requirements; relating to elections in calendar year 2020; relating to permanent fund dividend applications; relating to automatic voter registration; relating to tax filings, payments, and penalties; relating to shareholder meetings; relating to the teachers' retirement system and the Public Employees' Retirement System of Alaska; providing for electronic and videoconference notification, verification, and acknowledgment of documents; and providing for an effective date."

[6:15:36 PM](#)

GRACE ERVINE, Staff, Representative Chuck Kopp, Alaska State Legislature, directed attention to a document included in the

committee packet, entitled "Sectional Summary for CS for SB 241 version U.A: Extending COVID-19 Disaster Emergency," in which amendments that were made by the Senate were highlighted. She pointed out in Section 4, a change was made to include orders establishing retail sanitation procedures to the standing orders of the chief medical officer. In Section 6, a change was made that allows the director of boards and commissions to prevent increases to licensing fees during the emergency declaration period. In Section 10, a change was made to the permanent fund dividend (PFD) application deadline. Ms. Ervine explained that previous versions of the bill disallowed the automatic voter registration process through the proposed PFD application extended deadline of April 30, 2020; the provision was removed by a Senate floor amendment thus directing that the automatic voter registration would continue through April 30, 2020. In Section 12, the title [was changed from Shareholder Meetings to Electronic and Videoconference Communications], and a provision was added to allow electronic notarization of documents. Finally, new Section 13 was added, which read [original punctuation provided]:

Section 13 Cost of Living Adjustments under PERS and TRS

Allows for retirees under PERS and TRS to continue to receive their cost of living allowance if notification is given to the Department of Administration that they will be absent longer than 90-days. The notification would need to include rationale that the absence is based on protective measures, quarantine, or otherwise related to preventing the spread of COVID-19.

[6:18:52 PM](#)

CHAIR KOPP opened public testimony on CSSB 241(RLS) am.

[6:19:09 PM](#)

ERROL CHAMPION, Real Estate Broker; Chair, Legislative Issues Committee, Alaska Association of Realtors, proposed an amendment to the bill on page 10, following line 9, from which he read as follows [document not provided]:

Insert a new subsection to read: "(c) Notwithstanding AS 10.20.061-10.20.076, a meeting of the members of a nonprofit corporation organized under AS 10.20, including meeting notice and determination of a

quorum, may be held by electronic communication to the extent of the corporation's board authorization and adopts guidelines to govern an electronic meeting."

MR. CHAMPION said the purpose of the [amendment] is to avoid the requirement for travel for nonprofit corporations, such as the Alaska Association of Realtors, and thus avoid congregations of large numbers of people while still encouraging participation by members from across the state.

[6:21:11 PM](#)

NILS ANDREASSEN, Executive Director, Alaska Municipal League, requested an amendment to the bill to provide flexibility to municipal governments so they can focus on their responses to the coronavirus. Mr. Andreassen said the amendment should allow municipalities to extend deadlines and requirements under [AS 29. Municipal Government. (AS 29.)], such as property tax notices, budgets, mill levies, administrative hearing deadlines, and expirations of licensing permits and registrations. He pointed out at this time local government managers are focused on response and compliance with state actions.

CHAIR KOPP supported the need for municipal governments to waive municipal deadlines.

[6:23:54 PM](#)

CHAIR KOPP, after ascertaining no one further wished to testify, closed public testimony on CSSB 241(RLS) am.

[6:24:22 PM](#)

CHAIR KOPP moved to adopt Amendment 1, labeled 31-GS2260\U.A.16, Marx, 3/25/20, which read:

Page 1, lines 9 - 10:

Delete **"providing for electronic and videoconference notification, verification, and acknowledgment of documents;"**

Page 10, lines 2 - 3:

Delete **"ELECTRONIC AND VIDEOCONFERENCE COMMUNICATIONS AUTHORIZED."**
Insert **"MEETINGS OF SHAREHOLDERS; NOTICE OF SHAREHOLDER MEETINGS."**

Page 10, lines 10 - 23:
Delete all material.

REPRESENTATIVE JOHNSTON objected for discussion purposes.

MS. ERVINE explained Amendment 1 would remove the provision related to electronic notarization of documents [Section 12]. The Department of Law expressed concerns that electronic notarization of documents would fail to provide adequate consumer protection or prevent fraud. In addition, should the committee seek to provide for electronic notarization of documents, she advised HB 124, currently awaiting transmittal to the governor, addressed this issue.

REPRESENTATIVE PRUITT asked why the provision for electronic notarization was included in the bill.

MS. ERVINE said the electronic notarization portion was added by the Senate.

[6:26:42 PM](#)

CORI MILLS, Senior Assistant Attorney General, Labor and State Affairs Section, Department of Law (DOL), explained the original bill did not include a provision for electronic notarization. After review of the amendment that added the provision for electronic notarization, DOL determined the provision could allow fraud and potential litigation related to verification of documents and identification of signatories. However, [House Bill 124, passed in the Thirty-first Alaska State Legislature] included many security measures to ensure electronic notarization and acknowledgements are executed appropriately. She restated that deletion of the provision addresses DOL's concerns about videoconferencing notarizations.

[6:28:05 PM](#)

REPRESENTATIVE JOHNSTON removed her objection. There being no further objection, Amendment 1 was adopted.

[6:28:37 PM](#)

REPRESENTATIVE KOPP moved to adopt Amendment 2, labeled 31-GS2260\U.A.6, Fisher/Marx, 3/25/20, which read:

Page 1, lines 8 - 9:

Delete "relating to the teachers' retirement system and the Public Employees' Retirement System of Alaska;"

Page 10, line 24, through page 11, line 16:
Delete all material.

Renumber the following bill sections accordingly.

Page 11, line 17:
Delete "6 - 13"
Insert "6 - 12"

REPRESENTATIVE JOHNSTON objected for discussion purposes.

MS. ERVINE explained Amendment 2 removes the provision to provide retirees of the Teachers' Retirement System (TRS) and the Public Employees' Retirement System (PERS) the ability to extend their allowable absence and still receive a cost of living allowance (COLA). She said the [Division of Retirement and Benefits (DRB)], Department of Administration (DOA), currently works with retirees' individual circumstances, and she directed attention to a document, included in the committee packet and provided by DOA, which further explains the department's position in detail. As indicated by DOA, the provision would create confusion and would not assist DRB in its tasks.

[6:29:59 PM](#)

REPRESENTATIVE JOHNSTON removed her objection. There being no further objection, Amendment 2 was adopted.

[6:30:22 PM](#)

CHAIR KOPP moved to adopt Amendment 3, labeled 31-GS2260\U.A.7, Fisher/Marx, 3/25/20, which read:

Page 5, lines 7 - 8:
Delete "The chief medical officer may issue standing orders establishing sanitation procedures for retail sellers."

Page 5, line 30:
Delete "(1)"

Page 5, line 31:

Delete ";"
Insert "."

Page 6, lines 1 - 5:
Delete all material.

REPRESENTATIVE JOHNSTON objected for discussion purposes.

MS. ERVINE explained that Amendment 3 removes a provision [in Section 4]. The Department of Health and Social Services (DHSS) has provided clarification that it currently holds statutory authority to perform certain sanitation functions; further, DHSS expressed concerns the provision may expand the role of the chief medical officer in an unforeseen manner.

[6:31:30 PM](#)

REPRESENTATIVE JOHNSTON removed her objection. There being no further objection, Amendment 3 was adopted.

REPRESENTATIVE PRUITT suggested a change in the order of proposed amendments.

REPRESENTATIVE EDGMON moved to adopt [Amendment 4, labeled 31-GS2260\U.A.13, Marx, 3/25/20, identified on the audio recording as Amendment 7] which read:

Page 3, line 11:
Delete "September 1"
Insert "November 15"

Page 3, line 16:
Delete "September 1"
Insert "November 15"

Page 6, line 18:
Delete "November 1, 2020"
Insert "January 15, 2021"

Page 7, line 1:
Delete "September 1"
Insert "November 15"

Page 11, line 18 :
Delete "September 1"
Insert "November 15"

Page 11, line 22:

Delete "November 2, 2020"

Insert "January 16, 2021"

REPRESENTATIVE JOHNSTON objected for discussion purposes.

REPRESENTATIVE EDGMON said the purpose of Amendment [4] was to extend the public health disaster declaration from September 1, 2020, to November 15, 2020, as well as to the dates for reports and findings in the licensing section of the bill. He cautioned that due to possible quarantine, the legislature may be unable to return to the State Capitol prior to September 1 to extend the declaration, and thus the provisions in the bill would be lost. Representative Edgmon explained the amendment would give the legislature additional time from September 1 to November 15 to reconvene, or convene in a special session, to address issues related to the coronavirus.

REPRESENTATIVE JOHNSTON directed attention to the bill on page 9, lines 7-11, which 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 under AS 15.20.800.

REPRESENTATIVE JOHNSTON asked whether the extension of the date would grant the Division of Elections, Office of the Lieutenant Governor, the authority to direct a general election to be held by mail.

[6:36:43 PM](#)

CHAIR KOPP pointed out the bill speaks to only a primary or statewide special election.

MS. ERVINE acknowledged a previous version of the bill included general elections and was amended to apply to primary elections.

REPRESENTATIVE JOHNSTON restated her question.

[6:37:53 PM](#)

GAIL FENUMIAI, director, Central Office, Division of Elections ("division"), Office of the Lieutenant Governor, opined as currently written the bill would not include the general election because the extension period for the bill is through September 1, [2020]. She deferred to DOL.

REPRESENTATIVE KOPP clarified Representative Johnston's question:

It's not just about the extension of the declaration of emergency from September first to November fifteenth, specifically, because language in the bill now only speaks to vote-by-mail in primary and special elections. If the date is extended to November fifteenth, could it be interpreted that this would include general election also?

MS. MILLS confirmed that the version of the bill introduced by the governor included primary or general election; she pointed out that statewide special elections can already be done by mail at the discretion of the division and the lieutenant governor. In a subsequent version of the bill, the date for the disaster declaration was changed to September 1, [2020], and general election was removed and replaced by statewide special election; in the current version, if Amendment [4, labeled U.A.13] is adopted to extend the date, the division would hold the general election in person as per its normal procedure, and the lieutenant governor would not have the discretion to allow a general election to be held by mail.

REPRESENTATIVE EDGMON urged the committee to support the amendment.

CHAIR KOPP directed attention to the bill on page 6, lines [17 and 18], which read [in part]:

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

CHAIR KOPP noted the amendment would also affect when the aforementioned report from the governor's office is due to the legislature.

REPRESENTATIVE EDGMON advised the amendment moves the final report from November 1, 2020, to January 15, 2021.

[6:42:14 PM](#)

REPRESENTATIVE JOHNSTON removed her objection. There being no further objection, Amendment [4] was adopted.

[6:42:41 PM](#)

REPRESENTATIVE KOPP moved to adopt [Amendment 5, labeled 31-GH2260\U.A.10, Bruce/Marx, 3/25/20, identified on the audio recording as Amendment 4] which read:

Page 1, line 10, following "**documents;**":
Insert "**relating to municipal government deadlines;**"

Page 11, following line 16:
Insert a new bill section to read:
"*** Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to read:
MUNICIPAL GOVERNMENT DEADLINES. Notwithstanding any provision in AS 29 to the contrary, a deadline established under AS 29 that occurs on or after the effective date of this Act is extended until the earlier of
(1) September 1, 2020; or
(2) the date the governor determines, under sec. 2 of this Act, that the public health disaster emergency no longer exists."

Re-number the following bill sections accordingly.

Page 11, line 17:
Delete "6 - 13"
Insert "6 - 14"

REPRESENTATIVE THOMPSON objected for discussion purposes.

MS. ERVINE explained the intent of the amendment was to allow municipalities to extend deadlines that fall under [AS 29.].

[6:43:33 PM](#)

REPRESENTATIVE PRUITT questioned whether the [September 1, 2020,] date reflected in the amendment should be changed to [November 15, 2020,] in order to conform to the changes made by the adoption of [Amendment 4, labeled 31-GS2260\U.A.13].

REPRESENTATIVE KOPP asked Mr. Andreassen whether the Alaska Municipal League would support extending the [AS 29.] deadline waivers to November 15, 2020.

MR. ANDREASSEN said extending the deadline would be helpful to local governments' preparation, response, and recovery efforts, and an extension into November would make a lot of sense from a municipal perspective.

[6:45:08 PM](#)

REPRESENTATIVE PRUITT moved to adopt Conceptual Amendment 1 to Amendment [5], that would delete September 1, [2020,] and insert November 15, [2020].

REPRESENTATIVE KOPP objected for discussion purposes.

REPRESENTATIVE PRUITT added that the change brought about by the conceptual amendment would be to the bill on page 11. In response to Representative Edgmon, he clarified the changes would be made by a new section added to the bill.

CHAIR KOPP removed his objection.

[The committee treated Conceptual Amendment 1 to Amendment 5 as adopted.]

REPRESENTATIVE JOHNSON returned attention to the adopted Amendment [4].

[6:47:18 PM](#)

The committee took a brief at-ease.

REPRESENTATIVE JOHNSON asked when the next legislature would be seated and if the dates in the proposed bill and amendments would affect the next legislative session.

MS. ERVINE said the next legislature would convene on 1/19/21 thus, at this point, none of the provisions adopted in Amendment [4] would interfere; in fact, the reporting requirements were originally drafted to 60 days after the disaster declaration sunset and the language in the amendment was drafted to conform.

REPRESENTATIVE EDGMON further explained the report [from the governor] would be presented to the legislature 1/15/21, four days before the new legislature convenes.

[6:49:28 PM](#)

REPRESENTATIVE THOMPSON removed his objection to Amendment [5]. There being no further objection, Amendment [5], as amended, was adopted.

[6:50:03 PM](#)

REPRESENTATIVE KOPP moved to adopt [Amendment 6, labeled 31-GS2260\U.A.9, Bannister/Marx, 3/25/20 and referred to in the audio recording as Amendment 5] which read:

Page 10, following line 9:

Insert a new subsection to read:

"(c) Notwithstanding AS 10.20.061 - 10.20.076, a meeting of the members of a nonprofit corporation organized under AS 10.20, including meeting notice and determination of a quorum, may be held by electronic communication to the extent the corporation's board authorizes and adopts guidelines to govern an electronic meeting."

Reletter the following subsections accordingly.

Page 10, line 20:

Delete "(c) and (d)"

Insert "(d) and (e)"

REPRESENTATIVE THOMPSON objected for discussion purposes.

MS. ERVINE explained [CSSB 241(RLS) am] currently allows for-profit corporations to provide electronic notice and participation; the amendment would expand that provision to nonprofit corporations operating under [AS 10.20: Alaska Nonprofit Corporation Act].

REPRESENTATIVE EDGMON pointed out the provision for both for-profit and nonprofit corporations would be limited to the period of the disaster declaration.

MS. ERVINE confirmed the provision would exist solely within the confines of the disaster declaration.

[6:51:34 PM](#)

REPRESENTATIVE THOMPSON removed his objection. There being no further objection, Amendment [6] was adopted.

[6:51:49 PM](#)

REPRESENTATIVE PRUITT moved to adopt [Amendment 7, labeled 31-GS2260\U.A.14, Bannister, 3/25/20, identified on the audio recording as Amendment 6], which read:

Page 10, following line 9:

Insert a new subsection to read:

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

Reletter the following subsections accordingly.

Page 10, line 20:

Delete "(c) and (d)"

Insert "(d) and (e)"

REPRESENTATIVE THOMPSON objected for discussion purposes.

REPRESENTATIVE PRUITT explained that governance of Alaska Native corporations falls under statutes separate from those that apply to for-profit and nonprofit corporations; Amendment 7 would also allow Alaska Native corporations to decide whether to [adopt guidelines to govern electronic meetings] during the present crisis.

REPRESENTATIVE THOMPSON pointed out [the adopted Amendment 6 and the proposed Amendment 7] would make changes to the bill on page 10, following line 9. He surmised the amendments would be drafted to conform with the bill.

MS. ERVIN confirmed that if the bill was moved from committee, then with permission, Legislative Legal Services would make conforming changes to the bill.

[6:53:08 PM](#)

The committee took a brief at-ease at 6:53 p.m.

REPRESENTATIVE THOMPSON removed his objection. There being no further objection, Amendment [7] was adopted.

CHAIR KOPP noted additional amendments to the bill would be addressed on the House floor.

[6:54:29 PM](#)

REPRESENTATIVE THOMPSON moved to report CSSB 241(RLS) am, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HCS CSSB 241(RLS) was reported from the House Rules Standing Committee.

CHAIR KOPP stated that Legislative Legal Services is granted authority to make conforming and technical changes to the language in the bill.

[6:55:50 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Rules Standing Committee meeting was adjourned at 6:56 p.m.