

HOUSE BILL NO. 360

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE TUCK

Introduced: 2/22/22

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an emergency declaration by the legislature; and relating to**
2 **legislative sessions."**

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

4 *** Section 1.** AS 24.05 is amended by adding a new section to read:

5 **Sec. 24.05.105. Emergency declaration by legislature.** (a) When the
6 legislature is in session, the legislature may, by a concurrent resolution adopted by
7 two-thirds of the members of each house, declare an emergency and provide notice
8 that the legislature may discontinue meeting physically at the location of the session or
9 special session because of an emergency resulting from a disaster. The concurrent
10 resolution must include the circumstances giving rise to the emergency caused by the
11 disaster. A member may vote by teleconference or digital means under this subsection.

12 (b) When the legislature is not in session, the legislature may, upon a two-
13 thirds affirmative response to a poll conducted of the membership of each house,
14 declare an emergency and provide notice that the legislature may not be able to meet

1 physically because of an emergency resulting from a disaster. The polling question
2 must include information regarding the circumstances giving rise to the emergency
3 caused by the disaster. Each presiding officer may conduct a poll under this subsection
4 by their joint agreement, and each shall conduct a poll upon the request of 25 percent
5 of the membership of each house, expressed orally or in writing by those members.
6 When two-thirds of the membership responds in the affirmative, the president of the
7 senate and speaker of the house of representatives shall jointly announce the result of
8 the poll. If the presiding officer is deceased, has resigned, or is incapacitated, the
9 majority leader may conduct the poll of the members of that house. If the presiding
10 officer and majority leader of the same house are deceased, have resigned, or are
11 incapacitated, the presiding officer of the other house may conduct the poll of the
12 members of both houses. If two-thirds of the membership of each house responds in
13 the affirmative, the result of the poll shall be recorded and made available to the
14 public. A poll under this subsection may also include the question of whether the
15 legislature should call itself into special session under AS 24.05.100.

16 (c) Notwithstanding (a) and (b) of this section, if members are deceased,
17 incapacitated, or missing and an emergency cannot be declared under (a) or (b) of this
18 section, the legislature may, upon an affirmative response of the remaining two-thirds
19 of the members of each house to a poll conducted of the membership of each house,
20 declare an emergency and provide notice that the legislature may discontinue meeting
21 physically at the location of the session or special session because of an emergency
22 resulting from a disaster. The polling question must include information regarding the
23 circumstances giving rise to the emergency caused by the disaster.

24 (d) A declaration made under (a) - (c) of this section expires 21 days after the
25 declaration is made. The legislature may extend a declaration made under (a) - (c) of
26 this section

27 (1) by passage of a concurrent resolution in the same manner provided
28 under (a) of this section if the legislature is in session; or

29 (2) upon an affirmative response to a poll conducted in the same
30 manner provided under (b) or (c) of this section if the legislature is not in session.

31 (e) If a declaration is made under (a) - (c) of this section or extended under (d)

1 of this section,

2 (1) each body of the legislature may hold a session in more than one
3 location simultaneously using any means of communication, including by
4 teleconference or digital means; during a session held under this paragraph,

5 (A) the identity of each participating member must be verified
6 and the actions of each participating member must be authenticated in a
7 manner satisfactory to the presiding officer; the means of communication must
8 enable each participating member to simultaneously hear or read the comments
9 of a member who is recognized by the presiding officer;

10 (B) documents accepted by the presiding officer shall be
11 immediately transmitted to each participating member;

12 (C) for the purpose of determining a quorum, a participating
13 member must be considered present as if the member were physically present;

14 (D) the presiding officer shall interpret and apply all rules of
15 procedure in a manner that accomplishes the same purpose for which each rule
16 was adopted;

17 (E) all actions taken have the same legal effect as if the
18 members had been physically present;

19 (2) digital signatures may be used in place of written signatures; if
20 digital signature technology is unavailable, a signature may be made on behalf of a
21 member not physically present if accompanied by oral authorization of the member at
22 the time of signing;

23 (3) the legislature shall notify the governor and the chief justice of the
24 supreme court that the legislature has declared an emergency resulting from a disaster.

25 (f) The Legislative Affairs Agency shall provide training on the procedures
26 authorized by this section as part of orientation for new members.

27 (g) Notwithstanding (a) - (c) of this section, within seven days after convening
28 a regular session, the presiding officer may, for training purposes, designate up to two
29 days during that regular session on which to hold a session in the manner provided
30 under (e) of this section.

31 (h) Nothing in the section prevents the use of teleconferencing for the purpose

1 of holding a committee meeting absent a legislative disaster declaration.

2 (i) In this section, "disaster" means a severe or prolonged, natural or human-
3 caused occurrence that threatens health, property, infrastructure, the environment, the
4 security of this state or a portion of this state, or critical systems, including computer,
5 telecommunications, or agricultural systems that make the ability of the legislature to
6 meet in person impossible, impractical, or of great risk to health or safety.