

# ALASKA STATE LEGISLATURE



SENATOR ELVI GRAY-JACKSON  
SENATE DISTRICT G

## SB 120: Climate Change Commission

### Sectional Analysis – Version A

#### **Section 1- Adds a new subsection to AS 44.19.**

The legislature finds that a state of emergency exists because of the threat climate change poses to communities, traditional ways of living, fish and game populations, natural ecosystems and the economy of Alaska.

#### **Section 2- Adds new sections to AS 44.19.**

#### **Article 6. Alaska climate Change Emergency Response Commission.**

#### **Sec. 44.19.651 *Commission established.***

The Alaska Climate Change Emergency Response Commission is established in the Office of the Governor.

#### **Sec. 44.19.653 *Composition of Commission***

The commission will contain 15 members, six will be departmental representatives who serve by virtue of office, and nine will be municipal representatives.

(b) The following departmental representatives shall serve by virtue of office:

- (1) the commissioner of fish and game;
- (2) the commissioner of environmental conservation;
- (3) the commissioner of natural resources;
- (4) the commissioner of commerce, community, and economic development (CCED);
- (5) the commissioner of transportation and public facilities;
- (6) the director of the division in CCED responsible for community and regional affairs.

(c) The governor shall appoint nine municipal representatives to the commission. Each municipal representative must be a mayor, or a member of the assembly or council. The Governor's appointees shall be from:

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(1) Northwest Alaska, including, generally, the area of the North Slope Borough and the Northwest Arctic Borough;

(2) Bering Strait area, including the Bering Strait regional educational attendance area;

(3) Southwest Alaska, including the area within the Lower Yukon, Lower Kuskokwim, and Southwest regional educational attendance areas and the Lake and Peninsula and Bristol Bay Boroughs;

(4) Kodiak-Aleutians area, including the area of the Kodiak Island and Aleutians East Boroughs and the Aleutian, Adak, and Pribilof regional educational attendance areas;

(5) Upper Cook Inlet area, including the Municipality of Anchorage and the Matanuska-Susitna Borough;

(6) Lower Cook Inlet area, including the area within the Kenai Peninsula Borough;

(7) Prince William Sound area, including the area east of the Kenai Peninsula Borough to 141 West longitude;

(8) northern Southeast Alaska, including the area southeast of 141 degrees West longitude and north of 57 degrees North latitude and the entirety of the City and Borough of Sitka,

(9) southern Southeast Alaska, including the portion of Southeast Alaska not contained in the area described in (8) of this subsection.

(d) Municipal representatives serve at the pleasure of the governor. Municipal representatives serve staggered terms of three years, until reappointed or replaced. A municipal representative may be reappointed. If a municipal representative ceases to be a mayor, assembly, or council member in the municipality the governor appointed them to represent, that representative's seat becomes vacant. If a municipal representative's seat becomes vacant for any reason before the expiration of that representative's term, the governor shall, within 30 days after the occurrence of the vacancy, appoint a municipal representative from the same region to serve the unexpired portion of the term.

(e) The commission shall, by majority vote, elect co-chairs. One co-chair shall be a departmental member, and one co-chair shall be a municipal member.

**Sec. 44.19.655. *Compensation.***

Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

**Sec. 44.19.657. *Meetings.***

Three departmental representative members designated under AS 44.19.653(b) and four municipal representative members appointed under AS 44.19.653(c) constitute a quorum for conducting business and exercising the powers of the commission. The commission shall meet at least quarterly, at the call of a co-chair, at the request of the majority of the members, or at a regularly scheduled time as determined by a majority of the members. The commission shall keep and make available for public inspection a record of proceedings.

**Sec. 44.19.659. *Alternate Members.***

(a) Each member of the commission shall have a permanent alternate to serve at meetings of the commission as follows:

- (1) For a municipal representative member appointed under AS 44.19.653(c), the governor shall appoint a permanent alternate who at the time of appointment and throughout the period of service as a permanent alternate, is the mayor or a member of the assembly or council of a municipality within the same region as the permanently appointed member; in doing so the governor shall consider the recommendations of the permanent member;
- (2) For a departmental representative member designated under AS 44.19.653(b)(1)-(5), a deputy commissioner of the relevant department or the director of a division of the department; and
- (3) For a departmental representative member designated under AS 44.19.653(b)(6), the member's designee within that office.

(b) A member of the commission who is unable to attend a meeting shall advise the permanent alternate, who may attend and act in their place.

**Sec. 44.19.661. *Executive Director.***

The commission may employ an executive director who serves at the pleasure of the commission. The executive director may not be a member of the commission. The executive director may contract with or employ personnel or consultants that the executive director considers necessary to carry out the powers and duties of the commission. The executive director is in the exempt service under AS 39.25 (State Personnel Act).

**Sec. 44.19.663. *Powers of the commission.***

The commission may:

(1) Apply for and accept grants, contributions, and appropriations, including application for and acceptance of federal, international, or private funds that may become available for financing infrastructure adaptation, renewable energy technology, community relocation, food and transportation security, education and research, or other needs related to climate change;

(2) contract for necessary services;

(3) consult and cooperate with

(A) public or private persons, organizations and groups interested in, affected by, or concerned with climate change effects and response;

(B) climate scientists holding doctorate degrees who are affiliated with an academic or nonprofit institution; and

(C) agents and officials in the different regions of the state and federal agencies concerned with or with jurisdiction over climate change effects and response;

(4) establish the duties of the executive director of the commission;

(5) assess fees for grant writing and other assistance; and

(6) take any reasonable action necessary to carry out the provisions of AS 44.19.651-44.19.672.

**Sec. 44.19.665. *Duties of the commission.***

The commission shall

- (1) prepare a strategic response plan to address climate change threats that includes
  - (A) identification of areas in the state and sectors of the state economy that are particularly vulnerable to the effects of climate change;
  - (B) options for assisting communities and sectors of the economy identified as being particularly vulnerable to the effects of climate change; and
  - (C) Identification of specific threats posed by climate change on areas in the state and sectors of the state economy and a course of action to address the identified threats;
- (2) provide grant writing and general assistance to governmental and nongovernmental entities in the state on climate change response issues, prioritizing assistance to rural governments, nonprofits serving rural areas, and tribal organizations;
- (3) develop a program for the distribution of funds to assist local governments to respond to climate change effects;
- (4) establish continuing coordination among state agencies to facilitate the development and implementation of the climate change response strategy;
- (5) coordinate with the University of Alaska in efforts to seek out grants or other aid for climate change education and research;
- (6) inform the public of available assistance for responding to climate change effects, including an outreach program to rural governments, nonprofits serving rural areas, and tribal organizations;
- (7) advance the implementation of technology that provides for renewable energy, local food systems, and adaptive infrastructure in the state by recommending legislation and policies to incentivize its development;
- (8) monitor and report on the effects of climate change on existing infrastructure, ecosystems, geophysical features, and communities in the state;
- (9) identify opportunities to reduce greenhouse gas emissions from in-state sources, including the expanded use of alternative fuels, energy conservation, energy efficiency, renewable energy, land use management, and transportation planning; and
- (10) recommend legislative and administrative action to implement the climate change response strategy.

**Sec. 44.19.667. *Fees***

Requires the commission to adopt regulations under AS 44.62 (*Administrative Procedure Act*) to establish fees for grant writing or other assistance provided to a client. Fees must be based on a sliding scale considering the client's need. Government and tribal clients may not be charged a fee.

**Sec. 44.19.669. *Annual report and recommendations.***

This commission must submit an annual report to the governor and legislature of activities for the previous calendar year including a list of threats identified by the commission, an assessment of progress in addressing the threats, an assessment of compliance with the strategic response plan, and any recommendations for legislative and administrative action. The commission shall submit a report under this section not later than February 1 of each year and shall deliver the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available.

**Sec. 44.19.672. *Definition.***

In AS 44.19.651-44.19.672, “commission” means the Alaska climate Change Emergency Response commission.

**Section 3-Adds a new section to read:**

TERMS OF INITIAL MEMBERS OF THE ALASKA CLIMATE CHANGE EMERGENCY RESPONSE COMMISSION. Notwithstanding AS 39.05.055, the governor shall appoint the initial members of the Alaska Climate change Emergency Response Commission under AS 44.19.653© to staggered terms as follows:

- (1) three members shall be appointed to serve three years;
- (2) three members shall be appointed to serve two years; and
- (3) three members shall be appointed to serve one year.

**Section 4- Adds a new section to read:**

TRANSITION: WRITTEN INFORMATION FROM CLIMATE CHANGE SUB-CABINET. The governor shall provide all written reports, recommendations, and research developed by the Climate Change Sub-cabinet established under Administrative Order No. 238 to the Alaska Climate Change Emergency Response Commission established under AS 44.19.651 within 30 days after the effective date of this Act.