

CS FOR SENATE BILL NO. 120(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR GRAY-JACKSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Alaska Climate Change Emergency Response Commission;**
2 **and relating to the powers and duties of the Alaska Climate Change Emergency**
3 **Response Commission."**

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

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

7 FINDINGS. The legislature finds that a state of emergency exists because of the threat
8 climate change poses on communities in the state, the state economy, traditional ways of life,
9 fish and game populations, and natural ecosystems.

10 * **Sec. 2.** AS 44.19 is amended by adding new sections to read:

Article 6. Alaska Climate Change Emergency Response Commission.

11 **Sec. 44.19.651. Commission established.** The Alaska Climate Change
12 Emergency Response Commission is established in the Office of the Governor.

13 **Sec. 44.19.653. Composition of commission.** (a) The commission consists of
14

1 16 members, six of whom are departmental representatives who serve by virtue of
2 office, and 10 of whom are municipal representatives.

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

- 4 (1) the commissioner of fish and game;
5 (2) the commissioner of environmental conservation;
6 (3) the commissioner of natural resources;
7 (4) the commissioner of commerce, community, and economic
8 development;
9 (5) the commissioner of transportation and public facilities;
10 (6) the director of the division in the Department of Commerce,
11 Community, and Economic Development responsible for community and regional
12 affairs.

13 (c) The governor shall appoint 10 municipal representatives to the
14 commission. Each municipal representative must be a mayor or member of an
15 assembly or council of a municipality. The governor shall appoint one municipal
16 representative from each of the following general regions:

- 17 (1) Northwest Alaska, including, generally, the area of the North Slope
18 Borough and the Northwest Arctic Borough;
19 (2) Bering Strait area, including, generally, the area of the Bering Strait
20 regional educational attendance area;
21 (3) Southwest Alaska, including, generally, the area within the Lower
22 Yukon, Lower Kuskokwim, and Southwest regional educational attendance areas and
23 the Lake and Peninsula and Bristol Bay Boroughs;
24 (4) Kodiak-Aleutians area, including the area of the Kodiak Island and
25 Aleutians East Boroughs and the Aleutian, Adak, and Pribilof regional educational
26 attendance areas;
27 (5) Interior Alaska, including the Fairbanks North Star Borough and
28 the Denali Borough;
29 (6) Upper Cook Inlet area, including the Municipality of Anchorage
30 and the Matanuska-Susitna Borough;
31 (7) Lower Cook Inlet area, including, generally, the area within the

1 Kenai Peninsula Borough;

2 (8) Prince William Sound area, including, generally, the area east of
3 the Kenai Peninsula Borough to 141 West longitude;

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

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

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

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

21 **Sec. 44.19.655. Compensation.** Members of the commission serve without
22 compensation but are entitled to per diem and travel expenses authorized for boards
23 and commissions under AS 39.20.180.

24 **Sec. 44.19.657. Meetings.** Three departmental representative members
25 designated under AS 44.19.653(b) and five municipal representative members
26 appointed under AS 44.19.653(c) constitute a quorum for conducting business and
27 exercising the powers of the commission. The commission shall meet at least
28 quarterly, at the call of a co-chair, at the request of the majority of the members, or at a
29 regularly scheduled time as determined by a majority of the members. The
30 commission shall keep a record of its proceedings and make the record available for
31 public inspection.

1 **Sec. 44.19.659. Alternate members.** (a) Each member of the commission
2 shall have a permanent alternate to serve at meetings of the commission as follows:

3 (1) for a municipal representative member appointed under
4 AS 44.19.653(c), the governor shall appoint a permanent alternate who, at the time of
5 appointment and throughout the period of service as a permanent alternate, is the
6 mayor or a member of the assembly or council of a municipality within the region
7 from which the permanent member was appointed; in appointing a permanent alternate
8 under this paragraph, the governor shall consider the recommendations of the
9 permanent member;

10 (2) for a departmental representative member designated under
11 AS 44.19.653(b)(1) - (5), a deputy commissioner of the relevant department or the
12 director of a division of the department; and

13 (3) for a departmental representative member designated under
14 AS 44.19.653(b)(6), the member's designee within that office.

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

18 **Sec. 44.19.661. Executive director.** The commission may employ an
19 executive director who serves at the pleasure of the commission. The executive
20 director may not be a member of the commission. The executive director may contract
21 with or employ personnel or consultants that the executive director considers
22 necessary to carry out the powers and duties of the commission. The executive
23 director is in the exempt service under AS 39.25 (State Personnel Act).

24 **Sec. 44.19.663. Powers of the commission.** The commission may

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

30 (2) contract for necessary services;

31 (3) consult and cooperate with

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

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

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

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

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

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

13 **Sec. 44.19.665. Duties of the commission.** The commission shall

14 (1) prepare a strategic response plan to address climate change threats
15 that includes

16 (A) identification of areas in the state and sectors of the state
17 economy that are particularly vulnerable to the effects of climate change;

18 (B) options for assisting communities and sectors of the
19 economy identified as being particularly vulnerable to the effects of climate
20 change; and

21 (C) identification of specific threats posed by climate change
22 on areas in the state and sectors of the state economy and a course of action to
23 address the identified threats;

24 (2) provide grant writing and general assistance to governmental and
25 nongovernmental entities in the state on climate change response issues, prioritizing
26 assistance to rural governments, nonprofits serving rural areas, and tribal
27 organizations;

28 (3) develop a program for the distribution of funds to assist local
29 governments to respond to climate change effects;

30 (4) establish continuing coordination among state agencies to facilitate
31 the development and implementation of the climate change response strategy;

1 (5) coordinate with the University of Alaska in efforts to seek out
2 grants or other aid for climate change education and research;

3 (6) inform the public of available assistance for responding to climate
4 change effects, including an outreach program to rural governments, nonprofits
5 serving rural areas, and tribal organizations;

6 (7) advance the implementation of technology that provides for
7 renewable energy, local food systems, and adaptive infrastructure in the state by
8 recommending legislation and policies to incentivize its development;

9 (8) monitor and report on the effects of climate change on existing
10 infrastructure, ecosystems, geophysical features, and communities in the state;

11 (9) identify opportunities to reduce greenhouse gas emissions from in-
12 state sources, including the expanded use of alternative fuels, energy conservation,
13 energy efficiency, renewable energy, land use management, and transportation
14 planning; and

15 (10) recommend legislative and administrative action to implement the
16 climate change response strategy.

17 **Sec. 44.19.667. Fees.** The commission shall adopt regulations under AS 44.62
18 (Administrative Procedure Act) to establish fees for grant writing or other assistance
19 provided to a client by the commission. The fees must be based on a sliding scale
20 formula that takes into account the client's need. A client that is a governmental or
21 tribal entity may not be charged a fee.

22 **Sec. 44.19.669. Annual report and recommendations.** The commission shall
23 submit to the governor and the legislature an annual report of the activities of the
24 commission for the previous calendar year that includes a list of threats identified by
25 the commission, an assessment of progress in addressing the threats, an assessment of
26 compliance with the strategic response plan, and any recommendations for legislative
27 and administrative action. The commission shall submit a report under this section not
28 later than February 1 of each year and shall deliver the report to the senate secretary
29 and the chief clerk of the house of representatives and notify the legislature that the
30 report is available.

31 **Sec. 44.19.672. Definition.** In AS 44.19.651 - 44.19.672, "commission" means

1 the Alaska Climate Change Emergency Response Commission.

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

4 TERMS OF INITIAL MEMBERS OF THE ALASKA CLIMATE CHANGE
5 EMERGENCY RESPONSE COMMISSION. Notwithstanding AS 39.05.055, the governor
6 shall appoint the initial members of the Alaska Climate Change Emergency Response
7 Commission under AS 44.19.653(c) to staggered terms as follows:

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

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

13 TRANSITION: WRITTEN INFORMATION FROM CLIMATE CHANGE SUB-
14 CABINET. The governor shall provide all written reports, recommendations, and research
15 developed by the Climate Change Sub-Cabinet established under Administrative Order No.
16 238 to the Alaska Climate Change Emergency Response Commission established under
17 AS 44.19.651 within 30 days after the effective date of this Act.