

SENATE BILL NO. 216

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATORS GRAY-JACKSON, Wielechowski, Kawasaki

Introduced: 2/21/20

Referred: State Affairs, Finance

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:

11 **Article 6. Alaska Climate Change Emergency Response Commission.**

12 **Sec. 44.19.655. Establishment of commission; composition.** (a) The Alaska
13 Climate Change Emergency Response Commission is established in the Office of the
14 Governor.

1 (b) The commission consists of 15 members as follows:

2 (1) the commissioner of fish and game;

3 (2) the commissioner of environmental conservation;

4 (3) the commissioner of natural resources;

5 (4) the commissioner of commerce, community, and economic
6 development;

7 (5) the commissioner of transportation and public facilities;

8 (6) the director of the division in the Department of Commerce,
9 Community, and Economic Development responsible for community and regional
10 affairs;

11 (7) nine members appointed by the governor who are mayors or
12 members of an assembly or council of a municipality from each of the following
13 general regions:

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

16 (B) Bering Strait area, including, generally, the area of the
17 Bering Strait regional educational attendance area;

18 (C) Southwest Alaska, including, generally, the area within the
19 Lower Yukon, Lower Kuskokwim, and Southwest regional educational
20 attendance areas and the Lake and Peninsula and Bristol Bay Boroughs;

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

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

26 (F) Lower Cook Inlet area, including, generally, the area within
27 the Kenai Peninsula Borough;

28 (G) Prince William Sound area, including, generally, the area
29 east of the Kenai Peninsula Borough to 141 West longitude;

30 (H) northern Southeast Alaska, including the area southeast of
31 141 degrees West longitude and north of 57 degrees North latitude and the

1 entirety of the City and Borough of Sitka; and

2 (I) southern Southeast Alaska, including the portion of
3 Southeast Alaska not contained in the area described in (H) of this paragraph.

4 (c) Members appointed under (b)(7) of this section

5 (1) serve staggered terms of three years, until reappointed or replaced;

6 (2) serve at the pleasure of the governor; and

7 (3) may be reappointed.

8 (d) The commission shall, by majority vote of the membership, elect co-
9 chairs. One co-chair shall be a member appointed under (b)(7) of this section, and one
10 co-chair shall be a member designated under (b)(1) - (6) of this section.

11 (e) If a member appointed under (b)(7) of this section no longer meets the
12 qualifications prescribed in (b)(7) of this section, or if a vacancy exists among those
13 members for any reason other than the expiration of a member's term, the governor
14 shall, within 30 days after the occurrence of the vacancy, make an appointment,
15 effective immediately, for the unexpired portion of the term. An appointment by the
16 governor made under this subsection to fill an unexpired term must comply with the
17 requirements of (b)(7) of this section.

18 **Sec. 44.19.665. Compensation.** Members of the commission serve without
19 compensation but are entitled to per diem and travel expenses authorized for boards
20 and commissions under AS 39.20.180.

21 **Sec. 44.19.675. Meetings.** Four members appointed under AS 44.19.655(b)(7)
22 and three members designated under AS 44.19.655(b)(1) - (6) constitute a quorum for
23 conducting business and exercising the powers of the commission. The commission
24 shall meet at least quarterly, at the call of the chair, at the request of the majority of the
25 members, or at a regularly scheduled time as determined by a majority of the
26 members. The commission shall keep a record of its proceedings and make the record
27 available for public inspection.

28 **Sec. 44.19.685. Alternate members.** (a) Each member of the commission
29 shall have a permanent alternate to serve at meetings of the commission as follows:

30 (1) for a member appointed under AS 44.19.655(b)(7), the governor
31 shall appoint a permanent alternate who, at the time of appointment and throughout

1 the period of service as a permanent alternate, is the mayor or a member of the
 2 assembly or council of a municipality within the region from which the permanent
 3 member was appointed; in appointing a permanent alternate under this paragraph, the
 4 governor shall consider the recommendations of the member appointed under
 5 AS 44.19.655(b)(7);

6 (2) for a member designated under AS 44.19.655(b)(1) - (5), a deputy
 7 commissioner of the relevant department or the director of a division of the
 8 department; and

9 (3) for a member designated under AS 44.19.655(b)(6), the member's
 10 designee within that office.

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

14 **Sec. 44.19.695. Executive director.** The commission may employ an
 15 executive director who serves at the pleasure of the commission. The executive
 16 director may not be a member of the commission. The executive director may contract
 17 with or employ personnel or consultants that the executive director considers
 18 necessary to carry out the powers and duties of the commission. The executive
 19 director is in the exempt service under AS 39.25 (State Personnel Act).

20 **Sec. 44.19.705. Powers of the commission.** The commission may

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

26 (2) contract for necessary services;

27 (3) consult and cooperate with

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

31 (B) climate scientists holding PhDs who are affiliated with an

1 academic or nonprofit institution; and

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

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

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

7 (6) take any reasonable action necessary to carry out the provisions of
8 AS 44.19.655 - 44.19.745.

9 **Sec. 44.19.715. Duties of the commission.** The commission shall

10 (1) prepare a strategic response plan to address climate change threats
11 that includes

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

14 (B) options for assisting communities and sectors of the
15 economy identified as being particularly vulnerable to the effects of climate
16 change; and

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

20 (2) provide grant writing and general assistance to governmental and
21 nongovernmental entities in the state on climate change response issues, prioritizing
22 assistance to rural governments, nonprofits serving rural areas, and tribal
23 organizations;

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

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

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

30 (6) inform the public of available assistance for responding to climate
31 change effects, including an outreach program to rural governments, nonprofits

1 serving rural areas, and tribal organizations;

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

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

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

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

13 **Sec. 44.19.725. Fees.** The commission shall adopt regulations under AS 44.62
14 to establish fees for grant writing or other assistance provided by the commission. The
15 fees must be based on a sliding scale formula that takes into account the client's need.
16 Governmental and tribal entities may not be charged a fee.

17 **Sec. 44.19.735. Annual report and recommendations.** The commission shall
18 submit to the governor and the legislature an annual report of the activities of the
19 commission for the previous calendar year that includes a list of threats identified by
20 the commission, an assessment of progress in addressing the threats, an assessment of
21 compliance with the strategic response plan, and any recommendations for legislative
22 and administrative action. The commission shall submit a report provided under this
23 section not later than February 1 of each year and shall deliver the report to the senate
24 secretary and the chief clerk of the house of representatives and notify the legislature
25 that the report is available.

26 **Sec. 44.19.745. Definition.** In AS 44.19.655 - 44.19.745, "commission" means
27 the Alaska Climate Change Emergency Response Commission.

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

30 ALASKA CLIMATE CHANGE EMERGENCY RESPONSE COMMISSION;
31 STAGGERED TERMS. Notwithstanding AS 39.05.055, the governor shall appoint the initial

1 members of the Alaska Climate Change Emergency Response Commission under
2 AS 44.19.655(b)(7) to staggered terms as follows:

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

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

8 TRANSITION: WRITTEN INFORMATION FROM CLIMATE CHANGE SUB-
9 CABINET. The governor shall provide all written reports, recommendations, and research
10 developed by the Climate Change Sub-Cabinet established under Administrative Order No.
11 238 to the Alaska Climate Change Emergency Response Commission established under
12 AS 44.19.655 within 30 days after the effective date of this Act.