



# LAWS OF ALASKA

1981

**Source**

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**Chapter No.**

54

## AN ACT

Relating to relocation of the state capital: repealing and reenacting the law enacted by the initiative popularly known as the 'FRANK Initiative' to provide for the determination of the costs of capital relocation, amending laws relating to the New Capital Site Planning Commission, and conditionally repealing laws relating to relocation of the state capital.

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

THE ACT FOLLOWS ON PAGE 1, LINE 14

Approved by the Governor: July 10, 1981  
Actual Effective Date: October 8, 1981

AN ACT

Relating to relocation of the state capital: repealing and reenacting the law enacted by the initiative popularly known as the 'FRANK Initiative' to provide for the determination of the costs of capital relocation, amending laws relating to the New Capital Site Planning Commission, and conditionally repealing laws relating to relocation of the state capital.

\* Section 1. AS 44.06.196 is repealed and reenacted to read:

Sec. 44.06.196. CAPITAL RELOCATION EXPENDITURES. (a) Except for money used for planning, design, studies, and field investigations in accordance with the provisions of AS 44.06.200 - 44.06.299, state money may be spent to relocate the state capital from its present location to the new capital site at Willow only after a majority of those voting on the proposition at the 1982 general election have approved a ballot proposition that includes the total cost to the state of providing for completion of relocation of a functional state capital at the new capital site at Willow as provided in this section.

(b) The ballot proposition prepared and submitted to the voters under this section shall also show:

(1) the amount of the total cost that it is estimated may be defrayed by the net proceeds from disposal of land in the new capital site at Willow;

(2) the estimated cost, through the relocation completion

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1 date, of providing for new or expanded facilities in Juneau and else-  
2 where to accommodate estimated growth in state government if the capital  
3 is not relocated;

4 (3) an estimate of the number of central state employees who  
5 are reasonably expected to be relocated from Juneau and from other  
6 existing, named locations to the new capital site at Willow; the esti-  
7 mate prepared under this paragraph shall be prepared in a manner con-  
8 sistent with the methodology used by the commission in determining the  
9 estimate in its 1978 report of the number of central state employees  
10 who are reasonably expected to be relocated to the new capital site at  
11 Willow, and the estimate shall be supported by information obtained  
12 from each of the branches of government;

13 (4) an estimate of the population reasonably expected to  
14 reside at the new capital site at Willow on the relocation completion  
15 date; the estimate prepared under this paragraph shall be based on the  
16 number of central state employees who are reasonably expected to be  
17 relocated to the new capital site at Willow estimated under (3) of this  
18 subsection; and

19 (5) the estimated costs, through the relocation completion  
20 date, of

- 21 (A) capital improvements;  
22 (B) relocation of personnel and equipment; and  
23 (C) indemnification under AS 44.08.

24 (c) The sum of the following costs, as estimated by the commis-  
25 sion, shall be the total cost to the state that shall be included in  
26 the ballot proposition submitted to the voters under this section:

27 (1) the cost to the state as of the relocation completion  
28 date of the land development, capital improvements, equipment, and  
29 furnishings necessary to provide a functional state capital;

(2) the cost to the state as of the relocation completion date of relocating the central state employees and their dependents and household goods to the new capital site at Willow;

(3) the cost to the state as of the relocation completion date of moving offices, office equipment, and office contents sufficient to accommodate the central state employees at the new capital site at Willow;

(4) the cost to the state as of the relocation completion date of the indemnification requirements of AS 44.08;

(5) the cost to the state of the plans, designs, studies, and field tests for relocation of the capital through the relocation completion date;

(6) the cost to the state of the elements set out in the basic development plan described in (d) of this section, including payments deferred beyond the relocation completion date, to the extent those costs are related to relocation and are not otherwise provided for in items (1) - (5) of this subsection; and

(7) the cost to the state of financing the costs specified in this subsection.

(d) To estimate the costs under (c) of this section, the commission shall prepare a basic development plan. The commission shall prepare the basic development plan by revising the detailed development plan and cost estimates prepared by the commission in its report of March 15, 1978, in accordance with the provisions of AS 44.06.235 and this section. In making its revision, the commission shall revise those assumptions in the detailed development plan, if any, that are shown by substantial evidence to be erroneous and shall use the average rate of growth for central state positions and the average annual rate of inflation for construction costs and for other costs for the preced-

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1 ing 10 years, taking into account any unusual growth or decline in  
2 growth caused by special circumstances. However, in estimating costs  
3 under (c) of this section, if public money is used for the development  
4 of facilities that will be conveyed to persons for private use and the  
5 public money will be recovered over a period of years, the estimated  
6 cost of the facility, for purposes of providing a cost estimate under  
7 (c) of this section, is the estimate of the difference between the  
8 amount expected to be recovered and the amount that would have been  
9 recovered if the public money had been invested over the same period of  
10 years at the average rate of return for investments made under AS 37.-  
11 10.070.

12 (e) The commission shall prepare an estimate of the net proceeds  
13 reasonably expected to be received from the disposal of land at the new  
14 capital site at Willow through the relocation completion date. For  
15 purposes of this estimate, "net proceeds" means the increased value of  
16 lands expected to be disposed of if relocation occurs less the current  
17 value of those lands to the state in the absence of relocation of the  
18 state capital, taking into account the likelihood of disposal of those  
19 lands and of their producing revenue to the state.

20 (f) In estimating costs through the relocation completion date of  
21 providing for new or expanded facilities in Juneau and elsewhere in the  
22 absence of relocation, the commission shall

23 (1) exclude from its estimates the costs of facilities that  
24 would be required in Juneau and elsewhere even if relocation of the  
25 state capital were to proceed;

26 (2) use the same projections for growth in state government  
27 that it uses in preparing the basic development plan under (d) of this  
28 section and the cost estimates for the new capital site at Willow; and

29 (3) base its estimate of total space to accommodate its

estimate of the growth of state government on the state's past and current practice of providing public facilities at Juneau and elsewhere.

(g) In making its estimates, the commission shall neither overstate nor understate the costs, but rather shall make the most realistic estimates possible with the evidence available to it.

(h) The commission shall, on August 16, 1982, provide the legislature, the governor, the lieutenant governor, the director of elections, and the public with its basic development plan and a report setting out the cost estimates required by this section and the number of central state employees to be relocated from existing, named locations to the new capital site at Willow.

(i) After receipt of the report of the commission, the director of elections shall prepare a ballot proposition in accordance with this section and place it on the ballot at the 1982 general election.

(j) If the ballot proposition provided for in this section is approved by a majority of the votes cast on the question, an amount equal to the estimate of total costs may be expended to complete relocation of the capital. If the ballot proposition is rejected by a majority of those voting on the proposition, the Capital Relocation Initiative (AS 44.06.100 - 44.06.190), the "FRANK Initiative" as amended (AS 44.06.195, 44.06.196), the laws establishing the New Capital Site Planning Commission (AS 44.06.200 - 44.06.299), and the Relocation Indemnification Act (AS 44.08) are repealed.

(k) In this section

(1) "central state employees" means employees principally involved in matters that concern statewide activities of the state government rather than regional or local activities of the state government;

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(2) "functional state capital" means a city that has the public buildings, public utilities, access roads, streets, and other facilities necessary to meet the operational needs of state government and to accommodate the numbers and classifications of central state employees estimated in (b) of this section, the population estimated in (b) of this section, and the general public;

(3) "relocation completion date" means the date that the commission, based on substantial evidence, estimates is the earliest practical date by which a functional state capital can be established in the new capital site at Willow.

\* Sec. 2. AS 44.06.210(c) is amended to read:

(c) The members are entitled to receive \$200 [\$100] per day for their service on the commission and per diem and travel expenses as authorized by law.

\* Sec. 3. AS 44.06 is amended by adding a new section to read:

Sec. 44.06.235. PLANS. (a) The purpose of the commission is to prepare detailed plans for development of the capital site within the guidelines enumerated in this chapter.

(b) A basic development plan shall be completed in time to meet the requirements of AS 44.06.196 and shall be subject to public comment during its formulation. Following completion of the basic development plan, the commission shall make public presentations of it throughout the state.

(c) The basic development plan shall

(1) include, but need not be limited to, the following elements: government facilities, community facilities, transportation, public utilities, communication facilities, commercial and industrial development, residential development, resources, and environmental aspects; however, the plan shall assume that the development of com-

mercial, industrial, and residential facilities shall be provided by the private sector to the maximum extent feasible;

(1) of this subsection in terms of its social and economic impact;

(2) include provisions addressing each element described in (1) of this subsection in terms of its social and economic impact;

(3) address governmental jurisdictions, including statements as to the appropriate planning and development authority and recommendations as to the forms and powers of the local government; and

(4) develop a planning and implementation work program.

(d) The commission shall perform physical and geotechnical site-specific analysis and related mapping.

(e) The commission shall conduct an analysis of the opportunity for the reorganizing and regionalization of state government, and develop a list of executive agencies that are expected to be located in the capital. This list shall include the offices to be moved, the number of personnel to be employed in those offices, and the anticipated required office space for that number of persons. This list shall be used for capital site planning purposes only, and is not binding as to which executive agencies may be located in the capital. The commission shall then develop a relocation phasing plan.

(f) The commission shall recommend to the legislature the type of development entity that would be responsible for capital city development as well as the powers and authority that should be vested in this development entity.

(g) The commission shall conduct a cost analysis that includes proposed construction schedules and related cost studies including but not limited to construction costs and escalation and energy-efficient construction costing. The commission shall also prepare financing analysis including the investigation of funding alternatives and submission of a recommended financial plan to the legislature.

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1 (h) The commission shall determine the environmental and use  
2 permits necessary for the construction of the capital and shall recom-  
3 mend to the legislature any possible methods to expedite this process  
4 while protecting the environmental quality of the area.

5 (i) The commission may undertake other activities as are appropri-  
6 ate to carry out its functions, including but not limited to investi-  
7 gating the most economical and expeditious means of procurement, con-  
8 struction methods, construction alternatives, and labor costs.

9 (j) The commission shall provide a comprehensive assessment of  
10 the social, economic and environmental impact on the Matanuska-Susitna  
11 Borough and the City and Borough of Juneau in accordance with generally  
12 accepted standards for these procedures. The assessment shall emphasize  
13 the effect of governmental relocation on all items listed in this  
14 section.

15 \* Sec. 4. AS 44.06 is amended by adding new sections to read:

16 Sec. 44.06.270. GENERAL DEVELOPMENT PLAN. (a) Simultaneously  
17 with the preparation of the basic development plan under AS 44.06.196(d)  
18 and 44.06.235(b), the commission shall begin preparation of a general  
19 development plan for the new capital site at Willow. To the extent  
20 that they are not adequately covered by the basic development plan  
21 prepared by the commission, the general development plan shall include,  
22 but is not limited to,

23 (1) an estimate of the proposed uses of land throughout the  
24 entirety of the new capital site at Willow, with a general allocation  
25 of the amounts and proportions of land to be devoted to governmental,  
26 residential, commercial, industrial, institutional, and public uses,  
27 and indicating the anticipated population and building densities for  
28 the new capital site at Willow based on the proposed uses of the land;

29 (2) an estimate of the cost, number, nature, and general lo-

cations of governmental and institutional facilities relating to use of the site as the new capital of the state, public transportation and major arterial street systems, parks and recreational facilities, water, sewer and drainage systems, electric, telephone and other energy or communications systems or utilities, and health, educational and community facilities;

(3) the approximate time schedule for the stages of development of the new capital site at Willow with reference to both the various parts of the new capital site and to the various types or categories of land uses proposed;

(4) the means of financing the facilities described in (2) of this subsection, the anticipated sources of money for completion of the facilities, and the means by which borrowed money required to complete the facilities is to be repaid; and

(5) any additional statements or documentation that the commission considers necessary or appropriate.

(b) The commission shall include in the general development plan an estimate of

(1) the minimum acreage of land to be allocated for the location and construction of state offices and related state facilities; and

(2) the minimum acreage of land to be set aside and allocated for parks, lakes, recreation and open space use, that, when developed, is available for the use and enjoyment of the general public.

(c) The commission shall hold at least one hearing in each judicial district of the state to receive comments from interested parties on the general development plan proposed by the commission. Each hearing shall be held in a community of the state selected by the commission. Public notice of a hearing under this subsection shall be given

1 by the commission by publication in a newspaper of general circulation  
2 in the community.

3 (d) Following the completion of public hearings, the commission  
4 shall approve the general development plan. The plan may be approved  
5 with or without amendment. To be adopted, the general development plan  
6 requires approval by at least two-thirds vote of the full membership of  
7 the commission upon a finding that the plan is in accordance with and  
8 furthers the purposes of this chapter. The commission shall submit the  
9 general development plan to the assembly of the Matanuska-Susitna Bor-  
10 ough and becomes effective only after review and comment by the assem-  
11 bly. The assembly shall submit its comments on the general development  
12 plan to the commission not later than 60 days after submission of the  
13 plan to the assembly.

14 (e) Major amendments to the general development plan may be made  
15 in accordance with the same procedure set out in this section for ap-  
16 proval of the plan. Minor amendments of limited application may be  
17 made without following the procedure of this section. However, when  
18 adopting a minor amendment, the commission shall publish notice of the  
19 proposed amendment that it considers appropriate and shall invite  
20 written comments on the proposed amendment before its adoption.

21 (f) An amendment to the general development plan takes effect on  
22 the date set by the commission. However, a major amendment may not  
23 take effect unless it is reviewed by the Matanuska-Susitna Borough in  
24 accordance with (d) of this section.

25 Sec. 44.06.280. SPECIFIC DEVELOPMENT PLANS. (a) Simultaneously  
26 with the preparation of the basic development plan under AS 44.06.196(d)  
27 and 44.06.235(b), the commission shall also begin preparation of one or  
28 more specific development plans for the new capital site at Willow. A  
29 specific development plan includes, but is not limited to,

(1) a description of the area to be developed;

(2) a detailed and specific statement of the proposed uses in the area to be developed, including proposed locations of all buildings and structures;

(3) a general description of the land-use restrictions or covenants proposed for the area to be developed;

(4) a map of the existing and proposed transportation and utility systems in the area to be developed;

(5) a statement of the methods by which the property in the area to be developed may be disposed of;

(6) a statement of the relationship between the specific development plan and the general development plan; and

(7) any additional statements or documentation that the commission considers necessary or appropriate.

(b) A specific development plan shall be approved by the commission only after the general development plan has been adopted by the commission. A specific development plan becomes effective only after review and comment by the assembly of the Matanuska-Susitna Borough. The assembly shall submit its comments within 60 days of submission of the plan to the assembly.

(c) Amendments to a specific development plan may be made according to the procedure established in this section for approval of a specific development plan.

(d) The commission shall record a specific development plan and any amendments in the appropriate recording district.

(e) A specific development plan constitutes the controlling document and land use plan for the area to be developed.

(f) Approval of a specific development plan is an amendment to the relevant portion of the general development plan. A specific de-

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1        velopment plan which constitutes a substantial change from the general  
2        development plan is subject to the provisions applicable to amendments  
3        to the general development plan under AS 44.06.270(d) and (e).

4        Sec. 44.06.290. LAND. Land within the new capital site at Willow  
5        reserved by the commissioner of natural resources under AS 44.06.130 as  
6        "reserved use land" may not be classified and made available for home-  
7        sites under AS 38.08.

8        Sec. 44.06.299. DEFINITION. In AS 44.06.195 - 44.06.299, "com-  
9        mission" means the New Capital Site Planning Commission.

10       \* Sec. 5. AS 44.06.230 is repealed.

11       \* Sec. 6. FILLING VACANCIES IN COMMISSION MEMBERSHIP; MEETING. Within  
12       15 days after the effective date of this Act, the governor shall fill any  
13       vacancies in the membership of the New Capital Site Planning Commission and  
14       shall call the first meeting of the commission.

15       \* Sec. 7. REPORTS. The New Capital Site Planning Commission shall  
16       provide reports of its work under AS 44.06.196, 44.06.235, and 44.06.270 -  
17       44.06.299 by April 15, 1982, and August 16, 1982. These reports shall be  
18       distributed to the governor, presiding officers of the legislature, chief  
19       justice of the supreme court, and the general public.  
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