

Introduced: 2/4/77
Referred: State Affairs and
Judiciary

BY COTTEN, BRADLEY, BUCHHOLDT
MCKINNON, MALONE, MILES, RUDD
AND PARR

1 IN THE HOUSE

2 HOUSE BILL NO. 178

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to planning and development of a new
7 capital site at Willow; and providing for an effective
8 date."

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

10 * Section 1. The legislature, cognizant of its responsibility under AS
11 44.06.160 to provide for the planning of a community at the site selected by
12 a majority of the voters as the future location of a capital city and mindful
13 that the planning and successful development of a new community in the Alaska
14 environment offers unprecedented challenges and opportunities involving both
15 the public and private sectors, herein establishes a means by which the state
16 government and the people may obtain and analyze relevant information con-
17 sider alternative proposals, and provide guidance and direction to and
18 secure timely management of the critical factors and sequential events
19 applicable to the process of effecting a relocation of the seat of state
20 government.

21 * Sec. 2. AS 44.06 is amended by adding new sections to read:

22 ARTICLE 3. PLANNING AND DEVELOPMENT OF A NEW CAPITAL SITE.

23 Sec. 44.06.200. LEGISLATIVE INTENT. It is the intent of the
24 legislature in enacting secs. 200 - 300 of this chapter that the plan-
25 ning and development process attending relocation of state government
26 provide both an incentive and a means to achieve quality development of
27 a balanced community consistent with the long-term needs and interests
28 of the people of the region and the state. To that end, the legislature
29 seeks to assure

1 (1) that the process and decisions affecting the planning and
2 development of a new capital site include full opportunity for public
3 participation;

4 (2) that the capital site community be accessible to a
5 majority of the residents of Alaska and that provision be made from the
6 inception of relocation for adequate transportation and telecommunica-
7 tion facilities in the community to assure optimum public participation
8 in the process of government;

9 (3) that the capital site community developed in the heart of
10 Alaska reflect the unique qualities of the state and its people;

11 (4) that the human resources of the state be utilized, to the
12 maximum extent possible, in each stage of the planning, development, and
13 relocation process;

14 (5) that, in planning for the location, nature and construc-
15 tion of public facilities within the capital site community, considera-
16 tion be given to the development and use of the natural resources
17 available in the region and state as the future source of energy supply
18 for the community;

19 (6) that, to the maximum extent possible, decisions and
20 actions affecting construction of public facilities, provision of public
21 services, and activities in the private sector be undertaken coopera-
22 tively with officials of local governments and the residents of the area
23 adjacent to the capital site community.

24 Sec. 44.06.210. CAPITAL SITE PLANNING COMMISSION. There is
25 created in the Office of the Governor the Capital Site Planning Commis-
26 sion.

27 Sec. 44.06.220. MEMBERSHIP OF THE COMMISSION. (a) Within 15 days
28 of the effective date of this Act, the governor shall appoint a commi-
29 ssion consisting of nine members, subject to confirmation by a majority

1 of the members of the legislature in joint session. Members shall be
2 appointed on a nonpartisan basis, and shall be selected as follows:

3 (1) the commissioner of the Department of Administration;

4 (2) one member with a financial or economic background who
5 may be selected from a list of names submitted by banking and financial
6 associations or societies;

7 (3) one member with a background in transportation who may be
8 selected from a list of names submitted by associations or societies
9 concerned with public transportation in the state;

10 (4) one member with a background in telecommunications who
11 may be selected from a list of names submitted by societies or associa-
12 tions concerned with telecommunications; and

13 (5) five members appointed from the general public.

14 (b) The commissioners of natural resources, public works, revenue
15 and community and regional affairs or their designees, and the mayor of
16 the Matanuska-Susitna Borough or his designee, shall serve as nonvoting
17 ex officio members of the commission.

18 (c) The members of the commission are entitled to receive \$100 per
19 day for their service on the commission and per diem and travel expenses
20 as authorized by law for members of boards and commissions.

21 Sec. 44.06.230. PROCEDURES OF THE COMMISSION. The members shall
22 select a chairman and vice-chairman from among their membership. The
23 governor shall call the first meeting of the commission within 15 days
24 after appointment of the members. A majority of the members constitutes
25 a quorum for conducting business and exercising the powers of the com-
26 mission. The commission shall meet at the call of the chairman, at the
27 request of a majority of its members, or at a regularly scheduled time
28 as determined by its members.

29 Sec. 44.06.240. PURPOSE OF THE COMMISSION. The purpose of the

1 commission is to prepare, in accordance with the guidelines set out in
2 sec. 200 of this chapter and subject to the specific requirements of
3 sec. 250 of this chapter, comprehensive reports relative to planning and
4 phased development of the capital site community sufficient to provide
5 state officers, local government officials and the general public with
6 information regarding alternatives for the physical planning, methods of
7 financing of facilities and services, and land use and development
8 decisions attending the relocation of the state capital.

9 Sec. 44.06.250. DUTIES OF THE COMMISSION. (a) Not later than
10 January 15, 1978, the commission shall

11 (1) prepare a facility development plan and report with pro-
12 ject and site specific supporting information, sufficient to provide
13 detailed information relative to the construction of permanent public
14 buildings, transportation and telecommunication facilities, and essen-
15 tial community facilities and services for the initial phase of the
16 relocation;

17 (2) provide definitive estimates of the costs and recommended
18 means of financing the construction of the facilities identified in (1)
19 of this subsection, including life cycle cost estimates for each facil-
20 ity;

21 (3) prepare a preliminary development report examining alter-
22 natives, with general supporting information for each, sufficient to
23 provide a description of the general physical development of the capital
24 site community including, but not limited to, examination of the need
25 for and location of government and community facilities, transportation
26 and telecommunications facilities, public utilities, commercial and
27 industrial development sites, residential areas, water resources and
28 energy requirements, and environmental considerations; for each alter-
29 native offered in the report of the commission, a social and economic

1 analysis of the recommendation shall be provided;

2 (b) Not later than January 15, 1979, the commission shall

3 (1) prepare a detailed development report describing and
4 analyzing alternatives for the physical development of the community
5 including, but not limited to, each of the elements described in (a)(3)
6 of this section;

7 (2) prepare facility development plans, with project and site
8 specific supporting documentation, sufficient to provide detailed infor-
9 mation relative to the construction of public buildings and essential
10 community facilities and services for the offices of state government
11 involved in subsequent phases of the capital relocation;

12 (3) provide definitive estimates of the costs and recommended
13 means of financing the construction of public facilities required by (2)
14 of this subsection, including life cycle cost estimates for each facil-
15 ity;

16 (c) Concurrent with preparation and submission of the reports
17 required to be completed under (a) and (b) of this section, the commis-
18 sion shall

19 (1) in cooperation with officials of the Matanuska-Susitna
20 Borough and the cities within it, assess and evaluate, and issue a
21 report summarizing the anticipated resultant effects of the relocation
22 of the seat of government on the municipalities and suggesting alterna-
23 tives for the exercise of powers, provision of services, and construc-
24 tion and maintenance of public facilities by the state and any local
25 government within the capital site community and the region, including
26 cooperation or joint exercise of a power or function;

27 (2) prepare and present a report describing alternatives
28 which the commission considers reasonable regarding the means and
29 methods of financing public facilities and services not directly re-

1 quired for the essential operation of state government in the capital
2 site community but necessary to achieve the development of a diversified
3 community, including, but not limited to, the determination of available
4 federal financial assistance, methods by which the costs of providing
5 public facilities and services may be shared by state and affected local
6 governments, and projections of the allocation of costs between the
7 public and private sectors;

8 (3) prepare and present a written report analyzing alterna-
9 tives which it considers necessary or reasonable regarding the use and
10 disposition of real property of the state within the capital relocation
11 site including, but not limited to, withdrawal from disposition of state
12 land reasonably required to preserve public water sources and unique
13 natural or scenic features and to protect natural resources, dedication
14 of areas for public recreational uses, and analysis of the merits of
15 disposal by sale or lease of state land in the community for residential,
16 commercial, and other general purposes;

17 (4) formulate and recommend, for purposes of capital site
18 planning in conjunction with development of the community by phase under
19 (b)(3) of this section, a relocation transfer plan covering the reloca-
20 tion of the officers and employees of state government from Juneau to
21 the new capital site, excepting those officers and employees subject to
22 transfer during the initial phase of the relocation.

23 (d) In this section, reference to "initial phase of the reloca-
24 tion" of the offices of state government means the transfer to the
25 capital site community of each of the following branches or offices of
26 state government, including provision for staff necessary for the sup-
27 port of each:

28 (1) the Office of the Governor, including the lieutenant
29 governor, not later than October 1, 1980;

1 (2) the legislature, Legislative Affairs Agency, the divisions
2 of legislative finance and legislative audit, and temporary staff to
3 provide services necessary to support the First Session of the Twelfth
4 Alaska Legislature at the capital site community; and

5 (3) the Department of Law, exclusive of personnel of that
6 department whose presence is not clearly required for the conduct of the
7 business of the department essential to advising the governor, lieu-
8 tenant governor, and legislature during and after the First Session of
9 the Twelfth Alaska Legislature.

10 Sec. 44.06.260. ASSISTANCE TO THE COMMISSION. (a) The commission
11 may use professional and technical services to assist in the performance
12 of the duties enumerated in sec. 250 of this chapter. It may choose the
13 consultants which in its judgment are qualified to assist in the plan-
14 ning and development of the capital site community. The commission may
15 request any information which it considers essential from any agency or
16 department of the state.

17 (b) The commission shall develop an appropriate procedure in order
18 to select competent firms or individuals to develop the elements in-
19 volved in the initial development report required by sec. 250(a) of this
20 chapter or in the detailed development plan required by sec. 250(b) of
21 this chapter.

22 (c) The commission shall consider the feasibility of conducting a
23 national competition for the design of a capital city.

24 Sec. 44.06.270. SUMMARIES. In addition to the reports required to
25 be submitted by sec. 250 of this chapter, the commission shall provide
26 informational summaries on its work every six months. Each summary
27 shall be distributed to the governor, the heads of the executive depart-
28 ments of the state government, the members of the legislature and chief
29 justice of the supreme court, and shall be made available to the general

1 public.

2 Sec. 44.06.280. FUNDING. The commission is subject to the pro-
3 visions of the Executive Budget Act (AS 37.07) and funding by the legis-
4 lature.

5 Sec. 44.06.290. LEGISLATIVE REVIEW AND APPROVAL. Each report
6 required to be prepared and submitted by the commission under sec. 250
7 of this chapter shall be presented not later than the 10th day of a
8 regular legislative session. The legislature may, by concurrent resolu-
9 tion adopted by a majority of the members of each house, approve, with
10 or without modification and in whole or in part, or reject a report or
11 recommended action submitted by the commission.

12 Sec. 44.06.300. TERMINATION. The commission established in sec.
13 210 of this chapter expires June 30, 1982.

14 * Sec. 3. AS 38.40.030(a) is amended to read:

15 (a) In order to create, protect and preserve the right of Alaska
16 residents to employment, the commissioner of natural resources shall
17 incorporate into all oil and gas leases, easements or right-of-way per-
18 mits for oil or gas pipeline purposes, unitization agreements, or any
19 renegotiation of any of the preceding to which the state is a party, and
20 into leases, easements or right-of-way permits issued by the state for
21 lands within the area withdrawn as "reserved use lands" under AS 44.06.-
22 130 for the site of the new capital city, provisions requiring the
23 lessee to comply with applicable laws and regulations with regard to the
24 employment of Alaska residents, a provision requiring the employment of
25 qualified Alaska residents, a provision prohibiting discrimination
26 against Alaska residents and, when in the determination of the commis-
27 sioner of natural resources it is practicable, a provision requiring
28 compliance with the Alaska Plan, all in accordance with the provisions
29 of this chapter.

1 * Sec. 4. AS 38.40.050(a) is amended to read:

2 (a) The provisions of this chapter apply to all employment which
3 is a result of oil and gas leases, easements, leases or right-of-way
4 permits for oil or gas pipeline purposes, unitization agreements or any
5 renegotiation of any of the preceding to which the state is a party
6 after July 7, 1972, and to leases, easements or right-of-way permits
7 issued by the state for lands within the area withdrawn as "reserved use
8 lands" under AS 44.06.130 for the site of the new capital city; however,
9 the activity which generates the employment must take place inside the
10 state and it must take place either on the property under the control of
11 the person subject to this chapter or be directly related to activity
12 taking place on the property under his control and the activity must be
13 performed directly for the person subject to this chapter or his con-
14 tractor or a subcontractor of his contractor or a supplier of his
15 contractor or subcontractor.

16 * Sec. 5. AS 39.50.200(9) is amended by adding a new subparagraph to
17 read:

18 (MM) Capital Site Planning Commission (AS 44.06.210).

19 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
20 070(c).