

Introduced: 3/9/77
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 331

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a New Capital City Site Planning
7 Commission; and providing for an effective date."

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

9 * Section 1. The legislature, aware of its responsibility under AS 44.06.-
10 160 to provide for the planning and subdivision of a new capital city and
11 district within the bounds of the area selected and for the construction of
12 necessary state and public facilities and their administration, in this Act
13 establishes a means by which the state government and the people may obtain
14 and analyze relevant information, consider alternative proposals, provide
15 guidance and direction to and secure timely management of the critical fac-
16 tors and sequential events applicable to the process of affecting a reloca-
17 tion of the seat of government.

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

19 ARTICLE 3. PLANNING AND DEVELOPMENT OF A NEW CAPITAL CITY.

20 Sec. 44.06.200. LEGISLATIVE INTENT. It is the intent of the
21 legislature in enacting secs. 200 - 300 of this chapter that the plan-
22 ning and development process attending relocation of the seat of govern-
23 ment provide both an incentive and a means to achieve quality develop-
24 ment of a new capital city consistent with the long-term needs and
25 interests of the people of the region and the state. To that end, the
26 legislature seeks to assure that

27 (1) the process and decisions affecting the planning and
28 development of a new capital city include full opportunity for public
29 participation;

1 (2) the new capital city be accessible to a majority of the
2 residents of the state and that provision be made from the inception of
3 a relocation for adequate transportation and telecommunications facili-
4 ties in the community to assure full public participation in the process
5 of government;

6 (3) the new capital city reflect the unique qualities of the
7 state and its people;

8 (4) the state resident-hire laws be utilized to the maximum
9 extent possible in each stage of the planning, development and reloca-
10 tion process;

11 (5) in planning for the location, nature and construction of
12 public facilities in the new capital city, consideration be given to the
13 development and use of the natural resources available in the region and
14 state as the source of energy for the community;

15 (6) to the maximum extent possible, decisions and actions
16 affecting construction of public facilities, provision of public ser-
17 vices, and activities in the private sector be undertaken cooperatively
18 with officials of local governments and the residents of the area
19 adjacent to the new capital city community.

20 Sec. 44.06.210. NEW CAPITAL CITY SITE PLANNING COMMISSION. There
21 is created in the Office of the Governor the New Capital City Site Plan-
22 ning Commission.

23 Sec. 44.06.220. MEMBERSHIP. (a) Within 15 days after the effec-
24 tive date of this Act, the governor shall appoint a commission consist-
25 ing of nine members who shall be subject to confirmation by a majority
26 of the members of the legislature in joint session. Members are
27 appointed for four-year terms and may be reappointed. The commission
28 shall be composed of one member from the Northwest district, two members
29 from the Southeast district, two members from the Central district, and

1 three members from the South Central district, who shall be appointed
2 on a nonpartisan basis. The mayor of the Matanuska-Susitna Borough, or
3 his designee, shall be the ninth member of the commission.

4 (b) Members of the commission are entitled to receive \$100 a day
5 for their service on the commission, and per diem and travel expenses
6 authorized by law for other boards and commissions.

7 Sec. 44.06.230. MEETING OF THE COMMISSION. Commission members
8 shall elect a chairman and vice-chairman from among their membership.
9 The governor shall call the first meeting of the commission within 15
10 days after appointment of the members. A majority of the members con-
11 stitutes a quorum for conducting business and exercising the powers of
12 the commission. The commission shall meet at the call of the chairman,
13 at the request of a majority of the members, or at a regularly scheduled
14 time as determined by the members.

15 Sec. 44.06.240. DUTIES OF THE COMMISSION. (a) The purpose of
16 the commission is to prepare a detailed plan for development of the new
17 capital city site within the guidelines enumerated in this chapter. A
18 detailed plan for initial development shall be proposed in the context
19 of a prospective overall development plan for an entire capital city.
20 In this section, reference to "initial development" means the transfer
21 to the new capital city site of each of the following branches or
22 offices of state government, including provisions for staff necessary
23 for the support of each:

24 (1) the Office of the Governor, including the lieutenant
25 governor, and appropriate staff;

26 (2) the legislature, Legislative Affairs Agency, the divisions
27 of legislative finance and legislative audit, and temporary staff to
28 provide services necessary to support the First Session of the Twelfth
29 Alaska Legislature at the new capital city; and

1 (3) the Department of Law, exclusive of personnel of that
2 department whose presence is not clearly required for the conduct of the
3 business of the department essential to advising the governor, lieute-
4 nant governor, and the legislature during and after the First Session of
5 the Twelfth Alaska Legislature.

6 (b) The plan required in (a) of this section shall be presented in
7 two stages. A detailed plan for initial development (hereafter referred
8 to as the tentative overall plan), which includes a substantially
9 accurate outline of a proposed overall development plan shall be pre-
10 sented to the legislature no later than February 15, 1978. A finalized
11 overall development plan (hereafter referred to as the final overall
12 plan) shall be presented to the legislature no later than February 1,
13 1979. Following completion of the plans, the commission shall make
14 public presentations of each throughout the state.

15 (c) The tentative and final overall development plans shall in-
16 clude, but are not limited to, the following elements: government
17 facilities, community facilities, transportation, public utilities,
18 communications facilities, commercial and industrial development, resi-
19 dential development, resources, and environmental aspects.

20 (d) The plans shall present reasonable alternatives to development
21 including a relocation phasing analysis which offers proposals for the
22 decentralization, regionalization, and reorganization of state govern-
23 ment. These proposals shall include the offices to be moved, the number
24 of personnel employed in those offices, and the anticipated required
25 office space for that number of persons.

26 (e) In developing the tentative overall and final overall plans,
27 the commission shall

28 (1) perform physical and geotechnical site-specific analysis
29 and related mapping;

1 (2) in cooperation with officials of the Matanuska-Susitna
2 Borough, assess and evaluate, and issue a report summarizing the anti-
3 cipated resultant effects of the relocation of the seat of government
4 on the Matanuska-Susitna Borough; suggest alternatives for the exercise
5 of powers, provision of services, and construction and maintenance of
6 public facilities by the state and any local government within the new
7 capital city site boundaries and the region, including cooperation or
8 joint exercise of a power or function; and recommend to the legislature
9 the type of development entity which would be responsible for the new
10 capital city development as well as the powers and authorities which
11 would be vested in the development entity;

12 (3) provide a comprehensive assessment of the social, econo-
13 mic and environmental impact on the Matanuska-Susitna Borough and the
14 City and Borough of Juneau in accordance with generally accepted
15 standards for these procedures; the assessment shall emphasize the
16 effect of governmental relocation on all items listed in sec. 240(c) of
17 this chapter;

18 (4) investigate the possibility of using existing facilities
19 currently in the state which could serve as a construction camp and any
20 fixtures or equipment necessary to operate the camp for the construction
21 of the capital; the commission may accept the facilities, furnishings,
22 and equipment as a donation to the state or it may execute an option
23 on this property;

24 (5) determine the environmental and use permits necessary for
25 the construction of the capital and recommend to the legislature any
26 possible methods to expedite this process while protecting the environ-
27 mental quality of the area;

28 (6) investigate and recommend to the legislature alternatives
29 for the housing and attendant support facilities to be provided by the

1 private sector for those involved in the initial development.

2 (f) In conjunction with the tentative overall and final overall
3 plans, the commission shall conduct a cost analysis of potential costs
4 to the state for the move proposing construction schedules and related
5 cost studies. This analysis shall evaluate all necessary one-time costs
6 for equipment, materials and services for planning, design, construction
7 and occupation of all facilities required to be constructed by the state
8 during the initial development. The costs shall include, but not be
9 limited to, escalation for inflation, personnel moving costs, potential
10 financing costs, indemnification costs, and potential economic impact
11 costs to the Matanuska-Susitna Borough and the City and Borough of
12 Juneau. In addition, all one-time costs to the state shall be separately
13 evaluated for the overall design of a new capital city. The commission
14 shall also separately evaluate long-term costs of maintenance, operation
15 and occupancy of those state facilities contemplated under initial
16 development, including program costs and nonfacility related support
17 costs. In addition, the commission shall

18 (1) develop comparison costs on construction, operation, and
19 maintenance of existing and future facilities in Juneau; for purposes
20 of this comparison, Juneau hypothetically remains the seat of government;

21 (2) investigate the effect of capital relocation on the bonded
22 indebtedness of the City and Borough of Juneau;

23 (3) study the merits of and potential revenue to be gained
24 from the disposal by sale or lease of state land within the area of the
25 new capital city site.

26 (g) A financial plan which contains the elements outlined in (f)
27 of this section, including an investigation of funding alternatives,
28 shall be presented to the legislature along with the tentative overall
29 plan no later than February 15, 1978. Final cost analysis and financing

1 alternatives shall be presented to the legislature, along with the final
2 overall plan, no later than February 1, 1979. During fiscal year 1979,
3 the state shall also provide funding for an economic diversification
4 study in an effort to determine viable future economic alternatives for
5 the City and Borough of Juneau. This study shall be completed on or
6 before July 1, 1980.

7 (h) The commission may undertake other activities as are appro-
8 priate to carry out its functions, including but not limited to investi-
9 gating the most economical and expeditious means of procurement, construc-
10 tion methods, construction alternatives, and labor costs.

11 Sec. 44.06.250. FUNDING. The legislature shall provide funding
12 as required. The commission is subject to the Executive Budget Act
13 (AS 37.07) and funding by the legislature.

14 Sec. 44.06.260. ASSISTANCE TO THE COMMISSION. (a) The commission
15 shall use all competent professional and technical services required
16 to assist in the planning. The commission shall hire staff to provide
17 support services, and it may choose the consultants which in its judgment
18 are necessary to assist in the planning. The commission may also request
19 any information which it considers essential from any agency of the
20 state and the agency shall furnish it in an expeditious manner. Agencies
21 shall receive timely notice from the commission regarding any matters
22 substantially relevant to that agency's function.

23 (b) The commission shall develop an appropriate procedure in order
24 to select competent firms to develop the elements involved in the capital
25 site development plan within the time frame called for in sec. 240 of
26 this chapter.

27 Sec. 44.06.270. REPORTS. (a) The commission shall report on its
28 work every six months. This report shall be distributed to the governor,
29 all members of the legislature, the chief justice of the supreme court,

1 and the general public.

2 (b) All financial reports, estimates, alternatives and analyses
3 shall clearly delineate funds projected to be provided by the state
4 general fund, state bonds, and all other state sources from funds
5 to be provided by private enterprise sources and by the federal govern-
6 ment.

7 Sec. 44.06.280. LEGISLATIVE REVIEW AND APPROVAL. The reports
8 submitted by the commission under sec. 240 of this chapter shall be
9 submitted on the dates specified. The legislature may approve, with or
10 without modification in whole or in part, or reject a report or recom-
11 mended action submitted by the commission.

12 Sec. 44.06.290. 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
18 permits for oil or gas pipeline purposes, unitization agreements, or any
19 renegotiation of any of the preceding to which the state is a party,
20 and into leases, easements or right-of-way permits issued by the state
21 for land within the area withdrawn as "reserved use land" under AS 44.-
22 06.130 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
25 of 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 after
6 July 7, 1972, and to leases, easements or right-of-way permits issued
7 by the state for land within the area withdrawn as "reserved use land"
8 under AS 44.06.130 for the site of the new capital city; however, the
9 activity which generates the employment must take place inside the state
10 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
13 be performed directly for the person subject to this chapter or his
14 contractor 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) New Capital City Site Planning Commission (AS 44.-
19 06.210).

20 * Sec. 6. SEVERABILITY. If any of the provisions of this Act is held
21 invalid, the invalidity does not affect the provisions of this Act which can
22 be given effect without the invalid provisions, and to this end the provisions
23 of this Act are declared to be severable.

24 * Sec. 7. This Act takes effect immediately in accordance with AS 01.10.-
25 070(c).