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1 IN THE HOUSE

2 HOUSE BILL NO. 856

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the relocation of the state capi-
7 tal; and providing for an effective date."

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

9 * Section 1. AS 44.06.180 is amended to read:

10 Sec. 44.06.180. MOVEMENT TO NEW CAPITAL. (a) The physical relo-
11 cation of the present functions of the state [MOVEMENT OF THE SEAT OF]
12 government to the new capital city shall begin not later than Novem-
13 ber 1, 1983 [OCTOBER 1, 1980].

14 (b) In this section, "physical relocation of the present functions
15 of the state government" means the physical movement of state government
16 personnel, equipment, and supplies required to relocate to the new capi-
17 tal city.

18 * Sec. 2. AS 44.06.195 is amended to read:

19 Sec. 44.06.195. PURPOSE. It is the purpose of AS 44.06.195 -
20 44.06.196 to insure that the people of Alaska will have the opportunity
21 to make an intelligent and objective decision on relocating the capital
22 with all pertinent data available to them concerning the costs to the
23 state [INCLUDING THE SOCIAL, ECONOMIC AND ENVIRONMENTAL COSTS INVOLVED];
24 and, further to insure the general obligation bonded costs of relocating
25 the capital will not be incurred by the state without the approval of
26 the electorate.

27 * Sec. 3. AS 44.06.196 is amended to read:

28 Sec. 44.06.196. CAPITAL RELOCATION EXPENDITURES. Not more than
29 \$250,000,000 of state [STATE] money may be expended to relocate physi-

1 cally the present functions of the state government, including but not
2 limited to, the legislature, the governor's office and all necessary
3 offices of the heads of the principal departments from their present
4 location until [ONLY AFTER] a majority of those voting in a statewide
5 election have approved a bond issue which includes the [ALL BONDABLE]
6 costs of the relocation to the state through the year 1988 which (1) are
7 required to implement the development plan accepted by the legislature
8 under AS 44.06.236 or by the New Capital Site Planning Commission under
9 AS 44.06.236(c) and (2) under the development plan, are to be paid with
10 money received from the sale of general obligation bonds of the state.
11 If the development plan adopted by the legislature under AS 44.06.236
12 does not require the issuance of general obligation bonds to pay for the
13 relocation, an election is not required for the expenditure of money in
14 accordance with the development plan [1992, AS DETERMINED BY A COMMISSION
15 CREATED BY THE LEGISLATURE TO PLAN THE RELOCATION. IN DETERMINING THE
16 BONDABLE COSTS TO THE STATE THE COMMISSION SHALL ALSO DETERMINE THE
17 TOTAL COSTS TO THE STATE. THOSE COSTS SHALL INCLUDE, BUT NOT BE LIMITED
18 TO, THE COSTS OF MOVING PERSONNEL AND OFFICES TO THE RELOCATION SITE;
19 THE SOCIAL, ECONOMIC AND ENVIRONMENTAL COSTS TO THE PRESENT AND RELOCA-
20 TION SITES; AND, THE COST TO THE STATE OF PLANNING, BUILDING, FURNISHING,
21 USING AND FINANCING A NEW CAPITAL CITY HAVING FACILITIES EQUAL TO THOSE
22 PROVIDED BY THE PRESENT CAPITAL CITY AND THOSE REQUIRED BY THE 1974
23 CAPITAL MOVE INITIATIVE].

24 * Sec. 4. AS 44.06.210(a) is amended to read:

25 (a) The [WITHIN 15 DAYS AFTER THE EFFECTIVE DATE OF THIS ACT, THE]
26 governor shall appoint a commission consisting of seven [NINE] members,
27 subject to confirmation by a majority of the members of the legislature
28 in joint session. Members are appointed for four-year terms and may be
29 reappointed. Members shall be appointed on a nonpartisan basis [, AND

1 SHALL BE SELECTED AS FOLLOWS:

- 2 (1) ONE MEMBER MUST BE A REGISTERED ENGINEER;
3 (2) ONE MEMBER WITH A FINANCIAL OR ECONOMIC BACKGROUND;
4 (3) THE MAYOR OF THE MATANUSKA-SUSITNA BOROUGH OR HIS DESIG-
5 NEE;
6 (4) THE MAYOR OF THE CITY AND BOROUGH OF JUNEAU OR HIS DESIG-
7 NEE; AND
8 (5) FIVE MEMBERS APPOINTED FROM THE GENERAL PUBLIC].

9 * Sec. 5. AS 44.06.210 is amended by adding a new subsection to read:

10 (d) The governor shall fill a vacancy on the commission by ap-
11 pointing a member from a list of at least three candidates presented to
12 the governor by the commission. The list shall be prepared by the
13 commission and shall be approved by a majority of the members of the
14 commission.

15 * Sec. 6. AS 44.06.230 is repealed and re-enacted to read:

16 Sec. 44.06.230. DEVELOPMENT PLANS. (a) The commission shall
17 solicit development plans. The solicitation shall include, but is not
18 limited to, 30 consecutive daily advertisements in the five most widely
19 circulated newspapers in the state and 30 consecutive daily advertise-
20 ments in the 25 most widely circulated newspapers in the contiguous
21 states. The solicitations shall include a brief explanation of the
22 features of each development plan which must be reviewed by the commis-
23 sion under this section.

24 (b) The commission shall review a development plan if the develop-
25 ment plan is submitted by a person the commission determines to have the
26 financial capability and technical experience to implement the develop-
27 ment plan and if the development plan is accompanied by an offer which
28 includes a firm price for the implementation of the development plan.

29 (c) The commission shall immediately submit a copy of a development

1 plan it receives under this section to any member of the legislature who
2 requests a copy.

3 (d) The commission shall review each development plan submitted to
4 it under this section to determine whether the development plan includes
5 the following features:

6 (1) coordination of development with the topography of the
7 new capital site, including

8 (A) location of initial and future road and highway
9 rights-of-way;

10 (B) location of initial and future utility trunk lines;

11 (C) zoning of land in the area with a detailed descrip-
12 tion of the types of land uses for specific parts of the new capi-
13 tal site;

14 (D) inclusion of parks and undeveloped areas for recrea-
15 tion and future public and private development;

16 (2) scheduling of development of the new capital site showing
17 the earliest possible date for occupancy of offices, conference rooms
18 and meeting facilities by the governor, the heads of the principal
19 departments, the legislature and their staffs and for completion of the
20 minimum necessary housing, utility and transportation facilities for the
21 governor, the heads of the principal departments, and the legislature
22 and their staffs;

23 (3) provisions for development of capital improvements in
24 exchange for land within the new capital site;

25 (4) provisions for minimum payment of all costs of relocating
26 the capital and developing the new capital site by the state in money
27 and maximum payment by transfer of land within the new capital site;

28 (5) provisions for the establishment of a local government at
29 the new capital site and the transfer of local government powers to the

1 local government;

2 (6) provisions which

3 (A) allow the person who submitted the development plan
4 to receive a profit from his activities in implementing the develop-
5 ment plan;

6 (B) provide a method for that person to obtain the
7 profit through the development and sale of land within the new
8 capital site;

9 (C) indicate the amount of land which will be necessary
10 to allow that person to receive the profit; and

11 (D) state the potential profit in terms of a fixed
12 percentage of that person's total investment in preparing the
13 development plan and in implementing the development plan;

14 (7) an estimate of the amount of land in the new capital site
15 which would be returned to or retained by the state after the completion
16 of development by the developer.

17 (e) After reviewing a development plan, the commission shall
18 prepare a report indicating whether, in the commission's opinion, the
19 development plan adequately provides for the implementation of the
20 features described in (d)(1) - (7) of this section. The commission may
21 include in the report any other information or comments which would be
22 useful to the legislature. A member of the commission who disagrees
23 with the report or a portion of the report may include his separate
24 report indicating the reasons for his disagreement. The commission
25 shall submit its reports to the legislature no later than January 11,
26 1982.

27 (f) A person who submits a development plan under this section may
28 revoke or amend the development plan at any time before January 11,
29 1982, by giving written notice to the commission of the revocation or

1 amendment. After January 11, 1982, the plan shall be considered a firm
2 offer for the development of the new capital site in accordance with the
3 terms of the development plan which may be accepted by the legislature
4 or by the commission as provided in AS 44.06.236.

5 * Sec. 7. AS 44.06 is amended by adding new sections to read:

6 Sec. 44.06.233. PREPARATION OF DEVELOPMENT PLAN BY COMMISSION.

7 (a) Unless the commission determines that a development plan submitted
8 to it under AS 44.06.230 is adequate to provide for the development of
9 the new capital site and that it complies with the requirements of (c)
10 of this section, the commission shall prepare a development plan.

11 (b) The development plan of the commission shall include the
12 following provisions:

13 (1) the physical relocation of the present functions of the
14 state government to the new capital site shall be completed no later
15 than November 30, 1988; however, the development plan shall provide that
16 the governor, the heads of the principal departments, the legislature,
17 and their staffs shall be relocated no later than November 30, 1983;

18 (2) population estimates for the new capital site shall be
19 based on the commission's determination of the number of state employees
20 to be located at the new capital site by December 31, 1990;

21 (3) the commission's determination of the number of state
22 employees to be located at the new capital site by December 31, 1990
23 shall be the minimum number which the commission determines to be neces-
24 sary to maintain the efficiency of state government;

25 (c) The development plan of the commission shall provide for road
26 and highway rights-of-way within the central business district of the
27 new capital site which are sufficiently wide to allow for three lanes of
28 traffic in each direction, not including parking space and mass transit
29 facilities. The development plan shall provide for road and highway

1 rights-of-way outside of the central business district of the new capital
2 site, and for rights-of-way providing access to the central business
3 district which are sufficiently wide to allow for six lanes of traffic
4 in each direction, not including parking space and mass transit facili-
5 ties.

6 (d) Except for the development of housing facilities described in
7 AS 44.06.230(d)(2), the development plan of the commission may not
8 include provisions for the development of facilities which, in the
9 commission's opinion, would normally be developed and paid for by the
10 local government or by private enterprise.

11 (e) The development plan of the commission shall include recommen-
12 dations for financing the development of the new capital site and for
13 the physical relocation of the present functions of the state government.
14 In preparing the financing recommendations, the commission shall use the
15 following guidelines:

16 (1) the physical relocation of the present functions of the
17 state government may be financed by any prudent means but priority shall
18 be given to the use of proceeds from the sale or lease of land in the
19 new capital site;

20 (2) the use of general obligation bonds for the construction
21 of state facilities shall be kept to a minimum and shall be used only
22 for construction which is directly related to the physical relocation of
23 the present functions of the state government through December 31, 1990;

24 (3) the question of issuance of general obligation bonds may
25 be presented to the voters for approval only if the bonds are limited to
26 the uses set out in (2) of this subsection;

27 (4) the financing recommendations may not include the cost of
28 construction of private facilities.

29 (f) The financing recommendations required by (e) of this section

1 shall include cost estimates for the development of the new capital site
2 and the physical relocation of the present functions of the state govern-
3 ment to the new capital site in accordance with the development plan of
4 the commission. The cost estimates shall be limited to the following
5 which shall be shown separately in the development plan:

6 (1) costs to be paid by the issuance of general obligation
7 bonds of the state;

8 (2) costs to be paid by appropriations from the legislature;

9 (3) costs to be included in the commission's annual budget;

10 (4) miscellaneous costs directly related to the development
11 of the new capital site and the physical relocation of the present
12 functions of the state government to the new capital site in accordance
13 with the development plan.

14 (g) The cost estimates required in (f) of this section shall be
15 reduced by the following amounts:

16 (1) the expected increases in the costs of state facilities
17 and services from July 1, 1980, to December 31, 1990, resulting from the
18 expected increases in the size of state government regardless of the
19 location of the capital;

20 (2) the estimated cost of replacing or modernizing state
21 facilities (including land acquisition) in Juneau between November 30,
22 1988, and the date estimated by the commission as the end of the life-
23 span of the state facilities to be constructed at the new capital city;

24 (3) anticipated receipts from the sale of land within the new
25 capital site.

26 (h) The commission shall submit its development plan to the legis-
27 lature no later than January 11, 1982.

28 Sec. 44.06.236. ACCEPTANCE OF DEVELOPMENT PLAN. (a) The legisla-
29 ture may accept a development plan submitted to it under AS 44.06.233 or

1 for which the commission has prepared a report under AS 44.06.230 or any
2 other development plan submitted to it by any person before January 11,
3 1982.

4 (b) The legislature may accept a development plan under this
5 section either by an affirmative vote of a majority of the members of
6 the legislature in joint session or by a joint resolution passed by each
7 house of the legislature.

8 (c) Unless the legislature has accepted a development plan under
9 this section by a joint resolution passed by each house of the legisla-
10 ture, the legislature shall meet in joint session no later than Feb-
11 ruary 19, 1982, for the purpose of considering a development plan sub-
12 mitted to it under this section. If the legislature fails to meet in
13 joint session or fails to accept a development plan submitted to it
14 under this section by February 19, 1982, the commission may accept and
15 implement its development plan prepared under AS 44.06.233 or accept the
16 development plan determined by the commission under AS 44.06.230(a) to
17 be adequate for the development of the new capital site.

18 (d) A development plan accepted by the legislature or by the
19 commission under (c) of this section must provide for a capitol to be in
20 place in the new capital site no later than December 31, 1990.

21 Sec. 44.06.238. DEVELOPMENT. (a) The developer shall proceed
22 with the development of the new capital site in accordance with the
23 development plan if the legislature passes any appropriations required
24 to implement the development plan and if the voters approve any general
25 obligation bonds required to implement the development plan.

26 (b) The developer may select any state land within the new capital
27 site which is not set aside for public use under the terms of the de-
28 velopment plan. Upon receiving a written request from the developer the
29 commissioner of natural resources shall convey title to the land in fee

1 simple to the developer. The right to select and receive and select
2 state land under this subsection is limited

3 (1) to the amount of state land necessary for the developer
4 to receive the amount of money described in AS 44.06.230(d)(6); and

5 (2) by any other limitations included in the development plan
6 accepted under AS 44.06.236.

7 (c) The commissioner of natural resources shall establish the
8 right-of-way easements on state land within the new capital site that
9 are necessary for the development of the new capital site in accordance
10 with the development plan accepted under AS 44.06.236. The commissioner
11 of natural resources may not charge the developer for the easements.

12 (d) If the development plan accepted under AS 44.06.236 requires
13 the issuance of general obligation bonds by the state to pay for the
14 development of the new capital site, the developer may change the dates
15 in the development plan for the occupancy of buildings described in
16 AS 44.06.230(d)(2) to reflect any delay in the issuance of the general
17 obligation bonds.

18 Sec. 44.06.239. ASSISTANCE BY COMMISSION. The commission shall
19 make its staff and expertise available to the developer and shall take
20 whatever steps it can to assure the timely and orderly development of
21 the new capital site and the physical relocation of the present functions
22 of the state government to the new capital site.

23 Sec. 44.06.290. DEFINITIONS. In AS 44.06.195 - 44.06.290,

24 (1) "commission" means the New Capital Site Planning Commis-
25 sion;

26 (2) "developer" means a person, including the commission,

27 (A) who submits a development plan to the commission
28 under AS 44.06.230 or to the legislature under AS 44.06.233 or
29 44.06.236;

1 (B) whose development plan is accepted either by the
2 legislature under AS 44.06.236 or by the commission under AS 44.06.-
3 236(c); and

4 (C) who did not revoke his development plan under AS 44.-
5 06.230(f) before its acceptance by the legislature under AS 44.06.-
6 236 or by the commission under AS 44.06.236(c);

7 (3) "development plan" means a plan for the development of
8 the new capital site;

9 (4) "new capital site" means the site selected under AS 44.-
10 06.150 as the site of the new capital city;

11 (5) "person" has the meaning ascribed to it in AS 01.10.-
12 060(7) and also includes a municipality, as defined in AS 29.78.010(8);

13 (6) "physical relocation of the present functions of state
14 government" means the physical movement of state government personnel,
15 equipment, and supplies required to relocate to the new capital site.

16 * Sec. 8. AS 44.06.160, 44.06.210(b), 44.06.260; AS 44.07; and AS 44.08
17 are repealed.

18 * Sec. 9. For the purposes of AS 44.06.210(a), if there are fewer than
19 seven members appointed to the New Capital Site Planning Commission on the
20 effective date of this Act, the members of the New Capital Site Planning
21 Commission shall submit a list to the governor, in accordance with AS 44.06.-
22 210(d), and the governor shall make appointments to the commission from the
23 list within 60 days after the effective date of this Act to bring the number
24 of members up to seven. If there are more than seven members appointed to
25 the New Capital Site Planning Commission on the effective date of this Act,
26 the most recent appointees shall be dismissed from the commission immediately
27 upon the effective date of this Act to reduce the number of members of the
28 commission to seven.

29 * Sec. 10. This Act takes effect March 3, 1981.