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Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 86 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to relocation of the state capital:
7 repealing and reenacting the law enacted by the initia-
8 tive popularly known as the 'FRANK Initiative' to
9 provide for the determination of the costs of capital
10 relocation, and repealing and reenacting laws estab-
11 lishing the Alaska Capital City Development Corporation
12 and the Capital City Development Oversight Committee."

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

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 AS 44.06.196 is repealed and reenacted to read:

15 Sec. 44.06.196. CAPITAL RELOCATION EXPENDITURES. (a) Except for
16 money used for planning, design, studies, and field investigations,
17 state money may be expended to relocate the state capital from its
18 present location to the new capital site at Willow only after a majority
19 of those voting on the proposition at the 1982 general election have
20 approved a ballot proposition which includes the cost to the state of
21 providing for completion of relocation of a functional state capital at
22 the new capital site at Willow as provided in this section. Either the
23 ballot proposition or the official explanation of the ballot proposition
24 provided to voters shall contain an estimate of the number of central
25 state employees likely to be relocated from Juneau and from Anchorage
26 to the new capital site at Willow.

27 (b) To assist the legislature in determining the type of ballot
28 proposition to be presented to the voters, the Alaska Capital City
29 Development Corporation shall

1 (1) prepare a basic development plan and estimates of costs
2 in accordance with AS 44.07.111 and this section;

3 (2) estimate the cost of providing the public facilities
4 required in Juneau in the absence of relocation; in making an estimate
5 under this paragraph, the corporation shall use a basis comparable to
6 the basis which it used in making its estimates for the costs of provid-
7 ing public facilities at the new capital site at Willow; and

8 (3) study and prepare recommendations as to the numbers and
9 classifications of central state employees to be relocated to the new
10 capital site at Willow; the studies and recommendations made by the
11 corporation under this paragraph shall be based on efficiency of state
12 government without reducing unnecessarily the numbers and classifica-
13 tions of state employees in Juneau.

14 (c) The plan, estimates of costs, and recommendations prepared
15 under (b) of this section shall be presented to the legislature by
16 April 15, 1982.

17 (d) In this section

18 (1) "central state employees" means employees principally
19 involved in matters which concern statewide activities of the state
20 government rather than regional or local activities of the state govern-
21 ment;

22 (2) "corporation" means the Alaska Capital City Development
23 Corporation established under AS 44.07;

24 (3) "functional state capital" means a city which has the
25 public buildings, public utilities, access roads, streets, and other
26 public facilities necessary for a seat of state government to accommo-
27 date the executive and legislative branches of state government, with
28 numbers and classifications of central state employees to be relocated
29 based on efficiency of state government without reducing unnecessarily

1 the numbers and classifications of state employees in Juneau.

2 * Sec. 2. AS 44.07 is amended by adding new sections to read:

3 ARTICLE 1. ESTABLISHMENT OF CORPORATION; POWERS.

4 Sec. 44.07.011. ALASKA CAPITAL CITY DEVELOPMENT CORPORATION.

5 There is established the Alaska Capital City Development Corporation.
6 The corporation is a public corporation and governmental instrumentality
7 of the state in the Department of Commerce and Economic Development,
8 but has a legal existence independent of and separate from the state.
9 The exercise by the corporation of the powers conferred by this chapter
10 is considered an essential governmental function of the state.

11 Sec. 44.07.021. BOARD OF DIRECTORS. The corporation is governed
12 by a board of directors which consists of 11 members appointed as
13 follows:

14 (1) During the transitional period, the board consists of
15 the following members:

16 (A) five ex officio members, including the commissioner
17 of commerce and economic development, the mayor of the Matanuska-
18 Susitna Borough, the mayor of the City and Borough of Juneau, the
19 mayor of the City of Fairbanks, and the mayor of the Municipality
20 of Anchorage;

21 (B) persons appointed by the governor under AS 44.06.-
22 210(a)(1), (2) and (5) who, on May 1, 1981, were physically present
23 in the state and were members of the New Capital Site Planning
24 Commission (AS 44.06.200 - 44.06.260);

25 (C) an additional number of members, appointed by the
26 governor, required to bring the membership of the board to a total
27 of 11; the directors appointed under this subparagraph shall
28 include, insofar as the number of appointments to be made permits,

29 (i) a civil engineer registered in Alaska;

1 (ii) a real estate broker licensed in Alaska who
2 has extensive experience in the state; and

3 (iii) a person who is a resident of the election
4 district in which the new capital site at Willow is located.

5 (2) After the transitional period, the board consists of the
6 following members:

7 (A) the commissioner of commerce and economic develop-
8 ment;

9 (B) the mayor of the Matanuska-Susitna Borough;

10 (C) the mayor of the City and Borough of Juneau;

11 (D) the mayor of the City of Fairbanks;

12 (E) the mayor of the Municipality of Anchorage;

13 (F) the mayor of the new capital city, except that,
14 until a mayor of the new capital city has been elected by the
15 voters of the city, the governor shall appoint a person who is a
16 resident of the election district in which the new capital site at
17 Willow is located to serve as a director; and

18 (G) five persons appointed by the governor and confirmed
19 by a majority of the members of the legislature in joint session,
20 including

21 (i) a civil engineer registered in Alaska;

22 (ii) a real estate broker licensed in Alaska who
23 has extensive experience in the state; and

24 (iii) three other persons.

25 (3) Directors shall be appointed with due regard to their
26 experience in subjects relevant to public and private planning, develop-
27 ment, finance, and marketing and with due regard for the general public
28 interest. A director shall be a resident and qualified voter of the
29 state. A director appointed by the governor may not be a full-time

1 elected or appointed official or employee of the state or of a municipi-
2 pality. A state legislator may not be appointed or serve as a director.

3 (4) An ex officio director serving under (1)(A) or (2)(A) -
4 (F) of this section may designate a person to serve in the director's
5 place. A person designated to serve under this paragraph must meet the
6 qualifications for appointment of (3) of this section.

7 (5) A director who serves during the transitional period may
8 be appointed to serve after the transitional period.

9 Sec. 44.07.031. TERM OF OFFICE. (a) A director appointed to
10 serve during the transitional period serves until the end of the transi-
11 tional period.

12 (b) After the transitional period, directors appointed under
13 AS 44.07.021(2)(F) and (G) serve for terms of four years.

14 (c) A person appointed to a vacancy shall hold office for the
15 balance of the term for which his predecessor on the board was ap-
16 pointed.

17 Sec. 44.07.041. BOARD ORGANIZATION AND QUORUM. (a) The board
18 shall elect a chairman and a vice-chairman from among its members.

19 (b) Unless otherwise specifically required by this chapter, a
20 majority of the directors of the corporation constitutes a quorum for
21 the transaction of business and the exercise of the powers and duties
22 of the board.

23 (c) A vacancy on the board does not impair the authority of a
24 quorum of the board to exercise the powers and perform all the duties
25 of the board.

26 Sec. 44.07.051. COMPENSATION OF DIRECTORS. A director other than
27 a state employee is entitled to receive \$200 per day for each meeting
28 day if the director attends a meeting of the board. A director is
29 entitled to per diem and travel allowances as provided by law for a

1 member of a state board or commission.

2 Sec. 44.07.061. EMPLOYMENT OF PERSONNEL. (a) The board shall
3 appoint and determine the salary of an executive director. The executive
4 director is the chief executive officer of the corporation, and serves
5 at the pleasure of the board. The executive director may not be a
6 member of the board.

7 (b) The board may appoint and determine the salary of other
8 officers specified in the bylaws of the corporation. The officers
9 appointed shall have the powers and duties set out in the bylaws.

10 (c) The executive director

11 (1) may employ additional staff in accordance with regula-
12 tions adopted by the board and with the approval of the board; and

13 (2) may retain the services of other persons which he con-
14 siders necessary or appropriate to carry out the purposes of the
15 corporation.

16 (d) Officers and employees of the corporation are in the exempt
17 service under AS 39.25.

18 (e) Unless the board determines that compliance with AS 36.10.010
19 would impede or delay the scheduled preparation or implementation of a
20 development plan, consultants or contractors hired by the board shall
21 be hired in accordance with AS 36.10.010.

22 Sec. 44.07.071. OTHER EMPLOYMENT OF DIRECTORS PERMITTED. Except
23 as provided in AS 44.07.021(3), a director may hold any position of
24 public or private employment while serving on the board.

25 Sec. 44.07.081. MEETINGS. (a) Meetings of the board are governed
26 by the provisions of AS 44.62.310 and 44.62.312.

27 (b) The board shall establish procedures for newspaper publica-
28 tion and other notice of all meetings sufficient to inform the public
29 adequately of the subject matter proposed to be acted on, and shall

1 establish procedures for public participation at its meetings.

2 (c) The corporation may establish procedures for meeting by
3 simultaneous telephone communication to take necessary action when, in
4 the judgment of the chairman, weather or other conditions make a meeting
5 in person difficult or impossible to conduct. A meeting conducted in
6 accordance with procedures established under this subsection has the
7 same legal force and effect as a meeting in person.

8 Sec. 44.07.091. REGULATIONS. (a) The board may adopt, amend,
9 and repeal regulations in accordance with AS 44.62.

10 (b) The board shall file copies of the regulations in the office
11 of the lieutenant governor within 10 days following any action taken on
12 the regulations, and shall make available to the public copies of its
13 regulations.

14 (c) The adoption, amendment, or repeal of regulations by the
15 board is subject to review in accordance with AS 24.20.400 - 24.20.460
16 and AS 44.62.320.

17 Sec. 44.07.101. POWERS OF THE CORPORATION. In addition to other
18 powers granted by AS 44.06.196 and this chapter, and for the purpose of
19 providing for the development of the new capital site, the corporation
20 may

21 (1) sue and be sued;

22 (2) adopt and alter an official seal;

23 (3) adopt, amend, or repeal bylaws and procedures for the
24 development of its programs, operations, properties, and facilities;

25 (4) enter into contracts necessary or convenient for the
26 exercise of its powers under this chapter;

27 (5) acquire, hold, use, lease, mortgage, sell, or otherwise
28 encumber or dispose of property of any kind, real, personal or mixed,
29 or any interest in it in the new capital site at Willow;

1 (6) establish terms and conditions for the acquisition or
2 disposal of its property;

3 (7) prepare or contract for the preparation of studies,
4 analyses, specifications, designs, and estimates of cost for the con-
5 struction, development, reconstruction or improvement of any property
6 in the new capital site at Willow;

7 (8) manage or contract for the management of all or part of
8 a development program or programs in the new capital site at Willow;

9 (9) build and maintain streets and other public rights-of-
10 way and provide for facilities or services in connection with a develop-
11 ment program;

12 (10) charge and collect fees and charges for the use of
13 facilities or services, and cause the fees and charges to become a lien
14 on and run with the land, and bind all future owners of the land by
15 means of covenants affecting the property which are recorded in the
16 appropriate recording district; the covenants may provide that taxes
17 imposed by a municipality can be credited against the fees and charges
18 to the extent and upon any terms that are set out in the covenants;

19 (11) adopt or impose land use and building restrictions,
20 architectural, design, and land use controls on real property owned by
21 the corporation through covenants, declarations, or otherwise in fur-
22 therance of the purpose of this chapter; include the restrictions or
23 controls in contracts, conveyances and agreements; and cause the
24 restrictions and controls, covenants, or declarations to run with the
25 land and bind all future owners of the land by filing them for record
26 in the appropriate recording district, subject to AS 29.18.580;

27 (12) plan, finance, develop, acquire, construct, reconstruct,
28 improve, operate, maintain, sell, or otherwise dispose of structures,
29 appurtenances, systems, and facilities in the new capital site at

1 Willow under contractual or other arrangements in connection with any
2 specific development plan, or with the purposes of this chapter;

3 (13) survey the real property in the new capital site at
4 Willow; undertake geological, environmental, and other similar studies
5 and analyses of the property; and gather and disseminate all relevant
6 information pertaining to the suitability of any portion of the new
7 capital site at Willow for various land uses;

8 (14) make contracts, incur liabilities, and borrow money from
9 the capital city revolving loan fund, and through general obligation
10 bonds and revenue bonds issued on behalf of the corporation by the
11 state bond committee;

12 (15) obtain insurance or bond against any losses as it con-
13 siders desirable; a bond or insurance coverage secured under this para-
14 graph shall be obtained from insurers authorized to do business in the
15 state;

16 (16) accept gifts or grants from any source, subject to
17 AS 37.07;

18 (17) enter into agreements with any public agency to carry
19 out the purposes of this chapter;

20 (18) enter into agreements to pay annual sums in place of
21 taxes to a municipality for real property which is owned by the corpo-
22 ration and which is exempt from taxation under this chapter; and

23 (19) do any and all things necessary and proper to carry out
24 the purposes of this chapter and exercise the powers granted in this
25 chapter.

26 ARTICLE 2. CAPITAL CITY DEVELOPMENT PLANS, PROPERTY,
27 MUNICIPAL AGREEMENTS AND CONTRACTS.

28 Sec. 44.07.111. BASIC DEVELOPMENT PLAN AND ESTIMATES OF COSTS.

29 (a) The corporation shall prepare a basic development plan for the

1 establishment of a functional state capital in the new capital site at
2 Willow. The basic development plan shall be prepared to meet the
3 requirements of AS 44.06.196 and of this section. The basic develop-
4 ment plan may use the basic data, studies, and investigations of the
5 New Capital Site Planning Commission (AS 44.06.200) which the board
6 considers appropriate, but the board is not bound by the limitations of
7 and requirements for planning specified in AS 44.06.230.

8 (b) The corporation shall determine

9 (1) the relocation completion date, which is the earliest
10 practical date not later than December 31, 1990, by which a functional
11 state capital can be established in the new capital site at Willow;

12 (2) the number of state employees estimated to be at the new
13 capital site by the relocation completion date, including those likely
14 to have been relocated, and the increase in the number of state em-
15 ployees attributable to growth in state government by that date; and

16 (3) the population estimated to be at the new capital site
17 by the relocation completion date.

18 (c) In accordance with the requirements of this subsection and
19 the requirements of (d) of this section, the corporation shall estimate
20 the cost of relocation of the state capital to the state, by determining
21 the expenditures by the state necessary for

22 (1) provision of the public facilities which will be required
23 through the relocation completion date for establishment of a functional
24 state capital in the new capital site at Willow and the public facili-
25 ties required by AS 44.06.196;

26 (2) moving the necessary personnel and offices to the new
27 capital site at Willow; and

28 (3) paying necessary costs of indemnification under
29 AS 44.08.010 - 44.08.080.

1 (d) The cost of relocation of the state capital determined under
2 (c) of this section shall be determined by deducting necessary adjust-
3 ments from the total expenditures determined under (c) of this section.
4 For purposes of this subsection, necessary adjustments include the
5 estimated revenues to be derived from the sale or lease of lands in the
6 new capital site which are to be transferred to the corporation under
7 AS 44.07.181.

8 (e) The studies and determinations of the corporation under this
9 section and under AS 44.06.196 are subject to continuing review by the
10 Capital City Development Oversight Committee to ensure compliance with
11 the provisions of AS 44.06.196 and of this section, and to ensure that
12 the estimates of cost are prepared on a reasonable and realistic basis.

13 (f) Until a majority of those voting on the proposition at the
14 1982 general election have approved the ballot proposition provided for
15 in AS 44.06.196, activities of the corporation relating to relocation
16 of the capital to the Willow site are limited to planning, design,
17 studies, and field investigations under this section and AS 44.07.121 -
18 44.07.131. The procedural requirements of AS 44.07.121 and 44.07.131
19 for the preparation of a general development plan and for specific
20 development plans do not apply to the preparation of the basic develop-
21 ment plan.

22 Sec. 44.07.121. GENERAL DEVELOPMENT PLAN. (a) Simultaneously
23 with work on the basic development plan, the corporation shall begin
24 preparation of a general development plan and preparation of a specific
25 development plan for the new capital site at Willow. The requirements
26 of AS 44.06.196 and AS 44.07.111 apply to the general development plan
27 and the specific development plan for the new capital site. The general
28 development plan shall include, but is not limited to,

29 (1) a determination of the proposed uses of land throughout

1 the entirety of the new capital site at Willow, with a general alloca-
2 tion of projected amounts and proportions of land to be devoted to
3 governmental, residential, commercial, industrial, institutional, and
4 public uses, and indicating the anticipated population and building
5 densities for the new capital site at Willow based on the proposed uses
6 of the land;

7 (2) a determination of the projected cost, number, nature,
8 and general locations of facilities, including but not limited to
9 governmental and institutional facilities relating to use of the site
10 as the new capital of the state, public transportation and major
11 arterial street systems, parks and recreational facilities, water,
12 sewer and drainage systems, electric, telephone and other energy or
13 communications systems or utilities, and health, educational and
14 community facilities, and a statement of the approximate time by which
15 the facilities described in this paragraph are to be provided;

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

20 (4) the projected means of financing of the facilities
21 described in (2) of this subsection, the anticipated sources of money
22 for completion of the facilities, the times at which the money shall be
23 provided, and the means by which borrowed money required to complete
24 the facilities shall be repaid; and

25 (5) any additional statements or documentation the corpora-
26 tion considers necessary or appropriate.

27 (b) The general development plan shall include a determination of

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

1 necessary for a functional state capital, with adequate provision for
2 future growth; and

3 (2) the minimum acreage of land to be set aside and allocated
4 for parks, lakes, recreation and open space use, which, when developed,
5 shall be accessible to the general public for its use and enjoyment.

6 (c) The corporation shall hold at least one hearing in each
7 judicial district of the state to receive comments from interested
8 parties on the general development plan proposed by the corporation.
9 Each hearing shall be held in a community of the state selected by the
10 board. Public notice of a hearing under this subsection shall be given
11 by the board by publication in a newspaper of general circulation in
12 the community.

13 (d) Following the completion of public hearings, the board shall
14 approve the general development plan. The plan may be approved with or
15 without amendment. The general development plan shall be approved by
16 at least two-thirds vote of the full membership of the board upon a
17 finding that the plan is in accordance with and furthers the purposes
18 of this chapter. The general development plan shall be submitted by
19 the board to the assembly of the Matanuska-Susitna Borough and becomes
20 effective only after review and comment by the assembly. The assembly
21 shall submit its comments on the general development plan to the board
22 not later than 60 days after submission of the plan to the assembly.

23 (e) Major amendments to the general development plan may be made
24 in accordance with the same procedure set out in this section for
25 approval of the plan. Minor amendments of limited application may be
26 made without following the procedure of this section. However, when
27 adopting a minor amendment, the board shall publish notice of the
28 proposed amendment which it considers appropriate and shall invite
29 written comments on the proposed amendment before its adoption. An

1 amendment to the general development plan becomes effective on the date
2 the corporation determines. However, a major amendment may not become
3 effective without prior review and comment by the Matanuska-Susitna
4 Borough in accordance with (d) of this section.

5 Sec. 44.07.131. SPECIFIC DEVELOPMENT PLANS. (a) The corporation
6 shall prepare one or more specific development plans for the new capital
7 site at Willow. A specific development plan shall include, but is not
8 limited to,

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

10 (2) a detailed and specific statement of the proposed uses
11 in the area to be developed, including proposed locations of all build-
12 ings and structures;

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

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

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

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

21 (7) any additional statements or documentation which the
22 board considers necessary or appropriate.

23 (b) A specific development plan shall be approved by the board.
24 A specific development plan becomes effective only after review and
25 comment by the assembly of the Matanuska-Susitna Borough. The assembly
26 shall submit its comments within 60 days of submission of the plan to
27 the assembly.

28 (c) Amendments to a specific development plan may be made accord-
29 ing to the procedure established in this section for approval of a

1 specific development plan.

2 (d) A specific development plan and amendments of a specific
3 development plan shall be recorded in the appropriate recording
4 district.

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

7 (f) Approval of a specific development plan is an amendment to
8 the relevant portion of the general development plan. A specific devel-
9 opment plan which constitutes a substantial change from the general
10 development plan is subject to the provisions applicable to amendments
11 to the general development plan under AS 44.07.121(d) and (e).

12 Sec. 44.07.141. CAPITAL COORDINATING COMMITTEE. (a) The Capital
13 Coordinating Committee is established. The Capital Coordinating Com-
14 mittee consists of the commissioners of transportation and public
15 facilities, public safety, health and social services, environmental
16 conservation, natural resources, fish and game, labor, commerce and
17 economic development, community and regional affairs, and a representa-
18 tive of the Office of the Governor.

19 (b) The chairman of the Capital Coordinating Committee is the
20 commissioner of transportation and public facilities.

21 (c) The Capital Coordinating Committee shall ensure that a request
22 for information or an application for permit which is made by the corpo-
23 ration as required by law or regulation or by municipal ordinance is
24 processed expeditiously.

25 (d) The corporation, or the Capital Coordinating Committee and
26 the corporation acting jointly, may propose to the governor any revision
27 of procedures, laws, or regulations which it or they believe are neces-
28 sary to expedite the corporation's work.

29 Sec. 44.07.151. RELATIONSHIP OF CORPORATION, STATE, AND MUNICI-

1 PALITIES. (a) In carrying out the purposes of this chapter, the
2 corporation shall work closely with and consult and cooperate with the
3 state, the Matanuska-Susitna Borough, and the new capital city, and
4 their departments, agencies, or instrumentalities.

5 (b) All state agencies and all municipalities may give the corpo-
6 ration any assistance which the agencies and municipalities are em-
7 powered to give, and may enter into agreements with the corporation.
8 When the board requests, a governmental entity may loan to the corpora-
9 tion an officer or employee of the governmental entity which the board
10 considers necessary to assist it in carrying out its functions and
11 duties under this chapter. An officer or employee loaned to the board
12 retains the status and rights of a public employee and is compensated
13 by the governmental entity which employs the officer or employee. The
14 governmental entity may continue to exercise all of its rights as the
15 employer of the employee loaned to the corporation.

16 (c) The corporation may enter into agreements with the new capital
17 city which provide that the new capital city furnish municipal services
18 for the new capital site.

19 (d) In implementing a development plan, the corporation may enter
20 into agreements with any public agency by which the public agency shall
21 furnish facilities or services necessary or desirable for the develop-
22 ment plan.

23 (e) The corporation, on its own behalf or in its own name on
24 behalf of any person performing work in connection with the general
25 development plan or a specific development plan, may, if it considers
26 it desirable, develop and maintain a facility procurement process
27 schedule. The facility procurement process schedule shall identify the
28 dates by which reviews and approvals by state agencies and issuance of
29 necessary permits must be completed in order to allow work to proceed

1 in accordance with the general development plan.

2 (f) The corporation may submit the facility procurement process
3 schedule maintained under (e) of this section to the Capital Coordinat-
4 ing Committee.

5 Sec. 44.07.161. ACQUISITION OF REAL PROPERTY. If the corporation
6 finds that it is necessary or convenient to acquire real property, or
7 an interest in it, located inside or outside of the new capital site at
8 Willow for the pupose of providing water, sewer, road, airport, or
9 other utility or facility for the new capital site at Willow for its
10 immediate or future use, the corporation may request the state, acting
11 on behalf of the corporation, to acquire the property in any lawful
12 manner including the exercise of the power of eminent domain.

13 Sec. 44.07.171. CAPITAL CITY REVOLVING LOAN FUND. (a) There is
14 established in the Department of Revenue the capital city revolving
15 loan fund. The fund shall be financed by appropriation.

16 (b) The commissioner of revenue may make loans from the capital
17 city revolving loan fund to the corporation to plan for and develop the
18 new capital site at Willow. Loans made from the capital city revolving
19 loan fund shall be subject to the terms and conditions agreed upon
20 between the commissioner of revenue and the corporation.

21 (c) By the 14th day of each legislative session the commissioner
22 of revenue and the corporation shall provide a joint report to the
23 legislature and to the governor. The report shall include a summary of
24 the loans made from the capital city revolving loan fund during the
25 previous year and the anticipated money necessary for operations of the
26 corporation in the next year.

27 (d) The corporation may also be financed by direct appropriation
28 from the legislature.

29 Sec. 44.07.181. DISPOSITION OF PROPERTY. (a) The corporation

1 shall adopt regulations for the sale, lease, or other disposal of
2 property under this chapter. After adoption of regulations and of one
3 or more specific development plans, the corporation may sell, lease, or
4 otherwise dispose of all or a portion of the property encompassed by
5 the plans to any person, either public or private, upon the terms and
6 conditions it determines. The corporation may sell, lease, or dispose
7 of land under this section only if the board specifically finds that
8 the terms and conditions of the sale, lease, or other disposal arrange-
9 ment are in substantial conformity with the specific development plan
10 or plans. Before the sale, lease, or other disposal of property by the
11 corporation, public notice of the intention of the corporation to
12 sell, lease, or dispose of land shall be given by publication of a
13 general description of the terms at least 30 days before the proposed
14 sale, lease, or disposal in a newspaper of general circulation in each
15 judicial district of the state, by public service announcements provided
16 to newspapers and radio and television stations in each judicial
17 district of the state, and by other publication and notice which the
18 board finds is reasonable and appropriate to inform the public of the
19 proposed sale, lease, or disposal.

20 (b) A sale, lease, or other disposal of property may be made under
21 a negotiated contract, agreement, or lease without public bidding or
22 public sale. A sale, lease, or disposal under a negotiated contract
23 shall contain terms the corporation determines to be necessary and
24 proper for the implementation of a specific development plan if

25 (1) public notice is given in accordance with (a) of this
26 section; and

27 (2) reasons for the waiver of public bidding and public sale
28 are approved by the board and are filed at least 10 days before the
29 sale with the commissioner of commerce and economic development.

1 (c) The real property in the new capital site at Willow is not
2 subject to the provisions of the Alaska Land Act (AS 38.05) or the
3 homesite entry provisions of AS 38.08.010 - 38.08.120.

4 Sec. 44.07.191. TRANSFER OF STATE-OWNED REAL PROPERTY. If a
5 majority of those voting on the proposition in the 1982 general election
6 approve the ballot proposition as provided in AS 44.06.196, the commis-
7 sioner of natural resources and any other state official having juris-
8 diction over the conveyance or transfer of state-owned land shall,
9 within 60 days after the written request of the chairman of the corpora-
10 tion, convey to the corporation all of the state land, including land
11 under water, lying within the new capital site at Willow. The transfer
12 and conveyance shall contain reservations required by federal law and
13 the state constitution.

14 Sec. 44.07.201. AUDIT OF THE CORPORATION BY LEGISLATIVE AUDITOR
15 AND LEGISLATIVE BUDGET AND AUDIT COMMITTEE. The legislative auditor
16 may examine all the accounts and books of the corporation and all other
17 records and papers relating to its financial standing. The Legislative
18 Budget and Audit Committee shall conduct an examination at least once
19 every two years. However, the Legislative Budget and Audit Committee
20 may accept an independent audit of the corporation by a certified
21 public accountant made at the request of the corporation in satisfaction
22 of the examination.

23 Sec. 44.07.211. TAX EXEMPTION. The corporation is a political
24 subdivision of the state. The assets, income, and receipts are exempt
25 from all taxes and special assessments of the state or a political
26 subdivision of the state. The interests of others in real or personal
27 property of the corporation is taxable by the Matanuska-Susitna Borough
28 and the new capital city to the extent authorized by law.

29 ARTICLE 3. CAPITAL CITY DEVELOPMENT OVERSIGHT COMMITTEE.

1 Sec. 44.07.221. CAPITAL CITY DEVELOPMENT OVERSIGHT COMMITTEE.

2 The Capital City Development Oversight Committee is established as a
3 permanent interim committee of the legislature. The establishment of
4 the committee recognizes the need of the legislature for review and
5 oversight of the planning and development of the new capital city.

6 Sec. 44.07.231. MEMBERSHIP. The committee is composed of eight
7 members, including the president of the senate, the speaker of the
8 house of representatives, one chairman of the senate finance committee
9 chosen by the president of the senate, the chairman of the house
10 finance committee, two members of the house of representatives ap-
11 pointed by the speaker of the house, and two members of the senate
12 appointed by the president of the senate. The membership from each
13 house must include a legislator who represents a district which in-
14 cludes the new capital site. The committee shall select its chairman.

15 Sec. 44.07.241. TERM OF MEMBERSHIP. (a) The committee shall be
16 organized within 15 days after the organization of each legislature.
17 Members of the committee serve for the duration of the legislature
18 during which they are appointed. If a member is reelected or his term
19 of office extends into the next succeeding legislature, he continues to
20 serve until reappointed or the appointment of his successor.

21 (b) When a member of the committee files a declaration of candi-
22 dacy for an elective office other than that of member of either house
23 of the legislature, and he has not resigned from membership on the
24 committee, his committee membership terminates on the date of filing.

25 Sec. 44.07.251. VACANCIES. When a vacancy occurs in the statutory
26 or appointive membership of the committee, the presiding officer of the
27 house incurring the vacancy shall choose a successor. If the office of
28 the president of the senate or speaker of the house of representatives
29 becomes vacant and a vacancy from the affected house occurs among the

1 membership of the committee, the remaining committee members from the
2 house incurring the vacancy shall appoint a new member.

3 Sec. 44.07.261. MEETINGS. The committee may meet during sessions
4 of the legislature and during the interim between sessions. The com-
5 mittee may meet at any time or place in the state as the chairman may
6 determine. Members of the committee may receive, for the minimum time
7 required to get to and from meetings and for the period while attending
8 meetings, the same travel and per diem allowances provided by law for
9 members of the legislature when attending sessions, except that members
10 of the committee receive no per diem during legislative sessions other
11 than the per diem allowance paid to other members of the legislature.

12 Sec. 44.07.271. POWERS. In addition to its powers and duties
13 under AS 44.07.111, the committee may

- 14 (1) organize and adopt rules for the conduct of its business;
- 15 (2) hold public hearings;
- 16 (3) require all state officials and agencies of state govern-
17 ment to give full cooperation to the committee or its staff in assem-
18 bling and furnishing requested information;
- 19 (4) prepare and distribute reports, memoranda, or other
20 materials;
- 21 (5) review all reports of the corporation and of the Legis-
22 lative Budget and Audit Committee relating to the corporation; and
- 23 (6) make recommendations to the legislature for legislative
24 action relating to the relocation, planning, and development of a
25 functional state capital in the new capital site at Willow.

26 Sec. 44.07.281. STAFF. The legislative finance division shall
27 provide reports and analyses requested by the committee. The committee
28 may hire the staff it considers necessary within the limit of the
29 budget approved by the legislature.

1 Sec. 44.07.291. DUTIES. The committee shall submit an annual
2 report to the legislature. The report shall include any considerations
3 the committee considers relevant to the planning and development of a
4 functional state capital in the new capital site at Willow and to the
5 performance of the corporation.

6 ARTICLE 4. GENERAL PROVISIONS.

7 Sec. 44.07.301. EXECUTIVE BUDGET ACT. The corporation is subject
8 to the provisions of the Executive Budget Act (AS 37.07).

9 Sec. 44.07.311. ANNUAL BUDGET. The board shall review and
10 approve, by a two-thirds vote of members of the board, the annual
11 operational and capital program and budget for the corporation and may,
12 by two-thirds vote and in accordance with AS 37.07, amend the program
13 and budget. Corporate funds may not be expended or borrowed except in
14 accordance with an approved annual operational or capital program and
15 budget. Corporate funds may not be expended except in accordance with
16 appropriations.

17 Sec. 44.07.321. ANNUAL REPORT. The corporation shall submit to
18 the governor and the Legislative Budget and Audit Committee, within
19 three months after the end of each fiscal year of the corporation, a
20 complete financial report audited by a certified public accountant or
21 firm of certified public accountants, which shows

22 (1) the receipts and expenditures of the corporation during
23 its fiscal year;

24 (2) the assets and liabilities of the corporation at the end
25 of its fiscal year, including a schedule of leases and mortgages and
26 the status of reserve, special, and other funds;

27 (3) the progress of fulfillment of the financial and economic
28 projections contained in the general development and specific develop-
29 ment plans; and

1 (4) the operations and accomplishments of the corporation
2 and any material problems encountered in implementing the development
3 plans.

4 Sec. 44.07.331. CONFLICTS OF INTEREST. (a) A director or
5 employee of the corporation may not participate in any decision of the
6 corporation in which the director or employee has a direct or indirect
7 financial interest.

8 (b) The executive director of the corporation and the directors
9 are subject to AS 39.50.

10 Sec. 44.07.341. LIMITATION OF LIABILITY. A person executing a
11 note of the corporation is not liable personally on the obligation by
12 reason of its issuance.

13 Sec. 44.07.351. TERMINATION OF THE CORPORATION. The corporation
14 terminates on

15 (1) the date on which the legislature determines that the
16 general development plan has been substantially implemented; or

17 (2) on the day the director of elections certifies that a
18 majority of those voting on the proposition in the 1982 general election
19 has rejected the ballot proposition submitted to the voters in accor-
20 dance with AS 44.06.196.

21 Sec. 44.07.500. DEFINITIONS. In this chapter, unless the context
22 requires otherwise,

23 (1) "basic development plan" means the plan prepared in
24 accordance with AS 44.07.111;

25 (2) "board" means the board of directors of the Alaska
26 Capital City Development Corporation;

27 (3) "committee" means the Capital City Development Oversight
28 Committee;

29 (4) "corporation" means the Alaska Capital City Development

1 Corporation established by AS 44.07.011;

2 (5) "facility" means any utility or infrastructure plant and
3 any system or improvement, including roads and public transportation
4 systems, parks and recreational facilities, water, sewer and drainage
5 systems, electric, telephone and other energy or communications systems
6 or utilities, and health, educational and community facilities;

7 (6) "functional state capital" means a city which has the
8 public buildings, public utilities, access roads, streets, and other
9 public facilities necessary for a seat of state government to accommo-
10 date the executive and legislative branches of state government, with
11 numbers and classifications of central state employees to be relocated
12 based on efficiency of state government without reducing unnecessarily
13 the numbers and classifications of state employees in Juneau;

14 (7) "general development plan" means a general land use and
15 land development plan for the new capital site at Willow prepared in
16 accordance with AS 44.07.121;

17 (8) "municipality" means a home rule or general law city or
18 borough including but not limited to the new capital city and a unified
19 municipality organized under AS 29.68.240 - 29.68.440;

20 (9) "new capital city" means the new city organized or to be
21 organized in the new capital site at Willow;

22 (10) "new capital site" or "new capital site at Willow" means
23 the area of land designated by the voters of Alaska as the new capital
24 site of the state in the 1976 general election;

25 (11) "public agency" means an officer, department, board,
26 commission, bureau, division, public corporation, agency or instru-
27 mentality of the state, the United States, or a municipality;

28 (12) "specific development plan" means a plan for the imple-
29 mentation of a phase or segment of the general development plan;

1 (13) "transitional period" means the period between the
2 effective date of this Act and the date on which the director of elec-
3 tions certifies the results of the 1982 general election.

4 * Sec. 3. AS 39.25.110 is amended by adding a new paragraph to read:

5 (26) officers and employees of the Capital City Development
6 Corporation.

7 * Sec. 4. AS 39.50.200(b) is amended by adding a new paragraph to read:

8 (44) Capital City Development Corporation (AS 44.07.011).

9 * Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:

10 (52) Capital City Development Corporation (AS 44.07.011).

11 * Sec. 6. The following laws are repealed: AS 44.07.010, 44.07.020,

12 44.07.030, 44.07.040, 44.07.050, 44.07.060, 44.07.070, 44.07.080, 44.07.090,
13 44.07.100, 44.07.110, 44.07.120, 44.07.130, 44.07.140, 44.07.150, 44.07.160,
14 44.07.170, 44.07.180, 44.07.190, 44.07.200, 44.07.210, 44.07.220, 44.07.230,
15 44.07.240, 44.07.250, 44.07.260, 44.07.270, 44.07.280, 44.07.290, 44.07.300,
16 44.07.310, 44.07.320, 44.07.330, 44.07.340, 44.07.350, and 44.07.360.

17 * Sec. 7. TERMS OF FIRST PERSONS APPOINTED AS MEMBERS OF THE BOARD OF
18 DIRECTORS OF THE CAPITAL CITY DEVELOPMENT CORPORATION AFTER THE TRANSITIONAL
19 PERIOD. The governor shall appoint the five members of the Board of Direc-
20 tors of the Capital City Development Corporation under AS 44.07.021(2)(G)
21 and the member to serve in place of the new capital city mayor under AS 44.-
22 07.021(F) as follows:

23 (1) one member shall serve a term of one year;

24 (2) one member shall serve a term of two years;

25 (3) one member shall serve a term of three years;

26 (4) two members shall serve terms of four years; and

27 (5) the person appointed under AS 44.07.021(2)(F) shall
28 serve a term of two years.

29 * Sec. 8. INITIAL MEETING OF BOARD OF DIRECTORS OF CAPITAL CITY DEVELOP-

1 MENT CORPORATION. The first meeting of the Board of Directors of the Capital
2 City Development Corporation shall be convened at a time and place designated
3 by the governor, and shall be held not later than 15 days after all members
4 of the board have been appointed by the governor.

5 * Sec. 9. INITIAL MEETING OF CAPITAL CITY DEVELOPMENT OVERSIGHT COM-
6 MITTEE. The first meeting of the Capital City Development Oversight Com-
7 mittee shall be convened at a time and place jointly designated by the
8 president of the senate and the speaker of the house on a date which is not
9 later than 15 days after the effective date of this Act.

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