

HB

602

HOUSE BILL NO. 603

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to relocation of the state capital: repealing and reenacting the law enacted by the initiative popularly known as the 'FRANK Initiative' to provide for the determination of the costs of capital relocation."

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

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 AS 44.06.196 is repealed and reenacted to read:

Sec. 44.06.196. CAPITAL RELOCATION EXPENDITURES. (a) Except for money used for planning, design, studies, and field investigations in accordance with the provisions of AS 44.06.200 -- 44.06.290, state money may be spent to relocate the state capital from its present location to the new capital site at Willow only after a majority of those voting on the proposition at the 1982 general election have approved a ballot proposition which includes the total cost to the state of providing for completion of relocation of a functional state capital at the new capital site at Willow as provided in this section.

(b) The ballot must contain an estimate from each of the branches of government of the number of central state employees reasonably expected to be relocated by it from Juneau and other existing, named locations to the new capital site at Willow and a breakdown of costs estimated by the commission for capital improvements, relocation of personnel and equipment, and indemnification under AS 44.03. The sum of the following, as estimated by the New Capital Site Planning Commission, shall be the costs submitted to the voters on the ballot proposi-

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Reiter

tion:

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

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

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

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

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

(6) the cost to the state of the elements set out in the detailed development plan described in AS 44.06.230, including payments deferred beyond the relocation completion date, to the extent those costs are not otherwise provided for in items (1) - (5) of this subsection; and

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

(c) The New Capital Site Planning Commission shall make the cost estimates provided in (b) of this section by updating its detailed development plan and cost estimates of March 15, 1978, to reflect the passage of time. In making its update, the commission shall revise those assumptions in the plan, if any, which are shown by substantial evidence to be erroneous and shall use the average rate of growth for central state positions and the average annual rate of inflation for

1 construction costs and for other costs for the preceding 10 years, tak-
2 ing into account any unusual growth or decline in growth caused by spe-
3 cial circumstances.

4 (d) The commission shall update its estimate of the net proceeds
5 (increased value less current value) reasonably expected to be received
6 from the disposal of land at the capital site through the relocation
7 completion date. The commission shall also estimate the costs for con-
8 struction of new or enlarged public facilities or new or expanded
9 leases at Juneau through the relocation completion date, based on the
0 state's past and current practice of providing public facilities at
1 Juneau, which may reasonably be expected not to be incurred by the
2 state, if the capital is relocated by the relocation completion date.
3 These costs and the net proceeds from land disposal, together with the
4 total costs of relocation, as estimated under (b) of this section,
5 shall be included in the explanation in the Official Election Pamphlet
6 (AS 15.58) of the proposition prepared under (a) of this section.

7 (e) In making its estimates, the commission shall neither over-
8 state nor understate the costs, but rather shall make the most realis-
9 tic estimates possible with the evidence available to it.

10 (f) The commission shall, on August 16, 1982, provide the legis-
11 lature, the governor, the lieutenant governor, the director of elec-
12 tions, and the public with its updated plan and a report setting out
13 the cost estimate required by this section and the number of central
14 government employees to be relocated from existing, named locations to
15 the new capital.

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

19 (h) In this section

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

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

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

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

Sec. 44.06.270. GENERAL DEVELOPMENT PLAN. (a) Simultaneously with the update of the basic development plan, the commission shall begin preparation of a general development plan and preparation of a specific development plan for the new capital site at Willow. To the extent that they are not adequately covered by the 1975 basic development plan prepared by the commission, the general development plan shall include, but is not limited to,

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

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

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

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

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

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

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

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

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

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

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

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

15 (e) Major amendments to the general development plan may be made
16 in accordance with the same procedure set out in this section for ap-
17 proval of the plan. Minor amendments of limited application may be
18 made without following the procedure of this section. However, when
19 adopting a minor amendment, the commission shall publish notice of the
20 proposed amendment which it considers appropriate and shall invite
21 written comments on the proposed amendment before its adoption. An
22 amendment to the general development plan takes effect on the date set
23 by the commission. However, a major amendment may not take effect un-
24 less it is reviewed by the Matanuska-Susitna Borough in accordance with
25 (d) of this section.

26 Sec. 44.06.280. SPECIFIC DEVELOPMENT PLANS. (a) After adoption
27 of the general development plan, the commission shall also prepare one
28 or more specific development plans for the new capital site at Willow.
29 A specific development plan includes, but is not limited to,

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

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

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

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

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

10 (6) a statement of the relationship between the specific de-
11 velopment plan and the general development plan; and

12 (7) any additional statements or documentation which the
13 commission considers necessary or appropriate.

14 (b) A specific development plan shall be approved by the commis-
15 sion. A specific development plan becomes effective only after review
16 and comment by the assembly of the Matanuska-Susitna Borough. The as-
17 sembly shall submit its comments within 60 days of submission of the
18 plan to the assembly.

19 (c) Amendments to a specific development plan may be made accord-
20 ing to the procedure established in this section for approval of a sp-
21 cific development plan.

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

24 (e) A specific development plan constitutes the controlling docu-
25 ment and land use plan for the area to be developed.

26 (f) Approval of a specific development plan is an amendment to
27 the relevant portion of the general development plan. A specific de-
28 velopment plan which constitutes a substantial change from the general
29 development plan is subject to the provisions applicable to amendments

Sec. 44.06.290. As used in AS 44.06.195 - 44.06.290, the word

"commission" means the New Capital Site Planning Commission.

* Sec. 3. FILLING VACANCIES IN COMMISSION MEMBERSHIP; MEETING. Within 15 days after the effective date of this Act, the governor shall fill any vacancies in the membership of the commission and shall call the first meeting of the commission.

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HOUSE BILL NO. 602

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWELFTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the relocation of the capital."

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

* Section 1. Within 15 days after the effective date of this Act, the governor shall select a certified public accountant from Anchorage and a certified public accountant from Fairbanks who together shall select a third certified public accountant, subject to the approval of the governor, and the three so selected shall jointly update the March 1978 report of the New Capital Site Planning Commission with respect to the total costs of relocating the capital from Juneau to Willow.

* Sec. 2. (a) In updating the report of the commission, the three certified public accountants shall

(1) consult with available members and former members of the commission to familiarize themselves with the work of the commission;

(2) examine and revise any assumptions made by the commission or contained in AS 44.06.230 which are shown by substantial evidence to be erroneous; and

(3) use the average annual rate of growth in numbers of central state positions and the average annual rate of inflation for construction costs and for other costs for the preceding 10 years, taking into account any unusual changes in the rates caused by special circumstances which are not likely to be recurring. Meetings of the three certified public accountants are subject to AS 44.62.310 - 44.62.312.

(b) The three certified public accountants shall neither overstate nor understate the costs, but rather shall make the most realistic estimates

possible with the evidence available to them.

* Sec. 3. On August 16, 1982, the three certified public accountants shall make a public report of the total updated costs to be paid for relocating the capital from Juneau to Willow.

* Sec. 4. The director of elections, using the total cost of relocating the capital as updated under sec. 2 of this Act by the three certified public accountants, shall place the following proposition on the ballot at the November 1982 general election:

I approve the expenditure of \$ _____ (total costs)
to create a new capital at Willow South to which a major-
ity of the state's central employees will be relocated.

YES _____

NO _____