

HB

23

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

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Representative Norman Rokeberg

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SECTIONAL ANALYSIS FOR CSHB 23() BY: Representative Norman Rokeberg

Title: An Act relating to construction of a legislative hall; and repealing provisions relating to relocating the capital, the legislature or any of the present functions of state government.

Changes in CS indicated in BOLD.

Section 1: Findings

Section 2: Specifications for Legislative Hall. ~~Directs~~ Legislative Council to develop specifications by December 15, 2006 for construction of new legislative hall. Sets forth that specifications must include at least the following space:

- Private office for each legislator and legislator's staff
- Larger private offices for Speaker of House and Senate President
- Chamber for each body with electronic voting boards and other appropriate equipment and galleries to accommodate 150 people in addition to media
- Private lounge for legislators, on same floor as chambers, with cooking facilities
- 18 committee rooms, with space for committee staff, 11 committee members, and at least 75 public members
- Suite of office space for Governor, Lt. Governor, and Commissioners for their use when they visit legislative hall
- One courtroom and adequate offices for judicial officers of the Supreme Court and staff
- One photocopy service room on each floor
- Public lounge and restaurant
- Pooms for security staff, documents, and supplies
- Office space for each agency of legislative branch that Council determines should be located with the legislature
- Office space for Senate Secretary and House Clerk
- Print Shop
- Maintenance Shop

- Media office
- Area adequate for electronic technology and telecommunications equipment and cabling
- Rotunda or atrium for public meetings, celebrations and events
- Facilities for display of Alaska historical exhibits and artifacts
- Documents room
- Press room with space to rent to press groups
- Adequate and efficient restrooms on each floor

Parking must also be addressed and must include at least the following:

- Covered parking for 75 vehicles on site of legislative hall
- Parking for at least 300 vehicles on site or adjacent to hall
- Covered walkways from parking areas to hall
- Parking area for an additional 150 vehicles near hall
- Total parking space must equal or exceed amount in **International Building Code** that is current on the date specifications are completed

Section 3: Proposals for Legislative Hall. May be submitted by boroughs or unified municipalities with a population of at least 30,000.

- Must include details regarding financing of project and terms on which hall will be made available to legislature
- Lease payments by legislature may not be in excess of \$1
- Hall must be completed before June 30, 2009

Proposal evaluation shall also consider:

- Availability of basic utility services
- Adequate airport access
- Adequate road or weekly winter ferry service
- Adequate health, education and social service facilities
- Adequate housing opportunities

Section 4: Selection of a Proposal. Council must select or reject all proposals by June 30, 2007. If proposal selected, Council will enter into contracts, leases, etc. If proposal includes a site wholly or partially on state land, Council shall take all actions to arrange for transfer of land to municipality at no cost. AS 36.30.020 and AS 35.05.010 do not apply to this Act.

Section 5: Repeals the provisions of the Frank Initiative.

Section 6: Transition. The Second Regular Session of 26th Legislature and all thereafter shall convene in the hall. The Revisor shall propose legislation making all changes to statutes necessary to conform to this section.

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Representative Norman Rokeberg

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MEMORANDUM

To: Representative Paul Seaton, Chairman
House State Affairs Committee

cc: House State Affairs Committee

From: Representative Norman Rokeberg

Date: March 21, 2006

Re: HB 23: Construction of a Legislative Hall

A handwritten signature in black ink, appearing to read "Norman Rokeberg".

Attached please find two Legislative Legal opinions on the FRANK initiative and its relationship to HB 23. As you can see from the opinions from Tam Cook, the FRANK initiative must be addressed.

The initiative is so cleverly written, that I believe that the citizens of Juneau have used it to hold the legislature and the Capital hostage. A literal interpretation of the initiative would require a vote of the people even if the capitol building were to be destroyed by fire, in my opinion. However, Ms. Cook opines that relocation within Juneau may not require a vote.

I have also attached for the committee's information a copy of an Attorney General's opinion on "bondable costs." The opinion concludes, "all costs which could legally be covered by a bond issue must be placed on the ballot and approved before money is expended on the move." In other words, the issue must be on two ballots (#1-all bondable costs and #2-the bonds themselves) and includes such items as all private housing, retail, commercial and industrial buildings, utilities, streets, bridges, roads, government buildings, and the Capitol building. The Attorney General stated: \$1.441 billion (in 1978 dollars) might be insufficient for the capital relocation to proceed.

I look forward to another bill hearing on HB 23 at your earliest convenience.

LEGAL SERVICES

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Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 13, 2006

SUBJECT: Construction of a legislative hall (CSHB 23(); F version)

TO: Representative Norman Rokeberg
Chair of House Rules Committee
Attn: Heather Nobrega

FROM: Tamara Brandt Cook
Director *TBC*

The draft bill referred to above repeals AS 44.06.050 - 44.06.060, the FRANK initiative. You ask about the affect of those sections if a version of HB 23 is enacted without the repeal. Although I am not convinced that the substantive provisions carry out the purpose, the purpose of the FRANK initiative as stated in AS 44.06.050 suggests that those provisions would apply to construction of a legislative hall under HB 23:

Sec. 44.06.050. Purpose of AS 44.06.050 - 44.06.060. The purpose of AS 44.06.050 - 44.06.060 is to guarantee to the people their right to know and to approve in advance all costs of relocating the capital or the legislature; to insure that the people will have an opportunity to make an informed and objective decision on relocating the capital or the legislature with all pertinent data concerning the costs to the state; and to insure that the costs of relocating the capital or the legislature will not be incurred by the state without the approval of the electorate.

Under AS 44.06.060 the legislature is required to establish a commission, appointed by the governor and confirmed by the legislature, "to determine costs required by initiatives or legislative enactments authorizing relocation of any of the present functions of state government." Aside from the fact that the provision appears to be overly broad, note that the commission would not be required to be established until after enactment of HB 23. (Alaskans for Efficient Government v. Knowles, 91 P.3d 273 (Alaska 2004)) A commission has never been established.

The commission is required under AS 44.06.055 to "determine all bondable costs and total costs including, but not limited to, the costs of moving personnel and offices to the relocation site; the social, economic, and environmental costs to the present and relocation sites; and the costs to the state of planning, building, furnishing, using and financing facilities at least equal to those provided by the present capital city." However, much of this effort would, apparently, be for information purposes only. The only substantive direction is that state money not be spent to relocate the capital or the

Representative Norman Rokeberg

January 13, 2006

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legislature until "after a majority of those voting in a statewide election have approved a bond issued that includes all bondable costs to the state of the relocation of a functional state legislature or capital to the new site over the twelve-year period following such approval." To the extent that it is contemplated that general obligation bonds would provide the funding as has been the case in past capital relocation efforts, a vote of the people is required in any case under Art. IX, sec. 8 of the state constitution and use of the bond money is limited to "capital improvements." How the legislative hall would be financed and to what extent, if any, state money would be used is left open in HB 23, except that lease-financing is foreclosed as any lease payment may not exceed \$1 a year. The financing issue is to be resolved as part of the proposal process.

The foregoing demonstrates that it will be far from clear how the FRANK initiative provisions will apply if HB 23 is enacted and those provisions are not repealed.

It is also possible that key provisions of the FRANK initiative would be found to be unconstitutional, and, therefore inapplicable, should the enactment of HB 23 result in legal challenge, which would almost certainly be the case. For example, it can be urged that the constitutional power of appropriation cannot be restrained as is done under the initiative, that the legislature cannot be forced to establish the commission because it cannot be forced to enact law, and that the expenditure of state money cannot be made subject to voter approval except as constitutionally required with respect to acquisition of state debt under Art. IX, sec. 8.

In the alternative, a court faced with the problem of applying the FRANK initiative after HB 23 is enacted might conclude that HB 23 itself suspends application of provisions of the initiated law by implication.

It short the situation will be legally confused and messy should HB 23 be enacted without addressing in some way the FRANK initiative. The three alternatives I can think of are:

- (1) include an exemption in HB 23 from application of the provisions of the FRANK initiative;
- (2) amend the FRANK initiative in some way to make its application clear and to remove potential constitutional issues; or
- (3) repeal the FRANK initiative.

By way of observation, the common definition of "capital" is the location where the legislature meets. While HB 23 is designed to move the legislature, not the capital, if the legislature moves it is hard to imagine in what sense Juneau would still be the capital under AS 44.06.010. The Supreme Court in construing Art. XV, sec. 20 of the state constitution has already determined that the location of the state capital is subject to change by law enacted by the legislature or through initiative. (Starr v. Hagglund, 374 P.2d 316 (Alaska 1962)) None of the alternatives for dealing with the FRANK initiative I mention will prevent enactment of a new initiative.

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MEMORANDUM

January 25, 2006

SUBJECT: Construction of a legislative hall (CSHB 23(); F version)

TO: Representative Norman Rokeberg
Chair of House Rules Committee
Attn: Heather Nobrega

FROM: Tamara Brandt Cook
Director *TBC*

If the capitol building is destroyed or damaged by fire or a natural disaster, would the people of Alaska have to vote before we could rebuild the capitol building? Do they have to vote before we could even set up a temporary location?

Your question has to do with whether the FRANK initiative applies to a situation involving a move from the capitol location to another location in the capital city. The initiative language is ambiguous on that point. AS 44.06.050 and AS 44.06.055 speak in terms of the relocation of the legislature without specifically limiting the application of those provisions to the relocation of the legislature to a place outside of the capital city. Thus, taken literally, the language would apply to the relocation of the legislature from the current capitol building to another place within the capital city as well as to the relocation of the legislature to a place outside of the capital city. *[*]*

However, both of those sections also address the relocation of the capital itself, which, of course, can only involve a change from Juneau to another place outside of Juneau. Therefore, in context, I think it likely that a court would decide that the FRANK initiative does not apply to a relocation of the legislature from one place to another within the capital city. This result is especially likely if, as a factual matter, the capitol building is damaged and becomes unavailable. The court has considered the application of the FRANK initiative in only one case, and the issue of its applicability to relocations within the capital city itself did not come up. (Alaskans for Efficient Government, Inc. v. Knowles, 91 P.3d 273 (Alaska 2004))

TBC:med
06-072.med

6 of 6 DOCUMENTS

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF ALASKA

[NO NUMBER IN ORIGINAL]

1978 Alas. AG LEXIS 527; 1978 Op. Atty Gen. Alas. No. 9

February 16, 1978

TYPE: FORMAL OPINION

SYLLABUS:

[*1]

Re: Capital Move Initiative Petition

REQUESTBY:

The Honorable Hugh Malone
Speaker of the House
The Honorable John Rader
President of the senate
Tenth Alaska State Legislature
Pouch V
Juneau, Alaska 99811

OPINIONBY:

Avrum M. Gross, Attorney General

OPINION:

You have asked that we review the initiative petition entitled, "An Act Relating to the Relocation of the Capital of Alaska," and advise you as to any legal issues which might affect present legislative action on the subject. You have also asked specifically for our opinion on the status of a bond issue for capital move costs placed on the status of a bond issue for capital move costs placed on the ballot this year and approved by the voters if the amount of that authorization is less than all bondable costs of the capital relocation through the year 1992. That question has pertinence since the initiative, if adopted, would require that "all bondable costs" of the move through 1992 be placed on the ballot and approved before any state money is expended to relocate capital facilities.

The language of the initiative provides in part:

Section 2. CAPITAL RELOCATION EXPENDITURES. State money may be expended to relocate physically the present functions of [*2] the state government, including but not limited to, the legislature, the governor's office and all offices of the heads of the principal departments from their present location only after a majority of those voting in a statewide election have approved a bond issue which includes all bondable costs of the relocation to the State through the year 1992, as determined by a commission created by the legislature to plan the relocation. In determining the bondable costs to the State the commission shall also determine the total costs to the State. Those costs shall include, but not be limited to, the costs of moving personnel and offices to the relocation site; the social, economic and environmental costs to the present and relocation sites; and, the cost to the State of planning, building, furnishing, using and financing a new capital city having facilities equal to those provided by the present capital city and those required by the 1974 Capital Move Initiative. (emphasis supplied)

The threshold question is the meaning of the requirement that all "bondable costs" be approved by the electorate before any money is spent to physically relocate the capital. The phrase "bondable costs" [*3] is not defined in the initiative except as it is qualified by the phrase "as determined by a commission created by the legislature to plan the

relocation." The inquiry, then, must focus on the meaning of the phrase "bondable costs" and, as a related matter, the role of the commission in determining those costs.

n1 While the initiative does not specifically refer to the present Capital Site Planning Commission, that body is "a commission created by the legislature to plan the relocation" and could perform whatever administrative functions are required by the initiative.

It is our view that the term "bondable" has an established meaning in law; that pursuant to the established definition, all costs which could legally be covered by a bond issue must be placed on the ballot and approved before money is expended on the move; and that the commission's role in the process is basically one of assigning costs to those items which under law are "bondable." Assuming passage of the initiative, the commission of the legislature would not have authority to determine what portion of a total amount of possible bondable items should be placed before the voters, but instead would be obligated [*4] to establish and place before the electorate all bondable costs, regardless of what method is ultimately used to finance the move. It is also our opinion that if less than the full amount of "bondable costs" were placed upon the ballot and approved and the initiative was approved at the same time, the proceeds from the sale of bonds could not be expended to relocate the capital until the total of the bondable costs of the move were approved by the voters in a subsequent election.

I. The Meaning of the Term "Bondable Costs."

The natural point of commencement in determining the meaning of "bondable costs" is the dictionary. The word "bondable" is composed of the word "bond" and the suffix "-able." Webster's Third New International Dictionary defines the suffix "-able" as "capable or worthy of being acted upon." The term "bondable," then, is properly defined as "capable of being bonded." That, in turn, focuses the inquiry on what costs under law are "capable of being bonded." n2

n2 There are, of course, two types of bonds; revenue bonds or general obligation bonds. The latter involve the credit of the state, may only be issued for specified purposes and require voter approval. Alas. Constitution, Art. IX, § 8. Revenue bonds may be issued for any purpose and do not require voter approval. Art. IX, § 11. Since revenue bonds could be issued to finance the total costs of the capital move, and since the initiative clearly refers to "bondable costs" as an item distinguishable from the "total costs" of the move, it appears obvious that the "bondable costs" referred to in the initiative are costs which may be funded with the proceeds of general obligation bonds. This conclusion is reinforced by the fact that the initiative requires voter approval of "bondable costs," a requirement which is normal for general obligation bonds but nonexistent for revenue bonds. The focus of this opinion, then, will be to define those costs for which general obligation bonds may be issued.

The Alaska Supreme Court has analyzed this issue in some depth in *City of Juneau v. Hixson*, 373 P. 2d 743 (Alas. 1962). Much of our analysis here is derived from that opinion. Hixson analyzed the constitutional authorization for municipalities to issue general obligation bonds, but it is clear from the opinion that a similar analysis is applicable to the issuance of bonds by the state. n3

[*5]

n3 Article IX, Section 8, of the Alaska Constitution provides that "no state debt shall be contracted unless authorized by law for capital improvements . . ." That language has been described by the Supreme Court in *Hixson* as a "similar restriction" to that which applies to municipalities.

The relevance of *Hixson* is emphasized by the history of those provisions in the Alaska Constitution that refer to state and municipal debt. As originally proposed to the Constitutional Convention, the article on finance and taxation placed legal restrictions on the debts of the state and its political subdivisions in a single section, with the same restrictions applicable to both. 6 MINUTES, ALASKA CONSTITUTIONAL CONVENTION (hereafter, MINUTES) App. V, p. 107 (1956). But the juxtaposition in a single section led to confusion, e.g., would a state law have to be enacted to authorize local bond issues? To avoid this confusion, and for no other reason, the two were placed in separate sections. 4 MINUTES 2420-2433, 2440-2441 (1956). Subsequent changes in style were not changes in substance. 5 MINUTES 3402-3403 (1956). There can, therefore, be no question that the *Hixson* analysis [*6] of what is "bondable" for municipalities also governs the issue of bonds by the state.

In *Hixson*, the court reviewed the history of legal authorizations to incur bonded indebtedness. That review commenced

with a 1936 Act of Congress that authorized municipal corporations in the Alaskan territory to incur bonded indebtedness to "construct, improve, extend, better, repair, reconstruct or acquire public works of a permanent character . . ." "Public works" as used in the act included but was not limited to "streets, bridges, wharves, and harbor facilities, sewers and sewage-disposal plants, municipal buildings, schools, libraries, gymnasias and athletic fields, fire houses, and public utilities." Act of May 28, 1936, ch. 467, 49 Stat. 1388, 48 U.S.C.A. § 44a (1952). This authorization for bonded indebtedness remained in force until the Alaska Constitution was adopted. Section 9 of Article IX of that Constitution prohibited the contracting of debt by any political subdivision except for "capital improvements." Capital improvements were not defined in the Constitution, nor were examples provided. However, soon after the adoption of the Constitution, the Alaska Legislature authorized [*7] the issuance of municipal bonds for "public works and capital improvements." The legislature included as examples the same list contained in the original Congressional act, except that "off-street parking facilities" were added. ch. 167, SLA 1959. Then, in 1960, the legislature amended ch. 167 and authorized municipal corporations to incur bonded indebtedness for "public works or facilities of a permanent character." The same list of examples was included, with the addition of "real property and improvements and facilities thereon for such uses and purposes as are authorized by law." ch. 185, SLA 1960.

In the view of the Alaska Supreme Court, the term "capital improvements" found in the Alaska Constitution was meant to be a "better generic term" for all the kinds of projects for which municipalities were authorized to issue bonds prior to statehood. In the words of the Court,

"We believe 'capital' was used in the sense in which it is associated with assets in the form of real or personal property and that it was intended to connote a degree of permanency. We believe that it includes the 'public works of a permanent character' such as 'streets, bridges, wharves and harbor facilities, [*8] sewers and sewage-disposal plants, municipal buildings, schools, libraries, gymnasias and athletic fields, fire houses, and public utilities' as mentioned in the original act of Congress. It includes 'off-street parking facilities' and 'public works or facilities of a permanent character' as provided in recent acts of the state legislature. We believe that in selecting the term 'capital improvements' the convention had in mind that it was including all the projects just mentioned which had historically been associated with municipal bonding, but under a better generic term — one which did not require illustration by actually listing the type projects that were considered to be included within its meaning and stating that the list itself was not exclusive as was done in the original act of Congress." *Hixson, supra, at 747.*

The phrase "bondable costs," then, has an established legal meaning. The state may finance through bonds capital assets of a permanent character, which at the least will include all public works such as streets, bridges and the other types of permanent improvements mentioned in *Hixson* and the legislation referred to in that opinion.

While much of the [*9] cost for the capital move is for state-owned public works such as the capital complex, a substantial portion of the costs will be for public works which will not be retained in state ownership but rather will be transferred to the new capital city or to a public utility, e.g., streets, waterworks, electrical systems, libraries, municipal office buildings, sewers, and the like. We do not view the subsequent transfer of these facilities from state ownership as removing their cost from the coverage of the term "bondable costs." The practice of using the state's borrowing power to finance the construction of public works to be turned over to local governments is well established in Alaska. Some relatively recent examples include the flood control project at Fairbanks and many of the small boat harbors which were the subject of the court's interest in *Gellert v. State*, 522 P. 2d 1120 (Alas. 1974). No one has even seriously questioned that these projects were subject to bonding by the state. The state finances the construction of local service roads with bonds, e.g., ch. 247, § 2(3), SLA 1976, and the roads are then turned over to local governments under AS 19.30.151. A [*10] similar situation exists in the case of housing for senior citizens, ch. 239, SLA 1976, turned over to municipalities under AS 18.100, and of Fire Fighter Training Centers. Ch. 124, SLA 1976. And, of course, the most recent, multi-million dollar bond issue for schools includes many projects which are municipally owned. ch. 131, SLA 1976. It seems settled that bondability is limited solely by the twin dictates that the debt be incurred for a capital improvement, *City of Juneau v. Hixson, supra*, and for a public purpose. *De Armond v. Alaska State Development Corp.*, 376 P. 2d 717 (Alas. 1962); *Wright v. City of Palmer*, 468 P. 2d 376 (Alas. 1970). Accordingly, the costs of constructing streets, sewers, roads, waterworks, libraries, fire houses, electrical systems, off-street parking, and the like which will be turned over to the new capital city or a public utility are "bondable costs" within the meaning of the initiative.

An additional component of the cost of the capital move is for private facilities such as housing, industrial and commercial facilities, and the like. Under the plan submitted by the Capital Site Planning Commission, these facilities will not be financed [*11] with general obligation bond proceeds, but that fact, as previously noted, does not in

itself control the issue of whether those costs are "bondable." While the practice of using general obligation bonds to finance the costs of capital improvements for ultimate transfer to private persons is not well established, it does have precedent in Alaska. In 1970, for instance, the legislature passed and the governor approved a bond issue in the amount of \$3,000,000 for "remote housing," ch. 180, SLA 1970. Since furnishing decent housing clearly has a public purpose, *Bridges v. ASHA*, 375 P. 2d 696 (Alas. 1962), and it is self-evident that housing would fall into the category of capital improvements, it appears fairly certain that the state could finance the construction of housing in the new capital with general obligation bonds. The cost of such housing, then, is "bondable." And the same analysis would be applicable to the costs of developing commercial, business and industrial facilities. *Wright v. City of Palmer*, 468 P. 2d 326 (Alas. 1970). We do not say that the framers of the initiative sought this result, or that a court would subsequently interpret the initiative in [*12] this broad fashion, but as a matter of literal interpretation even the cost of private facilities may be "bondable."

n4 The Commission has indicated that public funds may be required to directly fund the initial construction of private housing, though it does not suggest that bonds be the source of those monies. Capital Site Planning Commission Report, pp. 79-80.

Since the phrase "all bondable costs" does have an established definition, the question is immediately posed as to what is meant in the initiative when the "commission created by the legislature" is given the authority to "determine" those "bondable costs." There are basically two options. The commission may have the authority to decide what items should be funded by bond issues rather than paid for through other means. Alternatively, the commission may be authorized to perform a different function — that of identifying those items which under law are "bondable" and then using its best judgment in determining the dollar amount of bonds which would be required to pay for those items. In our view, the second option is clearly the proper choice.

The basis for this choice may be first demonstrated by reference to [*13] the wording of the initiative. Suppose the commission were to determine that two billion dollars worth of costs for the new capital city were capable of being bonded, or "bondable," but further were to decide that in its view only one billion of those costs should be bonded and the other billion financed through some other means. If the legislature subsequently placed only the lesser amount before the voters, the electorate would then not be voting on all costs that were "bondable," but only a portion of those costs. If the authors of the initiative had meant to give the commission the type of discretion which would have permitted it to reduce "bondable costs," the initiative could have said so in clear terms. But instead, the initiative uses the phrase "all bondable costs" without limitation, and obligates the commission to determine those costs.

If the commission or the legislature did have the discretion to reduce the total amount of "bondable costs" which were to be placed before the voters, that discretion might well frustrate the clear intent of the initiative. The obvious purpose of this initiative is to place before the voters the maximum debt of the state [*14] that could be created by the move of the capital, and to have that maximum amount authorized by the voters prior to starting forward with the physical move. Once the maximum amount that could be bonded is authorized, it is not necessary that the full amount of bonds be sold — a portion of the move could be otherwise financed — but an authorization for the maximum possible amount of bonded indebtedness must come first.

An alternative interpretation could lead to the very piecemeal financing the initiative is aimed to prevent. Assume, for instance, that the commission determined that two billion dollars of the move costs were "bondable" and further decided that only one billion dollars should be placed on a bond issue, the remaining billion for capital improvements to be financed through development corporation bonds or direct legislative appropriation. Suppose further that the one billion dollars of bonds were authorized by the voters, and then at a later time the development corporation sought to independently raise the other billion dollars, as contemplated by the initial finance plan. Suppose further that the development corporation is unsuccessful in raising the required [*15] amount, or the legislature refuses to agree to a direct appropriation, if that is the route selected. The state would then have spent the first billion dollars of the bond issue, and would have to go again to the voters for the second billion dollars. The result of this process would be that the voters, having approved a billion dollar bond issue under the assumption that it was the full amount of "bondable costs," would then face a half completed city and a second bond issue for another billion dollars, facing then the choice of whether to abandon the project or authorize the second bond issue. This, it appears clear, is exactly what this initiative is meant to prevent. If the capital is to move, this initiative seeks to afford voters the opportunity to decide at the very outset whether they wish to approve the maximum amount of debt that the state could accrue during the project. If they choose to do that, alternate methods may subsequently be used to finance the move, but if those methods are unsuccessful, at least the voters will have initiated the project with full knowledge of the ultimate debt that could be incurred.

It is therefore our conclusion that the function [*16] of the commission is to determine all those costs which could be bondable under Alaskan law. That total amount must be approved by the voters before any money may be spent for the physical relocation of the capital. In reaching that amount, the commission and the legislature when it deals with the commission's recommendations will have reasonable discretion in projecting the amounts required to construct the bondable facilities but not in determining the types of items which are bondable. There will obviously be substantial debate over what amount will be required to build a public facility in, say, 1988, and some group must determine that amount for the purpose of fixing the total bond issue. That is the discretion accorded to the commission and the legislature. They do not, on the other hand, have discretion to decide whether or not a public work to be built in 1988 is bondable. That is a legal question. If it is capable of being funded by a bond issue, it must be included in the bond package. n5

n5 Our interpretation here is based on the legal definition of "bondable" as it can be inferred from cases, bond laws, the Constitutional Convention and custom. To be effective, of course, the initiative must be approved by the electorate, and their understanding of the term "bondable costs" will be of relevance in any future judicial analysis. 2A SUTHERLAND, STATUTES AND STATUTORY CONSTRUCTION § 48.19 (Sands ed. 1973). Many items will go to make up that popular understanding, including the campaign for the initiative, this opinion, and other extrinsic aids that may appear before the election. The words of the initiative, however, will be of major controlling impact, whatever can subsequently be made of voter "understanding." See *Starr v. Hugglund*, 374 P. 2d 316 (Alas. 1962).

[*17]

Having stated that much, it seems appropriate that we at least outline to you those costs estimated by the Capital Site Planning Commission which in our view are "bondable." The magnitude of those costs is obviously subject to debate. At the one extreme, it is arguable that all of the capital costs for the entire project are subject to bonding whether the facilities constructed are ultimately publicly or privately owned. Those capital costs would include not only public works, but money for the construction of public and private housing, office buildings, retail and commercial establishments and similar facilities. The state could construct all these facilities as an initial matter, and if it did, the funds expended would clearly be (1) for capital improvements and (2) for a public purpose. An argument could therefore be made that the dual test of "bondable costs" would have been met, and that all of the total capital costs, public and private, would have to be placed on the bond ballot. Such an interpretation would require a bonding authorization in the approximate amount of 4.027 billion dollars.

The minimum authorization which could conceivably cover "all bondable costs" [*18] would be that required to pay for the construction of all public works and facilities, both those to be permanently owned by the state and those which are later to be turned over to the new municipality. These would be the more traditional "bondable costs" for utilities, roads, schools, state buildings and the like. According to the finance plan presented by the Capital Site Planning Commission, those costs would be in the neighborhood of 1.441 billion dollars.

A third possibility is that a court would ultimately interpret "all bondable costs" to lie somewhere within these two extremes. Housing, as we have mentioned, has in times past been treated as a bondable item in this state. It is possible that courts might ultimately insist that at the least the public housing, and possibly the private housing as well, be included within the bonding authorization.

It is difficult to advise you with any certainty as to a sound legal course if the legislature desires to avoid possible future conflict with the initiative. We can say that if the legislature were to put an authorization for 4.027 billion dollars on the ballot and it were subsequently adopted along with the initiative, no conceivable [*19] conflict could arise. We can also say that if the legislature places an authorization of less than 1.441 billion dollars on the ballot and the initiative is contemporaneously passed, the full amount of "bondable costs" will not have been authorized and the capital move will not be able to proceed. Between those two extremes there is real doubt. Our best opinion is that courts would probably not require an authorization beyond the 1.441 billion since, even though such costs might be legally "bondable" under the broadest interpretation of law, they are not traditionally bonded. As a general matter, bonds are used to finance public works, and in Alaska there appear to have been only very limited instances of bonding for facilities ultimately to be placed in private hands. Since statutes (enacted by initiative or otherwise) are interpreted according to the commonly understood meaning of their terms n6, we assume courts will look to the traditional use of the bonding power in analyzing this initiative. We stress, though, that the question is not free from doubt.

n6 See 2A SUTHERLAND, STATUTES AND STATUTORY CONSTRUCTION § 47.28 and cases cited

(Sands ed. 1973).

II. The Effect [*20] of Passage of the Initiative at the Same Time as a Bond Issue for Less Than the Full Amount of Bondable Costs.

You have asked what will occur if less than the full bondable costs are placed before the voters at the same time as the initiative and both are adopted. In such an event, there would be in effect (1) an authorization to sell bonds to finance a portion of the bondable costs for the project and (2) a legal requirement that no money be spent for the physical move until all of the bondable costs are approved in a subsequent bond issue.

When two statutes dealing with the same subject are enacted together, general rules of statutory interpretation require that insofar as possible they be read in harmony. 2A SUTHERLAND, STATUTES AND STATUTORY CONSTRUCTION ch. 51 (Sands ed. 1973). In this situation, harmonizing the two provisions means that both must be given legal effect. That can easily be done.

There is nothing truly inconsistent about passage of the initiative and passage of a bond authorization for less than the full costs of the move, anymore than if the legislature had passed any program authorization containing a provision that the program not be initiated [*21] until funding was complete, and then had failed to pass the full funding. n7 If the initiative and the incomplete bond authorization pass at the same time, there will have to be a second bond election at the legislature's discretion to approve the remainder of the "bondable costs." At such time as the election is held and the authorization completed, the capital move may proceed, but not before.

n7 There are, of course, numerous instances of the legislature authorizing programs and then failing to provide the funding to carry out the program until a later date. In such cases, as here, the authorizing legislation remains in effect but may only be implemented after subsequent funding.

We trust this opinion has been directed toward your major concerns over the initiative. If you have further questions, please do not hesitate to raise them and we will be happy to discuss them with you.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

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LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
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Representative Norman Rokeberg

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SECTIONAL ANALYSIS FOR CSHB 23()

BY: Representative Norman Rokeberg

Title: An Act relating to construction of a legislative hall; and repealing provisions relating to relocating the capital, the legislature or any of the present functions of state government.

Changes in CS indicated in **BOLD**.

Section 1: Findings

Section 2: Specifications for Legislative Hall. Directs Legislative Council to develop specifications by December 15, 2006 for construction of new legislative hall. Sets forth that specifications must include at least the following space:

- Private office for each legislator and legislator's staff
- Larger private offices for Speaker of House and Senate President
- Chamber for each body with electronic voting boards and other appropriate equipment and galleries to accommodate 150 people in addition to media
- Private lounge for legislators, on same floor as chambers, with cooking facilities
- 18 committee rooms, with space for committee staff, 11 committee members, and at least 75 public members
- Suite of office space for Governor, Lt. Governor, and Commissioners for their use when they visit legislative hall
- One courtroom and adequate offices for judicial officers of the Supreme Court and staff
- One photocopy service room on each floor
- Public lounge and restaurant
- Rooms for security staff, documents, and supplies
- Office space for each agency of legislative branch that Council determines should be located with the legislature
- Office space for Senate Secretary and House Clerk
- Print Shop
- Maintenance Shop

- Media office
- Area adequate for electronic technology and telecommunications equipment and cabling
- Rotunda or atrium for public meetings, celebrations and events
- Facilities for display of Alaska historical exhibits and artifacts
- Documents room
- Press room with space to rent to press groups
- Adequate and efficient restrooms on each floor

Parking must also be addressed and must include at least the following:

- Covered parking for 75 vehicles on site of legislative hall
- Parking for at least 300 vehicles on site or adjacent to hall
- Covered walkways from parking areas to hall
- Parking area for an additional 150 vehicles near hall
- Total parking space must equal or exceed amount in **International Building Code** that is current on the date specifications are completed

Section 3: Proposals for Legislative Hall. May be submitted by boroughs or unified municipalities with a population of at least 30,000.

- Must include details regarding financing of project and terms on which hall will be made available to legislature
- Lease payments by legislature may not be in excess of \$1
- Hall must be completed before June 30, 2009

Proposal evaluation shall also consider:

- Availability of basic utility services
- Adequate airport access
- Adequate road or weekly winter ferry service
- Adequate health, education and social service facilities
- Adequate housing opportunities

Section 4: Selection of a Proposal. Council must select or reject all proposals by June 30, 2007. If proposal selected, Council will enter into contracts, leases, etc. If proposal includes a site wholly or partially on state land, Council shall take all actions to arrange for transfer of land to municipality at no cost. AS 36.30.020 and AS 35.05.010 do not apply to this Act.

Section 5: Repeals the provisions of the Frank Initiative.

Section 6: Transition. The Second Regular Session of 26th Legislature and all thereafter shall convene in the hall. The Revisor shall propose legislation making all changes to statutes necessary to conform to this section.

CS FOR HOUSE BILL NO. 23()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Referred:

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to construction of a legislative hall; and repealing provisions relating to**
2 **relocating the capital, the legislature, or any of the present functions of state**
3 **government."**

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

5 *** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 **FINDINGS.** (a) The legislature finds that ground was broken for the capitol building
8 by Governor George A. Parks on September 18, 1929, and the building was completed in
9 1931. The capitol building currently houses offices of the governor, the lieutenant governor,
10 and the legislature.

11 (b) The legislature finds that over the years the capitol building maintenance staff has
12 provided valiant efforts to bring the building into the 21st century and accommodate emerging
13 technology, but that there is only so much that can be done to address major problems. In
14 1998, the fire chief for the capital city inspected the building and prepared a report identifying

1 problems. Some of the items were minor and were addressed, but major problems with the
2 corridors cannot be solved. Corridors need to be unobstructed, but, because office space is
3 limited, the corridors are filled with chairs, benches, and other furniture, as well as photocopy
4 machines. A fire protection corridor that allows safe exiting of occupants, free from smoke, is
5 now a fundamental life safety requirement for office buildings that the capitol building cannot
6 meet. While an automatic sprinkler system and new door system are mitigating measures,
7 these would not correct the path of travel because of structural deficiencies.

8 (c) The legislature finds that the following items are also of concern:

9 (1) corridor length; there are many corridors that are long "shotgun" type
10 corridors that do not meet the current fire and safety building codes;

11 (2) space; the space in most offices does not meet the minimum requirements
12 for the number of occupants, and most existing office configurations are inefficient;

13 (3) access; the building has many rooms that do not meet the requirements for
14 ingress and egress under 42 U.S.C. 12101 - 12213 (Americans with Disabilities Act of 1990),
15 thereby possibly endangering the health, life, and safety of employees working in the building
16 and visitors to the building;

17 (4) lack of amenities; there is inadequate parking for the building, no public
18 lounge or food service facilities, and limited space for shared equipment, such as copy
19 machines;

20 (5) chamber space; both chambers and the public galleries are too small;

21 (6) committee space; committee rooms are too small to accommodate
22 members of the legislature and the public who wish to attend meetings;

23 (7) electrical and telecommunication services; the wiring is inadequate;

24 (8) heating and ventilating; the heating system is antiquated, and there is no air
25 conditioning or proper ventilating system in the building since opening windows does not
26 always provide cross circulation.

27 (d) The legislature finds that the capitol building has outlived its usefulness as a
28 legislative hall.

29 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 SPECIFICATIONS FOR A LEGISLATIVE HALL. (a) The Alaska Legislative

1 Council shall develop specifications for construction of a new legislative hall and make those
2 specifications available to legislators and members of the public by December 15, 2006. The
3 specifications must include a method under which the aesthetic appeal of the building will be
4 considered. The legislative hall must meet all fire and building codes, including requirements
5 of 42 U.S.C. 12101 - 12213 (Americans with Disabilities Act of 1990), and meet the highest
6 construction and geotechnical engineering standards. The building must contain adequate
7 heating, ventilating, and air conditioning systems, with individual controls for each system.
8 The building must be configured so that office walls are not load bearing. All office rooms
9 must be wired for computer service, telephone service, fax machines, copy machines, cable
10 television, and security cameras. Capacity for additional wiring in the entire building must be
11 provided for. The specifications must provide for at least the following space:

12 (1) a private office for each legislator and that legislator's staff, with the
13 offices for the Speaker of the House of Representatives and the President of the Senate to be
14 larger than other legislators' offices;

15 (2) a chamber room for each body of the legislature, each with electronic
16 voting boards and other appropriate equipment and with galleries that accommodate at least
17 150 people in addition to the media;

18 (3) a private lounge for legislators located on the same floor as the chambers,
19 with cooking facilities;

20 (4) 18 committee rooms, each with space for committee staff, 11 committee
21 members, and at least 75 members of the public;

22 (5) a suite of office space for use by the governor, the lieutenant governor, and
23 commissioners or other executive branch staff when they visit the legislative hall;

24 (6) one courtroom and adequate offices for judicial officers of the supreme
25 court and staff;

26 (7) at least one photocopy services room on each floor large enough for at
27 least one photocopier, photocopy and other supplies, and user;

28 (8) a public lounge and restaurant;

29 (9) rooms for security staff, documents, and supplies;

30 (10) office space for each agency of the legislative branch that the legislative
31 council determines should be located with the legislature;

1 (11) office space for the senate secretary and the chief clerk of the house of
2 representatives;

3 (12) a print shop;

4 (13) a maintenance shop;

5 (14) a media office;

6 (15) an area adequate for electronic technology and telecommunications
7 equipment and cabling;

8 (16) a rotunda or atrium of sufficient size for public meetings, celebrations,
9 and events;

10 (17) facilities for the display of Alaska historical exhibits and artifacts;

11 (18) a documents room;

12 (19) a press room with space to rent to press groups;

13 (20) adequate and efficient restrooms on each floor that exceed current code
14 requirements.

15 (b) The specifications prepared by the legislative council must address parking and
16 must include at least the following:

17 (1) covered parking for at least 75 vehicles on the site of the legislative hall;

18 (2) parking for at least 300 vehicles on the site of the legislative hall or
19 adjacent to the site;

20 (3) covered walkways from the parking areas required under (1) and (2) of this
21 subsection to the legislative hall; and

22 (4) parking areas for an additional 150 vehicles near the site of the legislative
23 hall.

24 (c) Total parking provided for under (b)(2) and (4) of this section must equal or
25 exceed the amount specified in the edition of the International Building Code that is current
26 on the date specifications are completed.

27 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 PROPOSALS FOR THE LEGISLATIVE HALL. Upon completion of the
30 specifications, the Alaska Legislative Council shall solicit proposals for construction of the
31 legislative hall to be operated, maintained, repaired, and managed by the legislative council

1 for use by the legislature as the location for regular and special sessions and for interim work.
2 Proposals may be submitted by boroughs or unified municipalities with at least 30,000
3 residents. Proposals must include details regarding the financing of the project and terms on
4 which the project site and completed legislative hall will be made available to the legislature.
5 A proposal may not require lease payments by the legislature in excess of \$1 a year or provide
6 for a project completion date that is later than June 30, 2009. In evaluating each proposal, the
7 legislative council shall consider whether the proposed site

8 (1) has basic utility services;

9 (2) has adequate airport access;

10 (3) has adequate road access or at least weekly ferry service during winter
11 months;

12 (4) is in an area with adequate health, education, and social services facilities
13 and adequate housing opportunities.

14 . 4. The uncodified law of the State of Alaska is amended by adding a new section to

15 read:

16 SELECTION OF A PROPOSAL. The Alaska Legislative Council shall review all
17 proposals, conduct inspection, and select a proposal or reject all proposals by June 30, 2007.
18 If a proposal is selected, the legislative council shall enter into contracts, leases, and other
19 agreements necessary to carry out the terms of the proposal. If the proposal selected includes
20 a site wholly or partially on state land, the legislative council shall take all action necessary to
21 arrange for the transfer of the land to the municipality at no cost, including the introduction of
22 legislation to accomplish that purpose. The contract procedures adopted by the legislative
23 council under AS 36.30.020 do not apply to the selection of a proposal under this section or to
24 a contract, lease, or other agreement entered into by the committee under this section.
25 AS 35.05.010 does not apply to planning for or construction of a legislative hall under this
26 Act.

27 * Sec. 5. AS 44.06.050, 44.06.055, and 44.06.060 are repealed.

28 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 TRANSITION. Notwithstanding AS 24.05.090 and other provisions of law, if a
31 legislative hall is constructed under this Act, beginning with the First Regular Session of the

1 Twenty-Sixth Alaska State Legislature and during each session thereafter, the legislature shall
2 convene in that legislative hall. The revisor of statutes shall prepare a bill and submit it to the
3 Alaska Legislative Council making all changes to statutes necessary to conform to this
4 section.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

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LEGISLATIVE COUNCIL, MEMBER
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SECTIONAL ANALYSIS FOR CSHB 23()

BY: Representative Norman Rokeberg

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Anchorage Daily News

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Is Juneau capital forever? Let's have a nonpartisan opinion

By JOHN STROHMEYER

(Published: March 27, 2005)

Juneau's bold venture to build a new Capitol building and ask citizens all over the state for views on its design is either naive wishful thinking or plain arrogance. The public never voted to place the capital in Juneau in the first place, and it once actually voted to move it out.

That Juneau now presumes it is to remain the capital forever begs for a challenge. It just might have opened the time for citizens to ask for the appointment of a nonpartisan commission for an honest appraisal of the capital location issue. Many feel that issue was never settled honestly.

I've been in Alaska for 19 years, but I was not here for the debates and elections in the 1960s and 1970s, when moving the capital became an overpowering issue. I suspect most Alaskans were not here either. However, I did research those charged times when Bob Atwood, editor and publisher of *The Anchorage Times*, asked me to help him write his memoirs during the early '90s.

Atwood led the first serious drive to move the capital. He used the editorial voice of *The Times*, then the largest paper in the state, to argue how moving out of isolated Juneau would be in Alaska's total interest. Not only did Atwood share his personal papers and recollections with me, but Fuller Cowell, former publisher of the rival *Daily News*, which acquired *The Times* in 1992, gave me complete access to his newspaper's library, commonly known as the morgue.

Fuller's help was extremely important because, in the buyout, the *Daily News* acquired the entire *Times* library. Thus, I had access to the hundreds of news clippings and editorials detailing the capital move battle during the three crucial statewide votes.

How Juneau became the capital is a subject of many apocryphal stories. The most common seems to be that in 1880, two boozing prospectors -- Joe Juneau and Richard Harris -- discovered gold in Gold Creek on the Gastineau Channel in Alaska's Panhandle. The discovery attracted hundreds of adventurous gold seekers who staked out claims, created a town site and then named it after miner Joe.

Next, enterprising miners and businessmen passed the hat and secretly sent a representative to Washington to urge Congress to move the capital out of remote Sitka, where the Russians had placed it. The territorial governor, John Brady, protested vigorously, saying he was comfortable in Sitka and deriding Juneau as being built on a hillside at the edge of an ocean channel, having no decent building to house a Capitol and lacking enough stable land to build one.

Congress never made a firm decision, which left the impression that Juneau simply stole the capital when in 1906 Gov. Brady was ousted. He was replaced by Wilford B. Hoggatt, who owned a gold mine in Juneau and promptly started doing capital business from a sparse office in Juneau.



The state Capitol building stands on Main Street in downtown Juneau.
(Photo by SEANNA O'SULLIVAN / The Associated Press)

Atwood said he had no intention of resurrecting the debate over the ethics on how Juneau emerged with the prize. Instead, in March 1959, having completed a successful battle as chairman for statehood, he decided it was a proper time to start a public dialogue on bringing the capital closer to the center of the state's population, as previous states had done after being admitted to the union. His editorial simply urged the public to discuss the issue.

That editorial hit Juneau like a bomb. The Juneau Empire charged that Atwood was out to kill Juneau for the aggrandizement of Anchorage. Neither political party wanted any part of the argument. However, once people began airing the pros and cons, moving the capital became a citizen crusade. Dr. Merritt P. Starr, an Anchorage physician, enlisted outlying civic leaders, Kenai attorney James K. Fisher and Clarence Bailey of Palmer among them, to form a Capitol Information Committee. Rep. Earl Hillstrand, D-Anchorage, chaired a committee to solicit signatures and put the question to a vote.

Juneau officials fought the validity of the ballot question, spurred by the Empire, which planted the idea it would take a whopping \$50 million to move the capital. The move supporters won the legal challenges and brought in an internationally known engineer to debunk the \$50 million claim. He stated sale of state lands around a new setting along the Railbelt would offset much of the cost of a new Capitol.

After a campaign The Associated Press described as the bitterest in Alaska history, almost 40,000 people voted on Aug. 10, 1960. The referendum lost by 5,107 votes. While celebrations reigned in Juneau, back in Anchorage Dr. Starr said the election was so close that his committee would immediately start planning a new election.

More acrimony and legal challenges followed. Nevertheless, the second election was held in November 1962. This time the capital move lost by a margin of 5,783 votes.

That might have ended the matter had not a massive stream of oil money begun to flow. That radically changed the mood of Alaskans. Until now one of the poorest of states, Alaska was on its way to becoming the richest. And what greater symbol of success than a modern capital easily accessible to citizens of the state, Atwood's editorials proclaimed.

Voters went to the polls for a third election on Aug. 27, 1974. This time Alaskans voted to relocate the capital by a convincing margin of 46,659 for and 35,683 against. All that was left was for the governor to pick a Capital Site Planning Committee, which would propose three new sites for the voters to choose. It eventually offered three sites, all open land, between Anchorage and Fairbanks. On Nov. 2, 1976, the voters chose Willow.

The people thought they had made a decision to move the capital, but they didn't count on the behind-doors plotting of the Juneau team that had approval of the Republican Legislature and the new Republican governor, Jay Hammond.

By outrageously inflating the cost and size of a new Capitol (about four times the size of Juneau's), they announced voters would have to approve a \$966 million bond issue. Then the Legislature provided the final nail to the coffin by requiring voter approval of all bondable costs before any money could be spent on the building.

"Nobody of good conscience could vote for a deal like that," Atwood said. On Nov. 7, 1978, voters defeated the \$966 million bond issue 88,783 to 31,491, and so the battle faded into lingering embers. In 1982, voters once more were given an inflated choice and were compelled to vote against a \$2.84 billion bond issue to build the new Capitol in Willow. The vote was 102,083 to 91,249.

The suspect way in which Juneau became the capital and then the arrogant political power play to thwart the public will to move it constitute a scandal that rests heavily upon the conscience of this state.

Now Juneau is offering to build a new \$100 million Capitol and lease it to the state for the next 30 years. Incredible. Before Juneau hits us up for another tax dollar, this whole capital location must be resolved fairly on the only issue that counts -- what's in the best interest of the people of Alaska?

A nonpartisan commission on a fact-finding mission with a report to be ultimately put before the voters could be an answer. And my first nominee to serve on that commission would be former governor Jay Hammond, a principal opponent of the capital move while in office. Hammond has been on the wrong sides of issues before. He opposed statehood, but he has shown how to adjust to the times.

We are in a period that is ripe for adjusting to the times. Recent climbing oil prices have given the state new fiscal capability to address the new Capitol issue. Giving a handout to Juneau is not the way to do it. Making the capital more accessible to our areas of booming population growth screams for attention.

Thirty years have passed since the state engaged in serious dialogue on this festering issue. Now Juneau's bid for state help to be enshrined as the capital forever makes it imperative that we finally look at this matter in context of these times.

Let's ask a nonpartisan commission to appraise the issue.

John Strohmeyer is a Pulitzer Prize-winning journalist and author of "Crisis in Bethlehem: Big Steel's Struggle to Survive," "Extreme Conditions: Big Oil and the Transformation of Alaska" and "Historic Anchorage: An Illustrated History."

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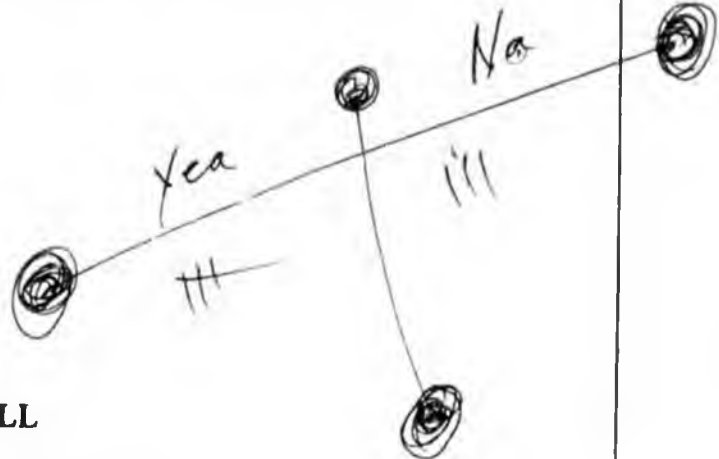
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CS FOR HOUSE BILL NO. 23()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ROKEBERG



A BILL

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1 problems. Some of the items were minor and were addressed, but major problems with the
2 corridors cannot be solved. Corridors need to be unobstructed, but, because office space is
3 limited, the corridors are filled with chairs, benches, and other furniture, as well as photocopy
4 machines. A fire protection corridor that allows safe exiting of occupants, free from smoke, is
5 now a fundamental life safety requirement for office buildings that the capitol building cannot
6 meet. While an automatic sprinkler system and new door system are mitigating measures,
7 these would not correct the path of travel because of structural deficiencies.

8 (c) The legislature finds that the following items are also of concern:

9 (1) corridor length; there are many corridors that are long "shotgun" type
10 corridors that do not meet the current fire and safety building codes;

11 (2) space; the space in most offices does not meet the minimum requirements
12 for the number of occupants, and most existing office configurations are inefficient;

13 (3) access; the building has many rooms that do not meet the requirements for
14 ingress and egress under 42 U.S.C. 12101 - 12213 (Americans with Disabilities Act of 1990),
15 thereby possibly endangering the health, life, and safety of employees working in the building
16 and visitors to the building;

17 (4) lack of amenities; there is inadequate parking for the building, no public
18 lounge or food service facilities, and limited space for shared equipment, such as copy
19 machines;

20 (5) chamber space; both chambers and the public galleries are too small;

21 (6) committee space; committee rooms are too small to accommodate
22 members of the legislature and the public who wish to attend meetings;

23 (7) electrical and telecommunication services; the wiring is inadequate;

24 (8) heating and ventilating; the heating system is antiquated, and there is no air
25 conditioning or proper ventilating system in the building since opening windows does not
26 always provide cross circulation.

27 (d) The legislature finds that the capitol building has outlived its usefulness as a
28 legislative hall.

29 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 SPECIFICATIONS FOR A LEGISLATIVE HALL. (a) The Alaska Legislative

1 Council shall develop specifications for construction of a new legislative hall and make those
2 specifications available to legislators and members of the public by December 15, 2006. The
3 specifications must include a method under which the aesthetic appeal of the building will be
4 considered. The legislative hall must meet all fire and building codes, including requirements
5 of 42 U.S.C. 12101 - 12213 (Americans with Disabilities Act of 1990), and meet the highest
6 construction and geotechnical engineering standards. The building must contain adequate
7 heating, ventilating, and air conditioning systems, with individual controls for each system.
8 The building must be configured so that office walls are not load bearing. All office rooms
9 must be wired for computer service, telephone service, fax machines, copy machines, cable
10 television, and security cameras. Capacity for additional wiring in the entire building must be
11 provided for. The specifications must provide for at least the following space:

12 (1) a private office for each legislator and that legislator's staff, with the
13 offices for the Speaker of the House of Representatives and the President of the Senate to be
14 larger than other legislators' offices;

15 (2) a chamber room for each body of the legislature, each with electronic
16 voting boards and other appropriate equipment and with galleries that accommodate at least
17 150 people in addition to the media;

18 (3) a private lounge for legislators located on the same floor as the chambers,
19 with cooking facilities;

20 (4) 18 committee rooms, each with space for committee staff, 11 committee
21 members, and at least 75 members of the public;

22 (5) a suite of office space for use by the governor, the lieutenant governor, and
23 commissioners or other executive branch staff when they visit the legislative hall;

24 (6) one courtroom and adequate offices for judicial officers of the supreme
25 court and staff;

26 (7) at least one photocopy services room on each floor large enough for at
27 least one photocopier, photocopy and other supplies, and user;

28 (8) a public lounge and restaurant;

29 (9) rooms for security staff, documents, and supplies;

30 (10) office space for each agency of the legislative branch that the legislative
31 council determines should be located with the legislature;

1 (11) office space for the senate secretary and the chief clerk of the house of
2 representatives;

3 (12) a print shop;

4 (13) a maintenance shop;

5 (14) a media office;

6 (15) an area adequate for electronic technology and telecommunications
7 equipment and cabling;

8 (16) a rotunda or atrium of sufficient size for public meetings, celebrations,
9 and events;

10 (17) facilities for the display of Alaska historical exhibits and artifacts;

11 (18) a documents room;

12 (19) a press room with space to rent to press groups;

13 (20) adequate and efficient restrooms on each floor that exceed current code
14 requirements.

15 (b) The specifications prepared by the legislative council must address parking and
16 must include at least the following:

17 (1) covered parking for at least 75 vehicles on the site of the legislative hall;

18 (2) parking for at least 300 vehicles on the site of the legislative hall or
19 adjacent to the site;

20 (3) covered walkways from the parking areas required under (1) and (2) of this
21 subsection to the legislative hall, and

22 (4) parking areas for an additional 150 vehicles near the site of the legislative
23 hall.

24 (c) Total parking provided for under (b)(2) and (4) of this section must equal or
25 exceed the amount specified in the edition of the International Building Code that is current
26 on the date specifications are completed.

27 * Sec. 3. The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 PROPOSALS FOR THE LEGISLATIVE HALL. Upon completion of the
30 specifications, the Alaska Legislative Council shall solicit proposals for construction of the
31 legislative hall to be operated, maintained, repaired, and managed by the legislative council

1 for use by the legislature as the location for regular and special sessions and for interim work.
2 Proposals may be submitted by boroughs or unified municipalities with at least 30,000
3 residents. Proposals must include details regarding the financing of the project and terms on
4 which the project site and completed legislative hall will be made available to the legislature.
5 A proposal may not require lease payments by the legislature in excess of \$1 a year or provide
6 for a project completion date that is later than June 30, 2009. In evaluating each proposal, the
7 legislative council shall consider whether the proposed site

8 (1) has basic utility services;

9 (2) has adequate airport access;

10 (3) has adequate road access or at least weekly ferry service during winter
11 months;

12 (4) is in an area with adequate health, education, and social services facilities
13 and adequate housing opportunities.

14 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 SELECTION OF A PROPOSAL. The Alaska Legislative Council shall review all
17 proposals, conduct inspection, and select a proposal or reject all proposals by June 30, 2007.
18 If a proposal is selected, the legislative council shall enter into contracts, leases, and other
19 agreements necessary to carry out the terms of the proposal. If the proposal selected includes
20 a site wholly or partially on state land, the legislative council shall take all action necessary to
21 arrange for the transfer of the land to the municipality at no cost, including the introduction of
22 legislation to accomplish that purpose. The contract procedures adopted by the legislative
23 council under AS 36.30.020 do not apply to the selection of a proposal under this section or to
24 a contract, lease, or other agreement entered into by the committee under this section.
25 AS 35.05.010 does not apply to planning for or construction of a legislative hall under this
26 Act.

27 * Sec. 5. AS 44.06.050, 44.06.055, and 44.06.060 are repealed.

28 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 TRANSITION. Notwithstanding AS 24.05.090 and other provisions of law, if a
31 legislative hall is constructed under this Act beginning with the Second Regular Session of

1 the Twenty-Sixth Alaska State Legislature and during each session thereafter, the legislature
2 shall convene in that legislative hall. The revisor of statutes shall prepare a bill and submit it
3 to the Alaska Legislative Council making all changes to statutes necessary to conform to this
4 section.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: WD 24-LS0165F
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Legislature
Title: "An Act relating to construction of a
legislative hall; and repealing provisions relating to..." BRU: Legislative Council
Sponsor: Representative Rokeberg Component: Council and Subcommittees
Requestor: House State Affairs Component No. 783

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	12.5	0.0	0.0	0.0	0.0
Contractual	150.0	50.0	50.0	600.0	300.0	300.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*150.0	*62.5	*50.0	*600.0	*300.0	*300.0

*SEE TABLE ON PAGE 3 FOR ADDITIONAL AND TOTAL COSTS BY LOCATION.

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.0	62.5	50.0	600.0	300.0	300.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	150.0	62.5	50.0	600.0	300.0	300.0

Estimate of any current year (FY2006) cost: _____

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Under Work Draft 24-LS0165F the Alaska Legislative Council will develop specifications for construction of a new legislative hall and make those specifications available to Legislators and members of the public by December 15, 2006. There are several requirements in the bill intended to create a building with large chambers and committee rooms, restaurant facilities, a spacious rotunda, other amenities, and room to accommodate other branches of government. The building would have modern wiring, state of the art technology, and generous parking lots.

Once the specifications are developed, the Legislative Council will solicit proposals from boroughs or unified municipalities with at least 30,000 residents.

Prepared by: Karla Schofield, Deputy Director Phone 465-3852
Division: Administrative Services Date/Time 3/24/06 3:14 PM
Approved by: Pamela A. Vami, Executive Director Date 3/24/2006
Agency: Legislative Affairs Agency

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

BILL NO. WD 24-LS0165F

ANALYSIS CONTINUATION

In Alaska, these five boroughs are: City and Borough of Juneau, Fairbanks North Star Borough, Kenai Peninsula Borough, Matanuska-Susitna Borough, and the Municipality of Anchorage. The Alaska Legislative Council shall review all proposals, conduct inspections, and select a proposal or reject all proposals by June 30, 2007. Total lease payments by the Legislature to the successful offeror could not exceed \$1 a year or provide a project completion date that is later than June 30, 2009.

The Legislative Affairs Agency does not have architects on staff who could either develop a building design or provide specifications for a new legislative hall. Currently, when the Legislature enters into a remodeling project, the Legislature hires architects, mechanical engineers and other professionals to provide bid documents.

This fiscal note assumes that the Alaska Legislative Council would wish to provide general requirements and allow each borough or municipality the opportunity to design a building, within the confines of the specifications, which would fit into the individual community. The individual offerors would be financially responsible for coming up with a specific design and bid documents which they would issue for the building of a legislative hall in their community.

This fiscal note does not address the feasibility of boroughs and municipalities being able to prepare bid documents, acquire local approvals, or hold bonding elections within the timeframe envisioned by this legislation. It also does not address the social and economic impacts to Alaska communities if the Legislature relocated.

Under the scenario in this fiscal note, the Alaska Legislative Council would need to hire a professional architect or firm as a Design Competition Manager to oversee the Design Bid process. The architect would help the Alaska Legislative Council and the Legislative Affairs Agency develop the hall specifications and come up with objective measurables for what constitutes a desired level of (1) basic utility services, (2) airport access (3) winter road or ferry service (4) health, education, social services facilities and housing opportunities. Opinions on these topics could vary. Interviews would need to be conducted with Legislators and other branches of government to ascertain their needs which the Council and the Legislative Affairs Agency could incorporate into the requirements. This professional would need to remain on board through the Design Bid process to ensure that bids submitted by the boroughs or municipalities could realistically meet the deadlines and building requirements of the Legislative Hall Request for Proposals. The Legislature would likely continue this contract through the building phase to ensure the project remained on track. Estimate \$150,000 in FY 07, \$50,000 in FY08 and \$50,000 in FY09.

Assuming that all eligible boroughs and municipalities submitted proposals, the Legislative Council would conduct site visits. Travel costs for the members of the Legislative Council would be absorbed within existing budgets. Travel costs for Legislative Affairs Agency managers are included in this fiscal note as several managers would need to be present during the site visits to ensure a new legislative hall would meet the needs of the Legislature. Estimate \$12,500 in FY2008.

Assuming the Legislature did acquire a new Hall, the Legislature would need to operate, maintain, repair and manage the new building. The larger hall and parking facilities would increase the maintenance operating budget by an estimated 25%, after allowing for a reduced repair budget, as the hall would be in a new facility. Assuming occupancy in July 1, 2009, estimate \$300,000 per year starting in FY 2010.

FISCAL NOTE

WD 24-LS01651F

ANALYSIS CONTINUATION

Assuming the Legislature moved into a new hall, the moving costs for relocating the office furniture and equipment (27 vans) could range between \$50,000 for a local Juneau move; \$270,000 for a move to Fairbanks or Anchorage, \$297,000 for a move to Wasilla-Palmer, and \$350,000 if the Legislative Hall were located in Kenai. See Table below.

Almost all positions in the Legislature could be transferred to another location if the winning proposal was located in a borough or municipality other than Juneau. Approximately 50 full time employees and their families would elect to move to a new location if the Legislature relocated. The Legislature would pay between \$11,000 and \$13,400 per employee for the move. Costs would range from \$550,000 to \$670,000 depending on destination. See Table below.

The session per diem rate paid to Legislators in Juneau fluctuates up and down. Relocating the Legislature will change the per diem rate paid to Legislators because per diem is based on location and the rate Legislators are paid is determined by the distance from their permanent home and the Capitol. Using the per diem rates in effect at this time, and determining which Legislators would receive the 75% local per diem rate, savings and increases are noted in the Table below.

The Legislature may also save on relocation costs if the Legislature relocated to another location. These estimates are also included in the Table below.

The Legislature currently occupies two state owned buildings in Juneau. If the Legislature occupies a new legislative hall in another location, the Capitol and the Terry Miller Legislative Office Building would likely be converted to other uses. The Terry Miller Legislative Office Building reverts to the City and Borough of Juneau if not used for Legislative office purposes. If the Capitol were used for other state offices or sold to a private party, a savings to the Legislature might be realized. If the Capitol were donated to the City of Juneau or to another organization no savings to the Legislature would be realized.

The Legislature would also incur costs to reconnect phone and computer systems in the new building or to purchase a new phone system or other equipment. Many of the desks in the current Capitol are built in's. The Legislature would need to either replace these in the new hall or acquire new furniture. A contingency fund of \$300,000 is estimated.

Some costs and savings would only become apparent if the new building and/or location became a reality. This fiscal note addresses the range of costs foreseen at this time.

***TABLE - TOTAL COSTS BY LOCATION**

Various Scenario's

	<u>Juneau</u>	<u>Fairbanks</u>	<u>Kenai</u>	<u>Mat-Su</u>	<u>Anchorage</u>	<u>No Bids</u>
<u>One Time Costs</u>						
On Site Travel	0.0	12.5	12.5	12.5	12.5	0.0
Contingency Fund	300.0	300.0	300.0	300.0	300.0	0.0
50 Employee Moves	0.0	550.0	670.0	590.0	550.0	0.0
Office Move	50.0	270.0	351.0	297.0	270.0	0.0
<u>Multiple Year Costs</u>						
Architect (150.0*3)	250.0	250.0	250.0	250.0	250.0	0.0
Total	600.0	1,382.5	1,583.5	1,449.5	1,382.5	0.0
<u>Cost for Each Future Year</u>						
Session Per Diem		-13.0	6.0	-23.0	42.9	0.0
Moving Expenses		-30.0	-70.0	-125.0	-125.0	0.0
Maintenance Costs	300.0	300.0	300.0	300.0	300.0	0.0
Total	300.0	25.0	236.0	152.0	217.9	0.0

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 23
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: All executive branch
 Title: HB 23 " An act relating to construction of a legislative hall" RDU: All RDUs
 Sponsor: Representative Rokaburg Component: All Components
 Requester: House State Affairs Component No.: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*	*	*	*	*	*

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

* Costs can not be determined at this time since location of a legislative hall has not yet been determined. Once a site is selected, an impact study could be prepared at that time. Potential additional costs will include items such as travel, office space and furnishings, telephone/telecommunication services, the cost of which will vary depending on location.

Prepared by: John Boucher, Senior Policy Analyst Phone 465-4677
 Division: Governor's Office of Management and Budget Date/Time 3/27/06 11:00 AM
 Approved by: Cheryl Frasca, Director Date 3/27/2006
 Agency: Governor's Office of Management and Budget

ALASKA STATE LEGISLATURE
House of Representatives

COMMITTEE ASSIGNMENTS

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LABOR & COMMERCE COMMITTEE MEMBER
LEGISLATIVE COUNCIL MEMBER
SPECIAL COMMITTEE ON OIL & GAS MEMBER
SPECIAL COMMITTEE ON WAYS & MEANS MEMBER

web site: <http://www.alaska.gov/legis/rokeberg/rules.cfm>



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Representative Norman Rokeberg

e-mail: representative.Norman.Rokeberg@legis.state.ak.us

MEMORANDUM

To: Representative Paul Seaton, Chairman
House State Affairs Committee

cc: House State Affairs Committee

From: Representative Norman Rokeberg

Date: March 21, 2006

Re: HB 23: Construction of a Legislative Hall

A handwritten signature in black ink, appearing to read "Norman Rokeberg".

Attached please find two Legislative Legal opinions on the FRANK initiative and its relationship to HB 23. As you can see from the opinions from Tam Cook, the FRANK initiative must be addressed.

The initiative is so cleverly written, that I believe that the citizens of Juneau have used it to hold the legislature and the Capitol hostage. A literal interpretation of the initiative would require a vote of the people even if the capitol building were to be destroyed by fire, in my opinion. However, Ms. Cook opines that relocation within Juneau may not require a vote.

I have also attached for the committee's information a copy of an Attorney General's opinion on "bondable costs." The opinion concludes, "all costs which could legally be covered by a bond issue must be placed on the ballot and approved before money is expended on the move." In other words, the issue must be on two ballots (#1-all bondable costs and #2-the bonds themselves) and includes such items as all private housing, retail, commercial and industrial buildings, utilities, streets, bridges, roads, government buildings, and the Capitol building. The Attorney General stated: \$1.441 billion (in 1978 dollars) might be insufficient for the capital relocation to proceed.

I look forward to another bill hearing on HB 23 at your earliest convenience.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 13, 2006

SUBJECT: Construction of a legislative hall (CSHB 23(); F version)

TO: Representative Norman Rokeberg
Chair of House Rules Committee
Attn: Heather Nobrega

FROM: Tamara Brandt Cook
Director TBC

The draft bill referred to above repeals AS 44.06.050 - 44.06.060, the FRANK initiative. You ask about the affect of those sections if a version of HB 23 is enacted without the repeal. Although I am not convinced that the substantive provisions carry out the purpose, the purpose of the FRANK initiative as stated in AS 44.06.050 suggests that those provisions would apply to construction of a legislative hall under HB 23:

Sec. 44.06.050. Purpose of AS 44.06.050 - 44.06.060. The purpose of AS 44.06.050 - 44.06.060 is to guarantee to the people their right to know and to approve in advance all costs of relocating the capital or the legislature; to insure that the people will have an opportunity to make an informed and objective decision on relocating the capital or the legislature with all pertinent data concerning the costs to the state; and to insure that the costs of relocating the capital or the legislature will not be incurred by the state without the approval of the electorate.

Under AS 44.06.060 the legislature is required to establish a commission, appointed by the governor and confirmed by the legislature, "to determine costs required by initiatives or legislative enactments authorizing relocation of any of the present functions of state government." Aside from the fact that the provision appears to be overly broad, note that the commission would not be required to be established until after enactment of HB 23. (Alaskans for Efficient Government v. Knowles, 91 P.3d 273 (Alaska 2004)) A commission has never been established.

The commission is required under AS 44.06.055 to "determine all bondable costs and total costs including, but not limited to, the costs of moving personnel and offices to the relocation site; the social, economic, and environmental costs to the present and relocation sites; and the costs to the state of planning, building, furnishing, using and financing facilities at least equal to those provided by the present capital city." However, much of this effort would, apparently, be for information purposes only. The only substantive direction is that state money not be spent to relocate the capital or the

legislature until "after a majority of those voting in a statewide election have approved a bond issued that includes all bondable costs to the state of the relocation of a functional state legislature or capital to the new site over the twelve-year period following such approval." To the extent that it is contemplated that general obligation bonds would provide the funding as has been the case in past capital relocation efforts, a vote of the people is required in any case under Art. IX, sec. 8 of the state constitution and use of the bond money is limited to "capital improvements." How the legislative hall would be financed and to what extent, if any, state money would be used is left open in HB 23, except that lease-financing is foreclosed as any lease payment may not exceed \$1 a year. The financing issue is to be resolved as part of the proposal process.

The foregoing demonstrates that it will be far from clear how the FRANK initiative provisions will apply if HB 23 is enacted and those provisions are not repealed.

It is also possible that key provisions of the FRANK initiative would be found to be unconstitutional, and, therefore inapplicable, should the enactment of HB 23 result in legal challenge, which would almost certainly be the case. For example, it can be urged that the constitutional power of appropriation cannot be restrained as is done under the initiative, that the legislature cannot be forced to establish the commission because it cannot be forced to enact law, and that the expenditure of state money cannot be made subject to voter approval except as constitutionally required with respect to acquisition of state debt under Art. IX, sec. 8.

In the alternative, a court faced with the problem of applying the FRANK initiative after HB 23 is enacted might conclude that HB 23 itself suspends application of provisions of the initiated law by implication.

If short the situation will be legally confused and messy should HB 23 be enacted without addressing in some way the FRANK initiative. The three alternatives I can think of are:

- (1) include an exemption in HB 23 from application of the provisions of the FRANK initiative;
- (2) amend the FRANK initiative in some way to make its application clear and to remove potential constitutional issues; or
- (3) repeal the FRANK initiative.

By way of observation, the common definition of "capital" is the location where the legislature meets. While HB 23 is designed to move the legislature, not the capital, if the legislature moves it is hard to imagine in what sense Juneau would still be the capital under AS 44.06.010. The Supreme Court in construing Art. XV, sec. 20 of the state constitution has already determined that the location of the state capital is subject to change by law enacted by the legislature or through initiative. (Starr v. Hagglund, 374 P.2d 316 (Alaska 1962)) None of the alternatives for dealing with the FRANK initiative I mention will prevent enactment of a new initiative.

LEGAL SERVICES

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Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 25, 2006

SUBJECT: Construction of a legislative hall (CSHB 23(); F version)

TO: Representative Norman Rokeberg
Chair of House Rules Committee
Attn: Heather Ncbrega

FROM: Tamara Brandt Cook
Director 

If the capitol building is destroyed or damaged by fire or a natural disaster, would the people of Alaska have to vote before we could rebuild the capitol building? Do they have to vote before we could even set up a temporary location?

Your question has to do with whether the FRANK initiative applies to a situation involving a move from the capitol location to another location in the capital city. The initiative language is ambiguous on that point. AS 44.06.050 and AS 44.06.055 speak in terms of the relocation of the legislature without specifically limiting the application of those provisions to the relocation of the legislature to a place outside of the capital city. Thus, taken literally, the language would apply to the relocation of the legislature from the current capitol building to another place within the capital city as well as to the relocation of the legislature to a place outside of the capital city.

However, both of those sections also address the relocation of the capital itself, which, of course, can only involve a change from Juneau to another place outside of Juneau. Therefore, in context, I think it likely that a court would decide that the FRANK initiative does not apply to a relocation of the legislature from one place to another within the capital city. This result is especially likely if, as a factual matter, the capitol building is damaged and becomes unavailable. The court has considered the application of the FRANK initiative in only one case, and the issue of its applicability to relocations within the capital city itself did not come up. (Alaskans for Efficient Government, Inc. v. Knowles, 91 P.3d 273 (Alaska 2004))

TBC:med
06-072.med

6 of 6 DOCUMENTS

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF ALASKA

[NO NUMBER IN ORIGINAL]

1978 Alas. AG LEXIS 527; 1978 Op. Atty Gen. Alas. No. 9

February 16, 1978

TYPE: FORMAL OPINION

SYLLABUS:

[*1]

Re: Capital Move Initiative Petition

REQUESTBY:

The Honorable Hugh Malone
Speaker of the House
The Honorable John Rader
President of the senate
Tenth Alaska State Legislature
Pouch V
Juneau, Alaska 99811

OPINIONBY:

Avrum M. Gross, Attorney General

OPINION:

You have asked that we review the initiative petition entitled, "An Act Relating to the Relocation of the Capital of Alaska," and advise you as to any legal issues which might affect present legislative action on the subject. You have also asked specifically for our opinion on the status of a bond issue for capital move costs placed on the status of a bond issue for capital move costs placed on the ballot this year and approved by the voters if the amount of that authorization is less than all bondable costs of the capital relocation through the year 1992. That question has pertinence since the initiative, if adopted, would require that "all bondable costs" of the move through 1992 be placed on the ballot and approved before any state money is expended to relocate capital facilities.

The language of the initiative provides in part:

Section 2. CAPITAL RELOCATION EXPENDITURES. State money may be expended to relocate physically the present functions of [*2] the state government, including but not limited to, the legislature, the governor's office and all offices of the heads of the principal departments from their present location only after a majority of those voting in a statewide election have approved a bond issue which includes all bondable costs of the relocation to the State through the year 1992, as determined by a commission created by the legislature to plan the relocation. In determining the bondable costs to the State the commission shall also determine the total costs to the State. Those costs shall include, but not be limited to, the costs of moving personnel and offices to the relocation site; the social, economic and environmental costs to the present and relocation sites; and, the cost to the State of planning, building, furnishing, using and financing a new capital city having facilities equal to those provided by the present capital city and those required by the 1974 Capital Move Initiative. (emphasis supplied)

The threshold question is the meaning of the requirement that all "bondable costs" be approved by the electorate before any money is spent to physically relocate the capital. The phrase "bondable costs" [*3] is not defined in the initiative except as it is qualified by the phrase "as determined by a commission created by the legislature to plan the

relocation." The inquiry, then, must focus on the meaning of the phrase "bondable costs" and, as a related matter, the role of the commission in determining those costs.

n1 While the initiative does not specifically refer to the present Capital Site Planning Commission, that body is "a commission created by the legislature to plan the relocation" and could perform whatever administrative functions are required by the initiative.

It is our view that the term "bondable" has an established meaning in law; that pursuant to the established definition, all costs which could legally be covered by a bond issue must be placed on the ballot and approved before money is expended on the move; and that the commission's role in the process is basically one of assigning costs to those items which under law are "bondable." Assuming passage of the initiative, the commission or the legislature would not have authority to determine what portion of a total amount of possible bondable items should be placed before the voters, but instead would be obligated [*4] to establish and place before the electorate all bondable costs, regardless of what method is ultimately used to finance the move. It is also our opinion that if less than the full amount of "bondable costs" were placed upon the ballot and approved and the initiative was approved at the same time, the proceeds from the sale of bonds could not be expended to relocate the capital until the total of the bondable costs of the move were approved by the voters in a subsequent election.

I. The Meaning of the Term "Bondable Costs."

The natural point of commencement in determining the meaning of "bondable costs" is the dictionary. The word "bondable" is composed of the word "bond" and the suffix "-able." Webster's Third New International Dictionary defines the suffix "-able" as "capable or worthy of being acted upon." The term "bondable," then, is properly defined as "capable of being bonded." That, in turn, focuses the inquiry on what costs under law are "capable of being bonded." n2

n2 There are, of course, two types of bonds; revenue bonds or general obligation bonds. The latter involve the credit of the state, may only be issued for specified purposes and require voter approval. Alas. Constitution, Art. IX, § 8. Revenue bonds may be issued for any purpose and do not require voter approval. Art. IX, § 11. Since revenue bonds could be issued to finance the total costs of the capital move, and since the initiative clearly refers to "bondable costs" as an item distinguishable from the "total costs" of the move, it appears obvious that the "bondable costs" referred to in the initiative are costs which may be funded with the proceeds of general obligation bonds. This conclusion is reinforced by the fact that the initiative requires voter approval of "bondable costs," a requirement which is normal for general obligation bonds but nonexistent for revenue bonds. The focus of this opinion, then, will be to define those costs for which general obligation bonds may be issued.

The Alaska Supreme Court has analyzed this issue in some depth in *City of Juneau v Hixson*, 373 P. 2d 743 (Alas. 1962). Much of our analysis here is derived from that opinion. Hixson analyzed the constitutional authorization for municipalities to issue general obligation bonds, but it is clear from the opinion that a similar analysis is applicable to the issuance of bonds by the state. n3

[*5]

n3 Article IX, Section 8, of the Alaska Constitution provides that "no state debt shall be contracted unless authorized by law for capital improvements . . ." That language has been described by the Supreme Court in *Hixson* as a "similar restriction" to that which applies to municipalities.

The relevance of *Hixson* is emphasized by the history of those provisions in the Alaska Constitution that refer to state and municipal debt. As originally proposed to the Constitutional Convention, the article on finance and taxation placed legal restrictions on the debts of the state and its political subdivisions in a single section, with the same restrictions applicable to both. 6 MINUTES, ALASKA CONSTITUTIONAL CONVENTION (hereafter, MINUTES) App. V, p. 107 (1956). But the juxtaposition in a single section led to confusion, e.g., would a state law have to be enacted to authorize local bond issues? To avoid this confusion, and for no other reason, the two were placed in separate sections. 4 MINUTES 2420-2433, 2440-2441 (1956). Subsequent changes in style were not changes in substance. 5 MINUTES 3402-3403 (1956). There can, therefore, be no question that the *Hixson* analysis [*6] of what is "bondable" for municipalities also governs the issuance of bonds by the state.

In *Hixson*, the court reviewed the history of legal authorizations to incur bonded indebtedness. That review commenced

with a 1936 Act of Congress that authorized municipal corporations in the Alaskan territory to incur bonded indebtedness to "construct, improve, extend, better, repair, reconstruct or acquire public works of a permanent character . . ." "Public works" as used in the act included but was not limited to "streets, bridges, wharves, and harbor facilities, sewers and sewage-disposal plants, municipal buildings, schools, libraries, gymnasias and athletic fields, fire houses, and public utilities." Act of May 28, 1936, ch 467, 49 Stat. 1388, 48 U.S.C.A. § 44a (1952). This authorization for bonded indebtedness remained in force until the Alaska Constitution was adopted. Section 9 of Article IX of that Constitution prohibited the contracting of debt by any political subdivision except for "capital improvements." Capital improvements were not defined in the Constitution, nor were examples provided. However, soon after the adoption of the Constitution, the Alaska Legislature authorized [*7] the issuance of municipal bonds for "public works and capital improvements." The legislature included as examples the same list contained in the original Congressional act, except that "off-street parking facilities" were added. ch. 167, SLA 1959. Then, in 1960, the legislature amended ch. 167 and authorized municipal corporations to incur bonded indebtedness for "public works or facilities of a permanent character." The same list of examples was included, with the addition of "real property and improvements and facilities thereon for such uses and purposes as are authorized by law." ch. 185, SLA 1960.

In the view of the Alaska Supreme Court, the term "capital improvements" found in the Alaska Constitution was meant to be a "better generic term" for all the kinds of projects for which municipalities were authorized to issue bonds prior to statehood. In the words of the Court,

"We believe 'capital' was used in the sense in which it is associated with assets in the form of real or personal property and that it was intended to connote a degree of permanency. We believe that it includes the 'public works of a permanent character' such as 'streets, bridges, wharves and harbor facilities, [*8] sewers and sewage-disposal plants, municipal buildings, schools, libraries, gymnasias and athletic fields, fire houses, and public utilities' as mentioned in the original act of Congress. It includes 'off-street parking facilities' and 'public works or facilities of a permanent character' as provided in recent acts of the state legislature. We believe that in selecting the term 'capital improvements' the convention had in mind that it was including all the projects just mentioned which had historically been associated with municipal bonding, but under a better generic term — one which did not require illustration by actually listing the type projects that were considered to be included within its meaning and stating that the list itself was not exclusive as was done in the original act of Congress." *Hixson, supra, at 747.*

The phrase "bondable costs," then, has an established legal meaning. The state may finance through bonds capital assets of a permanent character, which at the least will include all public works such as streets, bridges and the other types of permanent improvements mentioned in *Hixson* and the legislation referred to in that opinion.

While much of the [*9] cost for the capital move is for state-owned public works such as the capital complex, a substantial portion of the costs will be for public works which will not be retained in state ownership but rather will be transferred to the new capital city or to a public utility, e.g., streets, waterworks, electrical systems, libraries, municipal office buildings, sewers, and the like. We do not view the subsequent transfer of these facilities from state ownership as removing their cost from the coverage of the term "bondable costs." The practice of using the state's borrowing power to finance the construction of public works to be turned over to local governments is well established in Alaska. Some relatively recent examples include the flood control project at Fairbanks and many of the small boat harbors which were the subject of the court's interest in *Gellert v. State*, 522 P. 2d 1120 (Alas. 1974). No one has even seriously questioned that these projects were subject to bonding by the state. The state finances the construction of local service roads with bonds, e.g., ch. 247, § 2(3), SLA 1976, and the roads are then turned over to local governments under AS 19.30.151. A [*10] similar situation exists in the case of housing for senior citizens, ch. 239, SLA 1976, turned over to municipalities under AS 18.100, and of Fire Fighter Training Centers. Ch. 124, SLA 1976. And, of course, the most recent, multi-million dollar bond issue for schools includes many projects which are municipally owned. ch. 131, SLA 1976. It seems settled that bondability is limited solely by the twin dictates that the debt be incurred for a capital improvement, *City of Juneau v. Hixson, supra*, and for a public purpose. *De Armond v. Alaska State Development Corp.*, 376 P. 2d 717 (Alas. 1962); *Wright v. City of Palmer*, 468 P. 2d 376 (Alas. 1970). Accordingly, the costs of constructing streets, sewers, roads, waterworks, libraries, fire houses, electrical systems, off-street parking, and the like which will be turned over to the new capital city or a public utility are "bondable costs" within the meaning of the initiative.

An additional component of the cost of the capital move is for private facilities such as housing, industrial and commercial facilities, and the like. Under the plan submitted by the Capital Site Planning Commission, these facilities will not be financed [*11] with general obligation bond proceeds, but that fact, as previously noted, does not in

itself control the issue of whether those costs are "bondable." While the practice of using general obligation bonds to finance the costs of capital improvements for ultimate transfer to private persons is not well established, it does have precedent in Alaska. In 1970, for instance, the legislature passed and the governor approved a bond issue in the amount of \$3,000,000 for "remote housing," ch. 180, SLA 1970. Since furnishing decent housing clearly has a public purpose, *Bridges v. ASHA*, 375 P. 2d 696 (Alas. 1962), and it is self-evident that housing would fall into the category of capital improvements, it appears fairly certain that the state could finance the construction of housing in the new capital with general obligation bonds. The cost of such housing, then, is "bondable." And the same analysis would be applicable to the costs of developing commercial, business and industrial facilities. *Wright v. City of Palmer*, 468 P. 2d 326 (Alas. 1970). We do not say that the framers of the initiative sought this result, or that a court would subsequently interpret the initiative in [*12] this broad fashion, but as a matter of literal interpretation even the cost of private facilities may be "bondable."

n4 The Commission has indicated that public funds may be required to directly fund the initial construction of private housing, though it does not suggest that bonds be the source of those monies. Capital Site Planning Commission Report, pp. 79-80.

Since the phrase "all bondable costs" does have an established definition, the question is immediately posed as to what is meant in the initiative when the "commission created by the legislature" is given the authority to "determine" those "bondable costs." There are basically two options. The commission may have the authority to decide what items should be funded by bond issues rather than paid for through other means. Alternatively, the commission may be authorized to perform a different function — that of identifying those items which under law are "bondable" and then using its best judgment in determining the dollar amount of bonds which would be required to pay for those items. In our view, the second option is clearly the proper choice.

The basis for this choice may be first demonstrated by reference to [*13] the wording of the initiative. Suppose the commission were to determine that two billion dollars worth of costs for the new capital city were capable of being bonded, or "bondable," but further were to decide that in its view only one billion of those costs should be bonded and the other billion financed through some other means. If the legislature subsequently placed only the lesser amount before the voters, the electorate would then not be voting on all costs that were "bondable," but only a portion of those costs. If the authors of the initiative had meant to give the commission the type of discretion which would have permitted it to reduce "bondable costs," the initiative could have said so in clear terms. But instead, the initiative uses the phrase "all bondable costs" without limitation, and obligates the commission to determine those costs.

If the commission or the legislature did have the discretion to reduce the total amount of "bondable costs" which were to be placed before the voters, that discretion might well frustrate the clear intent of the initiative. The obvious purpose of this initiative is to place before the voters the maximum debt of the state [*14] that could be created by the move of the capital, and to have that maximum amount authorized by the voters prior to starting forward with the physical move. Once the maximum amount that could be bonded is authorized, it is not necessary that the full amount of bonds be sold — a portion of the move could be otherwise financed — but an authorization for the maximum possible amount of bonded indebtedness must come first.

An alternative interpretation could lead to the very piecemeal financing the initiative is aimed to prevent. Assume, for instance, that the commission determined that two billion dollars of the move costs were "bondable" and further decided that only one billion dollars should be placed on a bond issue, the remaining billion for capital improvements to be financed through development corporation bonds or direct legislative appropriation. Suppose further that the one billion dollars of bonds were authorized by the voters, and then at a later time the development corporation sought to independently raise the other billion dollars, as contemplated by the initial finance plan. Suppose further that the development corporation is unsuccessful in raising the required [*15] amount, or the legislature refuses to agree to a direct appropriation, if that is the route selected. The state would then have spent the first billion dollars of the bond issue, and would have to go again to the voters for the second billion dollars. The result of this process would be that the voters, having approved a billion dollar bond issue under the assumption that it was the full amount of "bondable costs," would then face a half completed city and a second bond issue for another billion dollars, facing then the choice of whether to abandon the project or authorize the second bond issue. This, it appears clear, is exactly what this initiative is meant to prevent. If the capital is to move, this initiative seeks to afford voters the opportunity to decide at the very outset whether they wish to approve the maximum amount of debt that the state could accrue during the project. If they choose to do that, alternate methods may subsequently be used to finance the move, but if those methods are unsuccessful, at least the voters will have initiated the project with full knowledge of the ultimate debt that could be incurred.

It is therefore our conclusion that the function [*16] of the commission is to determine all those costs which could be bondable under Alaskan law. That total amount must be approved by the voters before any money may be spent for the physical relocation of the capital. In reaching that amount, the commission and the legislature when it deals with the commission's recommendations will have reasonable discretion in projecting the amounts required to construct the bondable facilities but not in determining the types of items which are bondable. There will obviously be substantial debate over what amount will be required to build a public facility in, say, 1988, and some group must determine that amount for the purpose of fixing the total bond issue. That is the discretion accorded to the commission and the legislature. They do not, on the other hand, have discretion to decide whether or not a public work to be built in 1988 is bondable. That is a legal question. If it is capable of being funded by a bond issue, it must be included in the bond package. n5

n5 Our interpretation here is based on the legal definition of "bondable" as it can be inferred from cases, bond laws, the Constitutional Convention and custom. To be effective, of course, the initiative must be approved by the electorate, and their understanding of the term "bondable costs" will be of relevance in any future judicial analysis. 2A SUTHERLAND, STATUTES AND STATUTORY CONSTRUCTION § 48.19 (Sands ed. 1973). Many items will go to make up that popular understanding, including the campaign for the initiative, this opinion, and other extrinsic aids that may appear before the election. The words of the initiative, however, will be of major controlling impact, whatever can subsequently be made of voter "understanding." See *Starr v. Hagglund*, 374 P. 2d 316 (Alas. 1962).

[*17]

Having stated that much, it seems appropriate that we at least outline to you those costs estimated by the Capital Site Planning Commission which in our view are "bondable." The magnitude of those costs is obviously subject to debate. At the one extreme, it is arguable that all of the capital costs for the entire project are subject to bonding whether the facilities constructed are ultimately publicly or privately owned. Those capital costs would include not only public works, but money for the construction of public and private housing, office buildings, retail and commercial establishments and similar facilities. The state could construct all these facilities as an initial matter, and if it did, the funds expended would clearly be (1) for capital improvements and (2) for a public purpose. An argument could therefore be made that the dual test of "bondable costs" would have been met, and that all of the total capital costs, public and private, would have to be placed on the bond ballot. Such an interpretation would require a bonding authorization in the approximate amount of 4.027 billion dollars.

The minimum authorization which could conceivably cover "all bondable costs" [*18] would be that required to pay for the construction of all public works and facilities, both those to be permanently owned by the state and those which are later to be turned over to the new municipality. These would be the more traditional "bondable costs" for utilities, roads, schools, state buildings and the like. According to the finance plan presented by the Capital Site Planning Commission, those costs would be in the neighborhood of 1.441 billion dollars.

A third possibility is that a court would ultimately interpret "all bondable costs" to lie somewhere within these two extremes. Housing, as we have mentioned, has in times past been treated as a bondable item in this state. It is possible that courts might ultimately insist that at the least the public housing, and possibly the private housing as well, be included within the bonding authorization.

It is difficult to advise you with any certainty as to a sound legal course if the legislature desires to avoid possible future conflict with the initiative. We can say that if the legislature were to put an authorization for 4.027 billion dollars on the ballot and it were subsequently adopted along with the initiative, no conceivable [*19] conflict could arise. We can also say that if the legislature places an authorization of less than 1.441 billion dollars on the ballot and the initiative is contemporaneously passed, the full amount of "bondable costs" will not have been authorized and the capital move will not be able to proceed. Between those two extremes there is real doubt. Our best opinion is that courts would probably not require an authorization beyond the 1.441 billion since, even though such costs might be legally "bondable" under the broadest interpretation of law, they are not traditionally bonded. As a general matter, bonds are used to finance public works, and in Alaska there appear to have been only very limited instances of bonding for facilities ultimately to be placed in private hands. Since statutes (enacted by initiative or otherwise) are interpreted according to the commonly understood meaning of their terms n6, we assume courts will look to the traditional use of the bonding power in analyzing this initiative. We stress, though, that the question is not free from doubt.

n6 See 2A SUTHERLAND, STATUTES AND STATUTORY CONSTRUCTION § 47.28 and cases cited

(Sands ed. 1973).

II. The Effect [*20] of Passage of the Initiative at the Same Time as a Bond Issue for Less Than the Full Amount of Bondable Costs.

You have asked what will occur if less than the full bondable costs are placed before the voters at the same time as the initiative and both are adopted. In such an event, there would be in effect (1) an authorization to sell bonds to finance a portion of the bondable costs for the project and (2) a legal requirement that no money be spent for the physical move until all of the bondable costs are approved in a subsequent bond issue.

When two statutes dealing with the same subject are enacted together, general rules of statutory interpretation require that insofar as possible they be read in harmony. 2A SUTHERLAND, STATUTES AND STATUTORY CONSTRUCTION ch. 51 (Sands ed. 1973). In this situation, harmonizing the two provisions means that both must be given legal effect. That can easily be done.

There is nothing truly inconsistent about passage of the initiative and passage of a bond authorization for less than the full costs of the move, anymore than if the legislature had passed any program authorization containing a provision that the program not be initiated [*21] until funding was complete, and then had failed to pass the full funding. n7 If the initiative and the incomplete bond authorization pass at the same time, there will have to be a second bond election. At the legislature's discretion to approve the remainder of the "bondable costs." At such time as the election is held and the authorization completed, the capital move may proceed, but not before.

n7 There are, of course, numerous instances of the legislature authorizing programs and then failing to provide the funding to carry out the program until a later date. In such cases, as here, the authorizing legislation remains in effect but may only be implemented after subsequent funding.

We trust this opinion has been directed toward your major concerns over the initiative. If you have further questions, please do not hesitate to raise them and we will be happy to discuss them with you.

Sponsor: Assemblymember Kvalheim
Adopted: 03/15/05

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 05-035**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY SUPPORTING THE CONSTRUCTION OF A NEW LEGISLATIVE OFFICE COMPLEX AND AUTHORIZING THE MANAGER TO PREPARE A PROPOSAL FOR SITING AND FINANCING OF THE LEGISLATIVE COMPLEX.

WHEREAS, the present office building of the Alaska State Legislature is over capacity and poorly suited to handle the routine demands of the Alaska State Legislature; and

WHEREAS, the present office building of the Alaska State Legislature is poorly suited to provide adequate interaction between the residents of the State and their elected Representatives and Senators; and

WHEREAS, the present location of the Alaska State Legislature office building makes it very difficult and expensive for the residents of the State to personally visit with their elected officials; and

WHEREAS, the cost of improving surface access to the present location of the Alaska State Legislature is in excess of \$280 million; and

WHEREAS, there is a critical shortage of housing for the State Legislators and staff and others visiting the present site; and

WHEREAS, a municipality has offered to build a new office complex for the Alaska State Legislature utilizing annual lease payments paid by the state of Alaska to retire the cost of construction; and

WHEREAS, a new office complex for the Alaska State Legislature

should be built in a location that allows for convenient, safe, and affordable travel by the residents of the State; and

WHEREAS, the Matanuska-Susitna Borough is centrally located and allows for convenient and affordable travel by several modes of transportation including highway, air, and rail; and

WHEREAS, the Matanuska-Susitna Borough has a large supply of affordable housing available and the Borough is located within a short distance of the homes of the majority of state legislators; and

WHEREAS, the Matanuska-Susitna Borough is located near the major population centers of the State.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly recommends that the Matanuska-Susitna Borough submit a letter of interest to the Alaska State Legislature to site and construct a new office complex for the Alaska State Legislature; and

BE IT FURTHER RESOLVED, that the Manager is authorized to identify proposed sites and to prepare a proposal to construct the new office complex that utilizes lease payments to fund construction costs or a similar method of financing the construction.

ADOPTED by the Matanuska-Susitna Borough Assembly this 15 day
of March, 2005.

TIMOTHY L. ANDERSON, Borough Mayor

ATTEST:

MICHELLE M. MCGEHEE, CMC, Borough Clerk

(SEAL.)

PASSED UNANIMOUSLY: Woods, Colberg, Kvalheim, Simpson, Colver, and
Vehrs

Introduced by: Fischer
Date: 03/15/05
Action: Adopted
Vote: 8 Yes, 0 No, Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2005-022**

**A RESOLUTION REQUESTING THAT IF THE CAPITAL IS MOVED THE STATE
CONSIDER MOVING THE CAPITAL TO THE KENAI PENINSULA BOROUGH**

WHEREAS, the City and Borough of Juneau created a Capitol Planning Commission which, since January 2004, has worked on the process for building a new state capitol; and

WHEREAS, the commission recently revealed four architectural teams' visions for an Alaska State capitol, which would be owned by the City and Borough of Juneau and leased to the state for approximately 30 years; and

WHEREAS, the discussion concerning building a new state capitol has reopened the debate regarding location of the state capital; and

WHEREAS, if relocation of the Alaska state capital is considered by the state, then the Kenai Peninsula Borough's best interests would be served by requesting that it be considered as a potential location for the state capital; and

WHEREAS, the Kenai Peninsula Borough offers a more centralized location much closer to the majority of Alaskan residents than does Juneau, and, unlike Juneau, it is on the road system, enabling people to reach this area by road as well as air and water;

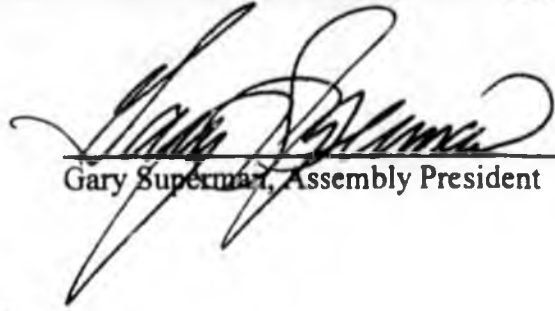
**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI
PENINSULA BOROUGH:**

SECTION 1. That if the state legislature considers relocating the state capital, the Kenai Peninsula Borough Assembly respectfully requests that the Kenai Peninsula Borough be considered as a location for the new Alaska state capital.

SECTION 2. That a copy of this resolution shall be provided to Governor Frank Murkowski and all state legislators.

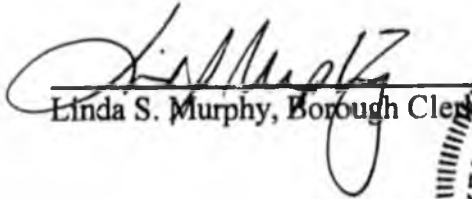
SECTION 3. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF MARCH, 2005.



Gary Supermart, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk



REPRESENTATIVE GRUENBERG said the only thing that has to be given to the voters in a referendum under the FRANK Initiative is "the bondable issue." If, in fact, there are not state bonds, he observed, then the FRANK Initiative "would not require that the voters approve it." He added, "So, we should not repeal it." He said the question in his mind is whether the FRANK Initiative would apply to the deal. If it does not, he reasoned, then it does not have to be repealed. He concluded, "That just clouds the issue."

8:46:18 AM

REPRESENTATIVE ROKEBERG noted that there is an attorney general's opinion that drove the issue pertaining to the definition of all bondable costs. He stated his understanding of that opinion is that "anything that could be bonded was to be part of the dollar amount."

REPRESENTATIVE GRUENBERG said his interpretation is that that means "bondable costs to the state, not the citizens of Juneau."

REPRESENTATIVE ROKEBERG responded, "It doesn't say that, and that's how the AG's opinion is."

8:47:07 AM

CHAIR SEATON said this is a question that needs to be resolved, and he asked Representative Rokeberg to get the AG's opinion to the committee.

8:47:30 AM

Chapter 06. Capital.

Section

- 10. Site of capital
- 50. Purpose of AS 44.06.050 — 44.06.060

Section

- 55. Relocation expenditures
- 60. Commission

Sec. 44.06.010. Site of capital. The capital of the state is at the city of Juneau, Alaska. (§ 1-1-2 ACLA 1949)

Cross references. — For temporary relocation of seat of government in the event of enemy attack, see AS 44.99.007 and 44.99.008.

NOTES TO DECISIONS

Cited in *United States v. Rogge*, 10 Alaska 130 (1941), aff'd, 10 Alaska 307, 128 F.2d 800 (9th Cir. 1942).

Collateral references. — 16 Am. Jur. 2d, Constitutional Law, §§ 9, 58.

Sec. 44.06.050. Purpose of AS 44.06.050 — 44.06.060. The purpose of AS 44.06.050 — 44.06.060 is to guarantee to the people their right to know and to approve in advance all costs of relocating the capital or the legislature; to insure that the people will have an opportunity to make an informed and objective decision on relocating the capital or the legislature with all pertinent data concerning the costs to the state; and to insure that the costs of relocating the capital or the legislature will not be incurred by the state without the approval of the electorate. (§ 1 1994 Ballot Measure No. 5)

NOTES TO DECISIONS

Stated in *Alaskans for Efficient Gov't, Inc. v. Knowles*, 91 P.3d 273 (Alaska 2004).

Sec. 44.06.055. Relocation expenditures. State money may be expended to relocate physically the capital or the legislature from the present location only after a majority of those voting in a statewide election have approved a bond issue that includes all bondable costs to the state of the relocation of a functional state legislature or capital to the new site over the twelve-year period following such approval. The commission established in AS 44.06.060 shall determine all bondable costs and total costs including, but not limited to, the costs of moving personnel and offices to the relocation site; the social, economic, and environmental costs to the present and relocation sites; and the costs to the state of planning, building, furnishing, using, and financing facilities at least equal to those provided by the present capital city. (§ 2 1994 Ballot Measure No. 5)

NOTES TO DECISIONS

Applied in *Alaskans for Efficient Gov't, Inc. v. Knowles*, 91 P.3d 273 (Alaska 2004).

Sec. 44.06.060. Commission. The legislature shall establish a commission composed of nine members, including a chairperson and two persons from each judicial district, appointed by the governor and confirmed by the legislature, to determine the costs required by initiatives or legislative enactments authorizing relocation of any of the present functions of state government. (§ 3 1994 Ballot Measure No. 5)

Constitutionality. — T. Alaska Const., art. XI, § 7, procedural requirements of the initiative process; further, § 6 provides that additional initiative and referendum can be taken for Efficient Gov't. In (Alaska 2004).

Secs. 44.06.100 — § 1 ch 54 SLA 1981.

Chapter

Revisor's notes. — Sec. added a new chapter, designated in 1978 as AS 44.07. (a conditional effective date never been met. Section 7, c that the Act would take effect if a bond issue for capital has been adopted by November 1978, the voters costs of relocation of the (1981, placed a ballot question related to the relocation of the

Chapter

Chapter

Section

- 10. State seal
- 15. Use of seal without permission
- 17. Commemorative gold
- 20. State flag
- 30. Display of flags
- 40. State song
- 45. State motto
- 50. State flower
- 60. State bird
- 70. State tree

Sec. 44.09.010. State seal. Concentric circles between the inner and outer circles within the inner circle in section.

NOTES TO DECISIONS

Constitutionality. — This section does not violate Alaska Const., art. XI, § 7, because it does not specify procedural requirements that could be placed upon the initiative process; further, Alaska Const., art. XI, § 6 provides that additional procedures for the initiative and referendum can be prescribed by law. *Alaskans for Efficient Gov't, Inc. v. Knowles*, 91 P.3d 273 (Alaska 2004).

Appointment of commission. — The governor is required to appoint a FRANK Commission only if voters first pass the relocation initiative. *Alaskans for Efficient Gov't, Inc. v. Knowles*, 91 P.3d 273 (Alaska 2004).

Secs. 44.06.100 — 44.06.299. Capital relocation, expenditures, planning. [Repealed, § 1 ch 54 SLA 1981.]

Chapter 07. Alaska Capital City Development Corporation.

Revisor's notes. — Section 1, ch. 143, SLA 1978 added a new chapter, designated AS 44.63 and renumbered in 1978 as AS 44.07. Chapter 143, however, had a conditional effective date and that condition has never been met. Section 7, ch. 143, SLA 1978 provided that the Act would take "effect 30 days after certification that a bond issue for costs of relocation of the capital has been adopted by the voters of the state." In November 1978, the voters rejected a bond issue for costs of relocation of the capital. Chapter 54, SLA 1981, placed a ballot question before the voters related to the relocation of the capital. At the November-

1982 general election that ballot measure failed, and by the conditions of ch. 54, SLA 1981 all other provisions related to capital relocation were repealed. The failure to include the repeal of ch. 143, SLA 1978 may have been intentional, because the law had not gone into effect and, therefore, did not need to be repealed. All other provisions of the Alaska Statutes that would have been affected by ch. 143, SLA 1978 have subsequently been repealed or amended by the legislature. For the text of the law enacted by ch. 143, SLA 1978, see either the 1980 or 1984 pamphlets for this title, or the 1978 Session Laws of Alaska.

Chapter 08. Relocation Indemnification.

[Repealed, § 1 ch 54 SLA 1981.]

Chapter 09. State Seal, Flag, and Emblems.

Section

- 10. State seal
- 15. Use of seal without permission prohibited
- 17. Commemorative gold and silver medallions
- 20. State flag
- 30. Display of flags
- 40. State song
- 45. State motto
- 50. State flower
- 60. State bird
- 70. State tree

Section

- 75. State marine mammal
- 78. State land mammal
- 80. State fish
- 85. State sport
- 90. State medal for heroism
- 100. State gem
- 110. State mineral
- 120. State fossil
- 130. State insect

Sec. 44.09.010. State seal. The official seal of the State of Alaska is comprised of two concentric circles between which appear the words "The Seal of the State of Alaska" and within the inner circle is the design of the seal corresponding to the representation in this section.

f Juneau

§ 44.06.050
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ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
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SESSION
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PHONE (907) 465-4964
FAX (907) 465-2040

Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SPONSOR STATEMENT FOR HB 23

BY: Representative Norman Rokeberg

Title: An Act relating to construction of a legislative hall.

Alaskans deserve and need a new Capitol Building, or at least, a new legislative hall, they can be proud of as a symbol of our state. It should be functional, user and citizen friendly, and architecturally beautiful. The structure should be a statement of freedom, democracy and the Alaskan way of life.

HB 23 creates fair and equitable competition for the construction of a new legislative hall for Alaska.

This legislation permits the Alaska Legislative Council to develop specifications and solicit proposals for a new legislative hall. The bill allows proposals from borough or unified municipalities with at least 30,000 residents, which would include Anchorage, Matanuska-Susitna, Fairbanks, Fairbanks North Star Borough, Juneau, and Kenai Peninsula Borough.

The current capitol building was finished in 1931. While efforts have been made to update the building, there is only so much that can be done to address its major problems. These problems include: corridors and other features which do not meet the current fire and safety building codes; limited ingress and egress for the disabled; lack of amenities such as parking and a public lounge; antiquated heating and ventilation systems; inadequate wiring for electrical and telecommunication services; and insufficient office, chamber, and committee space. The Capitol Building has outlived its usefulness as a legislative hall, and it is time to have a modern, functional building.

Upon making a selection, the Legislative Council will be responsible for carrying out the terms of the proposal, and for the operation and maintenance of the building. The rent would be set at \$1 per year. The new building will be completed and ready for occupancy by June 30, 2008.

I do believe that this is the only way to break the decades long political stalemate to build a new legislative hall in Alaska.

ED1: 2/7/05

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

RULES COMMITTEE CHAIRMAN
LABOR & COMMERCE COMMITTEE MEMBER
LEGISLATIVE COUNCIL MEMBER
SPECIAL COMMITTEE ON OIL & GAS MEMBER
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PHONE (907) 465-4968
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Representative Norman Rokeberg

e-mail: Representative_Norman_Rokeberg@legis.state.ak.us

SECTIONAL ANALYSIS FOR HB 23

BY: Representative Norman Rokeberg

Title: An Act relating to construction of a legislative hall

Section 1: Findings

Section 2: Specifications for Legislative Hall. Directs Legislative Council to develop specifications by December 15, 2005 for construction of new legislative hall. Sets forth that specifications must include at least the following space:

- Private office for each legislator and legislator's staff
- Larger private offices for Speaker of House and Senate President
- Chamber for each body with electronic voting boards and other appropriate equipment and galleries to accommodate 150 people in addition to media
- Private lounge for legislators, on same floor as chambers, with cooking facilities
- 18 committee rooms, with space for committee staff, 11 committee members, and at least 75 public members
- Suite of office space for Governor, Lt. Governor, and Commissioners for their use when they visit legislative hall
- One courtroom and adequate offices for judicial officers of the Supreme Court and staff
- One photocopy service room on each floor
- Public lounge and restaurant
- Rooms for security staff, documents, and supplies
- Office space for each agency of legislative branch that Council determines should be located with the legislature
- Office space for Senate Secretary and House Clerk

- Print Shop
- Maintenance Shop
- Media office
- Area adequate for electronic technology and telecommunications equipment and cabling
- Rotunda or atrium for public meetings, celebrations and events
- Facilities for display of Alaska historical exhibits and artifacts
- Documents room
- Press room with space to rent to press groups
- Adequate and efficient restrooms on each floor

Parking must also be addressed and must include at least the following:

- Covered parking for 75 vehicles on site of legislative hall
- Parking for at least 300 vehicles on site or adjacent to hall
- Covered walkways from parking areas to hall
- Parking area for an additional 150 vehicles near hall
- Total parking space must equal or exceed amount in Uniform Building Code current on date specifications are complete

Section 3: Proposals for Legislative Hall. May be submitted by boroughs or unified municipalities with a population of at least 30,000.

- Must include details regarding financing of project and terms on which hall will be made available to legislature
- Lease payments by legislature may not be in excess of \$1
- Hall must be completed before June 30, 2008

Proposal evaluation shall also consider:

- Availability of basic utility services
- Adequate airport access
- Adequate road or weekly winter ferry service
- Adequate health, education and social service facilities
- Adequate housing opportunities

Section 4: Selection of a Proposal. Council must select or reject all proposals by June 30, 2006. If proposal selected, Council will enter into contracts, leases, etc. If proposal includes a site wholly or partially on state land, Council shall take all actions to arrange for transfer of land to municipality at no cost. AS 36.30.020 and AS 35.05.010 do not apply to this Act.

Section 5: Transition. The first regular session of 26th Legislature and all thereafter shall convene in hall. The Revisor shall propose legislation making all changes to statutes necessary to conform to this section.



COPY

820 Glacier Avenue • Juneau, Alaska 99801
Telephone (907) 586-5322
Fax (907) 586-8323

April 9, 1998

Mr. Don Johnston, Maintenance
Legislative Affairs Agency
State Capitol Building - Room 12
Juneau, Alaska 99801-1182

Dear Don:

Attached is the fire inspection report you requested on the State Capitol Building. This report was prepared by both the Fire Marshal and the Building Official of the City and Borough of Juneau.

After carefully reviewing the report, it appears to me that the majority of items needing attention are of a house keeping nature with a minimum cost associated to them. (For example, adding a flammable liquid storage cabinet in the workshop area, providing a portable fire extinguisher in the kitchen area, documenting various test reports on existing systems throughout the building, etc.).

The one item needing the most consideration involves the building corridors because some of them are also part of the exit system. In this regard, you have eighteen months to develop a plan to bring the corridors up to compliance.

As I understand it, you accompanied Fire Marshal Curtis Jones on the inspection so the above mentioned items probably don't come as a surprise.

If there is anything else we can do to be of assistance, please call me or Curtis.

Respectfully,

CAPITAL CITY FIRE RESCUE

Michael L. Doyle
Fire Chief

MD:djb

c: Curtis Jones, CBJ Fire Marshal
Chris Roust, CBJ Building Official
Dave Palmer, City Manager



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Telephone (907) 586-5322
Fax (907) 586-8323

April 9, 1998

Mr. Don Johnston, Maintenance
Legislative Affairs Agency
State Capitol Building
Room 12
Juneau, Alaska 99801-1182

Dear Don:

Thank you for your assistance during the February 19, 1998, fire inspection of the State Capitol Building by Juneau Fire Marshal Curtis Jones. This appears to have been the first request for such an inspection of the Capitol since the State Fire Marshal deferred enforcement of the building and fire codes to the City and Borough of Juneau in 1982.

The codes sections cited below are from the 1994 editions of the Uniform Fire Code (UFC) and the Uniform Building Code (UBC).

- 1) **WORKSHOP:** Fire rated door separating the workshop from the boiler room must be provided with an automatic closing device. The door shall remain in the closed position unless held open by an approved holding device which will allow the door to close upon activation of the fire alarm system (UFC1112).
- 2) **PAINT LOCKER:** If flammable or combustible liquids are used in the workshop area, no storage is allowed in this room outside an approved Flammable Liquid Storage Locker. This area is classified as Hazard Occupancy. The exit door from the paint spray room must swing in the direction of exit travel. Please provide Explosive Proof Construction data for the concealed exhaust fan (UFC7902.5.9).
- 3) **ELEVATOR / MAIN STAIRWAY:** Please provide a copy of the test report by an individual or company holding a valid permit as required (IJAAC 50.035) showing that elevator recall and stairway doors close upon activation of the fire alarm system (UFC Appendix I-A 3).
- 4) **KITCHEN:** Provide a portable fire extinguisher with a minimum of 40 BC rating. This extinguisher must be mounted no more than five feet in height from the top of the extinguisher and within 30 travel feet from the stove (UFC1006.2.7 & UFC Standard 10-1).
- 5) **GENERAL STORAGE:** Throughout the building, reduce storage height to at least two feet below ceiling. Exception: when storage is against a wall (UFC1103.3.2.2).

- 6) **EMERGENCY POWER SUPPLY SYSTEM:** Please provide a copy of the biannual maintenance test report for the emergency power supply system (UFC Standard 5.6) (NFPA 110-6.3).
- 7) **FIRE ALARM SYSTEM:** Please provide a copy of the annual fire alarm test report. Test report must include the name of the company or individual and their valid permit number as required by State Fire Marshal (13 AAC 50-035) (UFC1001.4 & CBJ Title 19.09.010(b)(13)).
- 8) **STANDPIPE SYSTEM:** Please provide a copy of the five year standpipe test report for the interior and exterior systems. Report must include the name of the company or individual and their valid permit number as required by State Fire Marshal (13 AAC 50-035) (UFC101.4 & CBJ Title 19.09.010(b)(17)).
- 9) **CORRIDOR WIDTH:** The required width of the corridors shall be unobstructed. Exit travel through an intervening room may be allowed provided the exit door meets the required minimum width, has no locking devices, and has smoke detectors that are connected to the fire alarm system located on each side of the door (UFC Appendix I-A 2.3 & UBC Appendix 3407.3).
- 10) **GUARDRAILS:** The fire escape guardrails installed under building permit 9442 issued in September of 1973 appear to not have been inspected for building code compliance. The 1970 Uniform Building Code, which was in effect at the time, in section 1714 called for 42" high guardrails on the fire escape landings and stairs with intermediate rails spaced such that an object 9" in diameter could not pass through. Current codes call for no more than 4" spacing between intermediate rails. The existing guardrails do not meet either the 1970 or current codes.
- 11) **CORRIDORS:** The Uniform Building Code and Uniform Fire Code sections dealing with Life Safety in Existing Non-High Rise Buildings contain requirements for corridors which are a part of an exit system serving an occupant load of 30 or more in an office building. Such corridor walls and ceilings shall have not less than one hour fire resistive construction, doors shall be 20 minute fire rated with self closers and smoke gaskets, and transoms shall have ¼ hour rated fixed glazing (UFC Appendix I-A 2.3 & UBC Appendix 3407.3).

City records show that the Capitol was built in 1929 which was two years after the first edition of the Uniform Building Code was written and long before it was adopted in Alaska. The 1927 edition of the UBC did not require fire protection of corridors in new buildings and the UBC did not have a requirement for fire protection of corridors in existing non-high rise buildings until the 1982 edition. The concept of a fire protected corridor, free from smoke, allowing safe exiting of the occupants of a building during a fire is now a fundamental life safety requirement of building and fire codes throughout the world.

The requirement for such fire ratings may be eliminated if an approved automatic sprinkler system is installed throughout the building. There may be other options to allow this building to retain its historic character with approval of the building official. Examples include covering door panels less than 1 3/8 inches thick with wood-trimmed sheet rock and installing fixed ¼ hour fire rated windows behind frosted glass door windows in doors or transoms.

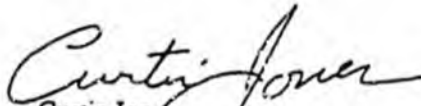
We have attached some information concerning the preservation of historic building components from the Uniform Code for Building Conservation as well as Appendix Section 3407.3 from the Uniform Building Code concerning corridor protection.

Items 1 through 9 must be addressed immediately and should be completed within 21 days of receipt of this report.

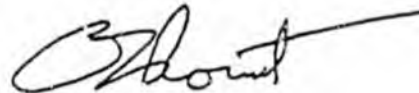
Within 18 months of receipt of this report, plans for compliance with items 10 and 11 shall be submitted and approved by CBJ Building Department and within 18 months thereafter the work shall be completed.

If you have any questions concerning this report and the code requirements stated herein, please call Curtis Jones at 789-2052 or Chris Roust at 586-5230.

Sincerely,



Curtis Jones
Fire Marshal
Capital City Fire/Rescue



Chris Roust
Building Official
City and Borough of Juneau



820 Glacier Avenue • Juneau, Alaska 99801
Telephone (907) 586-5322
Fax (907) 586-8323

January 23, 2003

Mr. Don Johnston
Legislative Affairs Agency
State Capital Building, Room 12
Juneau, AK. 99801-1182

Mr Johnston:

Thank you for your time meeting with me today and discussing the 1998 Fire Inspection completed by Fire Marshal Curtis Jones. I am pleased to see the progress that has been made to your facility. The emergency fire escape upgrades that were completed in November of 2002 are well within the current code standards.

The office off the Committee Room near the emergency fire escape has chairs and tables that encroach upon the egress path. *These must be removed from that area immediately IFC 1063.2.8*

All reports are current and on file in your office as required. The fire alarm, stand pipe, elevator, and emergency power were all in order.

You have installed the fire rated door and several paint lockers in the work shop area, as requested.

The kitchen area has a current hood inspection report and all of the fire extinguishers are current with the annual inspections.

A copy of your Emergency Action Plan is on file at the Fire Department.

The issue of the corridors is still a concern, reference 1998 fire inspection report. The Fire Department requests a written plan on how you intend on complying with the Fire Code minimum requirements for existing buildings, within 60 days of this letter.

On April 9, 1998, you were allowed 18 months to submit an approved written plan to the Building Department on how the building is going to be brought into compliance and 18 months to complete the work required. Neither the Building Department nor the Fire Department have received the requested plans.

RECEIVED

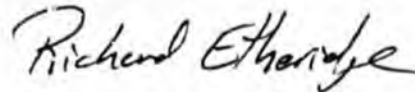
MAR 14 2003

Legislative Affairs Agency
Maintenance

We discussed several options including sprinklers for the building, or bringing the corridor into compliance with fire rated doors, windows and elevator shaft. This building has not been analyzed for compliance with the existing building provisions of the 2000 International Fire and Building Codes as adopted by the State of Alaska. We have verified that the corridors are out of compliance with these codes but it may be that other factors are lacking as well. We recommend that your office obtain the services of a design professional to perform a code analysis and offer you alternatives for compliance. It may be that a sprinkler system is required for the building and that a sprinkler system may eliminate several of the other corridor requirements as well as help the building retain its historic appeal.

If you have questions concerning the 1998 fire report or code requirements, please contact Chris Roust at the Building Department or myself.

Respectfully,



Richard Etheridge
Fire Prevention Officer

CC: John MacKinnon, CBJ City Manager.
Mike Doyle, CCF/R Fire Chief.
Chris Roust, CBJ Building Department.

RECEIVED

MAR 14 2003

Legislative Affairs Agency,
Maintenance



820 Glacier Avenue • Juneau, Alaska 99801
Telephone (907) 586-5322
Fax (907) 586-8323

January 23, 2003

Mr. Don Johnston
Legislative Affairs Agency
State Capital Building, Room 12
Juneau, AK. 99801-1182

Mr. Johnston,

After reviewing your request reference the blocking or removal of doors within the Capital Building. The fire department is requesting that the number of exits into the corridor and exits from the buildings not be altered.

1001.2 of the 2000 edition of the International Fire Code, which was adopted by the State of Alaska states:

It shall be unlawful to alter the building or structure in a manner that will reduce the number of exits or the capacity of the means of egress to less than required by this code.

The fire department regrets any inconvenience that this may cause, but public safety must remain our main priority.

Respectfully,

Richard Etheridge
Fire Prevention Officer

CC: Mike Doyle, CCF/R Fire Chief
Chris Roust, CBJ Building Department

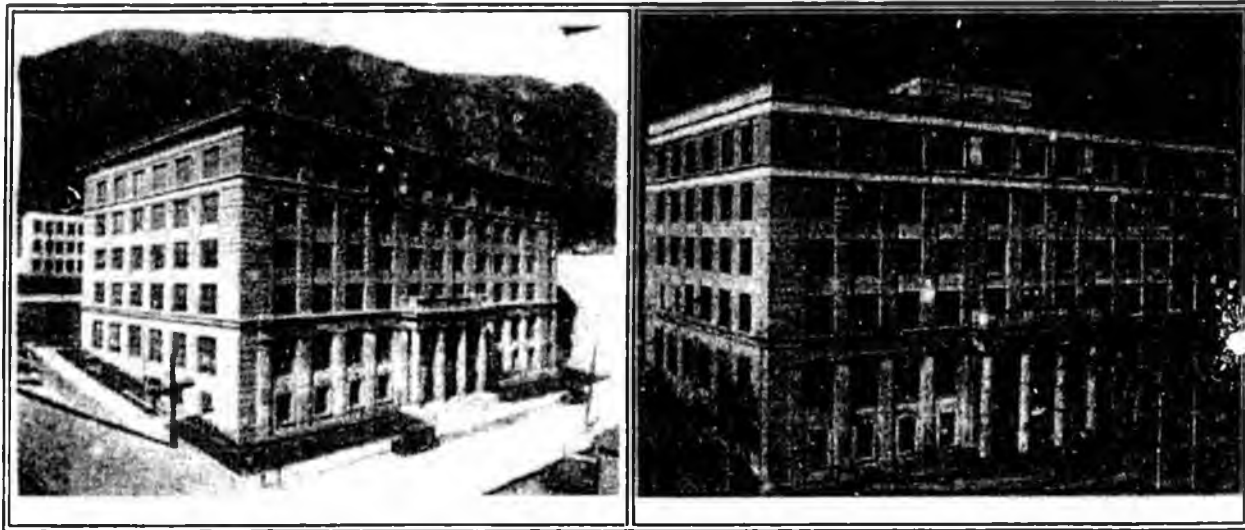
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MAR 14 2003
Legislative Affairs Agency
Maintenance



Alaska's Capitol

Welcome to Alaska's capitol! Originally completed in 1931, the building served as the territorial capitol housing the legislature, governor, the post office, courts, and numerous other federal and territorial agencies. Today our capitol contains the offices of the state legislature, governor, and lieutenant governor.

Capitol Tour Video (Download 45.7 MB File) Download to your desktop and play with Windows Media Player.



Congress authorized and made an initial appropriation for the building in 1911, but construction did not begin until 1929. There were many reasons for the delay, including the cessation of all public works of this type caused by World War I. One early delay was the refusal of the federal government to pay the owners' asking price for some of the lots on the site. This was overcome by local citizens and businesses who contributed money to purchase the necessary lots and deed them to the government.

Architects in the U.S. Treasury Department prepared plans for the building, and the construction contract was awarded to N.P. Severin Company of Chicago. Ground was broken by territorial governor George A. Parks on September 18, 1929. Construction is brick faced reinforced concrete. The lower facade is faced with limestone. The limestone and marble used in the four columns of the portico and in the lobby were quarried on Prince of Wales Island in southeast Alaska. In front of the building is a replica of the Liberty Bell, given to Alaska in 1950. A similar bell was given to every state as part of a promotional campaign for U.S. Savings Bonds.

Awaiting construction of the capitol, the territorial legislature, beginning with its first session in 1913, met in rented buildings around Juneau. The territorial governor was also in rented quarters when the capitol opened in 1931. When Alaska became a state in 1959,

the building became the property of the state under provisions of the Alaska Statehood Act.

In the lobby are two clay fired sculptures by Joan Bugbee Jackson. The scenes "Harvest of the Sea" and "Harvest of the Land" depict hunting and fishing in the 1930's and took approximately nine months to complete. Other carvings depict principal sources of income for the state: oil and gas, fishing and fish processing, wood products, minerals, tourism, hunting and trapping. Also on the ground floor is the documents office, which distributes bills and other official publications during the legislative session. The remainder of the ground floor consists of legislators' offices and meeting rooms, as does the first floor.

The legislative chambers have always been on the second floor, although not exactly where they are now. The original Senate chambers were in the rooms currently used as offices for the House Speaker and majority caucus. These rooms were restored in 1979. Much of the furniture is from the territorial period, and the hand stenciled ceiling dates from the time of construction.

The entire third floor is occupied by the governor and lieutenant governor. In the main hall is the "Hall of Governors" containing pictures of all territorial and state governors.

Until 1993 the fourth floor housed the Attorney General's offices. Today the entire fourth floor is used by the Legislature for offices and meeting rooms.

The Senate Finance Committee room is located on the fifth floor in what was once the federal district court room. This room has also been restored and the wooden benches are those that were used in the original court room.

Alaska's Capitol has served as the symbol and seat of government for over 60 years, and continues today to be a working Capitol.

Send questions and comments to [Webmaster](#). This page last updated 10/24/02

Legislative Research Services

Alaska State Legislature
Legislative Affairs Agency
Division of Legal & Research Services



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Juneau, Alaska 99801-2196
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June 5, 1997

MEMORANDUM

TO:

FROM: Maria Gladziszewski 
Legislative Analyst/Manager

RE: **Brief History of Efforts to Move Alaska's Capital, 1960-1997**
Research Request 97.062

You asked for an overview of the capital move issue in Alaska. Below is a chronological summary of major events in the history of the issue. Attached is a table listing all the measures that have been put to voters since statehood regarding the capital move. Also attached is another history, written January 1983, with additional details on events between 1960 and 1982.

1959--Delegates to Constitutional Convention Sidestep Issue

Delegates to the constitutional convention sidestepped the contentious issue of the capital location through the compromise of Article XV, Section 20, declaring Juneau the capital of the state but placing this wording in the "transitional" article of the constitution.

1960--Voters Reject Capital Move Initiative

Initiative No. 1 on the 1960 general election ballot provided that "the capital of the state of Alaska shall be moved on or before January 1, 1965, to a location within the Cook Inlet-Rail Belt area, exact site to be selected by a committee of five appointed by the Governor. . . ."

The initiative was defeated 23,972 (56 percent) to 18,865 (44 percent).

June 5, 1997

Page 2

1962--Voters Reject Capital Move Initiative

Initiative No. 1 on the 1962 general election ballot proposed the following:

. . . the Capital of Alaska be relocated in Western Alaska, to a site not within 30 miles of Anchorage. A committee of senior senators from each senatorial district shall select not more than three locations, consisting of not less than 6,400 acres of state lands. . . . From the locations selected the site shall be chosen by plurality vote of the people. The Legislature shall immediately thereafter provide for planning and construction of necessary state facilities. Movement of the capital shall begin before June 1, 1968.

Opponents sued to block the initiative from the ballot on the grounds that the location of the capital was a constitutional matter and the constitution could not be amended by way of an initiative. The Alaska Supreme Court ruled that matters treated in Article XV were not a permanent part of the constitution and could be changed by statute; thus, they could be changed by initiative (*Starr v. Hagglund*, 374 P.2d 316, 1962).

The initiative failed by a vote of 32,325 (55 percent) to 26,542 (45 percent).

1974--Voters Adopt Capital Move Initiative

Initiative No. 1 on the 1974 primary ballot proposed to relocate the capital to a site outside a radius of 30 miles from Anchorage or Fairbanks. Three potential sites were to be nominated by a nine-person site selection committee, and the voters were to make the final selection. The contending sites were to have 100 square miles of contiguous land owned by the state or land that could be acquired by the state at no cost. The move was to commence no later than October 1, 1980.

The initiative was adopted by the voters 46,659 (57 percent) to 35,683 (43 percent).

1976--Voters Select Willow as Site of New State Capital

In accordance with the 1974 initiative, a capital site selection committee was formed. After a year of study, the committee proposed Willow, Larson Lake and Mount Yenlo as the three sites. These choices went before the voters at the 1976 general election; the Willow site was chosen by a majority vote of 53 percent.

Mount Yenlo, Larson Lake, and Willow received 16,169, 33,170, and 56,210 votes, respectively.

June 5, 1997

Page 3

1977--Legislature Creates the New Capital Site Planning Commission

In 1977, the legislature adopted a capital planning statute that created a nine-member New Capital Site Planning Commission (Ch 67, SLA 1977). The commission was directed to prepare a detailed development plan for a city of 30,000 residents, cost estimates, and a financial plan. The commission estimated the cost of moving the capital at about \$3.5 billion and recommended that \$966 million in bonds be authorized for the project through its completion in 1994.

1978--Voters Reject \$966 Bond Authorization; Adopt FRANK Initiative

At the fall general election of 1978, the voters rejected by a wide margin--88,783 (74 percent) to 31,491 (26 percent)--the \$966 bond authorization recommended by the commission. At the same election, the voters adopted by a vote of 69,414 (56 percent) to 55,253 (44 percent) Ballot Proposition No. 3, known as the FRANK initiative (spearheaded by the Fairbanks-based Frustrated, Responsible Alaskans Needing Knowledge), which provided that money could be authorized to relocate the capital only after a majority of voters casting ballots in a statewide election approved a bond proposition that identified "all bondable costs" of the capital relocation. A February 1978 opinion of the Alaska Attorney General had interpreted the phrase "all bondable costs" to include all costs associated with the move that *could* be bonded, whether or not alternative financing methods were used.

The FRANK initiative brought capital move planning to a halt for two years (the period during which the legislature may not repeal an initiative).

1981--Legislature Reconstitutes New Capital Site Planning Commission

By the terms of Chapter 54, SLA 1981 (which "repealed and reenacted" the FRANK initiative), a reconstituted capital site planning commission was charged with the task of developing plans for construction and cost estimates for all aspects of the move, including the indemnification of Juneau residents. The 1981 law provided the following:

... 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 that includes the total cost to the state of providing for completion of relocation of a functional state capital

The measure also provided that if the ballot proposition was rejected by a majority of the voters, then all laws relating to capital relocation would be repealed. The commission completed its work

June 5, 1997

Page 4

in August, 1982. It scaled down the cost of the project from the first commission's estimate of \$3.5 billion to a new estimate of \$2.8 billion.

1982--Voters Reject Ballot Proposition to Relocate Capital to Willow

Ballot Measure No. 8 on the 1982 general election ballot read as follows:

Considering the cost, revenue and population estimates set out below, may the State of Alaska spend the money necessary (estimated to total \$2,843,147,000) to accomplish relocation of a functional state capital from Juneau to the new capital site at Willow?

The measure was defeated 102,083 (53 percent) to 91,249 (47 percent).

1994--Voters Reject Moving the Capital to Wasilla; Adopt FRANK Initiative

At the general election of 1994, voters rejected Ballot Measure Number 3, a proposal to change the state capital to Wasilla as of January 1, 1997, by a 55 to 45 percent margin. At the same election, the voters adopted by a vote of 119,089 (64 percent) to 66,157 (36 percent) Ballot Proposition No. 5, a revival of the FRANK initiative (spearheaded by the Fairbanks-based Fiscally Responsible Alaskans Needing Knowledge), with the following provision:

State money may be expended to relocate physically the capital or the legislature from the present location only after a majority of those voting in a statewide election have approved a bond issue that includes all bondable costs to the State of the relocation of a functional state legislature or capital to the new site over a 12-year period following such approval.¹

* * * * *

I hope this information is helpful to you. If you have additional questions or need more information, please do not hesitate to contact us.

Attachments

¹See Alaska Statutes 44.06.050 - 44.06.060.

DATE	Question	FOR		AGAINST	
		Votes	Percentage	Votes	Percentage
9-Aug-60	<i>Ballot Initiative:</i> Relocate the State Capital	18,865	44%	23,972	56%
6-Nov-62	<i>Ballot Initiative:</i> Relocate the State Capital	26,542	45%	32,325	55%
27-Aug-74	<i>Ballot Initiative:</i> Relocate & Construct Capital	46,659	57%	35,683	43%
2-Nov-76	<i>Ballot Measure:</i> Capital Site Selection	Larson Lake: 33,170 Mount Yenlo: 16,169 Willow: 56,219			
7-Nov-78	<i>Bonding Proposition:</i> New State Capital Construction Bonds-- \$966,000,000	31,491	26%	88,783	74%
7-Nov-78	<i>Ballot Initiative:</i> Full Bondable Costs of Relocating the Capital [FRANK Initiative]	69,414	56%	55,253	44%
2-Nov-82	<i>Ballot Proposition:</i> Relocation of State Capitol	91,249	47%	102,083	53%
8-Nov-94	<i>Ballot Initiative:</i> Relating to Changing the Capital to Wasilla	96,398	45%	116,277	55%
8-Nov-94	<i>Ballot Initiative:</i> Relating to Voters Right to Know the Cost of Moving the Capital [FRANK Initiative]	119,089	64%	66,157	36%

SOURCES:

State of Alaska Official Election Pamphlets; and
Alaska Division of Elections at <http://www.gov.state.ak.us/lsgov/elections/inihist.htm>

(Copy.)

Department of the Interior,

Bureau of Education,

54

Washington, D. C.

On U. S. S. Paula near Ft Wrangell

June 2d 1890

Hon Charles F. Manderson U. S. Senate

My dear Sir: - You will pardon me for again asking your attention to matters appertaining to the welfare of Alaska. Thanking you for what you have already done, I desire to ask more of your valuable aid. I have no copy, with House amendments of S. 1859 for acquiring title to land in Alaska, but from references in the papers I infer that an amendment has been attached to remove the Capitol to Juneau, and that the amendment contains no provision for the erection of public buildings. If so the friends of this Territory ought to consider its tendency and probable results. You are already so well informed as to the situation and environment of this little mining camp that I need not discuss its fitness for Capitol honors. By personal observation you know that it has only a cramped, shelflike, narrow area at the foot of an almost perpendicular mountain 2400 feet high without possible ^{space} for 5000 people. You, perhaps, observed its landslides endangering the houses already standing, or may have been told of the terrible winds sweeping

Bureau of Education,

Washington, D. C.

down

through the gorge, sometimes carrying houses bodily into the sea. The report of naval officers (I enclose Capt Farenholt's reply to my inquiry) shows that its harbor is a terror to all mariners having to stop there in winter. You have, undoubtedly, noted its uncentral location for all purposes except local mining whether considered geographical or in reference to the water channels connecting it with other portions of the Territory; and these channels and the open sea are no unimportant factors in the problem of our prosperity, since they are ^{our} only roads, actual or possible. The place nearest the open sea, which is our thoroughfare to the westward and the great valleys of the north, most accessible also to the various inside passages, is most central and convenient for the transaction of the public business. Official reports prove the climate of Juneau to be more severe than that of Sitka or Kodiak. I do not hesitate to affirm, and I have no doubt that you will agree with me that if all the other conditions were favorable, it might not be doubted if the proposed removal of the Capital would be advisable. But there are, it seems to me, objections to this amendment even more serious than these. The town of Juneau is still very small. It has no buildings designed for permanency. It is still only a mining camp, without manufactures, commerce, or business other than mining. Its continued existence as a town is still uncertain - dependent upon the success of certain undeveloped mining ventures which are themselves, as yet only experiments. Surely a removal of the Capital to such

Department of the Interior,
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a place, at the present time, would be premature. Is it wise to expend, say half a million dollars, to provide offices, residences for officials and other public buildings, in a place not entirely satisfactory, at the best, and having uncertainties such as I have referred to, especially when the government already has them on hand? But if it were desirable, the appropriations necessary for the erection of buildings, the necessary reservations of land for public uses, the fixing of definite time, and various other details of arrangement and adaptation to the changed conditions, cannot well be embraced in a rider to something else.

It is, of course, for Congress to determine whether or not the money shall be expended for this purpose. Are they prepared to vote it? That question ought to be settled first, or in connection with the other. It would be hardly the thing to turn the government out of their present quarters until other are provided—certainly not, to be exposed, without shelter, to the Cyclones of Juneau. It occurs to me quite possible that those Senators and members who have no pecuniary interest in or near Juneau, may think it proper to wait for an investigation of the situation by parties of their own choosing.

But to go a step further, if it should be conceded the proper thing to remove the Capitol as proposed, is it wise, is it right, is it fair to endanger or delay a measure so important, so essential to the welfare of the Territory, by attaching to it, as a rider, a scheme for personal aggrandisement, or at least

Bureau of Education,

Washington, D. C.

a matter of only local value? There are those who are uncharitable enough to believe that this little proposition, only broached at the last moment as if an afterthought, was the chief end and a full explanation of the disinterested mission of two self-appointed representatives from Alaska, in Washington during the last winter.

Whatever they accomplished or failed to accomplish, by their presence, they at least, demonstrated one thing fully. They have proved conclusively that the failure of Congress to provide legal and legitimate representation for us, leaves it always possible for unscrupulous demagogues and schemers to assume the role of patriotic and representative ^{Citizens} who may have power to work infinite mischief because there is no one near to correct the false impressions they make.

In all confidence, Senator, I appeal to you, as a friend of Alaska, as a friend of justice and right, as an enemy of intrigue and unfair methods, to so far represent us, as to point out the injustice and danger of this amendment. Ought not this proposition to be detached from the land bill and be required to stand or fall upon its own merits? The Country is suffering terribly — in fact is utterly paralyzed by the neglect of the Government to confer the privilege of acquiring titles to land. Shall this measure, so near successful issue, be now defeated or delayed by the selfishness and greed of a few individuals?

Department of the Interior,
Bureau of Education,

Washington, D. C.

I trust Congress will rebuke such brazen faced
effrontery.

With highest personal regards I am

Very truly

Your obt servant

Lyman E. Knapp

Sendarse the above fully

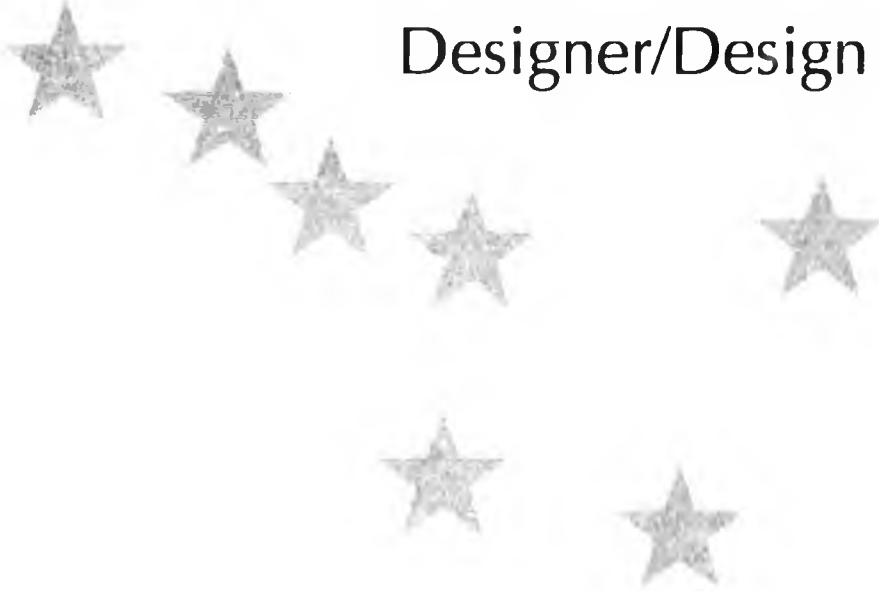
James Sheakley

Wm
Kraugel May 3d 1890



ALASKA STATE CAPITOL

Designer/Design Competition



Registration Begins:
November 5, 2004

Registration Closes:
November 30, 2004

Stage I Submittal Due:
December 1, 2004

www.alaskacapitol.org



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INVITATION TO PARTICIPATE

We are initiating a process that will result in a capitol for the State of Alaska – a place that symbolizes the values of the citizens of this great state.

When Alaska became a State 45 years ago, it inherited a federal territorial office building built in 1931 that was designed without respect to representative government and lacks adequate facilities. Consequently, citizens attending hearings today cannot always fit into undersized meeting rooms; the small House and Senate galleries are not able to accommodate all the Alaskans wishing to observe floor sessions; and the building is reaching its retrofitted limit to accommodate advances in technology. Furthermore, Alaska is the only state in the nation without a building designed to serve as a capitol.

As Alaska approaches its 50th Anniversary of Statehood in 2009, it is appropriate for Alaskans to construct a new building that incorporates public space, technology, and a design befitting the independence, hopes, and aspirations of its people and the majesty and bounty of its land. It is time to take this step in our "rite of passage" to statehood, as all the other states in the Union have done. It is time to construct a unifying symbol for the government of our state – a building to dignify and facilitate the functioning of representative government, the heart of our democratic process. Indeed, our state's vast land and scattered, diverse population make a sense of statewide unity not only difficult to achieve, but also a vital ideal for which to strive.

The primary goals for a new capitol building are to facilitate public participation and legislative deliberation, honor freedom of speech and assembly, incorporate the best technology and design to enhance communication, celebrate Alaska's cultural heritage and bright future, and minimize operating expenses through lower maintenance, energy, and rent costs. Also, while not a part of the Competition, the process will provide the "added value" of an opportunity to explore reuse and renovation strategies of existing state government buildings to create a unified, effective, and efficient capitol campus.

The creation of a state capitol is not an everyday event—it is creating a legacy. The creation of a building that represents the values of its citizens is a rare opportunity. We ask you to take part in this opportunity and join with us in making Alaska's new capitol the enduring cultural achievement Alaskans deserve.

A decorative graphic consisting of several small, five-pointed stars arranged in a loose, curved pattern in the upper left corner of the page.

OVERVIEW

Alaska's new Capitol will be prominent, enduring, memorable, and dignified. It will convey democratic values, instilling in all Alaskans a sense of civic pride and inspiring confidence and respect for the democratic institutions housed within it. It will be designed for the ages: a lasting cultural achievement, at once ceremonial, accessible, and functional.

The building will be approximately 130,000 net square feet (174,000 gross square feet) at a site located between Willoughby Avenue and Main Street in Juneau ("Telephone Hill"). The primary uses of the building include the Offices of the Governor and Lt. Governor, Senate, House of Representatives, Legislative Affairs Agency, public gathering spaces, and building support spaces. The estimated construction cost of the building, structured parking, and site development is approximately \$78 million.

The project will include the construction of a new building, related systems, and parking for a new Capitol facility. The scope of A/E services will include, at a minimum, the following: design development, construction drawings, specifications, cost estimates, value engineering services, computer-aided design and drafting (CADD), and construction contract services.

This new Capitol will be a symbolic development for the State of Alaska and should make an architectural statement that is responsive to the overall quality of life in Alaska. The successful Designer will be selected through a three-stage Designer/Design Competition, to be conducted as follows:

In Stage I, interested designers will submit portfolios that establish the design capabilities of the Lead Designer and his/her Design Firm. A 9-member Jury of national and Alaskan design professionals and other qualified Alaskans will evaluate the submissions. The Jury's evaluation will be based on the Lead Designer's design philosophy and individual profile, as well as, examples of the Lead Designer and Design Firm's past work. The Jury will establish a short list of up to 8 Lead Designers/Design Firms to be invited to participate in Stage II of the Competition.

For Stage II, selected firms will be asked to submit a narrative and Standard Form 330 detailing the A/E Team composition and describing each member of the Team, including all sub-consultants. The Jury will then interview each A/E Team, for which candidates must prepare 2 Site Evaluation and Design Intent boards. The Teams must also be prepared to discuss all aspects of the evaluation criteria and demonstrate the ability to fulfill all project requirements. Emphasis will be placed on the A/E Team's understanding of unique opportunities of the site and the project, approach to the project, design philosophy, and project management. The Jury will select up to 4 Teams to participate in Stage III.

In Stage III, the A/E Teams will create Design Concepts and become eligible to receive a \$25,000 honorarium. The Teams will prepare 4 Design Concept boards to be exhibited to the public and evaluated by the Jury. The Jury will analyze how the A/E Teams respond to the Competition Program. Emphasis in the evaluation will also be placed on the Concepts' response to state and community context, design image, sustainable design, and citizens' ideas. The Evaluation criteria and submission requirements will be finalized at the Stage III Pre-Submission Briefing.

Subject to approval of funding and agreement to proceed, the authors of the winning Design Concept will be invited to negotiate a contract with the City and Borough of Juneau to provide professional services to implement a design for the new Capitol.



VISION STATEMENT

Alaska's New Capitol: A Symbol of Democracy

Alaska's new Capitol will be prominent, enduring, memorable, and dignified. It will convey democratic values, instilling in all Alaskans a sense of civic pride and inspiring confidence and respect for the democratic institutions housed within it. It will be designed for the ages: a lasting cultural achievement, at once ceremonial, accessible, and functional.

Our vision is that a new Capitol will:

1. Encourage Citizen Involvement in Government

Alaska's new Capitol should have public seating in chamber galleries sufficient for both routine sessions and debates that attract wide public attention. Views of the floor and from the floor should be unobstructed. Committee hearing rooms should provide ample audience seating. Particular care should be given to accommodating information technology and media needs. For example, teleconference and videoconference equipment should be available for live participation from locations throughout the state. House and Senate chambers, as well as committee rooms, should be designed to enable television broadcast of proceedings.

2. Honor Freedoms of Speech and Assembly

Alaska's new Capitol should convey tolerance for, and encouragement of, peaceful protest and participation in the democratic process. This could include steps, sidewalks, plazas, and even speaker podia in front of the capitol that are suitable for rallies. Power and cable feeds should be available to media organizations covering political events at the Capitol, including some located to enable the capture of images demonstrating that Alaskans tolerate and celebrate free speech.

3. Incorporate a Central Space to Promote Community

Alaska's new Capitol should include a central civic space that serves as a natural focal point in the building. This space will serve as an anchoring public space for the State as a whole, a place to display artifacts of history and culture, a place that unifies Alaskans by exposing us all to a common set of state ceremonies and emblems. Suitable for inaugurations, memorial services, and holiday celebrations, it becomes a place that promotes a statewide sense of community.

4. Promote Equality Throughout the Structure

The main entrances and elevators to Alaska's new Capitol should be open to the general public. There should be no segregated audience seating (dignitaries versus general public) in chamber galleries or committee hearing rooms. Similarly, there should be no general circulation areas open to politicians, press, and lobbyists that are not also open to the general public.

5. Incorporate A Sense of Transparency

The grounds around Alaska's new Capitol should be open to all, with security measures designed to be as non-intimidating as possible. Our new Capitol should not have interior physical barriers that separate unnecessarily elected officials and citizens. The Capitol should have good wayfinding inherent in its design; building maps, schedules, agendas, and information about legislators and senior officials should be readily available.

6. Facilitate Legislative Deliberation

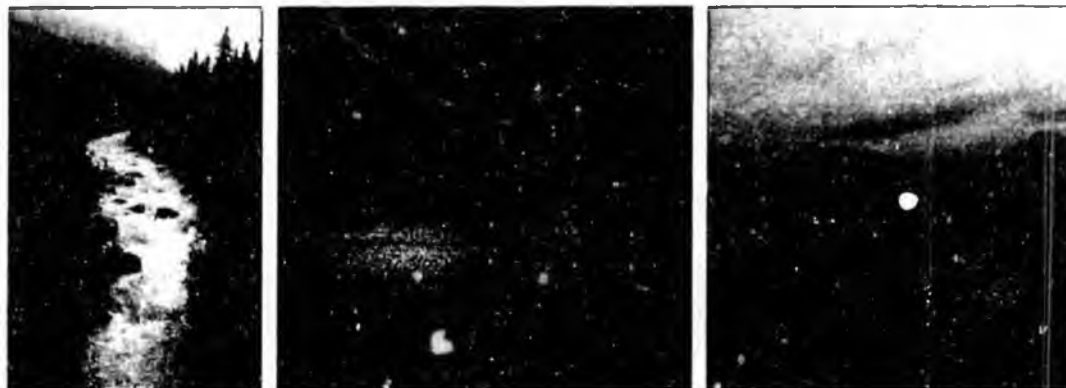
The design of House and Senate chambers should be designed to facilitate robust, interactive floor deliberation among members. Floor plans should tend toward a compact rather than rectangular shape, allowing members to view and interact with one another easily. To create mobility within the room—thereby encourage ongoing negotiations—aisles and areas between desks should be wide, with the floor essentially flat rather than inclined or raked.

7. Articulate the Separation of Powers

Alaska's new Capitol should incorporate the constitutional separation of powers—the traditional American safeguard against excessive concentration of governmental power—into the design of the building. This could be accomplished, for example, by setting aside separate, externally visible wings for the two houses of the legislature and for the governor.

8. Celebrate Alaska

Incorporating traditional and indigenous elements in architecture and artwork, Alaska's new Capitol should honor Alaska's cultural diversity and natural environment; recognize the state's distinct geographical regions, values, and urban and rural lifestyles; recall key elements of the state's rich historical past; and appeal to old-time Alaskans and newcomers alike. The building, of durable and quality construction and made of Alaska materials where possible, should reflect the greatness of the land and its people.



SITE CONTEXT AND PLAN

The site for the new Alaska State Capitol building is located in the heart of downtown Juneau. The site rises from 28' to over 110' above the mean high tide line. The site sits between the ocean and mountains that rise over 3,000 ft. From the top of the site, there is a panoramic view of the entire downtown Juneau area. To the east you can see down Gastineau Channel and out onto the Coast Mountain Range. To the south and west, you can see across Gastineau Channel to Douglas Island. To the north, Mt. Juneau towers over the site. The new Capitol site is open and exposed to the elements. The site receives a substantial amount of sun (for Juneau) but also is hit with fierce winds, predominately from the east.



VIEW OF CAPITOL SITE (TELEPHONE HILL) OVER THE WARF AND STATE OFFICE BUILDING BEYOND

The site is bounded on three sides by high-use roads: Main Street, Willoughby Avenue, and Egan Drive. The State Office Building serves as the border on the northwest edge of the site, along Willoughby Avenue. Vehicular site access can be best achieved off of Main Street and/or Willoughby Avenue. Some provision for right turns off of Egan Drive may be possible, however the existing traffic light and presumed traffic patterns greatly diminish the feasibility of this movement.

The site is currently accessed by vehicle off Main Street by way of Third Street. Third Street enters the site on a very steep slope and quickly levels off as it approaches the peak of the site and turns into Dixon Street. Pedestrian access is currently available along Third Street and a staircase that runs from Main Street up to the dead end of Dixon Street in the middle of the site. Existing rights-of-way on the site may be considered abandoned for the purposes of the competition.

Utilities to the site are readily available, with good access to adequate water flow and pressure from both Willoughby and Main (as well as the utility tunnel). Sewer and storm drains are also available from both sides of the hill. An electrical duct bank runs beneath the sidewalk on the West side of Main Street, containing sufficient power and communication lines. Additionally, a power duct bank carries primary power through the utility tunnel that runs under the site.

The single-family houses located within the site are assumed to be removed for the pur-

poses of this Competition. Areas currently being used by the Goldbelt Hotel's west parking lot and the State Archive Building may also be available to designers for the purposes of this Competition. The Goldbelt Hotel and its east parking lot and the Telephone & Utility Building are privately owned and will remain. The State Office Building and the Court Plaza Building are also public buildings that will remain.

Designers are encouraged to connect existing state office and parking facilities to the new Capitol building. Along Willoughby Avenue, the existing State Office Building parking facility may be revised or expanded to incorporate necessary parking for the new Capitol. A Transit Stop is located along the South end of Main Street. Although this transit stop may be moved, incorporating public transportation into the site is encouraged.



The Existing Site plan (above) was developed through a combination of historic aerial survey maps (created by Walker - Alaska Aerial Surveys) and on recent site inspections. The accuracy of the plan is limited and is meant to serve only as a reference guide.

Additional Capitol site analysis information, including an 11x17 format Existing Site Plan, a Photographic Record, and a Photographic Catalog, is available on the Competition Website: www.alaskacapitol.org.

DESIGN INFLUENCES

In addition to the specific site context, the Capitol must work well within, and ultimately strengthen, the existing fabric of Juneau, Alaska's Capital City. For an introduction to the city of Juneau and some of the factors to be considered when designing a building in this city and community, please see the Design Influences section of the Competition Website at www.alaskacapitol.org. It is not a comprehensive site analysis, but a general look at Juneau's historic and existing context with an eye to pointing out features that might otherwise escape those not intimately aware of Juneau's character.



VIEW OF FRONT STREET FROM CAPITOL SITE



JUNEAU WATERFRONT



DOWNTOWN JUNEAU AND MT. JUNEAU

A decorative graphic consisting of several small, five-pointed stars of varying sizes, arranged in a loose, curved pattern in the upper left corner of the page.

COMPETITION SPACE PROGRAM

Architectural programming is an essential part of the planning of any building project. It provides the framework for setting clear design expectations. Programming requires that the owner articulate the aspirations and goals behind the project and identify the intended occupants of the building along with their staffing and space requirements, as well as the spatial and qualitative aspects of specific spaces and their relationships to one another. With an understanding of the space, operations, and functions desired, the architect can create a design that is responsive to the expectations of the owner.

This Design Competition for Alaska's new Capitol incorporates good planning concepts, but is not a comprehensive or final architectural program. For example, many of the spaces identified in the Competition Space Program are based on previous capitol development efforts, preliminary space programming information compiled from those sources, and limited interface with the new Capitol building's intended occupants. In this sense, the Competition Space Program is an initial snapshot of what the new Capitol building can or may be, thereby providing a uniform basis for the ensuing Competition. A complete and final space and architectural program will be developed immediately following full project funding for the Capitol. Meanwhile, the Competition Space Program is the basis for this Competition.

The Vision Statement describes how the Capitol's built form needs to serve as a vehicle for articulating the role of government in Alaska. Additionally, the symbolism and prominence of a new Alaska State Capitol calls for a discerning evaluation and inclusion of these fundamental building characteristics in the architecture:

1. Accommodating the present while planning for the future: The design must accommodate each of the functions and space types specified in the Space Program. It must also be functionally sustainable over time, recognizing the future need to adapt internal systems, such as security and technological systems and changes in governing procedures and methodologies, in ways that do not degrade the architecture as those systems, procedures, and methodologies change and develop over the years.

Over time, many people will contribute their time, talents, and resources to the State of Alaska. The architecture must honor these people by providing a design that supports and provides opportunity for ongoing contributions.

2. Relationship between Indoor and Outdoor Spaces: The daily functions and activity of government relates to the civic actions of the citizens that often take place outside the building. The entire Capitol site must be considered a part of the overall design. The outdoor and indoor spaces should be integrated in ways that facilitate the demonstration of democratic principles and citizen participation in its governance.

The Capitol building is the keystone to the overall government center and must also be connected as part of the fabric of the capital city. Covered walkways and pedestrian bridges to adjacent state office facilities are desirable. Linkages to adjacent commercial,

civic, and visitor destinations are also desirable. The new Capitol must be designed and developed as an integral part of the state government center and the community in which it is located. Northern design principles are essential to the building's orientation, location of entrances, natural light quality, and open areas.

3. Collaboration and Shared Use: The Capitol will be used for a variety of functions and events during all times of year. During the legislative session it will be filled with state officials, visitors (predominantly Alaskan citizens), and legislative staff carrying out the tasks of government. During the "off season" including summer, the Capitol will be visited by hundreds of thousands of domestic and international tourists who are interested in knowing more about Alaska. Public spaces in the Capitol, and legislative hearing and meeting rooms, should be available for and embrace community use and benefit at times when the legislature is not in session.

Although the Capitol building is the centerpiece for legislative governance and the Governor, it is a building that should be available to all Alaskans for a multitude of uses beyond the needs of the legislature. Flexible, adaptable spaces are desired to accommodate the multiple-uses that are anticipated in the Capitol. The facility must serve the full array of people from child to adult, and foreigner to Alaskan. Flexibility, shared-use, and carefully placed adjacent functions are needed in the design.

4. Existing Capitol Building: The existing capitol building, the original territorial office building, will continue to serve a vital role in the evolving development of the state government center. The building itself is a centerpiece in the history of Alaska. A number of spaces within the building have an important historical significance, both functionally and architecturally. These spaces should be restored to their historical grandeur and maintained as public use spaces. Much of the building can be used to accommodate space needs of other state government departments and operations located in the capital city.

Although developing a reuse plan for the existing capitol building is not part of this design competition, the development of the new Capitol should become the impetus for thoughtful planning efforts by the state government and the capital city for the most appropriate preservation and reuse of this significant facility, and its linkage to the new Capitol building and the surrounding state government center.



EXISTING ALASKA STATE CAPITOL

5. Space Components and Net Square Footage:

Office of Governor	11,250
Working Office	600
Ceremonial Office	750
Governor's Conference	1,200
Governor's Office/Support Area	3,520
Communication, Press Secretary, Special Assistants	5,180
Office of Lt. Governor	3,617
Lt. Governor Working Office	400
Lt. Governor's Office Staff and Support	3,217
Office of Attorney General	2,648
Senate	32,106
President's Office - 1 @ 1,080 sf	1,080
Legislator Office - 17 @ 760 sf	12,920
Finance Committee Co-Chair Office - 2 @ 960 sf	1,920
Senate Secretary	720
Finance Committee Hearing Room	1,500
Finance Committee Secretary	260
Hearing/Conference/Meeting Rooms (5 @ 810 sf)	4,050
Special Meeting/Conference Rooms (4)	1,385
Chambers	2,875
Gallery	1,600
Page Room	290
Media/Press/Web Rooms	600
Copy Rooms	528
Circulation	2,378
House of Representatives	49,427
Speaker's Office - 1 @ 1,080 sf	1,080
Legislator Office - 37 @ 760 sf	28,120
Finance Committee Co-Chair Office - 2 @ 960 sf	1,920
House Clerk	820
Finance Committee Hearing Room	1,500
Finance Committee Secretary	260
Hearing/Conference/Meeting Rooms (5 @ 810 sf)	4,050
Special Meeting/Conference Rooms (4)	1,385
Chambers	4,000
Gallery	1,600
Page Room	290
Media/Press/Web Rooms	600
Copy Rooms	568
Circulation	3,234

Legislative Affairs Agency	4,218
Executive Director	800
Legislative Information Office	1,500
Senate/House Records	1,200
Legal Satellite	00
Circulation	518
Legislative Support	7,362
Supply/Mail/Document Distribution	1,450
Data Services	1,600
Staff Break Rooms (4 @ 352 sf)	1,408
Legislative Lounge	2,000
Circulation	904
Public Space	14,574
Visitor's Business Center	2,000
Press Room/Storage	800
Public Café	1,000
Gathering/Public Display	10,000
Security/Information Desk	80
Circulation	694
Building Support	5,029
Building Manager Office	300
Security Office	250
Building Maintenance Shop/Key Room	2,080
Loading Dock	460
Receiving/Staging	500
Trash/Recycle Storage	250
Groundskeeping Storage	400
Custodial Supplies/Storage	250
Circulation	539
Total Net Square Feet	130,231
Total Gross Square Feet	173, 640



COMPETITION REGULATIONS

These Regulations record the rules under which this Designer/Design Competition is conducted. Agreement by any Designer or Design Team to participate in any facet, event, or element of the Competition requires compliance with all Competition Regulations.

1. COMPETITION PROCEDURE

1.1 Announcement and Registration: The Competition will be announced in public forums, trade and Alaska newspapers, and on the Competition Website. Participants must register electronically on the Competition Website in order to participate in the Competition.

1.2 Stage I Competition Period: The Stage I Competition Period shall begin on the date of the Commerce Business Daily announcement and continue until the due date for submission of Stage I Portfolios as set forth in the Competition Schedule.

1.3 Pre-Submittal Meeting: Stage I Participants will be given an opportunity to attend a briefing and have a guided tour of the site of the Alaska State Capitol. Representatives of the City and Borough of Juneau will facilitate site visits and be available to answer questions regarding the site and program. Information imparted during the site visit is for the Designers' further understanding of the site and program. Meeting minutes of the briefing and site tour will be taken and posted to the Competition Website.

1.4 Question and Answer Period: The Stage I Participants will be given an opportunity to submit written questions and request for additional information. All questions received from Stage I Participants will be answered, and copies of all questions and answers will be posted to the Competition Website. Questions may be submitted by mail, fax, or email to the Competition Advisor/Manager at the Competition Address.

1.5 Submission of Stage I Lead Designer/Design Firm Portfolios: All Portfolios must be sealed and received at the designated Competition Address by 4:30pm AKST on the date indicated on the Competition Schedule. The Portfolio shall conform to the Mandatory Requirements for Stage I Portfolios as stated in these Competition Regulations.

Upon receipt of Portfolios, the Competition Advisor/Manager will review each Portfolio and check the submission for compliance with Mandatory Requirements. Should any submission be found in noncompliance with these Competition Regulations, the Competition Advisor/Manager will make the final decision concerning qualification or disqualification of the Portfolio. The decision of the Competition Manager/Advisor is not subject to appeal and if disqualified, the Competition Advisor/Manager will remove the submission from the Competition and notify the Entrant. The non-complying submission will be returned to the sender.

1.6 Late Submissions: A Portfolio will be considered late if received after 4:30 pm AKST, on the day set forth in the Competition Schedule. Submissions received after the specified time will not be considered in the Competition and will be returned unopened to the

sender. Participants must be aware that express delivery requirements to Alaska require a minimum of 2 days, and that inclement weather is known to delay shipments. Inclement weather delays will not adjust the submission deadlines.

1.7 Stage I Evaluation and Selection: All Portfolios complying with the requirements of Section 3 of these Competition Regulations will be evaluated equally and without prejudice.

The Jury will analyze and evaluate all complying Portfolios and select a maximum of eight (8) Lead Designers/Design Firms to be invited to participate in Stage II of this Competition. The Jury will record their findings and decision, and the results of Stage I will be announced by the City and Borough of Juneau.

1.8 Stage II Participant Notification: The Competition Advisor/Manager will notify Lead Designers/Design Firms of their advancement to Stage II. Each Stage II Lead Designer/Design Firm will receive a subsequent letter detailing the Stage II submission requirements and interview parameters, including the date, time, mandatory requirements, issues to be addressed, and evaluation criteria.

1.9 Stage II Competition Period: The Stage II Competition Period shall begin on the day of Stage II notification and continue until the completion of Team Interviews as set forth in the Competition Schedule.

1.10 Submission of Stage II A/E Teams: Each Stage II Lead Designer/Design Firm must submit Standard Form 330 "Architect Engineer Qualifications" published by the U.S. General Services Administration, and a narrative Team description. Additionally, at the time of scheduled interview, each team must present two (2) Site Evaluation and Design Intent boards as stated in Section 4 of these Competition Regulations. The Stage II submissions (except the boards) must be sealed and received at the designated Competition Address by 4:30pm AKST on the date indicated on the Competition Schedule.

1.11 Late Submissions: Submissions will be considered late if received after 4:30 pm AKST on the day set forth in the Competition Schedule. Submissions received after the specified time will not be considered in the Competition and will be returned unopened to the sender.

1.12 Question and Answer Period: The Stage II Participants will be given an opportunity to submit written questions and requests for additional information. All questions received from Stage II Participants will be answered, and copies of all questions and answers will be sent simultaneously to all Stage II Participants. Questions may be submitted by mail, fax, or email to the Competition Advisor/Manager at the Competition Address. Responses will be mailed to all Stage II Participants and will be posted on the Competition Website.

1.13 Stage II Interviews: All A/E Teams complying with the requirements of Section 4 of these Competition Regulations will be interviewed in a format that allows each Team to be evaluated equally and without prejudice. The Jury will conduct an interview of each Stage II A/E Team on the dates set forth in the Competition Schedule. Each A/E Team will present their Site Evaluation and Design Intent boards at the interview. The focus of the interview will be the personal commitment of the Lead Designer, the site evaluation and areas of design exploration articulated in the boards, and the capability of the A/E Team to develop the design and documentation in a timely and responsible manner.

1.14 Stage II Evaluation and Selection: The Jury will evaluate all complying Stage II A/E Teams and select a maximum of four (4) A/E Teams to be invited to participate in Stage III of this Competition. The selection will be based on the Stage I submittal, the Stage II submittals, and the interview. A/E Teams to be invited to participate in Stage III will be notified by the Competition Advisor/Manager. The Jury will record their findings and decision and the results of Stage II will be announced by the City and Borough of Juneau.

1.15 Stage III Competition Briefing: The Stage III Participants will be required to attend a mandatory Briefing in Juneau with the Competition Advisor/Manager and representatives of the City and Borough of Juneau. The Briefing will include clarification of the Competition Schedule and Procedures, Stage III submission requirements, expectations of Stage III activities, dissemination of other information that is timely and appropriate, and guided tours of the Alaska Capitol site.

1.16 Stage III Competition Period: The Stage III Competition Period shall begin on the day of the Stage III Competition Briefing and continue until the due date for submission of Stage III Design Concepts as set forth in the Competition Schedule.

1.17 Question and Answer Period: The Stage III Participants will be given an opportunity to submit written questions and requests for additional information. All questions received from Stage III Participants will be answered, and copies of all questions and answers will be sent simultaneously to all Stage III Participants. Questions may be submitted by mail, fax, or email to the Competition Advisor/Manager at the Competition Address. Responses will be mailed to all Stage III Participants and will be posted on the Competition Website.

1.18 Submission of Stage III Design Concepts: All Stage III Design Concept submissions shall be sealed and received at the designated Competition Address by 4:30 pm AKST on the date indicated on the Competition Schedule. The submission shall conform to the Mandatory Requirements for Stage III Design Concepts submission as stated in Section 5 of these Competition Regulations and finalized at the Competition Briefing for Stage III Participants.

Upon receipt of the submission, the Competition Advisor/Manager will record such receipt and examine the submission for compliance to the Mandatory Requirements.

Should any submission be found in noncompliance with the Competition Regulations, the Competition Advisor/Manager will make the final determination concerning qualification or disqualification of the Submittal. The Competition Advisor/Manager will notify the Stage III A/E Team of the decision. The decision of the Competition Advisor/Manager is final and not subject to appeal. A finding of disqualification will result in forfeiture of the Competition Honorarium established for that Stage III A/E Team as described in these Competition Regulations.

1.19 Late Submissions: A Design Concept submission will be considered late if received after 4:30 pm AKST on the day set forth in the Competition Schedule. Entries received after the specified time will not be considered in the Competition and will be returned unopened to the sender.

1.20 Public Exhibition of Design Concept Submittals: All complying Stage III Design Concept submissions will be exhibited for the public as set forth in the Competition Schedule. The exhibit will be simultaneously presented in three locations in Alaska and

the public will have the opportunity to comment on the Design Concepts.

1.21 Stage III Evaluation and Selection: All Stage III Design Concept submissions complying with the requirements of Section 5 of these Competition Regulations will be evaluated equally and without prejudice.

The Jury will meet to evaluate and rank the Stage III Design Concept submissions based on community context, design image, facility functionality, sustainable design, and the comments of the citizens of Alaska. The Jury will decide the final ranking of the Competition and forward a report on the decision to the Capitol Planning Commission for review and then to the City and Borough of Juneau for adoption.

1.22 Approval and Adoption: The Capitol Planning Commission will review the Jury's decision to validate the process and forward their recommendation to the City and Borough of Juneau. The Mayor of the City and Borough of Juneau will receive and adopt the report of the Jury, and forward the recommendation of the successful team to the City and Borough of Juneau's Purchasing Division for official posting notice. In accordance with City and Borough of Juneau code, such posting shall commence the protest period.

1.23 Protest Process: Protests will only be accepted from Stage III Participants. The protest period begins with the posting of a notice of the successful winner, in the City and Borough of Juneau Purchasing Division, and expires at the close of the next business day. Protests shall be executed in accordance with City and Borough of Juneau Ordinance 53.50.062 PROTESTS and 53.50.080 ADMINISTRATION OF PROTEST. Copies of the ordinances describing protest procedures are available from the City and Borough of Juneau Purchasing Division or online at <http://www.juneau.org/law/code/purchasing.pdf>. Questions concerning protests or protest procedures should be directed to the City and Borough of Juneau Purchasing Officer at (907) 586-5258.

2. COMMUNICATIONS

No Competition Participant or Participant's representative shall communicate with any member of the Capitol Planning Commission (CPC), City and Borough of Juneau elected officials and staff, Technical Advisory Team, Jury, or the Competition Advisor/Manager on matters of this Competition except as provided in these Competition Regulations. Should any such communication occur, the Participant/Team is subject to disqualification with forfeiture of the honorarium. The CPC and Jury shall report any non-complying communications to the Competition Advisor/Manager. The Competition Advisor/Manager will make the final decision concerning qualification or disqualification of the Participant/Team. The decision of the Competition Advisor/Manager is final and not subject to appeal.

If any Participant desires information of any kind in regard to the Competition, the Competition Regulations, the Program, or the site, the Participant shall ask for this information by mail, fax, or email to the Competition Advisor/Manager at the Competition Address. There will be Question and Answer Periods in all three Stages of the Competition, as well as a Pre-Submittal meeting in Stage I and a Competition Briefing in Stage III.

All questions received in accordance with the Competition Schedule will be answered in accordance with the Competition Regulations. The authorship of the questions shall remain anonymous. Upon publication by the Competition Advisor/Manager and upon

receipt by the Competition Participants, the Questions and Answers become part of the Competition Program and shall be interpreted as such.

3. MANDATORY REQUIREMENTS FOR STAGE I PORTFOLIO SUBMISSION

The Portfolio is intended to provide the Jury with an understanding of the Lead Designer/Design Firm's past design performance, philosophy and design intent, thoughtfulness, creativity, and overall resume. The Lead Designer may be an individual, a studio, or close collaboration of individuals. The Design Firm may be one firm, a joint venture, prime/consultant, or a consortium.

Participants must provide 3 printed copies of the Portfolio bound in 8.5 x 11 inch format and one electronic copy in PDF format on a compact disc. The Portfolio must contain only the following information for consideration. No other information will be accepted.

3.1 Cover letter that briefly describes the firm and its location, organizational makeup, and noteworthy accomplishments.

3.2 A written statement of design intent by the Lead Designer (maximum two pages) addressing:

- Overall design philosophy and how their philosophy translates to the Alaska State Capitol project;
- Understanding of the design issues (opportunities and challenges) for the proposed Capitol;
- Philosophy for approaching the design of the Capitol and understanding the vision, values, and mission of the project; and
- Commitment of the Lead Designer to the project.

3.3 Documentation of up to three projects *by the Lead Designer* completed within the past ten years (maximum of five pages per project).

3.3.1 A one-page typewritten narrative description of each project. The description should include:

- Design objectives, approach, results, project significance, and key features;
- How the project is similar in scope, program, and/or complexity to the new Capitol;
- How the client's operational, budgetary, and quality objectives were accomplished;
- Unique aspects of the project, such as energy conservation, sustainability, or other examples of environmental and workplace excellence;
- Contribution to urban fabric; and
- Public sector design excellence.

3.3.2 Up to three 8 x 10 inch illustrations of each project.

3.3.3 A list of awards, publications, notices, peer recognition, or any other documentation of design excellence.

3.4 Lead Designer biographical information (maximum three pages) describing education, professional experience, design recognition inclusive of portfolio examples, and description of areas of responsibility.

3.5 Documentation of up to five projects by the *Design Firm* completed within the past ten years (maximum of five pages per project):

3.5.1 A one-page typewritten narrative description of each project. The description should include:

- Design objectives, approach, results, project significance, and key features;
- How the project is similar in scope, program, and/or complexity to the new Capitol;
- How the client's operational, budgetary, and quality objectives were accomplished;
- Unique aspects of the project such as energy conservation, sustainability, or other examples of environmental and workplace excellence;
- Contribution to urban fabric; and
- Public sector design excellence.

3.5.2 Up to three 8 x 10-inch illustrations of each project.

3.5.3 A list of awards, publications, notices, peer recognition, or any other documentation of design excellence.

4. MANDATORY REQUIREMENTS FOR STAGE II INTERVIEWS

The intent of Stage II of the Competition is to have those Lead Designers/Design Firms selected in Stage I form complete A/E Teams who are capable of executing the project design and related construction administration services. The Jury will interview and select the A/E Teams to advance to Stage III. Stage II A/E Teams must submit the following:

4.1 Twelve (12) copies of a written narrative (maximum of three pages) that describes the composition of the A/E Team and the roles of the participants on the Team. Include detailed information on the participants of the Team, their particular roles, why the specific combination of team members was selected, and how Alaskan design professionals are included on the Team. Sufficient information should be provided to justify the team make up, responsibilities, and firm locales.

4.2 Twelve (12) copies of Standard Form 330 "Architect Engineer Qualifications" published by the U.S. General Services Administration, which provides information regarding the Team's organization, qualifications, and past projects.

4.3 Two (2) Site Evaluation and Design Intent Boards to illustrate the Team's evaluation of the site and proposed areas of design exploration in Stage III. Concept designs for the Capitol are not to be included in the graphic presentation. Boards are to be 30" x 40" oriented vertically, and brought to the Interview (not submitted with 4.1 and 4.2). More specific details of the requirements for the Site Evaluation and Design Intent Boards may be provided to the Participants selected for Stage II.

4.4 An electronic copy of the Site Evaluation and Design Intent boards in PDF format on a compact disc is to be brought to the Interview (not submitted with 4.1 and 4.2).

5. MANDATORY REQUIREMENTS FOR STAGE III DESIGN CONCEPT SUBMISSIONS

The intent of Stage III of the Competition is to have each A/E Team selected in Stage II prepare a Design Concept for the project. The Stage III Participants must submit the following:

5.1 Three (3) sets of a maximum of four (4) 30" x 40", vertically oriented boards illustrating the concept, including plans, sections, elevations, perspectives, narratives and diagrams to fully explain the Design Concept;

5.2 An electronic copy of the Design Concept boards in PDF format on a compact disc;

5.3 An estimated construction budget appropriate to the design.

The specific requirements of the Stage III Design Concept submission will be refined and distributed to the selected A/E Teams at the Stage III Briefing. Drawing scales, mediums, and presentation composition will be established to best portray the Design Concepts in an equal and unbiased manner, and to provide the ability for everyone viewing the Stage III Design Concept submissions to understand the Design Concept.

6. THOSE ELIGIBLE TO COMPETE

Participation in this Competition will be open to all individuals or teams. The "Architect and Engineers of Record" shall comply with the State of Alaska licensing requirements.

No employee of the City and Borough of Juneau or member of the Capitol Planning Commission is eligible to participate in this Competition.

7. COMPETITION HONORARIA AND EXPENSES

The A/E Teams that are invited to participate in Stage III of this Competition become eligible to receive a \$25,000 honorarium. The honorarium will be paid upon submission of a Design Concept in accordance with the Mandatory Requirements and the completion of Stage III selection as set forth in the Competition Schedule. There is no compensation for Stage I and Stage II Participants.

8. DISQUALIFICATION

The Competition Advisor/Manager has final determination on all disqualifications that arise during the Competition Procedure. The Competition Advisor/Manager will notify the Participant and the City and Borough of Juneau in an expedient and fair manner. The Competition Advisor/Manager's determination is final and not subject to appeal.

Disqualification will occur should any Participant commit an act (or acts) that is (are) in conflict with the Competition Regulations.

9. JURY

The Jury will consist of nine (9) voting members and one (1) nonvoting recorder. The voting members will be made up of two (2) design professionals of national stature from outside Alaska and seven (7) Alaskan citizens of whom at least two (2) will be design professionals. All members of the Jury are to be selected by the Competition Advisor/Manager, reviewed by the Capitol Planning Commission, and approved by the Mayor of the City and Borough of Juneau. The tasks of the Jury are defined in the Competition Regulations.

10. COMPETITION ADVISOR/MANAGER

The Competition Advisor/Manager is retained by the City and Borough of Juneau to manage the Competition Procedure. The Competition Advisor/Manager 1) is the sole contact of, and representative for the Participants throughout the Competition; 2) will organize and coordinate all activities of the Competition to ensure an equitable, open and clear process leading to decisions by the Jury; and 3) will facilitate meetings as required for the orderly execution of the Competition. The Competition Advisor/Manager for this Competition is Donald J. Stastny FAIA FAICP, StastnyBrun Architects, Inc., Portland, Oregon.

11. TECHNICAL ADVISORY TEAM

The Technical Advisory Team serves as an advisor to the Jury. The Technical Advisory Team will provide the Jury with assistance in the evaluation of the Standard Form 330s and a technical overview of the Stage III Design Concept submittals.

The Technical Advisory Team is comprised of the Competition Advisor/Manager, City Architect, Program Consultant, representatives of the Mayor and/or the City Manager, and representatives of the Capitol Planning Commission (CPC).

12. RESPONSE TO CITIZEN INPUT

Alaskans will play an integral role in the Competition Process. In addition to representation on the Jury, Alaskans will have two significant opportunities to contribute to the Process. First, "Citizen Ideas" for the State Capitol will be solicited throughout Stages I and II as set forth in the Competition Schedule. These ideas will be compiled and presented to the Stage III Participants at the Stage III Pre-Design Concept Briefing and to the Jury. Second, Citizens will have the opportunity to view and comment on the submitted Design Concepts in Stage III. These comments will be compiled and given to the Jury to assist in their evaluation of the Design Concepts.

13. OWNERSHIP OF COMPETITION SUBMITTALS

All materials submitted for any phase or event in this Designer/Design Competition will become the property of the City and Borough of Juneau. The author(s) of any material may use their material for promotion and marketing efforts.

14. EXHIBITION OF COMPETITION SUBMITTALS

The City and Borough of Juneau reserve the right to exhibit all Stage I, Stage II, and Stage III Submittals that are submitted in compliance with the Competition Regulations. Furthermore, the City and Borough of Juneau reserve the right to use or display any and all material for educational purposes, publication, documents, videos, or fund-raising purposes at its discretion. The City and Borough of Juneau shall give appropriate credit to the author or authors of any material used.

15. AGREEMENT BETWEEN THE CITY AND BOROUGH OF JUNEAU AND THE SELECTED DESIGNER

Subject to approval of funding and agreement to proceed, the author or authors of the winning Capitol Design Concept will be invited to negotiate a contract with the City and Borough of Juneau to provide professional services to implement a design for a new Capitol, which may or may not include elements of the design selected from the Competition process.

Since the Competition results will be used to solicit and allocate capital improvement funds, and construction may be phased as funds become available, the City and Borough of Juneau reserves the right to request modification in the program or design prior to detailed design and construction documentation. At any time and at its sole discretion, the City and Borough of Juneau reserves the right to not proceed with the project. If for any reason, the City and Borough of Juneau is unable to negotiate an agreement with the selected Designer, the City and Borough of Juneau reserves the right to commence negotiation with the second ranked Designer.

16. COMPETITION ADDRESS

The official address for all submittals required in these Regulations is as follows:

For deliveries by courier, express service, or hand delivery:

PHYSICAL LOCATION:

City and Borough of Juneau, Purchasing Division
105 Municipal Way, Room 300
Juneau, AK 99801
(907) 586-0201

For deliveries by the U.S. Postal Service only:

MAILING ADDRESS:

City and Borough of Juneau, Purchasing Division
155 South Seward Street
Juneau, AK 99801

All Competition inquiries and communications from people participating in the Competition must be directed to the Competition Advisor/Manager:

Donald J. Stastny FAIA FAICP
(503) 222-5533 phone
(503) 227-5019 fax
designcompetition@alaskacapitol.org

General information and communication from people not participating in the Competition may be sent to:

City and Borough of Juneau
(907) 586-0201 phone
(907) 586-4522 fax
info@alaskacapitol.org

The official Competition Website is: www.alaskacapitol.org

17. COMPETITION SCHEDULE

The Competition Schedule is hereby appended to, and is part of, the Competition Regulations. It lists the sequence of events and the deadlines in accordance with the Competition Procedure. Modifications to the Competition Schedule, if made, will be issued as addenda and posted on the Competition Website.

Participants should allow additional time for delivery of submissions to Juneau, Alaska. Due to the city's location and potential for inclement weather, deliveries and air travel can be compromised and take longer than the standard times in the continental states. Note that FedEx, DHL, UPS, and USPS do not guarantee overnight packages to Alaska.

18. SUMMARY REPORT

Upon announcement of the selected Competition winner, the Competition Advisor/Manager will issue a report summarizing the Competition process and results.



COMPETITION SCHEDULE

Competition Registration Begins

November 5, 2004

STAGE I: PORTFOLIO (SELECTION OF LEAD DESIGNERS/DESIGN FIRMS)

Pre-Submittal Meeting in Juneau

November 16, 2004

Jury applications due

November 16, 2004

Question and Answer Period: last day to submit questions

November 23, 2004

Question and Answer Period: answers distributed to all Participants

November 26, 2004

Competition Registration ends

November 30, 2004

Stage I submittals due (Lead Designer/Design Firm Portfolios)

December 1, 2004

Lead Designers/Design Firms selected for Stage II (up to 8)

December 8-9, 2004

- Jury evaluates Portfolios of Lead Designers/Design Firms

- Jury selects Lead Designers/Design Firms to advance to Stage II

Announcement of Stage I results

December 15, 2004

STAGE II: INTERVIEW (SELECTION OF A/E TEAMS)

Question and Answer Period: last day to submit questions

December 22, 2004

Question and Answer Period: answers distributed to all Participants

December 29, 2004

Stage II submittals due (A/E Team Narrative and SF 330)

January 5, 2005

Technical Advisory Team review

January 6-7, 2005

A/E Teams selected for Stage III (up to 4)

January 10-11, 2005

- Jury evaluates A/E Teams' submittals

- Jury interviews A/E Teams & evaluates A/E Teams' boards

- Jury selects A/E Teams to advance to Stage III

Citizen Ideas due

January 12, 2005

Announcement of Stage II results

January 14, 2005

Public exhibit of Stage II Site Evaluation & Design Intent boards

January 19-20, 2005

STAGE III: DESIGN CONCEPT (SELECTION OF FINAL A/E TEAM)

Pre-Design Concept Competition Briefing

January 19, 2005

- Delivery of Stage III information packet to A/E Teams

- Delivery of Citizen Ideas to A/E Teams

Question and Answer Period: last day to submit questions

January 28, 2005

Question and Answer Period: answers distributed to all Participants

February 4, 2005

Stage III submittals due (Design Concepts)

February 16, 2005

Compliance assurance by Competition Advisor/Manager

February 17, 2005

Public exhibit of Design Concepts

February 18-25, 2005

Technical Advisory Team review

February 21-25, 2005

Jury makes selection and reports to the City and Borough of Juneau

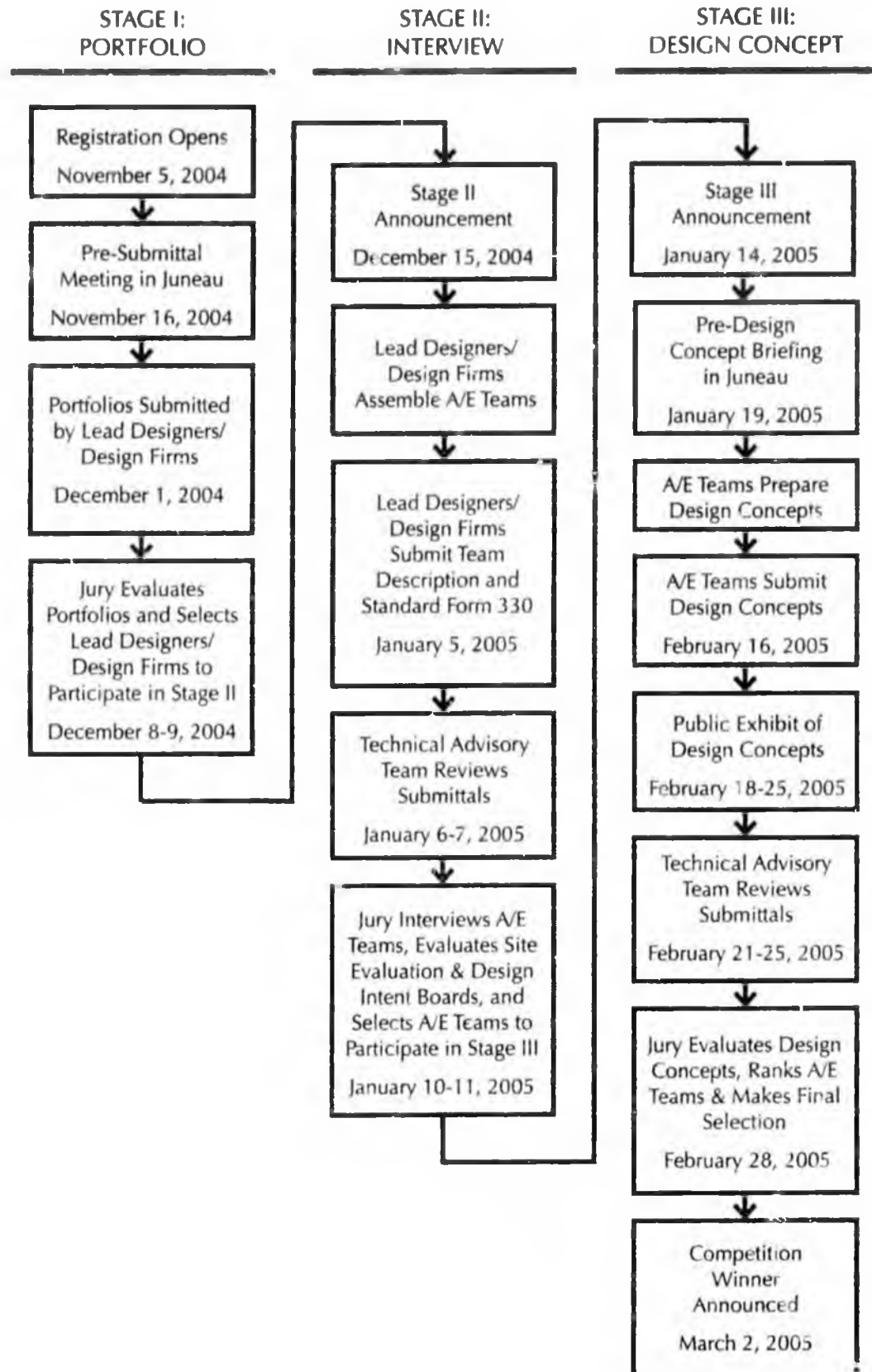
February 28, 2005

ANNOUNCEMENT OF SELECTED A/E TEAM AND DESIGN CONCEPT

March 2, 2005

- City and Borough of Juneau reviews and adopts the Jury's report

COMPETITION PROCESS DIAGRAM





A decorative graphic consisting of several small, five-pointed stars of varying sizes and orientations, arranged in a loose, circular pattern around the top left of the page.

★ STAGE I EVALUATION CRITERIA

PHILOSOPHY AND DESIGN INTENT (30%)

The statement should be authored by the designer, not by his or her marketing department. Clarity, standard grammar, and the absence of cliché and jargon indicate a thoughtful designer. The statement should indicate the designer's attitude toward design and demonstrate his or her understanding of the State Capitol project and the project issues. The statement should reflect the general ability of the designer to communicate ideas.

LEAD DESIGNER'S PORTFOLIO (30%)

The portfolio should be thoughtfully arranged and composed of exhibits that demonstrate a basic understanding of design issues that need to be addressed in this project. The exhibits should portray the response to client criteria and needs, demonstrate design leadership, and clearly demonstrate the designer's personal level of commitment to design excellence.

LEAD DESIGNER'S PROFILE (10%)

The profile/resume should indicate a range of education and work experience, as well as increasing responsibility for delivering projects of expanding complexity and magnitude.

DESIGN FIRM: PAST DESIGN PERFORMANCE (30%)

Portfolio narratives should describe architectural and engineering challenges and particular design solutions on each project. The solutions documented should clearly address and meet the challenges of the project. Projects should demonstrate creativity, indicate a clear design approach, and fit easily in their building context. Certificates, awards, evidence of peer recognition, should be for the respective projects shown.



STAGE I EVALUATION JURY WORKSHEET

LEAD DESIGNER:

DESIGN FIRM:

JURY MEMBER:

Value	Critical Element	1	2	3	Score
30	PHILOSOPHY AND DESIGN INTENT				
15	Generally indicates flexible and imaginative attitude toward design within the constraints of various public and private projects.				
15	Specifically recognizes unique aspects of the project and indicates a way for good design to solve a critical problem.				
30	LEAD DESIGNER'S PORTFOLIO				
10	Designs demonstrate innovative and creative approaches to solving functional program requirements.				
10	Designs demonstrate a response to specific client requirements and criteria.				
10	Designs demonstrate a consistently high level of exploration, rigor and personal commitment to design excellence.				
10	LEAD DESIGNER'S PROFILE				
5	Credentials are complete (education, work history) and all time periods registered.				
5	Demonstrates a history of dedication to clients with complex building projects.				
30	DESIGN FIRM: PAST DESIGN PERFORMANCE				
20	Projects demonstrate creativity, clear design approach, and are sensitive to context.				
5	Projects have received design awards.				
5	Projects demonstrate understanding of client budget and program.				
TOTAL SCORE					

(1) Does not meet expectations (2) Meets expectations (3) Exceeds expectations

Use back of form to provide additional Comments.



STAGE II EVALUATION CRITERIA

Expectations for each potential A/E Team are:

- Professional qualifications necessary for satisfactory performance of required services;
- Specialized experience and technical competence in the type of work required, including, where appropriate, experience in energy conservation, pollution prevention, waste reduction, and the use of recovered materials;
- Capacity to accomplish the work in the required time;
- Past performance on contracts with Government agencies and private industry with respect to cost control, quality of work, and compliance with performance schedules; and
- Knowledge of the issues and unique requirements of building in Alaska.

TEAM DESIGN PERFORMANCE (40%)

Each project narrative should describe architectural and engineering challenges and their particular design solutions. Demonstrate the Team and solution documented addressed and met the challenges of the project. Document that all Team members have been involved with projects that excelled in the Interview Topics areas (Community Context, Design Image, Functionality, Sustainable Design, Team Organization, and commitment of Lead Designer). Confirm that all Team members have experience on projects similar in size and complexity to the State Capitol project, and have worked together successfully on previous projects.

SITE EVALUATION AND DESIGN INTENT BOARDS (20%)

A/E Teams should present their evaluation of the Capitol site, individual design intent, and their proposed areas of design exploration that the Team would pursue if they be chosen to advance to Stage III of the Competition. The boards should demonstrate an understanding of the values and vision of the project. Architectural concepts for the Capitol are not allowed as part of the boards illustration or the interview presentation.

TEAM ORGANIZATION AND MANAGEMENT PLAN (30%)

Through a combination of Team documentation forms and the oral presentation, A/E Teams should identify key roles, lines of communication, means to integrate client and community input, explain quality and cost control plans, the physical location of major design and production work, and the coordination plan for consultant work and work produced in remote offices. Jury members will analyze each part, and its place in the whole, for smooth connections between items, clear distinctions between tasks or stages, and completeness.

PROFESSIONAL QUALIFICATIONS (10%)

Standard Form 330 is the primary source for detailed information on key personnel. The entire A/E Team should be represented to the detail requested by the form.

STAGE II EVALUATION JURY WORKSHEET

LEAD DESIGNER:

A/E TEAM:

JURY MEMBER:

Value	Critical Element	1	2	3	Score
40	TEAM DESIGN PERFORMANCE				
15	Projects demonstrate success in addressing all issues of community context, design image, functional issues, and sustainable design.				
10	Project examples are similar in complexity to project.				
10	Commitment of Lead Designer.				
5	Proposed A/E Team has experience working together successfully				
20	SITE EVALUATION & DESIGN INTENT				
20	Concepts demonstrate an understanding of the values and vision of the Capitol project.				
30	TEAM ORGANIZATION AND MANAGEMENT PLAN				
10	Plan clearly identifies key roles and lines of communication. It presents the means to integrate client and community input.				
10	Plan explains steps to ensure cost and quality control, as well as identifies all review stages.				
10	Plan identifies the physical location of major design and production work, the coordination plan for consultant work, and for work produced in remote offices.				
10	PROFESSIONAL QUALIFICATIONS				
10	The A/E Team Project Manager and Lead Designer have the qualifications, experience, and commitment to organize all efforts required for this project.				
TOTAL SCORE					

(1) Does not meet expectations (2) Meets expectations (3) Exceeds expectations

Use back of form to provide additional Comments.



STAGE III EVALUATION CRITERIA

VISION STATEMENT AND DESIGN IMAGE (30%)

A State Capitol must reflect the dignity and permanence of the State through its massing, shape and materials. It should enhance the City and Borough of Juneau, serving as an inspiration for architecture within the area. It should lend civic pride, strength, and vitality suitable to the State Capitol. Attention should also be given to the expression and integration of the fine arts enhancement for the project.

- A/E Teams should demonstrate their understanding of the Vision Statement and how they chose to respond to the desired attributes.
- A/E Teams should show that they understand how to create a building that addresses symbolic issues and the design methodology to be used for such an undertaking.

STATE CAPITOL FUNCTIONALITY (30%)

The design must accommodate each of the functions and space types specified in the Competition Space Program. With ever-increasing technology, the State Capitol must function efficiently and respond to critical program parameters. Specific care must be taken with regard to security, plan organization, adjacencies, and spatial issues.

- A/E Teams should demonstrate their understanding of how to adapt internal systems, such as security and technological systems and changes in governing procedures and methodologies, in ways that do not degrade the architecture as those systems, procedures, and methodologies change and develop over time.
- A/E Teams should demonstrate their strict adherence to Competition Space Program and budget parameters.

STATE AND COMMUNITY CONTEXT (20%)

The Capitol, symbolizing the State of Alaska, should be an integral part of the urban fabric of Juneau.

- A/E Teams should demonstrate a familiarization with the local context and their ability to design within that context, while creating an appropriate structure to reflect the greater Alaska context.
- A/E Teams should also recognize that the new Capitol building will be an integral part of an evolving capital campus, providing both functional space as well as linkages to current state government facilities.

CITIZEN IDEAS (10%)

The new State Capitol will represent all Alaskans. In order to accomplish this paramount task, Alaskans are invited to submit their ideas for the State Capitol. Citizen Ideas for the State Capitol will be solicited throughout Stages I and II of the Competition and will be provided to the A/E Teams.

- A/E Teams should demonstrate an understanding of Alaskans' desires for the Capitol and the Team's response to the submitted Citizen Ideas.

SUSTAINABLE DESIGN (10%)

The building should be able to sustain itself over time by protecting Alaska's natural resources through its design and construction. It should protect the environment while also providing the flexibility to change and develop the building as Alaska grows. The Capitol needs to be at the forefront of sensitivity to the environment and set an example for other public and private sector buildings.

- The Teams should address the issue of sustainable design as it pertains to this project. Areas to be specifically addressed include energy efficiency, indoor air quality, environmental safety, material choice and recycling, water use/conservation, and construction waste management.



★ STAGE III EVALUATION JURY WORKSHEET

A/E TEAM (circle appropriate indication): A B C D
JURY MEMBER:

RESPONSE TO EVALUATION CRITERIA:

Vision Statement and Design Image (30%)

Facility Functionality (30%)

State and Community Context (20%)

Citizen Ideas (10%)

Sustainable Design (10%)

TOTAL SCORE



CONTACT

All Competition inquiries and communication from people participating in the Competition must be sent to the Competition Advisor/Manager:

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New capital up for dibs in Alaska

By John Fitter, USA TODAY

It's a safe bet no lawmakers in the Lower 48 have commutes to their capitals like Alaska state Rep. John Coghill's.



Juneau's isolation has many Alaskans calling for a new state capital.

By Seanna O'Sullivan, AP

The North Pole Republican — not *the* North Pole but the town outside Fairbanks — makes a 600-mile, two-day January road trip through sparsely populated wilds, including a piece of Canada's Yukon. It's bitter cold, the highway is icy, survival gear is a must, and he never drives through remote villages without topping off the gas tank of his 1982 Cadillac.

"At 40-below, if you had a flat tire and had to idle for an hour, you just don't want any problems," Coghill, 54, says.

Because no roads go in or out of Juneau, the capital, Coghill's journey ends with a four-hour ferry ride. Legislators who choose to fly to Juneau complain about exasperating delays, even overnight diversions to Seattle, because of Juneau's chronically socked-in airport. Fog-prone and ringed by mountains, the city has one of the USA's trickiest airports to fly into.

Average Alaskans are more isolated from the seat of their government than any other Americans. Little wonder that campaigns to move the capital have roiled state politics almost since the day Alaska joined the union in 1959. Alaskans have voted no fewer than eight times on measures to relocate, or pay to relocate, their capital.

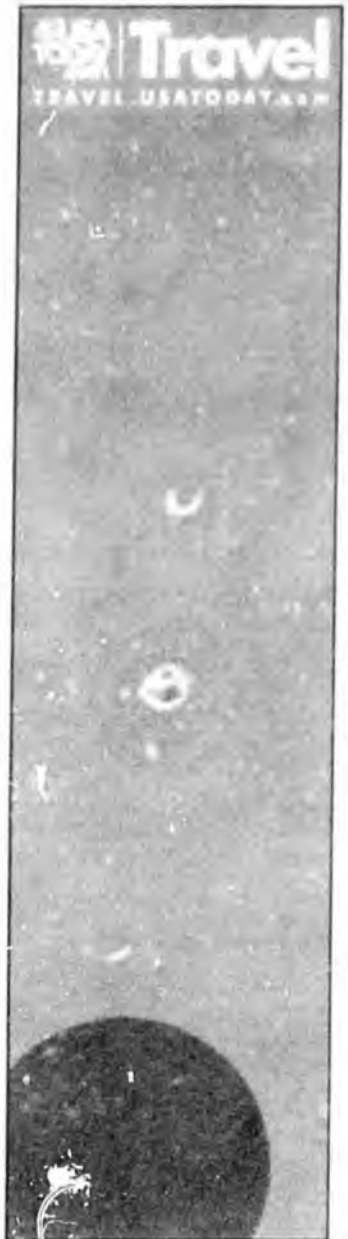
Talk of a move pierces the frigid air again this winter, but not for the usual reasons. Juneau Mayor Bruce Bothelo is pushing a plan to build a new Capitol to replace what everyone agrees is an outdated, cramped, arguably unsafe and decidedly unstately relic from Alaska's territorial era.

The city bought a 4.5-acre hilltop site and gave it to the state, then spent \$250,000 on a national design competition. Bothelo will announce a winner Wednesday and a goal of dedicating a new \$100 million Capitol on the golden anniversary of statehood, Jan. 3, 2009.

Weighing the cost

Many Alaskans are asking if the state is to spend \$100 million, shouldn't the capital be moved closer to where most of the population

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lives, the "rail belt" between Anchorage and Fairbank..?

"It's clear to me we need a new capital," says Rep. Norm Rokeberg, R-Anchorage. But Botelho's plan "is almost non-doable politically," he says.

Rokeberg's build-it-and-they-will-come bill would empower Alaska's five population centers — Anchorage, Fairbanks, Juneau, Matanuska-Susitna Borough and the Kenai Peninsula — to bid on landing the capital.

Two other legislators have filed bills requiring voter approval to use state money for a new Capitol building.

The last state capital to move was in 1910, when Oklahomans shifted theirs from Guthrie to Oklahoma City. At the time, Juneau was a booming gold-rush town and Alaska's commercial hub. Anchorage and the Alaska interior didn't grow until after World War II. Today, at least three-fourths of the state's 655,000 residents live in or near Anchorage.

After statehood, voters rejected moving the capital in 1960 and 1962. They approved it in 1974 but in 1978 turned down the \$966 million price tag. In 1982, a \$2.2 billion plan for a new capital near Anchorage in Willow, then a town of fewer than 200, failed. Cost worries killed yet another bid in 1994.

An idea backed by Alaska's elder statesman, two-time governor Walter Hickel, to move legislative sessions to Matanuska-Susitna but keep the rest of government in Juneau, failed 2-1 at the polls in 2002.

"It's so hard for guys from the villages to fly in," Hickel, 85, says. "They all come through Anchorage anyway."

Under Botelho's plan, Juneau would build the Capitol. The state would rent it for \$6.5 million a year for 30 years to pay off \$100 million in bonds. Then the state would take ownership of the building.

Proposed highway link

Gov. Frank Murkowski opposes a move. Botelho thinks the governor will support a new Juneau Capitol and bring legislators along. His spokeswoman, Becky Hultberg, says he won't weigh in until he sees the winning design.

Murkowski also backs a proposed 68-mile highway from Juneau to Skagway that would complete overland access to the capital. Environmental studies are underway, but federal funding for part of the \$285 million cost is uncertain.

Even if constituents could drive all the way, would they during legislative sessions that coincide with the state's worst weather?

A persistent knock on Juneau is that the time and expense of getting there shuts average Alaskans and small groups out of a legislative process dominated by insiders and well-heeled special interests.

Citizens can participate and keep abreast through teleconferencing, cable TV and the Internet. Alaska Airlines offers up to 35% "constituent discounts" on fares during the legislative session.

Juneau's critics, however, say that's not the same. "No question Juneau insulates the Legislature from public contact, limits that interactivity, and the process becomes more internalized," Rokeberg says.

Steve Lindbeck, associate editor of the *Anchorage Daily News*, calls it "a hot-house environment that tends to favor large power structures."

Botelho points out that Alaska, more than double the size of Texas, "is so big, wherever the capital is it's going to be far from somebody." He says Alaskans historically have opposed concentrating government power and commercial power in one location — in Anchorage, in other words.

"I think it's true there's an insider's game, but I'd suggest that that's true in virtually any capital in the country," he says.

Political betting is that the capital — and Capitol — debates won't be resolved this year, just as they haven't been in the past 50. State finances, dependent on oil royalties, are shaky in an era of production declines in the vast North Slope fields.

Government — state, borough and city — is half the city of 31,000's workforce. The No. 2 employer, tourism, accounts for a fifth of the local economy.

"People don't want to hurt the town," Alaska pollster Dave Dittman says. "And Juneau has done a good job of milking that sentiment, even though it would probably get along just fine."

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