

LEG. FINANCE - BILLS 1981 - 1982 1610

HCS/CSSB 84 - CSSB 86

1610

1 Sec. 44.62.636. REVIEW BY THE SUPERIOR COURT. (a) Judicial
2 review by the superior court of a final decision issued by a state
3 agency under AS 44.62.632 or 44.62.634 or of a decision of the commis-
4 sioner or board issued under AS 44.62.635, may be had by filing a
5 notice of appeal in the superior court in accordance with the applicable
6 rules of appellate procedure. The right to appeal is not affected by
7 the failure to seek reconsideration or further review under AS 44.62.-
8 635. The review shall be governed by the provisions of AS 44.62.560-
9 (b) - (e) and 44.62.570.

10 (b) On an appeal by an applicant to the superior court, the
11 agency which issued the final decision has the burden of proving that
12 the decision is in accordance with AS 44.62.632 and 44.62.634.

13 (c) An appeal taken under this section has preference on the
14 calendar of civil actions before the court and shall be decided without
15 unnecessary delay.

16 * Sec. 3. AS 44.62.540 is amended by adding a new subsection to read:

17 (c) In AS 44.62.632 - 44.62.634,

18 (1) "permit" means a permit, license, certification, consis-
19 cency determination, comments on pending permit applications before
20 other governmental entities (including environmental impact statement
21 comments), plan review, or other authorization or approval issued as a
22 written document which is required to be obtained or is solicited from
23 a state agency before the construction or operation of a project;
24 "permit" does not include

25 (A) conveyances of interest in state land or water, but
26 does include all authorizations and approvals, whether proprietary
27 or regulatory, necessary to undertake a project under a previously
28 conveyed property interest; and

29 (3) the provision of financial assistance;

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(2) "permit application" includes the following documents:

(A) a document requesting the issuance of a permit which contains sufficient information concerning the location and nature of a project to allow the state agency to which it is directed to determine compliance of the project with state law;

(B) a document submitted to a state agency by a governmental entity which solicits comments in connection with a permit being processed by that governmental entity;

(3) "project" means a new activity or expansion or addition to an existing activity for which permits are required before construction or operation; "project" does not include pursuing a trade or profession, providing public health service, or operating a financial institution;

(4) "state agency" means a state department, commission, board, or other agency of the state; "state agency" includes a local or regional air pollution control authority established under AS 46.03.210 and a coastal resource district and coastal resource service board established under AS 46.40.010 - 46.40.210.

* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.070(c).

COMMITTEE REPORT

HOUSE

6/21/81

FURTHER:

Date: 6/21/81

(9)

Mr. Speaker:

The Committee on FINANCE has had CSSB 64 (res)

"An Act relating to the processing of permits by state agencies, and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
 do pass with attached amendments(s)
 replace with CS for _____ same title
 new title
and recommends delete and reinsert
 AND attaches a "Letter of Intent" New Fiscal Note
 reports it back without recommendation
 referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: Finance Committee

To: CS HOUSE BILL No. 84 (Res)

SENATE BILL No. _____

PAGE: 1

LINE: 5

after "time" add ", or unless the agency makes a written finding stating why more time is required and sets a deadline for issuance or denial of the permit"

p. 2, line 5, add. "Chuckwick moved
or unless the agency makes a written
finding stating why more time is required
and ~~sets~~ ^{sets} a deadline for issuance
or denial of the permit."

p. 2, line 23 - 25

delete subsection (d) ~~it is~~
it is reasonable to have issuance be
contingent ~~on~~ ^{on} other actions.

p. 4, line 1 - 15 - delete - adds
unnecessary burden
to court system

Original sponsors: Bennett, Parr and
Fahrenkamp

Offered: 4/14/81
Referred: Finance

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

CS FOR SENATE BILL NO. 84 (Resources)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the processing of permits by state
7 agencies; and providing for an effective date."

8

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

9

* Section 1. FINDINGS. The legislature finds that

10

(1) the orderly development of state resources is being unneces-
11 sarily delayed by the length of time required to obtain permits from state
12 agencies, by the complexity of the permitting process, and by the number of
13 agencies involved in the permitting process;

14

(2) the uncertainties created by the lack of specific time limits,
15 the proliferation of agency reviews, the number of agencies involved in the
16 permit process, and unjustified agency requirements upon the processing of
17 permit applications have cost Alaskans millions of dollars in lost employ-
18 ment and higher prices;

19

(3) the public interest has not been advanced by protracted delay
20 in the processing of permit applications by state agencies;

21

(4) by requiring state agencies to process permit applications in
22 an expeditious manner within a reasonable period of time, the state will
23 promote the social, economic, and environmental health and well-being of its
24 citizens.

25

* Sec. 2. AS 44.62 is amended by adding new sections to read:

26

ARTICLE 8A. ISSUANCE OF PERMITS.

27

Sec. 44.62.632. TIME LIMIT ON THE PROCESSING OF PERMITS. (a)

28

Upon receipt of a permit application or receipt of a federal agency

29

request for state review of an application for a federal permit, the

1 responsible state agency shall issue a final decision granting, denying,
2 or reasonably conditioning the issuance of the permit, or issue a final
3 response to the federal agency's request for state review, within the
4 following time periods, unless the applicant and the agency mutually
5 agree to a different period of time:

6 (1) any time period specifically required by state law;

7 (2) 60 days if a time period is not specifically required by
8 state law and a public notice, public hearing, or comment period is
9 specifically required by state law in connection with the permit appli-
10 cation;

11 (3) 30 days if (1) or (2) of this subsection do not apply.

12 (b) The final decision on a permit application under (a) of this
13 section shall include the following information:

14 (1) conclusions of the state agency which support its deci-
15 sion concerning the permit application, including the factual basis and
16 statutory authority for any conditions or stipulations to which the
17 permit is subject; and

18 (2) the granting, conditional granting, or denial of the
19 permit by the state agency.

20 (c) The final decision under (a) of this section must bear a fair
21 and substantial relation to the object of the law under which the state
22 agency is empowered to act.

23 (d) A permit may not be denied because of the lack of any other
24 permit, and may not be conditioned upon the acquisition of any other
25 permit.

26 (e) A permit application which has not been approved or rejected
27 by the responsible state agency within the time period specified in (a)
28 of this section is approved as submitted. The permit is approved on
29 the last day on which the state agency could have announced a final

1 decision under (a) of this section.

2 Sec. 44.62.634. DEFECTIVE APPLICATIONS; NOTICE TO APPLICANT. (a)
3 If a state agency receives a permit application requesting a permit
4 which the agency believes it does not have authority to issue, or which
5 it believes is unnecessary, it shall notify the applicant within 10
6 days after its receipt of the application. A notice given under this
7 subsection is the final agency decision.

8 (b) If a state agency receives a permit application which it
9 believes does not contain sufficient information concerning the location
10 and nature of the project to allow the agency to determine whether the
11 project complies with state law, the agency shall notify the applicant
12 within 10 days after its receipt of the application. The notice must
13 specify all information the agency requires to determine whether the
14 project complies with state law.

15 Sec. 44.62.635. REVIEW BY THE COMMISSIONER OR BOARD. A state
16 agency's final decision issued under AS 44.62.632 may be reviewed by
17 the commissioner or board of the issuing agency at the request of the
18 applicant. The applicant is entitled to a review de novo if requested
19 in the original request for review; otherwise the review is a review on
20 the record. The request must be filed with the commissioner or board
21 within 30 days of the applicant's receipt of the decision. The commis-
22 sioner or board shall issue a decision within 10 days of receipt of the
23 request if the review is a review on the record. If the applicant has
24 requested a hearing de novo, the hearing shall be held within 30 days
25 of receipt of the request, and the decision of the commissioner or
26 board shall be made within 30 days of the conclusion of the hearing.
27 Unless the agency decision is confirmed in its entirety, the commis-
28 sioner or board shall issue a written decision setting out the findings
29 and conclusions in full.

SC - Vⁿg
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Sec. 44.62.636. REVIEW BY THE SUPERIOR COURT. (a) Judicial review by the superior court of a final decision issued by a state agency under AS 44.62.632 or 44.62.634 or of a decision of the commissioner or board issued under AS 44.62.635, may be had by filing a notice of appeal in the superior court in accordance with the applicable rules of appellate procedure. The right to appeal is not affected by the failure to seek reconsideration or further review under AS 44.62.635. The review shall be governed by the provisions of AS 44.62.560-(b) - (e) and 44.62.570.

(b) On an appeal by an applicant to the superior court, the agency which issued the final decision has the burden of proving that the decision is in accordance with AS 44.62.632 and 44.62.634.

(c) An appeal taken under this section has preference on the calendar of civil actions before the court and shall be decided without unnecessary delay.

* Sec. 3. AS 44.62.640 is amended by adding a new subsection to read:

(c) In AS 44.62.632 - 44.62.634,

(1) "permit" means a permit, license, certification, consistency determination, comments on pending permit applications before other governmental entities (including environmental impact statement comments), plan review, or other authorization or approval issued as a written document which is required to be obtained or is solicited from a state agency before the construction or operation of a project; "permit" does not include

(A) conveyances of interest in state land or water, but does include all authorizations and approvals, whether proprietary or regulatory, necessary to undertake a project under a previously conveyed property interest; and

(B) the provision of financial assistance;

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(2) "permit application" includes the following documents:

(A) a document requesting the issuance of a permit which contains sufficient information concerning the location and nature of a project to allow the state agency to which it is directed to determine compliance of the project with state law;

(B) a document submitted to a state agency by a governmental entity which solicits comments in connection with a permit being processed by that governmental entity;

(3) "project" means a new activity or expansion or addition to an existing activity for which permits are required before construction or operation; "project" does not include pursuing a trade or profession, providing public health service, or operating a financial institution;

(4) "state agency" means a state department, commission, board, or other agency of the state; "state agency" includes a local or regional air pollution control authority established under AS 46.03.210 and a coastal resource district and coastal resource service board established under AS 46.40.010 - 46.40.210.

* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-070(c).

TYE FAHRENKAMP, CHAIRMAN
E FISCHER, VICE-CHAIRMAN
HAD BRADLEY
DICK ELIASON
DON GILMAN
BOB MULCAHY
ARLISS STURCOLEWSKI



POUCH V
STATE CAPITOL
JUNEAU, ALASKA 99801
(907) 467-3134
(907) 465-3035

Senate

Committee on Resources

MEMORANDUM

TO: SENATE RESOURCES COMMITTEE MEMBERS

FROM: JIM PALMER
SENATE RESOURCES COMMITTEE STAFF

RE: SECTIONAL ANALYSIS OF PROPOSED COMMITTEE SUBSTITUTE FOR SB 84

DATE: MARCH 27, 1981

A committee substitute has been prepared for SB 84. A copy of this proposed substitute is attached.

There are two main reasons why this substitute has been prepared. First, Billy Berrier of the Legislative Affairs Agency suggested in a memorandum to the Chairman that Sections 7, 8 and 10 which refer to approval of Alaska coastal management programs create a single subject problem in the original bill. He stated that "It can be argued that coastal management programs relate directly to the permit process since in many instances permits must be consistent with approved programs. The purpose of expediting permit issuance would be served by having a clearly constitutional means of approving these programs. While in my opinion our Court would hold that the single subject rule had not been violated under the liberal construction it has given that rule, this inclusion would subject the bill to serious constitutional attack."

Second, the establishment of the Permit Reform Commission was also deleted from the original bill. The reason for this deletion was similar to the reason for deleting sections 7, 8 and 10. The subject matter could easily be seen as constituting separate legislation. In addition, the controversy surrounding permit reform is substantial enough without adding additional items to this legislation.

SECTIONAL ANALYSIS OF PROPOSED COMMITTEE SUBSTITUTE FOR SB 84

SECTION 1 FINDINGS. This section states that the development of resources and employment of Alaskans have been retarded because of the current permit system. The system causes delay and uncertainty because of the time requirements, the complexity, the duplicity and the unjustified requirements of the current permit process. The public interest will be served by a streamlined permit system.

March 27, 1981

SECTION 2 adds new sections to AS 44.62, the Administrative Procedure Act, which are titled Article 8A. ISSUANCE OF PERMITS.

Sec. 44.62.632 sets time limits on the processing of permits.

Subsection (a) states that the responsible state agency shall issue a final decision granting, denying or reasonably conditioning the issuance of the permit within specific time periods unless the applicant and the agency mutually agree to a different period of time. These time periods start upon receipt by the agency of the permit application.

The time periods are (1) any time period specifically required by law; (2) 60 days if a public notice, hearing or comment period is specifically required by law and; (3) 30 days in all other cases.

Subsection (b) states that the final decision on the permit application shall include (1) the conclusions of the agency which support its decision including the factual basis and statutory authority for any conditions or stipulations, and (2) the agency's statement of its decision on the permit.

Subsection (c) mandates that the final decision on the permit must bear a fair and substantial relation to the object of the law.

* Subsection (d) states that a permit may not be denied because of either the lack of any other permit or be conditioned upon the acquisition of any other permit.

* Subsection (e) provides that the failure to make a final decision within the time periods specified in subsection (a) under 44.62.632 constitutes approval of the permit.

Sec. 44.62.634 requires an agency receiving a permit application for which it does not have authority to issue a permit or for which it believes a permit is unnecessary, to notify the applicant within 10 days. Such notice is the final decision of the agency. Subsection (b) states that an agency which receives an application which does not contain sufficient information for a permit decision to notify the applicant within 10 days and specify all information that is required.

Sec. 44.62.635 states that the final decision of an agency may be reviewed at the request of the applicant. The applicant is entitled to a review de novo if requested in the original request for review, otherwise the request is on the record. This request must be filed within 30 days after the applicant has received the agency's decision.

The Commissioner or board shall issue a decision within 10 days of receipt of the review request if the review is on the record. If the request is for a hearing de novo, the hearing shall be held within 30 days of the receipt of the request. The decision of the commissioner or board shall be made within 30 days of the hearing de novo.

Unless the entire agency decision is confirmed in toto, the decision must be in written form and contain the commissioner's or board's findings and conclusions in full.

Memorandum
March 27, 1981

Sec. 44.62.636 provides for the review of the final permit decision issued by a state agency or commissioner by the state superior court. The applicant's right to appeal to the superior court is not affected by the failure to seek reconsideration or further review under AS 44.62.635.

Subsection (b) puts the burden of proving that the decision is in accordance with AS 44.62.632 and 44.62.634 upon the agency which issued the final decision. Subsection (c) provides that an appeal under this section takes preference over other civil actions before the court and shall be decided without unnecessary delay.

SECTION 3 DEFINITIONS.

"Permit" is defined as a permit, license, certification, consistency determination, comments on pending permit applications (including environmental impact statements, plan review, and other authorization or approval by a state agency before construction or operation of a project.

Permit is defined so as to exclude conveyances of interest in state land or water and the provision of financial assistance.

"Permit Application" is defined to include a document submitted to a state agency by a governmental entity which solicits comments in connection with a permit being processed by that governmental entity. An application is a document requesting the issuance of a permit which contains sufficient information to allow the state agency determine if the project is in compliance with state law.

"Project" is defined to include a new activity or expansion or addition to an existing activity for which permits are required before construction or operation.

"State Agency" includes local or regional air pollution authorities and coastal resource districts and coastal resource service boards.

an application which does not contain sufficient information for a permit

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSSB 84
 Title An act relating to the processing of permits by state agencies.
 Requested by Walt Lawson, Legislative Liaison, Public Safety Date 4-16-81

II. FISCAL DETAIL

Agency Affected Department of Public Safety
 Program Category Affected Property Protection
 BRU, Program, or Subprogram(s) Affected Fire Safety
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		215.4	232.6	251.3	271.2	292.9
200 TRAVEL		36.0	40.3	45.0	50.4	56.5
300 CONTRACTUAL		14.7	15.9	17.1	18.3	19.5
400 COMMODITIES		4.8	5.4	6.0	6.6	7.2
500 EQUIPMENT		9.4				4.4
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		280.3	294.2	319.4	346.5	380.5

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		280.3	294.2	319.4	346.5	380.5
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		6	6	6	6	6
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Recurring Costs

In order to comply with sec. 2 of the bill if it is passed, it is estimated that the following additional positions would be needed, beginning in FY 82, in order for this Division to meet the service requests (life and fire safety inspections) of other local, state and federal agencies to enable them to meet their permit, licensing and/or certification requirements; and our plan review requirements.

- One (1) - Clerk Typist III, Range 8A, Anchorage
- One (1) - Clerk Typist II, Range 7A, Anchorage
- One (1) - Deputy Fire Marshal I, Range 76A, Anchorage
- One (1) - Deputy Fire Marshal I, Range 76A, Juneau
- One (1) - Deputy Fire Marshal I, Range 76A, Fairbanks
- One (1) - Fire Protection Engineer, Range 19A, Anchorage

-continued on page 2.

IV. DATE 4-28-81 PREPARED BY *for 4/29/81 Gary Crouse*
 AGENCY Public Safety, Division of Fire Prevention
 PHONE 272-2406 (Anchorage)

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

f/n not accepted

FISCAL NOTE

page 2.

Bill/Resolution No. CSSB 84

III. ANALYSIS

Recurring Costs continued

Personal Services, travel, contractual, commodities and equipment costs are shown above. Inflation is calculated at 8% except for travel, to which a 12% inflation factor has been applied.

One Time Costs (Equipment)

FY82 will require 9.4 for normal office equipment. Replacement equipment should not be needed until FY86.

COMMITTEE REPORT
HOUSE

FURTHER:

4/9/81

(11)

Date: _____

Mr. Speaker:

The Committee on FINANCE has had SSR 86(218)

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

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for -32 same title
 new title
- and recommends _____ X
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Original sponsors: Kerttula, Dankworth,
Stimson, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

17 (d) In this section

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

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

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

1 the numbers and classifications of state employees in Juneau.

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

3 ARTICLE 1. ESTABLISHMENT OF CORPORATION; POWERS.

4 Sec. 44.07.011. ALASKA CAPITAL CITY DEVELOPMENT CORPORATION.

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

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

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

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

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

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

29 (i) a civil engineer registered in Alaska;

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

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

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

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

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

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

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

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

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

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

21 (i) a civil engineer registered in Alaska;

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

24 (iii) three other persons.

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

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

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

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

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

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

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

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

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

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

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

1 member of a state board or commission.

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

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

10 (c) The executive director

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

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

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

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

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

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

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

1 establish procedures for public participation at its meetings.

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

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

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

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

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

21 (1) sue and be sued;

22 (2) adopt and alter an official seal;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (b) The corporation shall determine

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 specific development plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 in accordance with the general development plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 ARTICLE 3. CAPITAL CITY DEVELOPMENT OVERSIGHT COMMITTEE.

1 Sec. 44.07.221. CAPITAL CITY DEVELOPMENT OVERSIGHT COMMITTEE.
2 The Capital City Development Oversight Committee is established as a
3 permanent interim committee of the legislature. The establishment of
4 the committee recognizes the need of the legislature for review and
5 oversight of the planning and development of the new capital city.

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

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

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

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

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

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

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

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

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

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

6 ARTICLE 4. GENERAL PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Corporation established by AS 44.07.011;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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TO: TIM KELLY

FROM: ED HEIN

DATE: May 15, 1981

RE: Sectional Analysis of HCS CSSB 86 (Finance) proposed by Frank Harris and Gen. and Virginia Talley

Section 1. Repeals and reenacts AS 44.06.196. (FRANK Initiative)

44.06.196(a) + Provides that money can be spent to move the "state capital" to the Willow site only after a majority of those voting on the 1982 "ballot proposition" have approved the proposition.

+The form and wording of the ballot proposition are not specified. The ballot proposition could take the form of a bond issue or an advisory vote.

+ The ballot proposition must include the cost to the state of completing the relocation of a "functional state capital" to the Willow site.

+Money for planning, design, studies and field investigations can be spent before the 1982 ballot proposition has been approved. Approximately \$1.9 million to be spent by the corporation before the 1982 ballot vote would not be included in the cost figure appearing on the ballot.

44.06.196(b) The Alaska Capital City Development Corp. is directed to submit to the Legislature by April 15, 1982 a "basic" development plan and cost estimate for the relocation; and estimate of comparison costs of keeping the capital in Juneau through the relocation completion date; and a recommendation of the number and classifications of central state employees to be moved to Willow, without unnecessarily reducing those in Juneau.

44.06.196(c) -- This subsection defines three terms:

(1) "functional state capital" -- a city with buildings public utilities, access road, streets and other public facilities necessary for a seat of state government to accommodate the executive and legislative branches of state government, with numbers and classifications of central state employees to be relocated based on efficiency of state government without reducing unnecessarily the numbers and classifications of state employees in Juneau.

(2) "Alaska Capital City Development Corporation" is the corporation established in AS 44.07.

(3) "central state employees" -- employees principally involved in matters which concern statewide, as opposed to regional or local activities of the state government.

Section 2. Repeals and reenacts AS 44.07. (Alaska Capital City Development Corporation)

ARTICLE I Establishment of the Corporation

44.07.01C. Establishes the Alaska Capital City Development Corp. within the Department of Commerce and Economic Development.

44.07.020(a) Sets us an 11-member board of directors for the corporation, in two phases:

(1) Transition phase-(until November 1982 election)

Membership:

(A) Commissioner of Commerce and Economic Development
Mayor of Mat-Su Borough
Mayor of Juneau
Mayor of City of Fairbanks
Mayor of Anchorage } (or their designees)

(B)"persons appointed by the governor under AS 44.06.210 (a)(1), (2) and (5) who, on May 1, 1981, were physically present in the state and were members of the New Capital Site Planning Commission" In effect, this will mean that three persons from the CSPC will be on the ACCDC: Ken Carson, George Morrison and Lee Coffman.

(C)Remaining members (probably three) to be appointed by the governor, as follows:

One civil engineer registered in Alaska,
One real estate broker licensed in Alaska } both with
"extensive experience in the state";
One resident of the election district in which the Willow site is located.

44.07.020(a)(2) Post-Transition phase membership:

Commissioner of Commerce and Economic Development
Mayor of Mat-Su Borough
Mayor of Juneau
Mayor of City of Fairbanks
Mayor of Anchorage
Mayor of the New Capital City

Five members appointed by the governor & confirmed by the legislature in joint session; appointments must include: 1 civil engineer registered in Alaska } both
1 real estate broker licensed in Alaska } with
"extensive experience in the state"

44.07.020(a)(3) In appointing the board members, the governor must consider their expertise in certain areas; they must be qualified voters and residents of Alaska; governor may not appoint state or municipal employees; state legislators may not be appointed or serve.

44.07.020(b) The board of directors elects its own chairman and vice-chairman; the chairman is to call the first meeting within 15 days of taking office.

44.07.030. Provides 4-year staggered terms of office for directors.

44.07.040. The board may conduct its business with a quorum (majority); allows corporation to begin work even if governor has not made his appointments.

44.07.050. Directors "other than state employees" to be paid \$200 for each day they attend a meeting or perform service for the corporation; directors also entitled to per diem and travel expenses as provided for state boards and commissions.

44.07.060. Provides for appointment and hiring of executive director, officers and staff, consultants and contractors.

44.07.070. Directors may hold other jobs not in violation of AS 44.07.020(a)(3).

44.07.080(a) Meetings of the board of directors are open to the public, as provided in AS 44.62.310 and .312; Administrative Procedure Act applies in all other respects to this chapter; allows meetings by teleconference when necessary.

(b) requires public notice of meetings and agendas and allows public participation.

44.07.090(a) allows board of directors to adopt regulations in accordance with the Administrative Procedure Act (AS 44.62)

(b) copies of board regulations must be filed with the Lt. Gov. and be available to the public;

(c) the board regulations are subject to review by the Administrative Regulation Review Committee and review and annulment by the legislature.

44.07.100. Grants the corporation broad powers to carry out its mandate; (language is the same as current AS 44.07.110). (Development Advisory Board, current AS 44.07.100, is eliminated)

ARTICLE 2: Capital City Development Plans, etc.

44.07.110(a) directs the corporation to prepare a "basic" development plan for purposes of 1982 ballot proposition;

(b) the corporation is to determine:

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

(2) the number of state employees to be at the new capital by the relocation completion date;

(3) the population of the new capital site by the relocation completion date.

(c) the corporation shall also determine the "cost" of relocation, which is: the cost of public facilities at Willow site through relocation completion date, the cost of moving personnel and offices and the Juneau indemnification costs, minus the estimated revenue from land sales and leases at the Willow site and other "necessary adjustments";

(d) subjects the corporation studies and determinations to continuing review by a legislative Capital City Development Oversight Committee (AS 44.07.220);

(e) exempts "basic" development plan from procedural requirements for the "general" and "specific" development plans;

(f) limits the corporation's activities before the 1982 vote to "planning, design, studies and field investigations"; (no construction or relocation of personnel, etc.)

44.07.120(a) Provides for preparation of a "general" development plan for the new capital site including:

(1) proposed land uses;

(2) cost, number, nature and general location of facilities;

(3) time schedule for development;

(4) projected means of financing facilities.

(b) Corporation is to determine the minimum acreage needed for state offices and state facilities at the Willow site;

(c) the corporation must hold hearings in each judicial district for comments on the development plan;

(d) requires a 2/3 vote of the board of directors to adopt the general development plan and requires review and comment by the Mat-Su Borough assembly within 60 days after the plan is received from the board.

(e) provides procedure for amending the general development plan.

44.07.130(a) provides for the preparation of "specific" development plans for the new capital site;

(b) provides the same procedure for approval of specific plans as for the general development plan;

(c) provides same procedure for amendment of specific plans as for the general development plan.

44.07.140(a) the corporation is to work closely with the Mat-Su Borough and the new capital city;

44.07.140(b) allows state agencies and municipalities to assist the corporation and to loan their employees to the corporation; such employees would continue to be paid by their public employers;

(c) the corporation can contract with the new capital city to have the city furnish municipal services to the new capital site;

(d) the corporation can contract with public agencies to furnish services;

(e) allows the corporation to develop a "facility procurement process schedule";

(f) the corporation "may" submit the schedule to a Capital Coordinating Committee composed of commissioners of the following departments:

Transportation & Public Facilities (chairman)

Public Safety

Health and Social Services

Environmental Conservation

Natural Resources

Fish & Game

Labor

Commerce and Economic Development

Community & Regional Affairs

and

a representative of the Office of the Governor;

purpose is to ensure the speedy processing of all "submissions" of the corporation for permits, licenses, etc.

44.07.150. the corporation may ask the state to acquire real property needed to build utilities and facilities.

44.07.160(a) establishes the Capital City Revolving Loan Fund within the Department of Revenue, to be funded by legislative appropriation;

(b) the corporation can borrow from the loan fund;

(c) the revenue commissioner and the corporation must submit annual joint reports to the legislature by the 14th day of each session;

(d) provides for funding of the corporation also by direct appropriation.

44.07.170(a) the corporation is to adopt regulations for the sale, lease or other disposal of land at the capital site; requires 30-day public notice before sale, etc.

(b) no public bidding or public sale is required if a 30-day notice of sale is given and reasons for waiving the public bidding or sale are approved by the board and filed with the commissioner of commerce and economic development 10 days before the sale;

(c) exempts the land at the Willow site from the requirements of the Alaska Land Act (AS 38.05) and the homesite entry provisions of AS 38.08.010--.120.

44.07.180. state land at the Willow site can be transferred to the corporation only if voters approve the costs on the 1982 ballot proposition; transfer occurs within 60 days of a written request by the corporation to the commissioner of natural resources.

44.07.190(a) the corporation is to adopt regulations for construction contracts in accordance with AS 35.15;

(b) allows the corporation to contract without public bidding if necessary; public notice of contracts must be given, except for personal service contracts of less than \$20,000.

COMMITTEE REPORT
HOUSE

FURTHER:

4/9/81

(11)

Date: 5-11-81

Mr. Speaker:

The Committee on FINANCE has had CSSB 86(21a)

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

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with HCS for CSB 1000 same title
 new title
- and recommends as amended
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

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MEMBERS HAVING
OTHER RECOMMENDATIONS:

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CHAIRMAN

Original sponsors: Kerttula, Dankworth,
Stimson, et al

1 IN THE SENATE

BY THE FINANCE COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

17 (d) In this section

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

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

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

1 the numbers and classifications of state employees in Juneau.

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

3 ARTICLE 1. ESTABLISHMENT OF CORPORATION; POWERS.

4 Sec. 44.07.011. ALASKA CAPITAL CITY DEVELOPMENT CORPORATION.

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

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

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

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

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

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

29 (i) a civil engineer registered in Alaska;

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

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

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

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

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

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

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

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

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

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

21 (i) a civil engineer registered in Alaska;

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

24 (iii) three other persons.

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

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

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

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

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

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

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

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

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

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

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

1 member of a state board or commission.

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

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

10 (c) The executive director

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

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

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

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

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

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

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

1 establish procedures for public participation at its meetings.

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

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

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

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

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

21 (1) sue and be sued;

22 (2) adopt and alter an official seal;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (b) The corporation shall determine

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 specific development plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 in accordance with the general development plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 ARTICLE 3. CAPITAL CITY DEVELOPMENT OVERSIGHT COMMITTEE.

1 Sec. 44.07.221. CAPITAL CITY DEVELOPMENT OVERSIGHT COMMITTEE.

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

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

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

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

5 Sec. 44.07.251. VACANCIES. When a vacancy occurs in the statutory
6 or appointive membership of the committee, the presiding officer of the
7 house incurring the vacancy shall choose a successor. If the office of
8 the president of the senate or speaker of the house of representatives
9 becomes vacant and a vacancy from the affected house occurs among the

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

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

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

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

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

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

6 ARTICLE 4. GENERAL PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Corporation established by AS 44.07.011;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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TO: TIM KELLY

FROM: ED HEIN

DATE: May 15, 1981

RE: Sectional Analysis of HCS CSSB 86 (Finance) proposed by Frank Harris and Gen. and Virginia Talley

Section 1. Repeals and reenacts AS 44.06.196. (FRANK Initiative)

44.06.196(a) + Provides that money can be spent to move the "state capital" to the Willow site only after a majority of those voting on the 1982 "ballot proposition" have approved the proposition.

+The form and wording of the ballot proposition are not specified. The ballot proposition could take the form of a bond issue or an advisory vote.

+ The ballot proposition must include the cost to the state of completing the relocation of a "functional state capital" to the Willow site.

+Money for planning, design, studies and field investigations can be spent before the 1982 ballot proposition has been approved. Approximately \$1.9 million to be spent by the corporation before the 1982 ballot vote would not be included in the cost figure appearing on the ballot.

44.06.196(b) The Alaska Capital City Development Corp. is directed to submit to the Legislature by April 15, 1982 a "basic" development plan and cost estimate for the relocation; and estimate of comparison costs of keeping the capital in Juneau through the relocation completion date; and a recommendation of the number and classifications of central state employees to be moved to Willow, without unnecessarily reducing those in Juneau.

44.06.196(c) -- This subsection defines three terms:

(1) "functional state capital" -- a city with buildings public utilities, access road, streets and other public facilities necessary for a seat of state government to accommodate the executive and legislative branches of state government, with numbers and classifications of central state employees to be relocated based on efficiency of state government without reducing unnecessarily the numbers and classifications of state employees in Juneau.

(2) "Alaska Capital City Development Corporation" is the corporation established in AS 44.07.

(3) "central state employees" -- employees principally involved in matters which concern statewide, as opposed to regional or local activities of the state government.

Section 2. Repeals and reenacts AS 44.07. (Alaska Capital City Development Corporation)

ARTICLE I Establishment of the Corporation

44.07.010. Establishes the Alaska Capital City Development Corp. within the Department of Commerce and Economic Development.

44.07.020(a) Sets up an 11-member board of directors for the corporation, in two phases:

(1) Transition phase-(until November 1982 election)

Membership:

(A) Commissioner of Commerce and Economic Development
Mayor of Mat-Su Borough
Mayor of Juneau
Mayor of City of Fairbanks
Mayor of Anchorage } (or their designees)

(B) "persons appointed by the governor under AS 44.06.210 (a)(1), (2) and (5) who, on May 1, 1981, were physically present in the state and were members of the New Capital Site Planning Commission" In effect, this will mean that three persons from the CSPC will be on the ACCDC: Ken Carson, George Morrison and Lee Coffman.

(C) Remaining members (probably three) to be appointed by the governor, as follows:

One civil engineer registered in Alaska,
One real estate broker licensed in Alaska } both with
"extensive experience in the state";
One resident of the election district in which the Willow site is located.

44.07.020(a)(2) Post-Transition phase membership:

Commissioner of Commerce and Economic Development
Mayor of Mat-Su Borough
Mayor of Juneau
Mayor of City of Fairbanks
Mayor of Anchorage
Mayor of the New Capital City

Five members appointed by the governor & confirmed by the legislature in joint session; appointments must include: 1 civil engineer registered in Alaska } both
1 real estate broker licensed in Alaska } with
"extensive experience in the state"

44.07.020(a)(3) In appointing the board members, the governor must consider their expertise in certain areas; they must be qualified voters and residents of Alaska; governor may not appoint state or municipal employees; state legislators may not be appointed or serve.

44.07.020(b) The board of directors elects its own chairman and vice-chairman; the chairman is to call the first meeting within 15 days of taking office.

44.07.030. Provides 4-year staggered terms of office for directors.

44.07.040. The board may conduct its business with a quorum (majority); allows corporation to begin work even if governor has not made his appointments.

44.07.050. Directors "other than state employees" to be paid \$200 for each day they attend a meeting or perform service for the corporation; directors also entitled to per diem and travel expenses as provided for state boards and commissions.

44.07.060. Provides for appointment and hiring of executive director, officers and staff, consultants and contractors.

44.07.070. Directors may hold other jobs not in violation of AS 44.07.020(a)(3).

44.07.080(a) Meetings of the board of directors are open to the public, as provided in AS 44.62.310 and .312; Administrative Procedure Act applies in all other respects to this chapter; allows meetings by teleconference when necessary.

(b) requires public notice of meetings and agendas and allows public participation.

44.07.090(a) allows board of directors to adopt regulations in accordance with the Administrative Procedure Act (AS 44.62)

(b) copies of board regulations must be filed with the Lt. Gov. and be available to the public;

(c) the board regulations are subject to review by the Administrative Regulation Review Committee and review and annulment by the legislature.

44.07.100. Grants the corporation broad powers to carry out its mandate; (language is the same as current AS 44.07.110). (Development Advisory Board, current AS 44.07.100, is eliminated)

ARTICLE 2: Capital City Development Plans, etc.

44.07.110(a) directs the corporation to prepare a "basic" development plan for purposes of 1982 ballot proposition;

(b) the corporation is to determine:

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

(2) the number of state employees to be at the new capital by the relocation completion date;

(3) the population of the new capital site by the relocation completion date.

(c) the corporation shall also determine the "cost" of relocation, which is: the cost of public facilities at Willow site through relocation completion date, the cost of moving personnel and offices and the Juneau indemnification costs, minus the estimated revenue from land sales and leases at the Willow site and other "necessary adjustments";

(d) subjects the corporation studies and determinations to continuing review by a legislative Capital City Development Oversight Committee (AS 44.07.220);

(e) exempts "basic" development plan from procedural requirements for the "general" and "specific" development plans;

(f) limits the corporation's activities before the 1982 vote to "planning, design, studies and field investigations"; (no construction or relocation of personnel, etc.)

44.07.120(a) Provides for preparation of a "general" development plan for the new capital site including:

(1) proposed land uses;

(2) cost, number, nature and general location of facilities;

(3) time schedule for development;

(4) projected means of financing facilities.

(b) Corporation is to determine the minimum acreage needed for state offices and state facilities at the Willow site;

(c) the corporation must hold hearings in each judicial district for comments on the development plan;

(d) requires a 2/3 vote of the board of directors to adopt the general development plan and requires review and comment by the Mat-Su Borough assembly within 60 days after the plan is received from the board.

(e) provides procedure for amending the general development plan.

44.07.130(a) provides for the preparation of "specific" development plans for the new capital site;

(b) provides the same procedure for approval of specific plans as for the general development plan;

(c) provides same procedure for amendment of specific plans as for the general development plan.

44.07.140(a) the corporation is to work closely with the Mat-Su Borough and the new capital city;

44.07.140(b) allows state agencies and municipalities to assist the corporation and to loan their employees to the corporation; such employees would continue to be paid by their public employers;

(c) the corporation can contract with the new capital city to have the city furnish municipal services to the new capital site;

(d) the corporation can contract with public agencies to furnish services;

(e) allows the corporation to develop a "facility procurement process schedule";

(f) the corporation "may" submit the schedule to a Capital Coordinating Committee composed of commissioners of the following departments:

Transportation & Public Facilities (chairman)

Public Safety

Health and Social Services

Environmental Conservation

Natural Resources

Fish & Game

Labor

Commerce and Economic Development

Community & Regional Affairs

and

a representative of the Office of the Governor;

purpose is to ensure the speedy processing of all "submissions" of the corporation for permits, licenses, etc.

44.07.150. the corporation may ask the state to acquire real property needed to build utilities and facilities.

44.07.160(a) establishes the Capital City Revolving Loan Fund within the Department of Revenue, to be funded by legislative appropriation;

(b) the corporation can borrow from the loan fund;

(c) the revenue commissioner and the corporation must submit annual joint reports to the legislature by the 14th day of each session;

(d) provides for funding of the corporation also by direct appropriation.

44.07.170(a) the corporation is to adopt regulations for the sale, lease or other disposal of land at the capital site; requires 30-day public notice before sale, etc.

(b) no public bidding or public sale is required if a 30-day notice of sale is given and reasons for waiving the public bidding or sale are approved by the board and filed with the commissioner of commerce and economic development 10 days before the sale;

(c) exempts the land at the Willow site from the requirements of the Alaska Land Act (AS 38.05) and the homesite entry provisions of AS 38.08.010--120.

44.07.180. state land at the Willow site can be transferred to the corporation only if voters approve the costs on the 1982 ballot proposition; transfer occurs within 60 days of a written request by the corporation to the commissioner of natural resources.

44.07.190(a) the corporation is to adopt regulations for construction contracts in accordance with AS 35.15;

(b) allows the corporation to contract without public bidding if necessary; public notice of contracts must be given, except for personal service contracts of less than \$20,000.

44.07.200. provides for examination of the corporation's books, records, etc. by the legislative auditor; the Legislative Budget and Audit Committee is to examine the corporation's business at least once every two years or may accept an independent audit.

44.07.210. the corporation's property is exempt for taxes because the corporation is defined as a political subdivision of the state.

ARTICLE 3: Oversight Committee

44.07.220. establishes the Capital City Development Oversight Committee beginning with the 12th Legislature.

44.07.230. The Committee is composed of 8 members:
president of the senate
speaker of the house
1 chairman of the senate finance committee, chosen by the senate president
the chairman of the house finance committee
2 senate members chosen by the senate president
2 house members chosen by the house speaker

44.07.240(a) the committee is to be organized within 15 days of the effective date of this act and within 15 days of the organization of each legislature; members serve for the duration of the legislature during which appointed;

(b) membership on the committee terminates if the legislator files for non-legislative office.

44.07.250. the presiding officer appoints to fill vacancies on the committee from each respective house; the committee members fill vacancy if the presiding officer's seat becomes vacant;

44.07.260. the committee meets as a special and interim committee; members during the interim receive the same travel and per diem as during the session.

44.07.270. empowers the committee to organize, adopt rules, hold public hearings, require cooperation from state officials and agencies, prepare reports, review corporate and Legislative Budget & Audit committee reports concerning the corporation, and recommend legislative action relating to the relocation.

44.07.280. empowers the committee to hire necessary staff.

44.07.290. the committee is to make annual reports to the legislature about the capital move and the performance of the corporation.

ARTICLE 4: General Provisions

44.07.300. the corporation is subject to the Executive Budget Act (AS 37.07)

44.07.310. the board of directors is to approve the corporation's annual budget by a 2/3 vote .

44.07.320. the corporation is to submit an annual financial report to the governor and the Legislative Budget & Audit Committee; the report is to be audited by a CPA and must show receipts, expenditures, assets, liabilities, progress, operations and accomplishments.

44.07.330(a) prohibits conflict of interest by the corporation's board of directors and employees;

(b) subjects the executive director and board members to the conflict of interest statute, AS 39.50.

44.07.340. limits personal liability of the corporate members who execute notes.

44.07.350. the corporation terminates when the legislature determines that the general development plan is "substantially implemented" or 90 days after certification that the voters have rejected the 1982 ballot proposition.

44.07.360. definitions.

14 May 1981

MEMORANDUM

Subject: Capital Relocation Legislation: Important Provisions of
House CS for CS for Senate Bill No. 86 (Finance)

Although the bill is a long one, examination of only a few of its provisions will enable the reader to understand the scope and purpose of the bill.

Section 1 provides for amendment of the FRANK Initiative to make clear that, except for planning, design, studies and field investigations, state money may not be expended to relocate the capital until a ballot proposition which includes the cost to the state of providing for completion of relocation of a functional state capital (defined in subsection (c)(1)) to the new capital site at Willow has been approved by the voters.

The Alaska Capital City Development Corporation ("CDC") is directed to prepare a development plan and estimates of cost; to estimate the cost of leaving the capital in Juneau in the absence of relocation; and to study and make recommendations as to numbers and classifications of central state employees to be relocated, based on efficiency of state government without reducing unnecessarily the state employees in Juneau. This information is to be presented to the legislature by April 15, 1982 to assist the legislature in determining the type and contents of the ballot proposition to be presented to the voters in November 1982.

Section 2 is the CDC statute. The bulk of these provisions is boiler plate. Most of the changes from the law which is already on the statute books are technical ones made to bring the statute up to date. For example, references to the "capital city" and "capital site" are changed to "new capital city" and "new capital site at Willow". The important changes are those which cover the activities of the CDC between now and November 1982, as outlined below.

Sec. 44.07.020 provides for composition and appointment of the board of directors, with special provisions for the period to November 1982.

5-15-81

Sec. 44.07.110 gives the guidelines for the CDC's preparation of the development plan and estimates of costs to be presented to the legislature in April 1982.

Sec. 44.07.120 (a) provides that simultaneously with work under Sec. 44.07.110 the CDC is to commence preparation of a general development plan and of a specific development plan for the new capital site. The work of the Capital Site Planning Commission was not completed, and its proposed plan was not fitted to the ground. Doing this work now will save about a year in completion of the project, resulting in substantial savings.

Sec. 44.07.180. Land in the new capital site is not to be transferred to the CDC unless the 1982 ballot proposition is approved.

Article 3, sections 44.07.220 to 44.07.290 covers the legislative oversight committee. Most of these provisions are unchanged from the existing statute, but changes have been made to cover the oversight of the new duties of the CDC and to provide for membership on the committee.

Sec. 44.07.350. If the ballot proposition is rejected in November 1982, the CDC goes out of existence.

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

Amendments offered 5/15/81, withdrawn, to be resubmitted 5/18/81:

Rogers: p 6, line 20: (see attached)

Rogers: p 10, line 14: After "44.07.180" insert ", which exceed revenues which could be derived from the sale or lease of lands within the new capital site if the capital were not moved."

Rogers: p 16, lines 20-27: Delete (b)

Rogers: p 17, line 17: Delete "or any other law,"

Rogers: p 21, line 19: Delete "90 days" insert "the day".

Rogers: Add new subsection to read: "The corporation shall, if voters approved the relocation costs, cosponsor with the Alaska Energy Center an open international architectural competition to design an energy efficient city, capital building plan, and housing concepts."

A M E N D M E N T

OFFERED IN THE HOUSE:

BY: ROGERS

To: _____ HOUSE BILL No. _____

SENATE BILL No. 86

PAGE: 6

after LINE: 20

add new subsection (c):

(c)The board of directors shall prepare minutes of each meeting of the board in a standard format. Board minutes shall include

(1) a statement of the members present at the board meeting, including a list of the members present at the opening of the meeting, the arrival of a member during a meeting, and the time of the arrival;

(2) a list of the name, and if applicable, the affiliation of each witness appearing before the board;

(3) a brief statement of the position of the witness on the subject before the board;

(4) the roll call vote on any motion before the board.

(d) The chairman of the board shall maintain a chronological file of minutes which is readily accessible to board members and the public. Minutes may be corrected or amended by a majority vote of the board, regardless of the time which has elapsed since the action reflected in the minutes.

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

Amendments adopted -- May 15, 1981 -- House Finance Committee

Cotten: HCS for CSSB 86 (Finance) workdraft, dated 5/14/81.

Cotten: p 2, line 11, and p 22, line 5: Delete "necessary".

Cotten: p 3, lines 27-29: Delete the sentence "Appointed
. . . session."

Cotten: p 5, lines 11-13: Delete "and for each . . . directors".

Cotten: p 1, line 22: Add sentence: "Either the ballot proposition or the official explanation of it to be forwarded to voters shall contain an estimate of the numbers of central state employees likely to be re-located from Juneau and from Anchorage."

Rogers: Add new subsection: "* Sec. ____ . AS 39.50.200(b) is amended by adding a new subsection to read:
(44) Alaska Capital City Development Corporation."
(relates to p 21, lines 11-12)

Cotten: p 20, line 7: Delete "The legislative audit division and"; line 8: Delete "audits".

Rogers: p 20, line 9: Delete "and determine the salary of".

Committee:

Amendments in bill

~~p. 5, line 12~~

added language to 44.07.031 (b), TERM OF OFFICE, to clarify which directors serve four year terms after transitional period.

~~_____~~

rewrote sec. 44.07.051. COMPENSATION OF DIRECTORS, to make it clear that directors are entitled to an honorarium, per diem and travel allowances for board meetings only.

~~_____~~

rewrote Sec. 44.07.136. CAPITAL COORDINATING COMMITTEE, to clarify who is on the committee, and what the purpose of the committee is

~~p. 2, line 16~~

changes Sec. 44.07.351 TERMINATION OF THE CORPORATION, from 90 days after the 1982 ballot proposition is certified as being rejected to the day the 1982 ballot proposition is certified as rejected.

~~p. 25, line 19~~

adds (5) clarifying that the transitional mayor only serves two years

~~p. 5, line 1~~ Add 2(a) + 3(F)

Murkin moved + asked unanimous consent
No objection; adopted

Committee:

~~_____~~ ~~_____~~

Murkin moved + asked unanimous consent
None objected; then removed the objection
adopted

p. 2, line 25
p. 25, line 1

before building add "public"