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HJR 4

Compliments of
REP. TERRY MARTIN

THE GOVERNOR REPLIES.

Re Removal of Executive Office.

Sitka, Alaska, March 13, 1905
 F.A. LaVanlette, John Olds, Dr. P.
 Shackelford, committee of Ju-
 neau Chamber of Commerce,
 Juneau Alaska.

Gentlemen:-I beg leave to ac-
 knowledge the receipt of your com-
 munication of the 1st instant with
 the enclosed copy of your letter to
 the Honorable Secretary of the
 Interior.

At the time of the revision of the
 code by the Senate territorial com-
 mittee, in 1900, a citizen of Juneau
 had an opportunity at one of its
 sittings to tell the senators how in-
 significant a place Sitka was and how
 inconvenient and far out of the way
 its location was for doing business.
 Its lack of mail facilities was espec-
 ially emphasized. At that very
 time this same gentleman was the
 means of staying off the contract
 for carrying the local mail from
 Juneau to Sitka for a year.

There was no opportunity to
 present the other side of the ques-
 tion of removal before the commit-
 tee reported to the senate.

It is clear therefore that the
 spirit and intent of the act of
 congress of June 6, 1900 is that the
 government shall own its grounds
 and buildings thereon and by no
 possibility is this an incorrect as-
 sumption.

You say that the absence of the
 surveyor-general from Juneau has
 been and is a cause of a great deal
 of dissatisfaction to persons who
 are interested in the proceedings of
 the land department, or who are
 interested in the proceedings of the
 district court in Juneau, when
 confronted with land matters.

Out of thirty eight mineral sur-
 veys which were noted upon during
 this past year five were in the
 mining district (Juneau),
 five Berner's bay, four Ketchikan,

three in Porcupine, two each
 Cape Nome, Cook inlet and Wrang-
 ell, one at Sitka and fourteen in
 Valdez; and of the forty surveys
 under soldiers additional home-
 stead rights, twenty-three are from
 Yakutat and places west of it and
 four are from Juneau, five
 from Fanler bay and the remaining
 eight from other places in southeast
 Alaska.

It would appear then from
 these figures that the people of
 Valdez have more reason for com-
 plaint than the dissatisfied ones at
 Juneau.

The President has authority to
 fix the location of the land office.
 He can move it from Sitka to
 Juneau and within one or two years
 he may order it to Valdez or Fair-
 banks if the district is to have but
 one office.

The office of surveyor-general for
 the state of Washington is at Olym-
 pia and there are seven land offices
 within its borders. In Oregon the
 surveyor-general is at Portland and
 all its six land offices are scattered
 over the state and none in Portland;
 in California the surveyor-general
 is at San Francisco and there are
 ten land offices; Nevada has the
 surveyor-general's office at Reno
 and the land office at Carson
 City, the argument that the two
 offices should be in the same place
 is not valid nor is it based up-
 on the practice of the land depart-
 ment.

It is true that terms of court are
 held by Juneau, but they are also
 held at Skagway and at Ketchikan
 and the law provides that the
 Attorney-General may for cause,
 change the place of residence
 of the judge of either division of the
 court.

It is probable that the residence
 of the judge of the third division
 may soon be changed from Eagle to
 Fairbanks. A combination of

unforeseen events might make it desirable to change the residence of the judge of the first division back to Sitka. It is not necessary nor imperative that the land officers, the surveyor-general and the judge should reside in the same town.

The cry against Sitka in 1900 does not hold good today. It has become, by reason of its location the cable center connected with Juneau with Seattle and with Valdes. There is mail connection with Juneau by steamer Georgia every six days; the Pacific Coast company sends two steamers a month; the Northwestern Steamship company sends two vessels each month via Sitka to western parts and return, and the Alaska Commercial company sends one steamer a month via Sitka to Kodiak. The cry of isolation no longer carries force.

There is another argument for letting officers remain at Sitka until suitable grounds and buildings thereon at Juneau are owned by the government: it is that of the protection of their records from fire. Juneau has a good water system and her fire brigade is remarkably prompt and successful in combatting fires, but notwithstanding the insurance companies charge a very high rate for what few risks there are willing to accept. There is a risk of fire in Sitka but between the two places the chances are much in favor of the latter especially since it has just completed a water system with strong pressure.

Very few of our people understand what an important library we are gathering for the district. Most of the books are now kept in the Sheldon Jackson Museum of Natural History and Ethnology. This is the nearest fire-proof building in Alaska. The walls and floor are of thick grout and the roof of heavy galvanized iron. There is very little wood for the fire to take hold of.

The desirableness of Sitka's location and climate might be

pleaded as a fitting place for the location of the offices of the district.

For these reasons I do not deem it for the best interests of the government to move the offices of the surveyor-general and governor from Sitka to Juneau at the present time and shall so advise my Department.

Yours very respectfully,

John G. Grady,
Governor of Alaska

Compliments of
REP. TERRY MARTIN

SKAGWAY AT IT AGAIN

Understanding that Senator Geo. E. Perkins of California, has been working for the retention of the capital of Alaska at Sitka, the business men of Juneau and Skagway have taken no uncertain exception to his course, and have addressed to him protests decalring emphatically that they consider such action as he is understood to have taken to be *inimical* to the best interests of Southeastern Alaska.

In the Skagway protest it is stated that it is impossible to disassociate the public position of the senator from that of his private position in the Pacific Coast Steamship Company, which has a service to Sitka.

The Skagway protests have been forwarded to the senator. The signatures at the bottom of the document represent thirty-five of the leading and most important business firms of Skagway. The protest void of superscriptions and signatures follows:

"We the undersigned merchants of the city of Skagway, Alaska, are in favor of the removal of the capital of Alaska from Sitka to Juneau, Alaska. We expressed our desires in this matter through our delegates at a territorial convention held in Juneau, and later at a mass meeting of the citizens of Skagway held February 3, 1900, copies of the resolutions passed at which were duly forwarded to you. Also, the facts being personally known to you that the removal of the capital to Juneau would be a great convenience and the saving of much time and expense to the men of this city desirous of doing any legal business, we feel bound to express our surprise at the position you have taken in regard to the same in the United States senate, which amounts to an opposition of such removal and a disregard of the wishes of the people of Skagway.

"Further, it must also be within

your personal knowledge that the people of Southeastern Alaska, with the exception of Sitka, is in favor of the removal of the capital to Juneau and that your position in regard to the same is in direct opposition to the will of the people of this whole section.

"Under these circumstances it is scarcely possible to disassociate your public position as senator from your private position as head of the Pacific Coast Steamship Company, and we must therefore regard the latter as representing interests which are inimical to those of this port and those of Southeastern Alaska and take action accordingly. For the consideration of such action we have hereunto signed our names this ninth day of April, 1900." Daily Alaskan.

It certainly is surprising that Senator Perkins should have the audacity to express an opinion of his own, and more especially an opinion that is not in accordance with the egotistical ideas of the inhabitants of Skagtown.

You poor, benighted, selfcentered inhabitants of a doomed city, don't you realize that Senator Perkins, or any one else for that matter, knows that you want the capital where it will be most convenient for you, regardless of the rest of the Territory.

But on the other hand don't you know that Senator Perkins was interested in Alaska before you really knew that it was inhabitable for any one but Esquimaux and years before Skagway contained anything but Capt. Moore's residence and a few half starved Siwashes.

Don't you realize that Senator Perkins knows that while Skagway and Juneau are at the present time the most populous towns in Alaska, and have more official business than the rest of Alaska combined, that they are on the decline.

That the westward portions of

the Territory are developing very rapidly, that the U.S. government is going to put in a telegraph and railroad line from Valdez to the Yukon, which will draw all the American traffic from Skagway, that the English are already working on a telegraph line to connect to Dawson through their own territory, that they are diligently striving to get a port of entry somewhere near Skagway and if they don't succeed they will build a railroad from the south to connect with the one already being built in their domain.

If you were not so completely wrapped up in your own interests you would see that the center of population of Alaska is rapidly moving west and that if the government was justified in moving the capital at all it would be to move it west and not east in close proximity to the boundary line.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE CAPITOL
JUNEAU, ALASKA 99811

April 5, 1979

The Honorable Ray Metcalfe
House of Representatives
Alaska State Legislature
Pouch V
Juneau, Alaska 99.11

Re: Capital Relocation
Proposal

Dear Representative Metcalfe:

As you requested, we have reviewed your proposal to see if it conflicts with the FRANK Initiative.

It appears that your proposal does conflict with the FRANK Initiative. Moreover, it appears that it also conflicts with the requirements of the original Capital Relocation Initiative, and portions of the Alaska Constitution, as well.

To begin with, the proposal contemplates a committee of the legislature to negotiate "all agreements" with the Matanuska-Susitna Borough and, in effect, plan jointly with the borough the development plans for the new capital. As a general proposition, negotiating agreements and preparing development plans are things done to carry out a law and are not acts of making law. This means that they are not legislative function and that they may not constitutionally be performed by the legislature or its committees. Vesting the legislature with an executive power not given to it by the constitution is unconstitutional. Bradner v. Hammond, 553 P.2d 1 (Alaska 1976). This is the reason that the legislature created an agency in the executive branch to plan for the capital move. AS 44.06.200-260.

The original Capital Relocation Initiative required the legislature to provide for the planning of the new capital. AS 44.06.160. The legislature provided for a new

April 5, 1979

capital planning commission and its functions in AS 44.06.200-260. Your proposal to have this planning done jointly by a legislative committee and the borough conflicts with the initiative's mandate and the statute's express provisions. Legislation would be required to amend the existing law.

With respect to the FRANK Initiative, the problem is that your proposal does not take into account the interlocking nature of that initiative and the statute establishing the New Capital Site Planning Commission. Your proposal would supersede the commission's plan with a plan to be agreed upon jointly by the legislature and the borough. The FRANK Initiative requires voter approval of a bond issue for all the bondable costs of relocation to a capital city as determined by a commission created by the legislature to plan the move. Under present law, the legislature has mandated that the only "plan" that is acceptable is one which, in essence, duplicates the facilities of the present capital city. In order to supersede that requirement, an amendment to AS 44.06.230 or to the FRANK Initiative or to both is necessary. In other words, if there is no statutory amendment, the borough's commitment to pay all the costs under a new plan would not suffice. It would have to commit to (and arrange for) payment of all the costs under the commission's existing plan in order to relieve the state from that burden and thereby nullify the effect of the FRANK Initiative.

I would be happy to discuss this matter further with you at your convenience.

Yours very truly,



Avrum M. Gross
Attorney General

AMG:as

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
307 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 9, 1979

SUBJECT: Capital Move Concept
(Work Order No. 6821)

TO: Representative Mike Miller

FROM: Kenneth E. Vassar
Legislative Counsel

You have requested a legal opinion relating to the "Capital Move Concept" outlined in the rough draft of an agreement between the Matanuska-Susitna Borough and the state which you have furnished us. At the outset, I think it is appropriate to discuss the FRANK initiative and the effect of any attempt to avoid it.

I would have to approach any plan which would attempt to provide for the relocation of the capital without the expenditure of state money with a skeptical attitude as to its viability in the courts. Such a plan must avoid any expenditure of state money for the physical relocation of the present functions of state government and must also avoid incurring any obligation on the part of the state to pay any state money at any time in the future for such physical relocation. Even assuming that such a plan does exist, any prognosis as to the viability of the plan comes with a very large caveat, which will be explained in the following paragraph.

In the ordinary review of statutes, a court will apply the law in accordance with the literal meaning of the words used in the statutes unless there is some ambiguity which requires it to go behind the words of the statutes and look at the legislative intent. The phrase "State money may be expended," as it is used in the FRANK initiative, appears to be unambiguous, and so it would be fair to assume that a court would apply the law strictly in accordance with the language in the initiative under normal circumstances. Thus, a plan which does not involve the expenditure of any state money, now or in the future, for the physical relocation of the

March 9, 1979

present functions of the state government might be expected to survive a FRANK initiative attack. However, the magnitude of the issue and the fact that this is an initiative rather than a legislative enactment would take the interpretation of this language far from normal circumstances, and a court might go beyond the literal interpretation of the words used in the initiative and examine the purpose behind the words.

If this were the case, the court would surely give some weight to the "Purposes" section of the initiative. That section includes the following language:

It is the purpose of this act to insure that the people of Alaska will have the opportunity to make an intelligent and objective decision on relocating the capital with all pertinent data available to them concerning the costs to the State. . . .

Since it would be only of relatively mild interest to the people to know the costs of the move after the move had begun, and since it would leave little room for decision making by the people at that point, I would assume that a court would view this purpose as applying before any move began. It would follow that a court could interpret the language of the initiative to actually mean that no movement of the present functions of state government may begin before the required bond issue election.

Turning now to the "Capital Move Concept," I would like to begin with a summary of my perception of the plan. Since the concept does not appear to present all the details of the plan, this summary and the following analysis may include some assumptions on my part relating to those details. Under the plan the borough would select from, or trade borough land for, a minimum of 6,240 acres of state land at the relocation site. The existing provisions of law relating to borough selections and exchanges of land are found in AS 29.18.205 and 29.18.209. In return, for the selection or trade, the borough would prepare a basic site plan for the capital city and finance and construct a building for use as a part of the total state office complex. When the building is completed, it would be turned over to the state for occupancy, and the borough would be allowed to charge rent on the building in an amount sufficient to cover debt service on a portion of the bonds issued by the borough for

the project. The state would provide rights of way to the borough for the construction and would establish an appropriate body to consult with the borough. The borough would return title to lands it receives under the agreement to the state if (1) the borough is repaid for all its expenditures; (2) any bonds issued by the borough are retired or assumed by the state; and (3) the borough regains entitlement to selection of an equal amount of land.

Before getting into an analysis of the concept in relation to the FRANK initiative, I have some comments about the selection and transfer of land under AS 29.18.205. That law allows boroughs to select vacant, unappropriated and unreserved state land within their boundaries. Under the terms of the 1974 initiative (AS 44.06.130), the land from which selections would be made under the concept submitted is classified as reserved use lands. Therefore, it is ineligible for selection under AS 29.18.205 absent some legislative action. It appears, however, that the land would be eligible for a land exchange under the authority of AS 29.18.209. The exchange would have to be for land owned by the borough of equal value to the state land. The determination of equal value would be incumbent upon the director of the division of lands and the commissioner of natural resources.

The following paragraphs relate to the "Capital Move Concept" on a paragraph-by-paragraph basis with specific attention to the relationship of the concept to the FRANK initiative.

1. As noted before, this paragraph will require a land exchange rather than a municipal selection. In order to fulfill his statutory duties (which cannot be contracted away), the director will be required to determine whether there is a public interest to support the exchange and whether the land offered by the borough is of approximately equal value to the land offered by the state (including the non-monetary value of public benefits). In addition, the director must give notice of the exchange to the governing body of the borough under AS 38.05.305 and to the public under AS 38.05.345. Finally, while AS 29.18 requires a survey to be conducted or paid for by the municipality for municipal selections under that chapter, it does not expressly require the municipality to survey or pay for the cost of a survey of land proposed to be exchanged.

Representative Mike Miller

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The director's duties, particularly those relating to the giving of notice, appear to require the expenditure of some state money. Thus, the FRANK initiative prohibition could apply to this section. In the absence of statutory requirements relating to surveys, the state may be required to pay for the survey of the land subject to the exchange; this would be prohibited by the FRANK initiative.

2. Since this paragraph relates solely to planning by the borough, there would appear to be no FRANK initiative questions.

3. Since this paragraph relates solely to financing and construction of a building by the borough, there would appear to be no FRANK initiative questions.

4. This paragraph requires the state to provide rights of way to the borough for construction of necessary access roads and other infrastructure items to be built by the borough. This is a power granted to the director under AS 38.05.330. If the application is made in accordance with regulations promulgated under AS 38.05.330, it appears that there would be no required expenditure of money for the granting of the rights of way.

5. Under this paragraph, the state would be required to establish an appropriate body to consult with and coordinate the work of the borough to ensure compliance with the agreed plans. I am not sure how this body would be established; however, it appears that its duties would require travel and per diem allowances and possibly salaries. These obviously will require the expenditure of state money. Again, the FRANK initiative may prohibit this expenditure.

6. After the completion of the building, the borough will turn it over to the state to permit meetings of the legislature in the building. The borough, six months after completion of the building, will charge the state rent based upon the proportionate amount of revenue raised by the sale of bonds for the construction of the building.

There are two questions with regard to this paragraph. First, the obligation to pay rent would require an expenditure of state money. The obligation to maintain and operate a municipal building leased to the state for state purposes would

also require an expenditure of state money. Either of these expenditures could be violative of the FRANK initiative. The ultimate question would be whether they are expenditures for the physical relocation of the present functions of state government or whether they are expenditures for some other purpose. This could be the ambiguity that would justify a court's decision to look at the purpose of the initiative rather than relying on a literal interpretation of the words used in the initiative.

The second question also relates to the FRANK initiative. It seems that tying rental payments to an amount sufficient to cover debt service on a portion of the bonds equal to the ratio of borough expenditures on the building to total borough expenditures raises a strong argument that the borough is acting as a "straw man" for the purpose of the bond issuance. It could be argued that there is very little difference between the state issuing the bonds itself and the state contracting to pay the debt service on the bonds used to construct the building. A court, even if it found the payment of rent permissible under the FRANK initiative, could determine that tying the rent to payment of the bonds is impermissible.

7. This paragraph provides that, if the borough is repaid for its expenditures and if the bonds issued by the borough are retired, the borough will return the land it receives under the agreement to the state.

In order to accomplish this, the state could assume or pay off any amounts outstanding on the bond issuance; and I assume it would be the state that would reimburse the borough for its expenditures. Of course, none of this can happen until the FRANK initiative requirements are satisfied, amended or repealed.

8. This paragraph appears to have no FRANK initiative repercussions.

In conclusion, it would appear that, if I have understood the plan you have presented to us correctly, the plan could not be implemented without violating the provisions of the FRANK initiative.

KEV:jdn

Editorial Opinion and Comment of



Daily News - Miner

"Independent in All Things . . . Neutral in None"

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner.

Back from the grave

Anyone who forgot the capital move should check with the imaginative folks down the highway. There the capital move drama plays like a horror story serial, with their hero periodically lurching out of the grave to be paraded, zombie-like, through the Anchorage press and the halls of Juneau.

The latest sequel in "The Return of the Capital Move" will be acted out before the House State Affairs Committee in Juneau Friday. Let's hope the return engagement doesn't go beyond that stage.

The capital move achieved its greatest glory when passed as an initiative in the 1974 primary election. The law required that the state capital be moved by Oct. 1, 1980, and set up a process for selecting the new capital city site.

Two years later the voters selected the Willow area, on the banks of Deception Creek, as the new capital site. Then the voters got a good look at what the whole scheme was going to cost and last year they overwhelmingly passed another initiative insuring that the capital move won't be made without the Alaskan people having a say in the price.

That was the so-called "FRANK Initiative," sponsored by the Fairbanks-based Frustrated Responsible Alaskans Needing Knowledge. In it the voters passed a state law saying no money could be spent on the capital move without an election for a bond authorization vote.

That pretty much killed the monster since even the capital move supporters admit Alaskans aren't going to vote for a multi-billion dollar bond issue to finance the schemes.

But nobody drove a stake through the heart of the corpse. While licking their wounds from last year's election, the Matanuska-Susitna Borough has come up with a new way that they say can move the capital without costing the state money and requiring a FRANK-type bond issue vote.

The Mat-Su Borough leaders say they can build the new capital for the state. The idea is that the borough would acquire the state land in the capital site through municipal selections or an exchange. It would then build the capital facilities and get its money back through sale of the adjoining land as the city builds up around the new capitol.

The doors of the crypt creaked open at a Mat-Su Borough Assembly meeting March 6. The plan advanced then was that a new "municipal building" could be built for the capital city through a borough bond issue and the governor would move into that structure temporarily. Likewise a high school would be built and the Legislature would move in its offices, and a junior high school would house the judicial branch. That would get the capital moved by the 1980 deadline, and later more suitable permanent buildings could be built for the state government and the first buildings would become the city hall and schools of the new city.

Thus the capital move revivers have not only figured out a way of doing it at no cost to the state, they can move the capital at no cost to themselves either—they say.

But that, like so many of the other capital mover claims, is just more fiction. And like a horror story, it's more amusing than scary.

Even if a school can be designed that is also a suitable legislative hall, and we doubt it can, it will draw state money into the project. The state pays back municipalities 80 per cent of what they spend to build schools, so that means the state, not the borough, will foot most of the bill. The FRANK initiative prohibits that.

Alaskans don't need a capital move, and we especially don't need a make-shift capital move carried out by the same people who pushed the idea of the low-budget "trailer camp capital move" four years ago. If we're going to move the capital, it should be a statewide effort with the design and budget approved by all Alaskans.

And until that time, our state money and our Legislature's time can be better spent on more realistic dramas.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K-STATE C. TOL
JUNEAU, ALASKA 99811

March 22, 1979

The Honorable Samuel R. Cotten
The Honorable Patrick Carney
House of Representatives
Eleventh Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Gentlemen:

Following our recent opinion concerning the Mat-Su Borough proposal for the capital move, you asked that we review for you what legally valid steps could now be taken by the administration to relocate the capital, and further, what legislative action might facilitate the process. As I told you, in an area as sensitive and as controversial as the capital move, I do not want to be in a position of analyzing proposals that have not been made or even suggesting proposals without the intensive research that the proposals would require prior to being sanctioned by this office. However I can outline for you at this time the basic legal framework that will have to be followed, and comment briefly on possible legislative action.

At present there are three major statutes which control any executive action on the capital move issue. The first was the original initiative passed in 1974. That initiative required that the seat of government be relocated under a plan set forth in the initiative. Specifically, certain lands were to be identified as potential capital sites by a capital selection committee. The voters were then to select one of three possible sites, all of which had to contain at least 100 square miles of land either owned or to be acquired by the state. The land was then to be placed in a "reserved use" land designation. The initiative further provided that at the next legislative session following the selection of a site, the legislature should provide for the planning of a new capital city, including the construction of "necessary" state and public facilities. The initiative

contained no clarification of what state and public facilities would be "necessary," leaving that question for future legislative resolution.

Consistent with the directive of the initiative, a Capital Site Selection Committee was appointed by the Governor and three possible sites were selected. The voters then chose one of the three and the state has set aside the lands required in "reserved use" land designation. The legislature then continued along the course directed in the initiative by passing a bill (AS 44.06) setting up the Capital Site Planning Commission. In the course of that action, a conflict developed in the legislature over whether or not to give the commission freedom to plan any particular type of capital that the commission might find appropriate, or, in contrast, whether to specify at the outset the size of the new capital city for which the commission was required to plan. The decision of the legislature was to instruct the commission to plan for "the development of those facilities, public and private, described in the Capital Site Selection Committee Report dated December 11, 1976." AS 44.06.230(j). Those "facilities," described in a report previously submitted to the legislature, were for a city with a core of public employees approximately 6,000 in number and a total city of about 30,000 people. We reviewed the legislative history and purpose of the Capital Site Planning bill in an opinion which was rendered to the commission two years ago. I am appending a copy of that opinion to this letter since it reviews in detail the nature of the legislative dispute and the manner in which it was resolved. The key feature of the resolution was that the legislature chose to settle the issue of the size of the capital itself rather than leave it to the commission, and so it is written directly into the law.

The Planning Commission then embarked upon its work, eventually presenting the legislature with the requested plan. In their planning document, the Commission made certain cost estimates among them an estimate that it would cost approximately 1.4 billion dollars just to construct the public facilities required in the new capital. The report was debated by the legislature, and eventually resulted in that body passing a bond issue of over 900 million dollars, subject of course to voter approval, to begin construction.

At the same election at which the proposed bonds were placed before the voters, a second initiative, the so-called FRANK Initiative, also appeared on the ballot. That initiative requires that no money be spent for relocating the functions of government until the full "bondable costs" of the capital move have been approved. As we noted in an opinion issued last year, "bondable costs" refer to all costs capable of being bonded--in other words, costs which could be bonded as opposed to those that actually would be bonded. The reasons for that conclusion are set forth in the previous opinion and I won't repeat them here other than to note that the wording of the initiative is straightforward and that its clear meaning will require the full approval of all potential capital costs of the move at a minimum before any state money can be spent on the project.

The FRANK initiative also contained wording which tied the term "bondable costs" to a specific capital plan. The initiative refers to the bondable costs for a capital site as determined by "a commission created by the legislature to plan the relocation." The Capital Site Planning Commission is, of course, the only such commission ever created, and at least the magnitude of its "plan" was pre-ordained by the legislature. That plan, in essence, assumes that the facilities of the present capital will be duplicated elsewhere and, to no one's surprise, the cost of doing that is very high.

Since the costs determined by the Capital Site Planning Commission were by previous direction of the legislature the costs of a specified size capital city, the people of Alaska, when they adopted the FRANK Initiative, impliedly stated that the "bondable costs" of a move to a city of that size be first approved before any state money be spent in relocation. I mention this now for two reasons. First, in reviewing what "bondable costs" must be first approved (or perhaps, if not approved, at least alleviated through construction of capital facilities by some other entity than the state), there is an established figure which governs any analysis. Unless and until the "commission established by the legislature" is given authority to plan for a different size capital, and in fact does so, the FRANK Initiative will continue to be linked to the presently

planned capital city. Moreover, even if the legislature decides today that it wants to utilize a different concept of a capital than set out by the Capital Site Planning Commission--that it wants to amend its earlier direction to the commission to plan for a particular size city--there is at least a possibility that the FRANK Initiative may also require amendment. While the chances of such a result are, in my view, slight, a court may subsequently conclude that the size of the city already planned by the commission was, by reference incorporated into the FRANK Initiative and will remain there until changed by legislative action. As a practical matter, I assume that if there were the votes to amend the legislative act pre-ordaining the size of the city, there would probably also be the votes to amend the initiative. But the legal implications of amendment may be different. The legislature is completely free to do what it wishes with its previously adopted acts, but initiatives may not be repealed for two years. Alaska Const., art. XI, §6. If a court were to rule that a change in the size of the city for which "bondable costs" had to be previously approved before monies were spent to relocate the capital was at the heart of the initiative, and that an amendment of that section was in essence a repeal of the basic intent of the initiative, it might rule the amendment invalid. A discussion of the legal principles that control this decision may be found in Warren v. Thomas, 568 P.2d 400 (Alas. 1977), a case which involved an amendment not considered to be a repeal. There is no way of predicting the future conclusion of a court on this issue with certainty. The best that can be said is that it would create a legal issue if and when it is done.

The Mar-Su plan previously reviewed by this office, as well as the resolution recently introduced in the House, do not, in and by themselves, assume any legislative action amending past statutes or initiatives. If no legislative action is taken, there are serious legal problems with almost anything the administration by itself would initiate in this area. All those legal problems stem from the fact that anything done by the executive branch to relocate the capital is going to cost some money, and the FRANK Initiative is a direct statutory prohibition against the executive branch's spending that money. The basic message which I tried to convey in my opinion on the Mar-Su plan is that so

long as the FRANK Initiative remains undiminished on the books it will not be sufficient for the borough to simply play a role in constructing a new capital site--it will have to play the only role. At the least, the borough would have to build all the required public facilities since that would be the absolute minimal definition of "bondable costs" as the term appears in the initiative. If the borough were willing to do that (at a cost estimated by the Planning Commission at over a billion dollars), then there is a real possibility that the state could spend funds for a move, since then there would be no "bondable costs" left to approve. I say this with some reservation, since there is absolutely no judicial precedent to rely upon in this analysis, and once we depart from the plain meaning of the statute and try to predict the legal validity of capital move plans never really contemplated by the initiative, we are of necessity in a realm of uncertainty.

During the recent meeting in the Governor's office, you asked that I not only point out the legal problems which confront a present effort toward a capital move, but also suggest to you a possible course of action which might be followed to carry out the intent of the original initiative. The problem is, of course, that the original initiative has subsequently been amended. Initially the voters provided that the capital should begin to move in 1980, but then, in adopting the FRANK Initiative, the voters decided, in effect, that the capital should not move at all until the voters had approved the full bondable costs of the move. There is no longer any requirement that anything be done by 1980; the operative date is now the date of voter approval.

If the state is to do any more on this issue without directly affronting the will of the people as expressed in the FRANK Initiative, it will be necessary to amend existing law. The resolution presently pending in the House would not have the effect of law. The Governor would still be bound by the same statutory constraints expressed in the initiative and prior law, even were the resolution to pass. What would be required are statutes amending the legislature's direction to the Planning Commission and specifically authorizing the executive branch to spend funds to plan for a different sort of move. These new statutes, which would implicitly amend the FRANK Initiative, would provide a valid basis on which the expenditure of state money could be justified.

The Honorable Samuel R. Cotten
The Honorable Patrick Carney

March 22, 1979
- 6 -

As an alternative, the FRANK Initiative could be amended directly so as to eliminate or alter its requirements. Either the prohibition against expending state funds could be changed, or the requirement that all "bondable costs" first be approved might be modified. These enactments, of course, would raise the constitutional issues concerning amendment of initiatives discussed above, but those issues really cannot be avoided if action is to be taken now.

Yours very truly,



Avram M. Gross
Attorney General

AMG:as
Attachment

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K. - STATE CAPITOL
JUNEAU 99511

August 9, 1977

Mr. Charles Behlke
Chairman
New Capital Site Planning Commission
310 "K" Street
Anchorage, Alaska 99501

Re: Commission's Powers
and Duties

Dear Mr. Behlke:

I have been advised that the New Capital Site Planning Commission desires an opinion concerning its basic powers and duties. The opinion request has arisen in the context of a debate over the extent to which the Commission may plan various capital site alternatives. Specifically you have asked whether the legislation establishing the Planning Commission directs the Commission to plan for a particular type of new capital or whether there is discretion within the Commission to suggest various alternatives and plan for those alternatives.

The legislation establishing the New Capital Site Planning Commission is Ch. 67 SLA 1977, now AS 44.06.200-260 (attached hereto as Exhibit A). That legislation is specific as to the responsibility of the Planning Commission. The

law provides:

"The purpose of the commission is to prepare a detailed plan for development of the capital site within the guidelines enumerated in this chapter." AS 44.06.230(a)

The "detailed plan for development of the capital site" is defined in the same section as meaning:

"...the development of those facilities, public and private, described in the Capital Site Selection Committee Report dated December 11, 1976."
AS 44.06.230 (j)

The public and private facilities described in the Capital Site Selection Committee Report are those of a city of 30,000 residents, including 5,960 central state employees. (Capital Site Selection Committee Report, 283-290, appended hereto as Appendix 5)

The specifically assigned function of the Commission, then, is to plan for a new capital city of 30,000 residents. Moreover, this appears to be the single plan the Commission is authorized to initiate since the language of the act repeatedly indicates that only one plan was contemplated by the legislature. For instance, AS 44.06.230(a) provides that

"The purpose of the commission is to prepare a detailed plan for development of the capital site within the guidelines enumerated in this chapter. This detailed development plan shall be completed no later than March 15, 1978 and shall be made subject to public input during its formulation. Following completion of the plan, the commission shall make public presentations of it throughout the state." (emphasis added)

Subsection (b) of the same section provides:

"The detailed development plan shall include, but need not be limited to, the following elements: government facilities, community facilities, transportation, public utilities, communication facilities, commercial and industrial development, residential development, resources, and environmental aspects. It shall include provisions addressing each element in terms of its social and economic impact. The plan should also address governmental jurisdictions, including statements as to the appropriate planning and development authority and recommendations as to the forms and powers of the local government. The commission shall also develop a planning and implementation work program." (emphasis added)

Formulating that single "detailed development plan" contemplated by the act will, of course, require intensive study and analysis, to say nothing of a major commitment of financial resources. The Commission, for example, must plan for government and community facilities, transportation modes, public utilities, communications facilities, industrial and residential developments. AS 44.06.230. Analysis must be made of the social, economic and environmental impact of each aspect of the plan. Id. The Commission must perform physical and geo-technical site specific analysis and related mapping for the planned city. AS 44.06.230(c). It must determine environmental and use permits necessary for construction of the capital (AS 44.06-230(h)), conduct cost analyses including proposed construction schedules (AS 44.06.230(f)), investigate funding alternatives, and submit a recommended financial plan to the

legislature no later than February 1, 1978. And this list is not all inclusive--it is only a partial indication of the enormous effort which must be undertaken for the planning of the new capital city specified by the legislature.

In addition to its basic obligation to develop the plan for a city of 30,000 people, the Commission is also authorized to do certain other things. Specifically AS 44.06.230(d) provides:

"The commission shall conduct an analysis of the opportunity for the reorganizing and regionalization of state government, and develop a list of executive agencies which are expected to be located in the capital. This list shall include the offices to be moved, the number of personnel to be employed in those offices, and the anticipated required office space for that number of persons. This list shall be used for capital site planning purposes only, and is not binding as to which executive agencies may be located in the capital. The commission shall then develop a relocation phasing plan."

AS 44.06.230(d)

Apparently this section has been cited as authority for the Commission to expand its efforts so as to actually plan for a variety of possible capital sites. I see absolutely no justification for that position. For if one reviews the history of ch. 67, it becomes clear that the legislature never intended subsection (d) to be any more than a minor adjunct to the separately defined primary purpose of the Commission, a primary purpose that was established through direct legislative consideration and resolution of what that primary purpose should be.

Ch. 67 began as SB 27, a copy of which is attached as Appendix C. The original bill contained no mention of the specific size of the city to be planned. It only required that the Commission "prepare a detailed plan for development of the capital site within the guidelines enumerated in this chapter." The bill went on to state that "the detailed development plan shall include, but need not be limited to, the following elements: community facilities, transportation, public utilities, commercial and industrial development, residential development, water resources, environmental aspects." There was no more specific definition of the type of plan required for the capital city contained in the bill, and in particular no reference to the type of capital city envisioned by the Capital Site Selection Committee in its report.

If SB 27 had remained unchanged, there is no question but that the Commission would have been free to exercise its opinion as to the site plan it felt would best accommodate movement of the capital. But the bill did not remain unchanged. It was replaced with a State Affairs Committee Substitute. That measure also contained no specific direction as to the size city to be planned, only

repeating the requirement that a "detailed plan" be prepared. However when the State Affairs Committee Substitute was debated on the floor of the Senate, an effort was made to amend the bill so as to put in the provision which ultimately became AS 44.06.230(j), a definition of "detailed plan for development of capital site." As you might imagine, the debate over the inclusion of the new definition section was intense. Senator Orsini, who opposed the amendment, perhaps most clearly stated the reasons for that opposition in these words:

"The problem is, section (j) in particular, is locking us in into a concept put forth by a group of people a couple of years ago for some time in the future. We have in the State Affairs version a look at the concept of decentralization of state government. That is, putting more regional state governmental centers in different parts of the state rather than having everybody in one central location. I think this is a good idea. However, this idea is not what was conceived of in the Selection Committee Report dated December 11, 1976, and to do that would really thwart the part of the version of the bill we are adopting."

(Senate Debate on CSSB 27, April 1, 1977)

In the face of this strong opposition, the amendment passed, 11 to 9. The amended State Affairs version was then passed unanimously and sent to the House. There, it was replaced by a House version of the bill, which deleted the specific direction as to the size of the city

and substituted a more flexible formula by which the Commission would come up with a number of step-by-step plans for movement of the capital. The House version was not accepted by the Senate and was returned to the House to determine whether that body would accede to the Senate version of the bill. After two days of debate, which focused precisely on the issue posed now by the Commission, the House by a 22-18 vote accepted the Senate version.

The debate on the measure in the House is helpful because it makes it clear beyond question that the legislature by its action sought to resolve this issue of whether the Commission should be required to plan for only one type of city or whether it should be free to plan for alternate types of capital sites. For instance, Rep. Cotten, a proponent of the House version, analyzed the differences between the Senate and the House versions in these terms:

"So what the senate bill calls for is a detailed development plan of a city of 30,000 people, and that's gonna be the bottom line and that's gonna be what people are gonna be able to point to and say here's what your capital city is going to look like, we've already determined that that's what it's going to look like, and we already have a pretty good idea of what the costs are going to be. I think the [House] State Affairs version takes a little different approach... in that they accept the fact that the whole capital can't be moved right away, and there's going to be an initial development..."
(House Debate, May 10, 1977)

Rep. Bradley, who was a major author of the House version, responded to Rep. Mike Miller's (of Juneau) advocacy of the

Senate bill by responding:

"So Mr. Miller said that the way we follow the law is to lock in 30,000 people by 1990."
(House Debate, May 10, 1977)

And finally, Rep. Cotten again, who led much of the debate, commented:

"And I just, I think it's important to make it clear to people that the decision on what size the capital is going to be has already been made by the Site Selection Committee of a couple years ago. And that's the difference between the Senate bill and the House State Affairs one which allows for a little more latitude and it isn't quite so specific as to what exactly the capital's going to consist of."
(House Debate, May 10, 1977)

Proponents of the House version argued that the Commission should not be "locked in" to a particular size city--that it was better planning procedure to let them have a freer hand. Proponents of the Senate version countered by suggesting that in the end, what kind of a city would be required would involve a controversial political decision and that the legislature, as elected representatives, should make the decision in the bill creating the Commission. I mean to intimate no opinion as to which of these arguments I believe most sound. The point I do wish to make is that the Senate view prevailed, and that it settled the issue.

Reliance on subsection (c) as justification for drawing up alternate plans is really nothing more than an effort to resurrect the settled debate on this issue. At no time during the debate was it even remotely suggested that

subsection (d) was even at issue when the basic decision as to single or alternate plans was made. That issue was decided head on by a fight over whether the Commission should be specifically told to draw one plan or alternate plans. Subsection (d) in contrast was a part of a whole series of duties given the Commission subsidiary to its basic planning function. For instance, subsection (d) requires the Commission to list the offices to be moved and to develop a relocation phasing plan. Since the Commission must plan for a city of 30,000 people with approximately 6,000 state employees, the "list" and the "phasing plan" must apply to that type of city. The mandate of the same section that the Commission conduct an "analysis of the opportunity for the reorganizing and regionalization of state government...." can be read as also relating exclusively to an assumed capital city of 30,000, but I believe it probably goes further than that. The required plan for a city of 30,000 is obviously to be made under the assumption of the present governmental structure, but an analysis for reorganization can go into new areas. It could, for instance, explore the prospect of constitutional change which would permit a different type of government structure or operation. It could suggest alternates to a capital city containing approximately 6,000 central state employees, dependent upon whether its reorganization and regionalization studies indicate that such alternates would be feasible. But that

type of analysis is a far different thing from doing the detailed design and engineering studies to plan for a new city. That detailed work, by legislative directive, must be restricted to the prescribed city of 30,000 people.

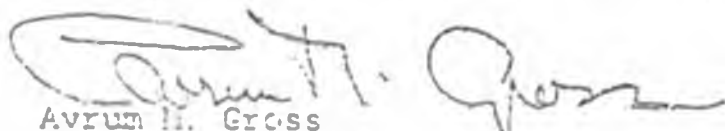
Put simply the Commission may analyze and, we assume, recommend various alternate types of capital cities based on reorganized or regionalized governmental structures. But the Commission's basic resources, financial and otherwise, must be spent in developing a detailed plan for a city based on our present organization of government--a city described by the Capital Site Selection Committee and mandated by the legislature. That is what the basic financial appropriation to this group is for--that is what the legislature decided should be the focus of the effort.

I am sure there are members on the Commission who will strongly disagree with what the legislature has done, just as there will be Commissioners who would defend the legislative decision. But the wisdom of that decision is an issue for the voters, not for this Commission. The choice has been made, and I believe it should guide the Commission in its procedures.

I plan to attend the Commission meeting on Friday so I can be available to discuss this matter and any others you may raise. I also hope to be able to review

with the Commission ways in which this office may be of assistance to the Commission or its members as you handle this difficult and controversial assignment. I look forward to seeing you then.

Yours very truly,



Avrum H. Gross
Attorney General

AMG:as
Attachments



Source

CSSB 27 22

Chapter No.

67

AN ACT

Relating to the New Capital Site Planning Commission; and providing for an effective date.

ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA

Section 1. AS 4.05 is amended by adding new sections to read:

ARTICLE 3. NEW CAPITAL SITE PLANNING COMMISSION.

Sec. 44.05.100. NEW CAPITAL SITE PLANNING COMMISSION. There is created in the Office of the Governor the New Capital Site Planning Commission.

Sec. 44.05.110. MEMBERSHIP. (a) Within 25 days after the effective date of this Act, the governor shall appoint a commission consisting of nine members, subject to confirmation by a majority of the members of the Legislature in joint session. Members are appointed for four-year terms and may be reappointed. Members shall be appointed on a nonpartisan basis, and shall be selected as follows:

- (1) one member must be a registered engineer;
- (2) one member with a financial or economic background;
- (3) the mayor of the Nastooka-Russina Borough or his designee;
- (4) the mayor of the City and Borough of Juneau or his designee; and
- (5) five members appointed from the general public.

resources, public works, revenue, community and social affairs or their designees, one state senator chosen by the president of the senate, and one state representative chosen by the speaker of the house shall serve as nonvoting ex officio members of the commission.

(c) The members are entitled to receive \$100 per day for their service on the commission and per diem and travel expenses as authorized by law.

Sec. 44.06.220. MEETING OF THE COMMISSION. The members shall elect a chairman and vice-chairman from among their membership. The governor shall call the first meeting of the commission within 15 days after appointment of the members. A majority of the members constitutes a quorum for conducting business and exercising the powers of the commission. The commission shall meet at the call of the chairman, at the request of a majority of the members, or at a regularly scheduled time as determined by the members.

Sec. 44.06.230. PURPOSE; DETAILED DEVELOPMENT PLAN; DUTIES OF COMMISSION. (a) The purpose of the commission is to prepare a detailed plan for development of the capital site within the guidelines enumerated in this chapter. The detailed development plan shall be completed no later than March 15, 1978 and shall be made subject to public input during its formulation. Following completion of the plan, the commission shall make public presentations of it throughout the state.

(b) The detailed development plan shall include, but need not be limited to, the following elements: government facilities, community facilities, transportation, public utilities, communication facilities, commercial and industrial development, residential development, resources, and environmental aspects. It shall include provisions addressing each element in terms of its social and economic impact. The plan should also address governmental jurisdictions, including statements as to the appropriate planning and development authority and recommendations as to the form and powers of the local government. The commission shall also develop a planning and implementation work program.

(c) The commission shall perform physical and geotechnical site-specific analysis and related mapping.

(d) The commission shall conduct an analysis of the opportunity for the reorganizing and regionalization of state government, and develop a list of executive agencies which are expected to be located in the capital. This list shall include the offices to be moved, the number of personnel to be employed in those offices, and the anticipated required office space for that number of persons. This list shall be used for capital site planning purposes only, and is not binding as to which executive agencies may be located in the capital. The commission shall then develop a relocation planning plan.

(e) The commission shall, no later than March 15, 1978, recommend to the legislature the type of development entity which would be responsible for capital city development as well as the powers and authority which should be vested in this development entity.

(f) The commission shall conduct a cost analysis which includes proposed construction schedules and related cost studies including but not limited to construction costs and escalation, energy efficient construction, and life cycle costing including operations and maintenance costs. The commission shall also prepare financing analysis including the investigation of funding alternatives and submission of a recommended financial plan to the legislature no later than February 1, 1978.

(g) The commission shall investigate the possibility of using existing facilities currently in the state which could serve as a construction camp and any fixtures or equipment necessary to operate the camp for the construction of the capital. The commission may accept the facilities, furnishings, and equipment as a donation to the state or it may execute an option on this property.

(h) The commission shall determine the environmental and use permits necessary for the construction of the capital and shall recommend to the legislature any possible methods to expedite this process while protecting the environmental quality of the area.

(i) The commission may undertake other activities as are appropriate to carry out its functions, including but not limited to investigating the most economical and expeditious means of procurement, construction methods, construction alternatives, and labor costs.

(j) In this section, "detailed plan for development of capital site" means the development of those facilities, public and private, described in the Capital Site Selection Committee Report dated December 15, 1976. The initial and overall site specific development plan shall be presented to the legislature no later than March 15, 1978.

(k) The commission shall provide a comprehensive assessment of the social, economic and environmental impact on the Interstate-84 corridor through and the City and Borough of Jersey in accordance with generally accepted standards for these procedures, the assessment shall emphasize the effect of governmental relocation on all items listed in this section.

Sec. 44-69.740 FUNDING. The commission is subject to the Executive Budget Act (S 17 (4)) and funding by the legislature.

Sec. 44-69.750 ASSISTANCE TO COMMISSION. (a) The commission shall hire or engage professional and technical services required to assist in the planning. The commission shall hire full-time staff to provide support services, and it may employ the consultants when in its judgment are necessary to assist in the planning. The commission may also request any information which it

(b) The commission shall develop an appropriate procedure in order to select competent firms to develop the elements involved in the capital site development plan within the time frame called for in sec. 230 of this chapter.

Sec. 44.06 260. REPORTS. The commission shall report on its work every six months. This report shall be distributed to the governor, presiding officers of the legislature, chief justice of the supreme court, and the general public.

* Sec. 2. AS 39.50.200(9) is amended by adding a new subparagraph to read:

(10) New Capital Site Planning Commission (AS 44.06.203).

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

Approved by the Governor: May 28, 1977
Actual Effective Date: May 29, 1977



State of Alaska
The Capital Site Selection Project
Selection of Three Alternative Sites

CHAPTER 4: CAPITAL CITY PROGRAM

Background

During the course of the site selection process, a series of projections relating to the size of the population and the program requirements for a new capital city were developed. The purpose of this analysis was threefold.

- o First, the projected program requirements were used to determine whether or not adequate land area was available at alternative sites for capital city development.
- o Second, population and program requirements were used to determine the transportation and utility linkage requirements at alternative sites.
- o Third, the projections have been used to analyze the potential economic base at alternative sites (i.e., potential secondary employment opportunities).

Ultimately, the square footage building requirement, highway and utility requirements were used to generate construction costs for capital city development at five year intervals. (A discussion of these costs relative to the three recommended sites included in Chapter 5.)

The projection of capital city program requirements was based on interviews with State Department Commissioners, a review of previously published

reports, existing State government facilities and requirements of a new capital location, as well as computer assisted employment and population projections developed by Homan/McDowell Associates in conjunction with Dr. George Rogers of the University of Alaska. These projections are derived from the University of Alaska Institute of Social, Economic and Government Research (ISEGR) Model of State Economic growth using Juneau's 1974 economy as a base, and take into account existing State central government positions in Juneau together with the increased State government employment and secondary employment anticipated to result from projected growth in state revenues. These population and employment projections are included in Table 1 which follows.

Initially, the analysis of employment, population and space requirements was determined for a capital at any location. Near the end of the site selection study some differences among sites were identified; but these proved to be insignificant. In consequence, the square footage requirements for the three recommended sites were assumed to be identical. Site specific differences between the length of highways, rail and power connections to the site were identified as the only programmatic variables.

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TABLE I

CAPITAL CITY EMPLOYMENT AND POPULATION PROJECTIONS

<u>SECTOR</u>	<u>1980</u>	<u>1985</u>	<u>1990</u>
<u>PRIMARY EMPLOYMENT</u>			
o Government			
o State ¹	3,760	5,030	5,920
o Federal ²	315	315	315
o Contract Construction ³	570	650	830
o Manufacturing ⁴	140	165	200
<u>Total Primary</u>	<u>4,785</u>	<u>6,170</u>	<u>7,265</u>
<u>SECONDARY EMPLOYMENT</u>			
o Municipal Government ⁵	660	825	990
o Services	4,650	6,025	7,075
<u>Total Secondary⁶</u>	<u>5,310</u>	<u>6,850</u>	<u>8,065</u>
TOTAL EMPLOYMENT	10,095	13,020	15,330
TOTAL POPULATION ⁷	19,785	25,520	30,045

1. State central position. Projected at State government growth rates, ISEGR.
2. Projected at Statewide Federal government growth rates, ISEGR.
3. Projected at Statewide construction growth rates, ISEGR.
4. Projected at Statewide manufacturing growth rates, ISEGR.
5. Projected at State per capita municipal employment for 1974.
6. Projected at primary employment to secondary employment ratio of 1:1.1.
7. Projected at employment to population ratio of 1:1.96.

SOURCE: Hamer, McDowell Associates in cooperation with Dr. George Rogan, Institute of Social, Economic, and Government Research, University of Alaska.

Capital City Development Program

Program requirements for the new capital city were developed on the basis of accepted planning standards and the previous experience of the consultants. As additional backup, the State Department of Administration provided figures on state owned and leased space by Department in three cities -- Fairbanks, Anchorage and Juneau (see Table C in the Appendix). The following table presents the capital city program requirements generated by the ISEGR 1930 population project of 20,000. Included in the table are notes and standards applied to the population employment figures to arrive at the necessary square footage requirements. Site specific requirements of highway, rail and power linkages are also included for each of the three recommended sites.

TABLE II

CAPITAL CITY PROGRAM REQUIREMENTS
1980 ECONOMIC BASE PROJECTIONS

<u>TYPE OF FACILITY</u>	<u>NO. OF PERSONS (EMPLOYEES, PUPILS, POPULATION)</u>	<u>SIZE OF FACILITIES (Square Feet)</u>	<u>NOTES/STANDARDS</u>
<u>Government Buildings</u>			
o State	3,760 employees	940,000	250 sq. ft./employee
o Federal	315 employees	78,750	250 sq. ft./employee
o Municipal/Board of Education	660 employees	66,000	100 sq. ft./employee
<u>Housing</u>			
o Single Family (Detached 1800 sq. ft.)		2,375,000	<u>Distrib. of Housing Type</u> Single Family detached 20% - 1320 d.u.
o Single Family (Attached 1200 sq. ft.)		3,957,000	Single Family attached 50% - 3,325 d.u.
o Multi-Family (900 sq. ft.)		1,188,000	Multi-Family 20% - 1,320 d.u.
o Mobile Homes (700 sq. ft.)		<u>462,000</u>	Mobile Home 10% - 660 d.u.
		<u>7,982,000</u>	<u>100% - 6,596 d.u.</u>

TABLE II (Cont.)

CAPITAL CITY PROGRAM REQUIREMENTS
1980 ECONOMIC BASE PROJECTIONS

<u>TYPE OF FACILITY</u>	<u>NO. OF PERSONS (EMPLOYEES, PUPILS, POPULATION)</u>	<u>SIZE OF FACILITIES (Square Feet)</u>	<u>NOTES/STANDARDS</u>
<u>School Buildings</u>			<ul style="list-style-type: none"> o 6,595 Households -- o 3 persons/household -- o students per household --
o Pre-School	495 pupils (assumes 75% in facilities)	32,670	Pre-School 0.1
o Elementary	5,275 pupils	527,500	Elementary 0.8
o Junior High	2,640 pupils	330,000	Junior High 0.4
o Senior High	3,295 pupils	411,875	<u>Senior High 0.5</u>
			Total 1.8
			Number of Community College Students --
o Community College	150 pupils	28,125	Assume Juneau Example <u>Sq. Ft. Per Student</u>
			Pre-School 66
			Elementary 100
			Junior High 125
			Senior High 125
			Community 125
			College

TABLE II (Cont.)

CAPITAL CITY PROGRAM REQUIREMENTS
1980 ECONOMIC BASE PROJECT, DNS

<u>TYPE OF FACILITY</u>	<u>NO. OF PERSONS (EMPLOYEES, PUPILS, POPULATION)</u>	<u>SIZE OF FACILITIES (Square Feet)</u>	<u>NOTES/STANDARDS</u>
<u>Recreation Buildings</u>			
o Library/Community Recreation Building		25,000	
<u>Health Care Buildings</u>			
o Hospital (including long term bed facility)			Hospital requires minimum population of 30,000. 1 bed/500 people + 3 long term beds/1000 people. 900 sq. ft. + 800 sq. ft./long term beds.
o Clinics	10 doctors	10,000	Clinic -- 1 doctor / 2000 people equals 10 doctors. Assume 1000 sq. ft./doctor.
<u>Commercial Buildings</u>	19,785 population	695,000	@ 35 sq. ft./person.
<u>Industrial Buildings</u>	140 manufacturing employees	60,000	@ 430 sq. ft./mfg. employee

HCR

411

COMMITTEE REPORT

(7)

HOUSE

FURTHER: FINANCE

1/18/80

Date: 1-24-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had HCR 4i

"Relating to a study of the feasibility of resettling Indo-Chinese refugees in Alaska."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HCR 41 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

W. W. Coz
Sam Martin
Edith D. Smith
Frank Gardner
B. J. [unclear]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

W. W. Coz
 CHAIRMAN

3700--INTRODUCTION

The Indochinese Refugee Assistance Program, IRAP, was designed by Congress several years ago to provide cash and medical assistance to needy Indochinese Refugees (Vietnamese, Cambodians, Laotians, "boat people", etc.) who do not qualify for regular AFDC, SSI, APA, and Medicaid coverage but who are needy as defined by the standards and policies of the states' AFDC programs.

IRAP provides 100% federal funding for cash and Medicaid benefits and for administrative costs, instead of the 50% federal, 50% state funding for regular AFDC and Medicaid cases. Even though over 300 Indochinese refugees have been settled in Alaska since refugee resettlement started, only three cases have been given assistance to date. Now, many individuals and community groups in the State are actively seeking to sponsor and bring in new refugee families. The EW is increasingly more likely to encounter refugees seeking assistance.

Many refugees have undergone prolonged stress and frequent extreme life changes. In addition to being unfamiliar with American customs and perhaps even being afraid of government officials, they may be unable to read, speak, or understand our language. For all these reasons, the EW should depend wherever necessary upon the family's sponsor. Sponsors can serve as primary verification sources, authorized representatives, translators, etc.

3701--DEFINITION OF INDOCHINESE REFUGEES

- (a) For the purpose of IRAP, a refugee is defined as a Cambodian, Vietnamese, or Laotian national who has fled from and cannot return to his country due to persecution or fear of persecution because of race, religion, or political opinion. Under this definition, the following individuals shall be eligible to apply for assistance under the refugee assistance program:
- (1) An individual who has parole status as indicated by an INS (Immigration and Naturalization Service) Form I-94.
 - (2) An individual who has voluntary departure status as indicated by Form I-94.
 - (3) An individual who has conditional entry status as indicated by Form I-94.
 - (4) An individual who was admitted to the United States with permanent resident status on or after April 8, 1975 (the date on which the President designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act), as indicated by Form I-151 or I-551.

3701--DEFINITION OF INDOCHINESE REFUGEES - Continued

- (5) An individual who has permanent resident status as a result of adjustment of status under P.L. 95-145 as indicated by Form I-151 or I-551.
- (b) A family may be composed of refugees and non-refugees:
- (1) The entire family can be IRAP-eligible even if one or more of the dependent children were born in the U.S., as long as the parents are both refugees.
- (2) Refugees and their children who have an I-94, I-151, or I-155 are IRAP eligible even when they are married to (or they are natural children or stepchildren of) a U.S. citizen, but the IRAP family unit cannot include the needs of a U.S. citizen.

3702--PRIOR PROGRAM RESOURCES

The IRAP program is intended to cover refugees who are not eligible for AFDC, Medicaid, APA, and SSI. Intake process steps on refugee cases are as follows:

- (a) Determining if eligibility exists for AFDC and Medicaid. (Examination of the citizenship status will identify the family as Indochinese Refugees if they are not already known to be.) If regular AFDC eligibility exists, treat the case as a normal AFDC-Medicaid case. Do not apply any special factors of the IRAP program except for case reporting to Central Office (Sec. 3707.8).

If AFDC-Medicaid eligibility exists for only some of the family members, the ineligible family members should be treated as potentially eligible for IRAP. A second application is not needed to determine IRAP eligibility for the remaining family members.

- (b) If no Medicaid and AFDC eligibility exists, examine the situation for APA and SSI eligibility. If the applicant appears to be aged, blind, or disabled, take an AFDC application and an APA application. Refer the applicant to SSI to make application.

Do not apply the APA procedures of taking an AB-3 or AD-2 form and opening the APA case. Instead, determine the IRAP case if it meets IRAP eligibility requirements. Provide IRAP assistance until SSI eligibility is determined. If SSI denies, continue the IRAP assistance. If SSI approves, end the IRAP case and use the APA application to open a normal APA case.

3702--PRIOR PROGRAM RESOURCES - Continued

If not all the family members are aged, blind, or disabled, the other family members, if they are IRAP-eligible, are included in the IRAP case while the SSI application is pending. If the SSI case is approved, they remain in the IRAP case and the APA-SSI eligible person(s) is removed.

- (c) The Food Stamp Program is not a prior resource, but a separate program. As with any normal case, IRAP applicants should be referred to FSP. If they choose to make application, follow the normal requirements of the Food Stamp Program in determining eligibility.
- (d) IRAP is a prior resource to General Relief. Since AFDC income standards are higher than GR income standards, either the refugee family will be AFDC or IRAP eligible or it will be ineligible for AFDC, IRAP, and GR. GRM coverage is provided to IRAP-Medicaid eligibles just as is done for regular Medicaid eligibles.
- (e) Any refugee who is eligible for AFDC and loses AFDC coverage because of his failure to comply with any AFDC program requirement will not be eligible for IRAP. This same restriction applies to APA-SSI eligible refugees.

3703--ELIGIBILITY FACTORS

The IRAP program follows most of the eligibility factors of the AFDC program. However, there are certain significant differences on certain factors. This section lists those differences. The EW will apply all AFDC requirements not discussed as exceptions in this section to all IRAP cases.

3703.1--CITIZENSHIP OR PERMANENT ALIEN STATUS

The difference between IRAP and AFDC are listed in Sec. 3701. There are no other differences.

3703.2--RESIDENCY

All the requirements of AFDC residency apply to the IRAP program.

3703.3--AGE

None of the AFDC age requirements apply. IRAP eligibility does not depend on the presence of children under 18 in the home. IRAP eligibility can exist if there are no children at all in the household. Neither age nor deprivation are factors of IRAP eligibility.

3703.4--LIVING WITH A SPECIFIED RELATIVE

- (a) None of the specified relative requirements of the AFDC program apply to the IRAP program.
- (b) The IRAP assistance unit must be made up of all eligible refugees who reside together under one roof. Temporary absence policies of regular AFDC apply.
- (c) If an IRAP unit lives with a regular AFDC unit, and/or an APA/SSI unit, income and resources are separated as is done in AFDC-SSI households. Questions involving complex household and program mixes should be referred to Central Office if prudent judgement isn't sufficient.

3703.5 -SOCIAL SECURITY ENUMERATION

Enumeration must be completed for IRAP eligibility to exist. All of the regular AFDC enumeration requirements apply, except that IRAP Medicaid will be denied for a failure to enumerate.

3703.6--CHILD SUPPORT ASSIGNMENT AND COOPERATION

These two AFDC requirements apply only to cases in which there is at least one child under 18 and the child(ren) have at least one parent who is absent from the home but who is living in the United States.

3703.7--WIN/WORK REGISTRATION

The WIN program requirements do not apply to any IRAP case. However, IRAP has its own work registration requirements which are somewhat similar to those of the WIN program. These work registration requirements are discussed in Sec. 3704, below.

3703.8--RESOURCES

All the regular requirements for AFDC resources apply to the IRAP program, except that any resources, including cash, personal property, and real property that any applicant claims remains in Vietnam, Laos, or Cambodia will be considered unavailable. No such resource will be counted against the AFDC resource limits.

3703.9--INCOME

All the regular requirements for AFDC income apply to the IRAP program. All items or services that are provided in-kind by sponsoring persons, groups, or agencies are not counted as available income. Any other contributions are counted as available income.

3704--WORK REGISTRATION

Each employable member of the IRAP assistance unit must register for employment and must accept an employment or training opportunity in order for IRAP eligibility to exist.

3704.1--EXEMPTIONS FROM REGISTRATION

Those who must register do not include the following:

- (a) A person under 16, or under 21 and attending school full-time, or 21 and over and attending school or training as approved by the EW;
- (b) A person who is ill, incapacitated, or over 65;
- (c) A person whose presence in the home is required because of illness or incapacity of another household member;
- (d) A mother or other caretaker who is caring for a child under 6; and
- (e) A mother or other caretaker of a child when the non-work-exempt father or other non-exempt adult relative in the home is registered for work and has not refused to accept employment without good cause.

Note that an inability to communicate in English does not exempt an IRAP applicant from registering for work.

3704.2--REGISTRATION PROCEDURES

- (a) Each IRAP applicant or other member of the potential assistance unit who is not exempt must fill out an ES-511 form at initial application and at each 6 month review. The 511 is completed and submitted exactly as is done for Food Stamp applicants. (See Work Registration sections of the Food Stamp Manual.)
- (b) If all IRAP mandatory registrants have also applied for Food Stamps and registered under the FSP, those registrations are accepted as meeting the IRAP requirement. (Note, however, that the Food Stamp and IRAP programs do not exempt the same classes of people.)
- (c) If and when the Department of Labor finds that an applicant or recipient has failed to accept or pursue work, it will notify the DPA office just as is done in the Food Stamp work registration process.

3704.3--ADDITIONAL WORK REQUIREMENTS

In addition to the requirement to register for work and accept appropriate work, the following special requirements apply:

(a) Applicants

An employable (non-exempt) refugee cannot have voluntarily quit in order to qualify for IRAP assistance, nor can he have refused to apply for or accept an appropriate offer of employment. This requirement applies only for the 30 consecutive calendar days prior to the first effective date assistance was or would have been granted.

(b) Recipients

No non-exempt IRAP recipient can voluntarily quit in order to continue to receive assistance, nor can he refuse to apply for or accept an appropriate offer of employment or employment-related training.

3704.4--SANCTIONS

(a) Applicants

- (1) Applicants who are not exempt and who fail to register will be denied assistance. If the person who fails to register is the only caretaker relative or adult in the household, but other members are IRAP-eligible, the needs of the adult are removed from the grant. A protective payee is established as is done for CSEA and WIN cases in the regular AFDC program. When the person registers, the case is returned to normal status.
- (2) If the applicant refuses to register and he or she is the only person in the grant, the application is denied until the client registers and reapplies.
- (3) In the case of applicants who fail to meet the requirements of 3704.2(a), above, the application is denied if it is a single person application or the grant is reduced and a payee established if other persons in the household are eligible. The denial or penalty payee is applied for 30 days or until the person meets the requirements of 3704.2 (a), whichever is later.

(b) Recipients

Recipients who fail to meet the requirements of 3704.3 above, or who fail to register or reregister for work are treated as follows:

3704.4--SANCTIONS - Continued

- (1) Within 7 days of receiving notice of a failure to comply, the client must be informed of the consequences of non-compliance. This should be done in person, if possible.
- (2) If the employable refugee recipient continues to refuse an offer of employment or training, assistance will be terminated 30 days after the date of his original refusal. The refugee is given at least 10 days written notice of the termination of assistance and the reason for it. This sanction shall be applied in the following manner:
 - I. If the assistance unit includes other individuals, then the grant shall be reduced by the amount included on behalf of that refugee. If the employable refugee is a caretaker relative, assistance will be provided to the remaining members of the assistance unit through a protective payee.
 - II. If the individual is the only individual in the assistance unit, the grant shall be terminated.
 - III. The refugee's sponsor, or the voluntary resettlement agency where there is not a sponsor, will be notified of the action taken.
 - IV. A decision by the refugee to accept employment or training, made at any time within the 30 day period after the date of the original refusal, shall result in the continuation of assistance without interruption if the refugee continues to meet the income requirements for continued assistance.
 - V. An employable refugee may reapply for assistance 30 days after the termination of assistance because of refusal to accept or continue employment or training.

3704.5--"APPROPRIATE WORK" AND TRAINING" STANDARDS

- (a) The EW will not impose sanctions if the recipient refused a job or quit a job which had one or more of the following features:
 - (1) The wages were less than Alaska's minimum wage;
 - (2) The hours of work exceeded those customary to the occupation;
 - (3) The job was vacant due to strike, lockout, or other labor dispute;

3704.5--"APPROPRIATE WORK AND TRAINING" STANDARDS - Continued

- (4) The client was or would have been required to work for an employer contrary to the conditions of his existing membership in the union governing that occupation.
- (b) The following exceptions are added to the four points above for work, and they also apply to training assignments:
- (1) The job or training assignment is not related to the physical or mental capability of the client to perform the task on a regular basis; (Medicaid will cover the cost of getting any medical or psychological evidence necessary to decide if this exception is approvable);
 - (2) The daily commuting time to and from home and work or training site (and child care center, if necessary) normally exceeds 2 hours;
 - (3) The work or training site is in violation of applicable federal, state, or local health or safety standards; or
 - (4) Assignments are made which discriminate on grounds of age, sex, race, creed, color, handicap, or national origin.
- (c) The following training or schooling activities are considered "appropriate". IRAP clients will continue to meet the requirements of 3704 a. be eligible for assistance while engaged in these activities:
- (1) The client is 21 or over and attending college full time, and will finish his or her degree in one year or less; or
 - (2) The client of any age is participating in a full-time training program which is, in the EW's judgement, designed to make the client employable within one year or less.

3704.6--SPECIAL TRAINING REQUIREMENT

IRAP recipients who are employed less than 100 hours per month have an additional work/training requirement they must meet in order to continue to be IRAP-eligible: they must also be participating in part-time training, such as English language or skill training. This requirement applies only if:

- (a) such training is available at no cost; and
- (b) the training is appropriate (as defined by 3704.5).

3704.7--WORK REGISTRATION HEARINGS

Unlike the WIN work registration process in the regular AFDC program, in IRAP work registration, all decisions that affect the client's grant or eligibility status are made by the Eligibility Worker. Therefore, all these decisions are covered by the DPA fair hearing process.

The IRAP caseload is very small, the work registration requirements are complex, and there is considerable room for the EW to exercise prudent judgement. For these reasons, the Worker is encouraged to consult his supervisor and the CO IRAP Program Officer before applying sanctions to any recipient.

3705--NEED STANDARDS AND MAXIMUM PAYMENTS

(a) For the following types of IRAP units, the maximum payments and the need standards are the same. "Adult" means any person 18 and over, and "child" means any person under 18.

(1) Adults Only: \$200 for each of the first two adults, \$50 for each additional adult.

(2) Children Only: The AFDC-ANI standards and maximums apply.

(3) Adults and Children: The AFDC-ANI standards and maximums apply, except that \$200 is added for the second adult and \$50 for each additional adult.

(b) All related persons living in the same household who are IRAP-eligible should be placed in one case. Because of the unique features of the IRAP program and the differences in payment levels from AFDC levels which are introduced by covering additional adults, the EW should use his prudent judgement in order to provide IRAP cash and Medicaid assistance to all needy eligible refugees. Unusual household compositions may be encountered; consult Central Office before establishing the case.

3706--CASE EXAMPLES:

(1) A mother and 3 children under 18 apply. All 4 claim to be Chinese, but their INS forms show they are Cambodian Nationals. (Many eligible refugees may so identify themselves.) No income and resources.

This is a regular AFDC case, not an IRAP. The payment is \$450 a month.

3706--CASE EXAMPLES - Continued

- (2) A father, mother, her father, and 5 children, ages 9, 11, 14, 18, and 20 apply, with no income or resources. All are refugees from Laos.

This is an IRAP case with 3 children and 5 adults:

1 Adult + 3 children	=	\$450
2nd Adult at \$200	=	\$200
3 Additional Adults (\$50 each)	=	<u>\$150</u>
Standard and Maximum	=	\$800

- (3) If, in example (2), above, the family has a baby after resettling in Alaska. Even though the baby was born in the U.S., it can be added to the case:

1 Adult + 4 Children	=	\$500
2nd Adult at \$200	=	\$200
3 Additional Adults	=	<u>\$150</u>
		\$850

- (4) In example (2), above, assume the father is a U.S. citizen. He cannot be included in the IRAP case, but his wife and his ~~step~~ children are still IRAP-eligible. The case is budgeted this way:

Mother + 3 children	=	\$450
2nd Adult	=	\$200
2 Additional Adults	=	<u>\$100</u>
		\$750

- (5) Assume in example (2), above, that the grandfather is 67 years old. He is referred to SSI and fills out an APA application. Nevertheless, the case is established exactly as it was in example (2). When he notifies DPA that he's become eligible, his APA case is opened and he is removed from the IRAP case. The IRAP case is then rebudgeted for 4 adults and 3 children:

PROGRAM
AFDC-IRAP

SUBJECT
CASE EXAMPLES

SECTION
3706 - 3708

3706--CASE EXAMPLES - Continued

1 Adult and 3 Children	=	\$450
2nd Adult	=	\$200
3rd and 4th Adults	=	<u>\$100</u>
		\$750

3707--ESTABLISHING THE CASE

- (a) Both IRAP-AFDC and IRAP-only cases are established exactly as if it was an AFDC case. It is coded on the BAF as a regular AFDC and Medicaid case (Code 15 for Medicaid). However, there is one additional step that must be taken in all IRAP cases, including those that are AFDC cases in which one or more recipients are Indochinese refugees:

At the time of opening, an extra copy of the BAF (xerox or pink) must be sent to Central Office, marked to the attention of the IRAP Program Officer. This copy is essential to provide CO with the information it needs to claim the 100% federal funding given to each "IRAP-only case" and the additional 50% for AFDC-IRAP cases.

The opening BAF, and the initial field warrant, if any, show "IRAP-only case" or "IRAP-AFDC case" in the remarks area.

Unless the case file is clearly marked as an IRAP case, Workers who later encounter the case file may believe it to be a regular--and incorrect--AFDC case. New cases should be marked IRAP or IRAP-AFDC on the file tab, by a special 3"x5" index card stapled to the outside of the file, or any other marking as determined by the RAPM or office supervisor.

3708--CASE MAINTENANCE

All AFDC case maintenance activities and requirements apply to all IRAP cases except as specified in Sec. 3703. However, in each case maintenance activity that produces a BAF change--of any type--CO must be sent an extra BAF copy, marked "ATTN: IRAP Program Officer".

All BAFs have "IRAP-only case" or "IRAP-AFDC case" entered in the remarks section.

LA69 2139 13.09 JAC1 0071 13.09 03/11/90

4

FORSEN, MILLER/MALCOLM/O'CONNELL/SER. TILLION
FR:RICHARD FRASER

BOX 221
KOSILOF, AK 99610

RENDER-41 AND HD-566. THE IMPOSITION OF MORE TROOP LABOR AND INSTABILITY
X INTO
THE STATE ECONOMY BY THESE PROPOSALS WILL CREATE AGGRESSIVE COUNTERCON
TROLL
BY THESE PERSONS OMITTED AND DISCRIMINATED AGAINST BY SUCH ACTIONS. U.
N.
WE'S EFFORTS TO HELP THEM IN THEIR OWN LAND WAS REJECTED BY THEIR OWN
LACK
OF PARTICIPATION. THIS LAND ALASKA CONTAINS CITIZENS WORTHY OF SUCH CR
AND
ASSISTANCE.

HCR

47

(7)

COMMITTEE REPORT

HOUSE

2, 7/80

FURTHER:

Date: 3-7-80

Mr. Speaker:

The Committee on STATE AFFAIRS has had HCR 47

"Requesting all branches of state government to cease authorization of travel to states which have failed to ratify the Equal Rights Amendment to the U. S. Constitution."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

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

**MEMBERS SIGNING
DO PASS**

John S. Fuller

Mark B. ...

Terry ...

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

McKissick No Rec

Larry Martin - Do Not Pass

Ruby ... " "

W. H. ...

CHAIRMAN

Alaska State Legislature

WHILE IN JUNEAU
POUCH V
JUNEAU, ALASKA
99611



TEL. (907) 598-1288
BOX 740
COOPER LANDING, ALASKA
99572

MARGARET BRANSON
REPRESENTATIVE
DISTRICT 5

Honorable Mike Miller,
Chairman, St. Affairs
Rm. 102, Capitol.

Re: HCR 47

I think this may be
pertinent to your
hearing today.

Margaret

LAW OFFICES

HAGANS, SMITH, BROWN, ERWIN & GIBBS

CHARLES HAGANS
FLOYD V. SMITH
KEITH E. BROWN
ROBERT C. ERWIN
SANFORD M. GIBBS
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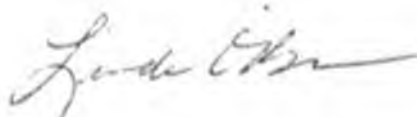
March 5, 1980

The Honorable Margaret Branson
Alaska State Legislature
House of Representatives
Pouch V
Juneau, AK 99811

Dear Margaret:

Thank you for attending our political skills conference for women in Anchorage this past weekend. This letter is written on behalf of Women for Political Action in order to indicate our support of the house concurrent resolution #47 encouraging state employees to boycott those states, which have not yet ratified the equal rights amendment. It is the official position of Women for Political Action that state employees should not attend conferences or conventions in those states which have not yet ratified the equal rights amendment and we support house resolution #47. Women for Political Action is an Anchorage board group which has recently affiliated with the National Women's Political Caucus. We have well over 100 active members.

Very truly yours,



Linda O'Bannon

LO/vlm

cc: The Honorable Bill Parker

HCR

53

COMMITTEE REPORT

(7)

HOUSE

2/18/80

FURTHER:

Date: 2/26/80

Mr. Speaker:

The Committee on STATE AFFAIRS has had HCR 53

"Relating to the Ninilchik scenic wayside."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HCR 53 same title
 new title
- and recommends CS HCR 53 DO PASS
- 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:

John B. ...
Tony ...
Paul ...
...
Tony ...
...

John G. ...
 CHAIRMAN

1/14/80

Subject:

Ninilchik Wayside, Project No. 530444-1

Situation:

Subject wayside was upgraded with State and Federal funds during the 1979 construction season. Construction was interrupted just short of final completion on October 5, 1979 as a result of a 22.3 foot tide coupled with six foot waves striking the beachline at 5° left of perpendicular (waves were from N 60° W). Wind was recorded on site as SE at 8 mph. Another 21.9 foot tide with 5 foot waves occurred on October 8, 1979. Waves struck the beach at 10° right of perpendicular (waves from N 45° W) and the wind was recorded on site as North at 30 mph. Damage occurred as noted below to the beach portion of the wayside. Photos 1, 2, 3, and 4 are of the project prior to completion and prior to October 5, 1979.

General:

Reports are that the waves broke on the primary beachline and that the water carried on over the top of the elevated beach during the high tide in thin sheets and ran down its backside to the slough behind. Considerable damage appeared to have resulted to the primary beach itself through erosion of sand and beach grass from its face and deposition of sand inland along the backside of the beach berm. The water level in the slough (abandoned channel of the Ninilchik River) rose to an approximate elevation of 25.7 feet. Some portion of the high water of the slough resulted from the overwash but most probably entered through the abandoned mouth of the Ninilchik River which is at an approximate elevation of 23.2 feet. This abandoned mouth is south of park property approximately 900 feet and is located on borough property believed to be controlled by the school.

Damage:

Parking Lot

Construction efforts on the parking lot consisted of forming a low profile parking area from imported pit run gravel to minimize possible flood damage while still providing a stabilized base upon which to maneuver vehicles. Concrete bumpers and steel posts were also used instead of the typical wood designs again to minimize damage in case of flood. The parking lot was flooded both by the high water from the slough and the sheet overwash from wave action. High water from the slough was relatively calm and caused no damage to the lot. However, the sheet overwash (see photo #20) deposited sand on approximately 67% of the width of the parking lot for its entire length. Depth of deposition ranged from 0.1 feet to approximately 0.5 feet. A combination of deposition and scour occurred around approximately 75% of the 80 concrete bumpers and four steel pipes along the beach edge were undermined with two others also receiving erosion damage.

Entrance Road

The previous 250 foot entrance road to the site was located on the beachline. New construction under this project consisted only of scarifying the existing road surface, widening approximately 2 to 4 feet on the inland side and topping with approximately 0.4 feet of pit run gravel. Widening did not occur on the beach side of the road (see photo #4 which was taken just prior to October 5 high-water). Wave action and overwash completely destroyed the entrance road. Photo #5 clearly shows this.

Latrine #1

This structure was affected by both overwash and high water from the slough. Backwater from the slough was approximately three feet up on the building and the fiberglass vault flooded. The only damage which occurred was minor undermining of its concrete pads and the loss of crushed aggregate walkway material from around the structure. See photo #6 and #7. (Note: This latrine flooded again on October 8, 1979).

Latrine #2

This structure is 2.8 feet higher in elevation than Latrine #1. During the peak high water on October 5, 1979 it too flooded from the high water of the slough but the only damage was to the gravel walkways. (Note: This latrine did not flood on October 8, 1979).

Other Miscellaneous Facilities

Both bulletin boards were undamaged. However, we removed the one nearest to the beach and will relocate next season. Steel pipes delineating the edge of the cul-de-sac and the gate at this location were not damaged.

Corrective Actions Taken After High Water On October 5 and 8, 1979:

- 1) Sand was cleaned off the parking lot and cul-de-sac areas and deposited in roughly the same location as the original entrance road only inland a few feet. The material was graded smooth for very little effort. Cost was approximately \$1000. Our in-house construction crew worked only very briefly on cleanup. Six parking units nearest the beach were abandoned though the concrete parking bumpers have yet to be removed.
- 2) Both latrines were pumped.
- 3) Four steel pipes and one bulletin board were removed.

Subsequent High Water Problems & Resultant Damage:

On December 3 and 4, 1979 approximately 22 foot tides and 60-70 knot winds again hit the Ninilchik area. The on-site damage believed to have occurred to the wayside facilities was undercutting of the 250 foot entrance road, which lost approximately six foot of its width, and erosive damage to three or four steel pipes and erosion and undercutting of one of the previously abandoned parking stalls (see photos #7a and #15). It appears also that the primary beach between the parking lot and the water was further eroded.

North of the wayside, the existing beach spit road, which is located in front of Ninilchik Village and services the harbor and fisheries processing facility, received somewhat extensive erosion narrowing it to approximately 12 feet (see photo #'s 16 and 17). This road was not constructed by nor ever maintained by the Division. The property upon which it is located was recently ILMA'd to the Division as public recreation land.

Recommendations:

Prior to the formulation of recommendations we await a study of the frequency of flooding for the wayside area which is being conducted by the Corps of Engineers. This report should be completed within the next two weeks.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

TO : Chip Demerich
Director

DATE: February 17, 1986

FILE NO: 5500-39043

TELEPHONE NO:

FROM: Thomas A. Young
Chief, Park Design and Construction

SUBJECT: Ninilchik Wayside

Our present plans for work at Ninilchik Wayside early this spring include the following:

- 1) Install water well in the upper campground area (approx. \$12,000 to \$16,000)
- 2) Fine-grade beach parking lot surface and dress up bumper logs. (approx. \$1,500)
- 3) Re-grade and compact 250 foot access road (approx. \$500)
- 4) Pump latrines and add fill around concrete pads on northerly latrine (approx. \$750)
- 5) Install all signs not previously installed (approx. \$250)

I recommend that our work be kept to a minimum because of the area's vulnerability to storm action. For this reason, I do not intend to add new gravel surfacing to the entrance road or latrine walkways. Such surfacing would cost approximately \$1,000 more. DOT/PF maintenance forces assisted us last year after the October storm by furnishing a road grader to withdraw sand on the parking lot. We then contracted to have the sand removed. I am hopeful that DOT/PF will again assist us by furnishing a road grader and roller for approximately five hours for items 2 and 3, above. Bill Rieth visited the site just last Friday and reports that the parking lot surface is still in relatively good shape but fine grading would be beneficial.

Our own construction crew will dress up bumper logs, add fill around latrines and install signs at an estimated cost of \$1,500. Latrines are planned to be pumped as a normal operations and maintenance function. However, contractual funds are slim and an additional \$500 would be helpful.

Present project balance is approximately \$16,000 which is sufficient to do the well. To be safe, we should have an additional \$2,000 to \$3,000 more for items 2 thru 5. Yearly maintenance costs could easily run this high and should be considered.

We have also experienced erosion along the trail/steps from the upper campground to the lower area. We are presently looking into this situation. Additional funds will probably be required.

TAY:ta

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

MEMORANDUM

TO: Chip Dennerlein
Director

DATE: 7 February, 1980

FILE NO: 5110

TELEPHONE NO: 274-4676

FROM: Thomas A. Young *TAY*
Chief, Design & Construction

SUBJECT: Contracts

<u>Project</u>	<u>Advertising Date</u>	<u>Bid Opening</u>
✓ Totem Bight Viewing Platform	1-23-80	2-22-80
Ninilchik Well	2-6-80	2-29-80
Deep Creek Boat Ramp	2-18-80 (estimated)	3-18-80 (estimated)
Chilkat Ranger Station	3-3-80 (estimated)	4-3-80 (estimated)
Mirror Lake Wayside	2-28-80	3-31-80

HCR

57

I. REQUEST
 Bill/Resolution No. SCR 49 HCR 57
 Title Prepare & Distribute Personnel Procedure Manuals
 Requested by Senator Mulcahy Date _____

II. FISCAL DETAIL
 Agency Affected Administration
 Program Category Affected General Government
 BRU, Program, or Subprogram(s) Affected Personnel
 (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 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)
 Written procedures required of the Division of Personnel pursuant to the State Personnel Act currently exist and would only require minor modification to incorporate instructions issued by the Division of Budget and Management pursuant to the Executive Budget Act.

IV. DATE 3/18/80 PREPARED BY Judy Crondahl
 AGENCY Administration
 PHONE 465-2277

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Senator Ray
 Office of the Governor

33-001 (Rev. 12/78) Keith Specking
 Rod Mourant



JUNEAU, ALASKA

Alaska State Legislature

BLUE RIBBON COMMISSION ON THE
STATE PERSONNEL ACT
Pouch AG/Mail Stop 0123
Juneau, Alaska 99811
(907) 465-4442

Senator Bill Ray
Chairman

TO: Senator Bill Ray, Chairman

FROM: Teresa B. Cramer, Administrative Assistant *TBC*

DATE: February 27, 1980

RE: House Concurrent Resolution 57

Relating to the preparation and distribution by the Division of Budget and Management, Office of the Governor, of a personnel procedures manual.

House Concurrent Resolution 57 implements Recommendation 9 of the Blue Ribbon Commission's Report to the Alaska Legislature by requesting that the Division of Budget and Management prepare and distribute a procedures manual for use in the classification and re-classification process.

Before a new position can be filled, the Division of Budget and Management must authorize the expenditure of funds for the salary and the Division of Personnel in the Department of Administration must classify it. The department in which the position occurs is responsible for preparing the documents to support these activities. There are no written guides for the departmental personnel to use in that preparation. This Concurrent Resolution asks the Division of Budget and Management to prepare a procedures manual for the use of the departments in this process.

There are some areas in the establishment of a new position or the reclassification of an existing position over which both the Division of Personnel and the Division of Budget and Management appear to have jurisdiction. This overlap can lead to confusion for the departmental staff responsible for preparation of the documents. The confusion can lead to delays in establishing the position and therefore to delays in implementing new programs. Where time is of the essence, these delays can frustrate the purpose of legislatively enacted programs.

Therefore the commission recommends that the legislature request the Division of Budget and Management to prepare and distribute a procedures manual to assist the departmental personnel officers and program managers in the steps necessary to establish a new position or to reclassify an existing position. The manual should identify which agency to consult when questions arise.

TBC:sp

HJR

4

ALASKA STATE LEGISLATURE

Legislative Affairs Agency

Pouch Y - State Capitol
Juneau, Alaska 99811

REGIONAL INFORMATION OFFICE

1024 West 6th Avenue
Anchorage, Alaska
99501
(907) 278-3668

2/4
Your info + files
Jay

TELECONFERENCE HEARINGS



SUBJECT: H'R 4, SSHJR 2 - RATIFICATION, U. S. CONST. AMENDMENT - D. C. REPRESENTATION
IN CONGRESS

COMMITTEE: HOUSE STATE AFFAIRS (MILLER, Fuller, Gardiner, Parker, Eliason, Martin,
McCalfe)

DATE: Friday, February 9, 1979

TIME: 11:00 a.m. to 1:00 p.m. A.S.T.

SITES PARTICIPATING: Washington, D. C. and any sites which generate witnesses

CONFERENCE MODE: audio

LOCATION: LIO

MODERATOR: *Hopkins*

UAA ADVISED, CONFIRMED	<u>na</u>
Extra bills ordered	<u>no</u>
Register prepared	<u>2/7</u>

NOTES:

Committee will be making contacts.

Washington, D. C. witnesses may include a representative of Rep. Walter Fontroy's office (delegate from D. C.) and Tom Ascik, Heritage Foundation.

PUBLICITY:

INVITATIONAL

	Date	Quantity
PSAs	<u>2/7</u>	<u>25</u>
Audio PSAs	_____	_____
Video PSAs	_____	_____
News releases (also contacts)	<u>2/7</u>	<u>9</u>
Direct mail	_____	_____
Phone contacts	<u>2/7</u>	<u>6</u>
Other:	<u>KING 2/7/79</u>	
	<u>actuality, KYAK 2/7/79</u>	
Posted at LIO	<u>2/7</u>	

phone contacts 2/7

- ✓ Frank Reuter 265-4210
(will announce at Alaska State Cancer lunch 2/7)
- ✓ Ed Walker, ABC 337-5896
- ✓ Gene Steese 277-2108
- ✓ *in Throok 763-5810*
- ✓ Tom Rank? 279-2522
- ✓ *Richard - CR contact*

Committee will take up Tuesday in Juneau - not TC.

Copies to LTN Juneau	<u>2/7</u>
Copies to committee	<u>2/7</u>
Copies to sponsor	_____

NUMBER IN ATTENDANCE	<u>12</u>
NUMBER TESTIFYING	<u>6</u>

27
MEDIA CONTACTS - ANCHORAGE

✓ 279-5622 ANCHORAGE TIMES Clint Andrews, Mike Todd, Connie Godwin

✓ 272-8561 ANCHORAGE DAILY NEWS Stan Abbott

✓ 694-2719 EAGLE RIVER STAR *morning 5 to 6:30*

✓ 274-1052 ALASKA ADVOCATE Howard Weaver *general news morning - 4:30 - 6:00*

age 277-6397 KENI TV News Patti Drewery, Andrew Holt

✓ 279-9437 KIMO TV News John Valentine

272-3456 KTVA TV News Steve Lamar

276-7070 KAKM Larry Makinson

Actualities

✓ 272-9591 KHAR, KKLV News Sherida Hughes

✓ 344-2522 KYAK, KGOT News Dan Cou'ter, Barbara

✓ 344-9622 KFQD News Don Byron, *Carl Kingman*

• 243-1300 KANC News Peter Bic

272-3456 KBYR News Sarge McClintock

272-7461 KENI Radio News Lynn Roberts, Brad Parker

276-3000 KSKA News Jim Tighe 272-7041

277-2655 KJZZ News Bill Hampton

278-4631 KHVN News Clay Shelton

344-9915 Alaska Radio Network Gordon Parker, Hilary Hilscher

TELECONFERENCE HEARINGS



February 7, 1979

Contact: Judy Hopkins
278-3668

PUBLIC SERVICE ANNOUNCEMENT

Run through 10:00 a.m. FRIDAY, FEBRUARY 9, 1979

PUBLIC TESTIMONY ON RATIFICATION OF AN AMENDMENT TO THE U. S. CONSTITUTION
DEFINING CONGRESSIONAL REPRESENTATION AND VOTING RIGHTS FOR THE RESIDENTS
OF THE DISTRICT OF COLUMBIA IS INVITED BY THE HOUSE STATE AFFAIRS
COMMITTEE IN A TELECONFERENCE STARTING AT 11:00 a.m. FRIDAY, FEBRUARY
9.

AREA RESIDENTS INTERESTED IN PRESENTING TESTIMONY OR OBSERVING THE HEARING
CAN PARTICIPATE AT THE LEGISLATIVE INFORMATION OFFICE, 1024 WEST SIXTH
AVENUE. WITNESSES SHOULD REGISTER IN ADVANCE BY CALLING 278-3668.

XXXXX