BONDING PROPOSITION A

STATE GUARANTEED VETERANS RESIDENTIAL MORTGAGE BONDS $400,000,000

(Chapter 35, Session Laws of Alaska 1982)

If adopted, this proposition would guarantee as a general obligation of the State, the payment of principal and interest on up to $400,000,000 of revenue bonds issued by the Alaska Housing Finance Corporation to finance residential housing loans for qualifying veterans. However, these bonds will not be issued unless Ballot Measure No. 2, which would amend the Alaska Constitution to permit the State to contract debt for housing loans for veterans, is approved by the voters.

BALLOT QUESTION:

Shall the State of Alaska unconditionally guarantee as a general obligation of the State, the payment of principal and interest on revenue bonds of the Alaska Housing Finance Corporation issued in the principal amount of not more than $400,000,000 for the purpose of purchasing mortgages made for residences for qualifying veterans, as defined by law?

Bonds YES ☐
Bonds NO ☐

VOTE CAST BY MEMBERS OF THE 12TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas 14	Nays 0	Absent or Not Voting 6
House	(40 members):	Yeas 32	Nays 4	Absent or Not Voting 4

LEGISLATIVE AFFAIRS AGENCY SUMMARY

Approval of the proposal would authorize the Alaska Housing Finance Corporation to issue revenue bonds unconditionally guaranteed by the State in the principal amount of $400,000,000 for the purchase of residential mortgages for qualifying veterans. This proposal provides that in the event of a default the State would pay the principal and interest on these bonds. The state's liability for these bonds would be limited to $400,000,000 plus interest.

A qualifying veteran is a person who is a "qualified veteran" as the term is defined or may be subsequently defined under the federal Mortgage Subsidy Bond Tax Act of 1980.

Even if the proposal is approved, it will not take effect unless voters also approve Ballot Measure No. 2, which amends Article IX, Section 8 of the Alaska Constitution.

BALLOT MEASURE NO. 1

Question
CONSTITUTIONAL CONVENTION

The Alaska State Constitution states that during any ten-year period, if a constitutional convention has not been held, the lieutenant governor shall place on the ballot for the next general election the question:

"Shall there be a Constitutional Convention?"

BALLOT FORM:

YES ☐
NO ☐

vote82

MAKE YOUR OPINION COUNT— VOTE ON TUESDAY, NOVEMBER 2

BALLOT MEASURE NO. 2

Constitutional Amendment

VETERANS' HOUSING BONDING AUTHORITY

(Committee Substitute for House Joint Resolution No. 71 State Affairs)

SUMMARY

(As it will appear on the November 2, 1982 General Election Ballot)

This amendment to article IX, section 8, of the Alaska Constitution would expand the state's authority to incur indebtedness by allowing the State to issue general obligation bonds for veterans' housing loans. The constitution currently permits the State to issue bonds secured by the general obligation of the State only for capital improvements.

BALLOT FORM:

A vote "FOR" adopts the amendment.
A vote "AGAINST" rejects the amendment.

FOR ☐
AGAINST ☐

VOTE CAST BY MEMBERS OF 12TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas 18	Nays 1	Absent or Not Voting 1
House	(40 members):	Yeas 33	Nays 3	Absent or Not Voting 4

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This proposal for a constitutional amendment would allow general obligation state debt to be contracted to provide housing loans for veterans. Currently general obligation state debt may be contracted only for capital improvements, for certain emergency purposes, or for redemption of indebtedness that was outstanding at the time the Constitution of the State of Alaska became effective.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

(Underlining indicates material to be added.)

SECTION 8. **STATE DEBT.** No state debt shall be contracted unless authorized by law for capital improvements <u>or unless authorized by law for housing loans for veterans,</u> and ratified by a majority of the qualified voters of the State who vote on the question. The State may, as provided by law and without ratification, contract debt for the purpose of repelling invasion, suppressing insurrection, defending the State in war, meeting natural disasters, or redeeming indebtedness outstanding at the time this constitution becomes effective.

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 2

The Mortgage Subsidy Tax Act of 1980 removed the ability of states or public corporations (AHFC) to sell housing bonds in the tax-exempt market. As a consequence, AHFC must now raise most of its capital in the more expensive taxable bond market. However, the Act did provide an exception for General Obligation Bonds for veterans' housing loans. Alaska's Constitution currently allows for the sale of General Obligation Bonds only for capital improvements. This constitutional amendment is necessary for Alaska to take advantage of the exception.

This amendment deserves support because of the positive benefits that will accrue to veterans and other housing loan recipients.

1. The State will save millions of dollars
   - By selling General Obligation Bonds, the State can access a tax free market with lower interest rates resulting in less state subsidy.
2. Other home loan programs will also benefit
   - Ensures stability in the existing programs by decreasing the mortgage subsidy needed to operate these programs, relieving the subsidy demand.
3. Ensure funding for veterans' programs
   - Current Federal law does not restrict the sale of tax-exempt debt for veterans' loans.
4. Gives recognition to veterans in Alaska's Constitution.
5. The bond and credit rating of the State of Alaska will not be jeopardized because each sale of Veterans' Housing Bonds must have the approval of the State Bond Committee.
6. Voter approval is required for passage of the constitutional amendment and any General Obligation Bond sale.

In light of the benefits which all citizens of the State will enjoy, your support of this constitutional amendment and bond authorization is respectfully requested.

—**Sam Cotten**, Representative
Alaska State Legislature

STATEMENT AGAINST BALLOT MEASURE NO. 2

It is not necessary to borrow money to help the veterans. I oppose this as totally unnecessary. While veterans deserve recognition for their sacrifices, we can accomplish this by providing them directly with low interest rate home loans from the treasury. We can also give them free land. We have the cash. We have the land. We don't need to borrow more money. And every exception made to the Constitution in this way weakens it. This is a political gimmick. Vote no.

—**Mike Beirne**, Representative
Alaska State Legislature

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

BALLOT MEASURE NO. 3

Constitutional Amendment

CHANGES IN COMMISSION ON JUDICIAL QUALIFICATIONS

(Committee Substitute for House Joint Resolution No. 32 Judiciary Committee Amended Senate)

SUMMARY

(As it will appear on the November 2, 1982 General Election Ballot)

The amendment to article IV, section 10, of the Alaska Constitution re-names the Commission on Judicial Qualifications and changes the makeup of the body. Membership of the new Commission on Judicial Conduct would include: three justices or judges of state courts (instead of the present requirement of five from specified courts); three (instead of two) lawyers; and three (instead of two) persons who are neither members of the state bar nor judges. Judicial members would be elected by all justices and judges, rather than their respective courts, and lawyer members would be appointed by the governor from state bar association nominees and subject to legislative confirmation, rather than appointed directly by the bar.

BALLOT FORM:

A vote "FOR" adopts the amendment.
A vote "AGAINST" rejects the amendment.

FOR ☐
AGAINST ☐

VOTE CAST BY MEMBERS OF 12TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas 19	Nays 0	Absent or Not Voting 1
House	(40 members):	Yeas 35	Nays 0	Absent or Not Voting 5

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This proposal for a constitutional amendment would change the name of the Commission on Judicial Qualifications to the Commission on Judicial Conduct. The proposal would also realign the membership of the commission:

(1) At this time, there are five justices or judges who are elected from the judiciary, one from the supreme court, three from the superior court, and one from the district court. Under the proposal, there would be three justices or judges elected by the members of the judiciary.

(2) At this time, there are two attorneys appointed by the governing body of the organized bar. Under the proposal, there would be three attorneys nominated by the governing body of the organized bar, appointed by the governor, and subject to confirmation by the legislature.

(3) At this time, there are two persons appointed by the governor and subject to confirmation by the legislature who are required not to be judges, retired judges, or members of the state bar. Under the proposal, there would be three persons appointed to the commission by the governor and confirmed by the legislature who are required not to be judges, retired judges or members of the state bar.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

(Underlining indicates material to be added. Brackets indicate material to be deleted.)

SECTION 10. **COMMISSION ON JUDICIAL CONDUCT [QUALIFICATIONS]**. The Commission on Judicial Conduct [QUALIFICATIONS] shall consist of nine members, as follows; three persons who are justices or judges of state courts [ONE JUSTICE OF THE SUPREME COURT], elected by the justices and judges of state courts [OF THE SUPREME COURT; THREE JUDGES OF THE SUPERIOR COURT, ELECTED BY THE JUDGES OF THE SUPERIOR COURT; ONE JUDGE OF THE DISTRICT COURT, ELECTED BY THE JUDGES OF THE DISTRICT COURT]; three [TWO] members who have practiced law in this state for ten years, appointed by the governor from nominations made by the governing body of the organized bar and subject to confirmation by a majority of the members of the legislature in joint session; and three [TWO] persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. In addition to being subject to impeachment under Section 12 of this article, a justice or judge may be disqualified from acting as such and may be suspended, removed from office, retired, or censured by the supreme court upon the recommendation of the commission. The powers and duties of the commission and the bases for judicial disqualification shall be established by law.

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 3

The Commission on Judicial Qualifications is misnamed and its title confusing to the public. Actually the group is concerned with standards of conduct which involve moral turpitude. Its purpose is to keep judges honest, not to determine whether judges meet qualifications to be a good judge. That responsibility has been delegated to the Judicial Council and to the public through the retention process. Under the present system, the public is deluded into thinking that they have no responsibility for evaluating the performance of judges as they are under the impression that this function is vested in the Commission on Judicial Qualifications. The membership should be changed to reflect more participation by the general public. More of the members should be from the public at large and fewer from the bench and bar. Under the present system, the Commission is dominated by judges and lawyers and, as a result, the public has little knowledge or understanding of its activities. No purely lay group is likely to indict a judge. There is too much respect for the judiciary and too little understanding of areas where a judge may go wrong. There is a need for a commission of this type but its responsibilities should be more clearly spelled out and its membership broadened to include more members from the most affected group, the public. Judges and lawyers have their own creed when it comes to honest performance of judges. Sometimes that creed requires stricter restraints on judicial conduct and sometimes conduct less strict than that which the public demands. Within the confines of the law, the public should be the judge of what conduct is permissible for a sitting judge. The adoption of this amendment will help bring this about.

—**Thomas Brooks Jones**
Attorney

STATEMENT AGAINST BALLOT MEASURE NO. 3

(No statement against Ballot Measure No. 3 was submitted.)

The argument printed on this page is the opinion of the author and has not been checked for accuracy by any official agency.

BALLOT MEASURE NO. 4

Constitutional Amendment

AMENDMENT LIMITING INCREASES IN APPROPRIATIONS

(Free Conference Committee Substitute for Senate Joint Resolution No. 4)

SUMMARY

(As it will appear on the November 2, 1982 General Election Ballot)

This amendment adds a new section to article IX of the Alaska Constitution. The section limits appropriations for a fiscal year to $2.5 billion, adjusted annually for changes in population and inflation since 1981. At least one-third of the limitation amount is reserved for appropriations for capital projects and state loan programs. The remainder (up to two-thirds) may be spent for governmental operations. Appropriations to the Alaska Permanent Fund and appropriations or bond authorizations for capital projects may exceed this limit if they are not vetoed by the governor and are approved by the voters. The limit could also be exceeded to meet a state of disaster declared by the governor. The limit would not apply to appropriations for permanent fund dividends, general obligation bond payments, appropriations from revenue bond proceeds, or for costs associated with relocation of the capital (if Ballot Measure No. 8 is passed). The amendment provides for reconsideration of the limit by the voters at the 1986 General Election.

BALLOT FORM:

A vote "FOR" adopts the amendment.
A vote "AGAINST" rejects the amendment.

FOR ☐
AGAINST ☐

VOTE CAST BY MEMBERS OF 12TH STATE LEGISLATURE ON FINAL PASSAGE

Senate	(20 members):	Yeas 15	Nays 4	Absent or Not Voting 1
House	(40 members):	Yeas 27	Nays 13	Absent or Not Voting 0

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

The proposed amendments to the Constitution of the State of Alaska would impose a limit on the amount of money that could be appropriated from the state treasury for a state fiscal year. The limit for a fiscal year would be $2,500,000,000 plus an amount representing cumulative changes in population and inflation from July 1, 1981, to the fiscal year in question. Within the limit on appropriations, one-third of the amount available to be appropriated would be reserved for capital projects and loan appropriations.

The following appropriations would be exempt from the limit on appropriations:

1. an appropriation for Alaska permanent fund dividends;
2. an appropriation of revenue bond proceeds;
3. an appropriation to pay principal and interest on state general obligation bonds;
4. an appropriation of money received from non-state sources in trust for specific purposes;
5. an appropriation to the Alaska Permanent Fund if the appropriation bill is approved by the governor, becomes law without the signature of the governor, or is passed by a three-fourths vote of the membership of the legislature over the veto of the governor; and is approved by the voters as prescribed by law;
6. an appropriation for capital projects if the appropriations bill is confined to projects of the same type; is approved by the governor, becomes law without the signature of the governor, or is passed by a three-fourths vote of the membership of the legislature over the veto of the governor; and is approved by the voters as prescribed by law after the voters are informed of the cost of operations and maintenance of the proposed projects; and
7. an appropriation to meet a state of disaster declared by the governor, as prescribed by law.

BALLOT MEASURE NO. 4 (Cont.)

LEGISLATIVE AFFAIRS AGENCY SUMMARY (cont.)

The ballot measure also includes three transitional measures associated with the appropriations limit. If the voters approve both the appropriations limit and the cost of providing for relocation of the capital, additional voter approval of appropriations for relocation of the capital would not be required under the appropriations limit. If the appropriation limit is adopted the same proposition must be placed on the 1986 ballot for a second vote and if it is rejected in 1986 the appropriation limit would be repealed. The appropriation limit would apply to appropriations made for the state fiscal years beginning July 1, 1981, and thereafter.

FULL TEXT OF PROPOSED CONSTITUTIONAL AMENDMENT

SECTION 16. **APPROPRIATION LIMIT.** Except for appropriations for Alaska permanent fund dividends, appropriations of revenue bond proceeds, appropriations required to pay the principal and interest on general obligation bonds, and appropriations of money received from a non-State source in trust for a specific purpose, including revenues of a public enterprise or public corporation of the State that issues revenue bonds, appropriations from the treasury made for a fiscal year shall not exceed $2,500,000,000 by more than the cumulative change, derived from federal indices as prescribed by law, in population and inflation since July 1, 1981. Within this limit, at least one-third shall be reserved for capital projects and loan appropriations. The legislature may exceed this limit in bills for appropriations to the Alaska permanent fund and in bills for appropriations for capital projects, whether of bond proceeds or otherwise, if each bill is approved by the governor, or passed by affirmative vote of three-fourths of the membership of the legislature over a veto or item veto, or becomes law without a signature, and is also approved by the voters as prescribed by law. Each bill for appropriations for capital projects in excess of the limit shall be confined to capital projects of the same type, and the voters shall, as provided by law, be informed of the cost of operations and maintenance of the capital projects. No other appropriation in excess of this limit may be made except to meet a state of disaster declared by the governor as prescribed by law. The governor shall cause any unexpended and unappropriated balance to be invested so as to yield competitive market rates to the treasury.

SECTION 26. **APPROPRIATIONS FOR RELOCATION OF THE CAPITAL.** If a majority of those voting on the question at the general election in 1982 approve the ballot proposition for the total cost to the State of providing for relocation of the capital, no additional voter approval of appropriations for that purpose within the cost approved by the voters is required under the 1982 amendment limiting increases in appropriations (art. IX, sec. 16).

SECTION 27. **RECONSIDERATION OF AMENDMENT LIMITING INCREASES IN APPROPRIATIONS.** If the 1982 amendment limiting appropriation increases (art. IX, sec. 16) is adopted, the lieutenant governor shall cause the ballot title and proposition for the amendment to be placed on the ballot again at the general election in 1986. If the majority of those voting on the proposition in 1986 rejects the amendment, it shall be repealed.

SECTION 28. **APPLICATION OF AMENDMENT.** The 1982 amendment limiting appropriation increases (art. IX, sec. 16) applies to appropriations made for fiscal year 1984 and thereafter.

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 4

Ballot Measure No. 4 deserves the support of all Alaskans. It will prevent the continuation of excessive state spending which has been the pattern in recent years. This spending spree is the result of more projects and more programs. Inflation and population growth have not played a major role.

For example, in 1960, the state budget was $41 million, the population was 226,000, and the Consumer Price Index 103. In 1980, state spending was $1.14 billion, the population 400,000, and the Consumer Price Index stood at 290. In Fiscal Year 1982, state spending (not including appropriations to the Permanent Fund), was $3.84 billion. Population and Consumer Price Index figures have not been published for 1982, but if it is assumed that during the 1980-82 period state population increased to 440,000 and the Consumer Price Index rose to about 350, then between 1960 and 1982, state population increased 94% while the Consumer Price Index increased by 239%. But state spending increased by an astounding 9,265% during this same period.

The passage of Ballot Measure No. 4 will halt that sort of runaway government growth by providing a constitutional limit on most items of state spending. The limit is set at $2.5 billion each year, adjusted for the changes in population and inflation. At least one-third of the expenditures must be for capital projects and loans, thus, the day-to-day operating budget of the State is held to two-thirds of the limit, or a maximum of $1.66 billion, plus adjustments. Provisions are made for additional capital expenditures which are approved by the people and for other expenditures in the event of a disaster declared by the governor.

Although it is true that the Fiscal Year 1983 budget is less than Ballot Measure No. 4 would permit, this relatively austere budget was passed during a time of rapidly falling revenue projections. Had this restraint not been present, there is little reason to believe that the Legislature would have deviated from its past practices of excessive spending.

While Ballot Measure No. 4 is not perfect and does not provide for all the limitations one might want, nevertheless, it is the only constitutional spending limit available. Only by voting to accept this ballot measure can the people of Alaska show their determination to restrain spending by the Legislature and begin the road back to state fiscal responsibility.

—**Kent Edwards**, President
Common Sense for Alaska, Inc.

STATEMENT AGAINST BALLOT MEASURE NO. 4

Only the first two sentences of this measure apply to a spending limitation; the remainder list seven exceptions for spending above the limit, only two of which make much sense: 1) putting money in the Permanent Fund; and 2) spending to clean up a disaster. The remaining five exceptions are loopholes that give legislators and the governor the ability to continue excessive spending on: A) bond authorizations for capital projects; B) issuance of Permanent Fund dividends; C) general obligation bond payments; D) appropriations from revenue bond proceeds; and E) costs of the Capital Move, if passed. All five of these expenditures can be over the spending limit.

But let's back up to those first two sentences. The biggest abuses in government spending are in the area of "capital expenditures," otherwise called "pork". After each capital project is built, it carries operating and maintenance costs. Whatever of the one-third in the limit we spend for capital projects, we are automatically adding to the cost of doing the state's business (the other two-thirds). We cannot continually add to the state's responsibilities and expect the operating two-thirds of the budget to be covered by an increase in population and inflation. We will quickly reach the point where each project built will necessitate cuts in social or educational programs, or will cause a cut in maintenance, leaving our capital projects to decay.

As if this weren't bad enough, let's add in loophole "A", bond authorizations for capital projects. If one-third of the usable revenues aren't enough for desired and needed capital projects, the Legislature can issue an authorization for the State to sell bonds to build the project. If the governor does not veto the authorization, you will be asked to approve the sale of bonds at a general election. When we sell bonds to get money for projects, we later pay back the buyers—with interest. In loophole "C" we don't even have to count that payback against the spending limit!

Nothing in this measure lays out which projects will be included in the one-third capital limit and which will be put before the voters. As a legislator, I would guess that pet projects of key legislators will be in the budget so they won't be as easily seen by the public. Projects of statewide importance—jails and schools—will be put on the ballot. Each approved project will further impact the operating budget causing a deeper cut in programs and operations.

In addition, there is no provision for declining revenues. This "spending limit" is before you under the assumption we will have increasing revenues each year. That is not likely. As revenues decline, we would be foolish to continue to allocate one-third of our available revenues for building and loans when we will have continually less revenue for operations. In such a case, the only way to maintain government operations would be to increase personal taxes and return to a personal income tax.

We need a spending limitation, but this isn't it.

—**Sally Smith**, Representative
Alaska State Legislature

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BALLOT MEASURE NO. 5

Initiative No. 80-01

CLAIMING STATE OWNERSHIP OF FEDERAL LAND

SUMMARY

(As it will appear on the November 2, 1982 General Election Ballot)

This initiative, in effect, claims state ownership of all federal land in Alaska except Mt. McKinley National Park, national monuments established before 1977, native corporation selections, the Annette Islands Reserve, and land controlled by the Department of Defense or the Alaska Power Administration. If approved, the initiative would provide Alaska with additional grounds to join other states which have similar laws constitutionally challenging federal ownership of land within their boundaries. The proposal would have the State hold this land in trust for the people of Alaska until terms and conditions for its disposal are prescribed by law.

BALLOT FORM:

A vote "FOR" adopts the initiative.
A vote "AGAINST" rejects the initiative.

FOR ☐
AGAINST ☐

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

The initiative claims ownership for the State of all Federal land in the State—except for Federal land controlled by the Department of Defense or the Alaska Power Administration on the effective date of the initiative, except for the Annette Islands Reserve, except for Federal land selected by a regional or village corporation under the Alaska Native Claims Settlement Act, and except for land located within the Mt. McKinley National Park or within national monuments established before January 1, 1977. The initiative would require the State to hold the land in trust for the people of the State. The initiative would grant the land to the Alaska Department of Natural Resources for management. The Department of Natural Resources would not be authorized to sell, lease, exchange, or encumber the land until specifically authorized by law under terms and conditions which have been established by law. The initiative would also establish enforcement and penalty provisions.

BALLOT MEASURE NO. 5 (Cont.)

FULL TEXT OF INITIATIVE

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

*Section 1. AS 38.05 is amended by adding new sections to read:

ARTICLE 13. STATE CONTROL OF CERTAIN LAND

Sec. 38.05.500. **ELECTORATE DETERMINATIONS.** The people of the State of Alaska determine that:

(1) the intent of the framers of the Constitution of the United States was to guarantee to each of the states sovereignty over all matters within its boundaries except for those powers specifically granted to the United States as agent of the states;

(2) the attempted imposition upon the State of Alaska by the Congress of the United States of a requirement in the Statehood Act that the State of Alaska and its people "disclaim all right and title to any lands or other property not granted or confirmed to the state or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States," as a condition precedent to acceptance of Alaska into the Union, was an act beyond the power of the Congress of the United States and is thus void;

(3) The purported right of ownership and control of the public land in the State of Alaska by the United States is without foundation and violates the clear intent of the Constitution of the United States; and

(4) the exercise of that dominion and control of the public land in the State of Alaska by the United States works a severe, continuous and debilitating hardship upon the people of the State of Alaska.

Sec. 38.05.510. **MANAGEMENT.** (a) The Department of Natural Resources shall manage the land which is the subject of AS 38.05.500—38.05.590. The department will use the provisions of this chapter for the management of the land except to the extent that the provisions of AS 38.05.500—38.05.590 provide to the contrary.

(b) The department shall manage the land in an orderly and beneficial manner.

(c) The department may adopt regulations for the management of the land. No regulation which imposes a limitation upon the people of the state is effective until approved by the legislature.

(d) The department may sell, lease, exchange, or encumber the land when specifically authorized to do so by law and under the terms and conditions established by the law.

Sec. 38.05.520. **PROPERTY OF THE PEOPLE.** (a) Subject to valid existing rights of applicants for land, upon the effective date of this act, all land in the state and all minerals not previously appropriated are the exclusive property of the people of the state and the state holds title to the land and minerals in trust for the people of the state.

Sec. 38.05.540. **TREATIES AND COMPACTS.** Land in the state which has been administered by the United States under international treaties and interstate compacts will continue to be administered by the state in conformity with those treaties and compacts.

Sec. 38.05.560. **PROCEEDS TO THE GENERAL FUND.** The proceeds of sales, fees, rents, royalties or other receipts from the land paid to the state under the provisions of AS 38.05.500—38.05.590 shall be deposited in the general fund, and the legislature may provide for payments in lieu of taxes to local governments.

Sec. 38.05.570. **EXCLUSIVE ENFORCEMENT.** (a) The state has exclusive jurisdiction to enforce the provisions of AS 38.05.500—38.05.590.

(b) An individual may institute a civil action to recover damages for injury or loss sustained as the result of a violation of the provisions of AS 38.05.500—38.05.590 or for the failure of the state to enforce its trust responsibilities to the people of the state.

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 5

The "Tundra Rebellion" initiative follows the lead of five other western states which have passed legislation challenging federal ownership of land within their boundaries, and attempts to transfer most of that land to state government control. In other states this effort is called the "Sagebrush Rebellion".

About 93.5% of all federal land is found in twelve western states. Alaska, with the most at stake in this issue, will still have almost 70% of its land held by the federal government even after all transfers are made. Our leaders have failed to act. It's time for the people of Alaska to speak out loudly and clearly on this issue by passing the "Tundra Rebellion" initiative.

Although opponents of the initiative may try to describe the "Tundra Rebellion" issue as one of development vs. nondevelopment, that is not the case. The major issue involved is the question of self-determination for the people of Alaska. Because the federal government owns the vast majority of land in Alaska, there is hardly anything that can happen in Alaska without getting the permission of the federal government and subjecting ourselves to its demands. Our Congressional delegation may very well oppose the initiative because it would decrease federal control which they wield over Alaska. Alaskan politicians who favor a "no-growth" policy for Alaska may oppose it because the federal government is their convenient excuse for nondevelopment.

In order to evaluate the "Tundra Rebellion" initiative ask yourself the following questions:

1) Are we Alaskans more likely to have the freedom to acquire good land from a faraway federal government or from the State of Alaska over which we have some control?

2) Who should have more to say about what happens to Alaska's land—Alaskans, or unelected federal bureaucrats in Washington, D.C.?

Opponents of the initiative may try to say that Alaska is not capable of managing this land or that it will cost too much to do so. They may even say that passage would lead to ruin of Alaska's land. What they are really saying is that we Alaskans can't trust ourselves and that we can't responsibly assume more control over our own lives. To the contrary, Alaskans should have the freedom to determine their own destiny. Beware of those who ask you to fear your own freedom, for they are to be feared.

The "Tundra Rebellion" is based on constitutional principles and can help bring about self-determination for Alaskans in two ways. Firstly, its passage will give Alaska better standing to join other states who are pursuing a remedy through the courts. Secondly, it will add pressure on Congress to act favorably on legislation dealing with federal land transfers. The Reagan administration has expressed support for land transfers to states. Passage of the "Tundra Rebellion" will encourage further action. Most importantly, it will be an opportunity for Alaskans to say loud and clear that we want the self-determination to decide our own future.

—**Dick Randolph**, Representative
Alaska State Legislature

STATEMENT AGAINST BALLOT MEASURE NO. 5

Passage of this initiative would be a meaningless gesture that would embarrass our state for years to come. By adoption of this initiative, the State would be trying to breach a contract we entered into with the United States in 1958 which provided statehood for Alaska. In Section 4 of that contract we agreed to a 104 million-acre land grant as the state's full entitlement to federal lands. This contract was ratified by Sections 12 and 13 of Article XII of the Alaska Constitution. Because these issues have been waived by the Statehood Act and the Alaska Constitution, any attempt to implement the provisions of this initiative, if adopted, would be illegal and unconstitutional.

It is important that we realize what effect approval of this initiative would have on the rest of the country's perception of Alaska. The recent repeal of state income tax and enactment of the Permanent Fund dividend program have drawn national attention to our current oil wealth. If this initiative passes, we will invite the image of being greedy for land, in addition to money. It will be pointed out that our existing 104 million-acre land entitlement is already the most generous grant ever given a state. A vote "FOR" this initiative will just add fuel to the effort in the US Congress to reduce Alaska's share of the oil revenues.

Our federal lands are an important part of our national heritage, and must remain open and accessible to the public. These lands provide timber, minerals, coal, oil, gas, fish, wildlife and watershed protection. Local governments receive 25 percent of all national forest revenues, while the State received 50 percent of oil and gas receipts from the National Petroleum Reserve and 90 percent of oil and gas receipts on all other federal lands in Alaska. Our state enjoys an enviable relationship with the public lands within our boundaries.

The sponsors of this initiative need to face up to the terms of the Statehood Act and current oil revenue politics. In the only state to put this issue to a public vote, our neighbor, Washington, recently defeated a similar initiative. Let's not embarrass ourselves by approving this misdirected initiative.

PLEASE VOTE "AGAINST" THIS BALLOT MEASURE.

—**David Finkelstein**
Alaskans for Responsible Government

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BALLOT MEASURE NO. 6

Initiative No. 80-04

LIMITING STATE FUNDING OF ABORTIONS

SUMMARY

(As it will appear on the November 2, 1982 General Election Ballot)

This initiative would amend the provisions of Title 47 of the Alaska Statutes, Welfare, Social Services and Institutions, by prohibiting state funding of abortions except upon written certification of a physician that the procedure was necessary to preserve the life of the patient and that all reasonable efforts were made to preserve the life of the unborn. The bill provides that the prohibition of state funding of abortions will not affect state participation in the medicaid program established under Title XIX of the Social Security Act.

BALLOT FORM:

A vote "FOR" adopts the initiative.
A vote "AGAINST" rejects the initiative.

FOR ☐
AGAINST ☐

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This proposal would amend Title 47 of the Alaska Statutes, Welfare, Social Services and Institutions, by prohibiting the use of state funds for abortions unless a physician certifies in writing that the procedure was necessary to preserve the life of the mother and that all reasonable efforts were made to preserve the life of the unborn child. If state participation in the federal medicaid program (Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq.) requires state funding of an abortion-related procedure, the provisions of this proposal shall not apply to that procedure.

FULL TEXT OF INITIATIVE

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

Section 1. AS 47.07 is amended by adding a new Section 035 to read:

Sec. 47.07.035. **PAYMENT FOR ABORTION**. No funds subject to appropriation by the legislature, or to control or disbursement by any state agency or department, may be expended for abortions, induced miscarriages, or induced premature births except upon a written statement by a licensed physician certifying that such procedure is necessary for preservation of the life of the mother seeking such treatment and stating the medical basis for this conclusion. Nor may such funds be expended for such procedures necessary for preservation of the life of the mother except upon written certification by the attending physician that in his best professional judgment all reasonable efforts, consistent with preservation of the life of the mother, were made to preserve the life of the unborn child.

Section 2. **SEVERABILITY**. It is the intent of Section 1 of this bill to disallow state funding for abortion-related procedures to the maximum extent consistent with state participation in the medicaid program established under Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., ("Title XIX") as amended. Any aspect or application of Section 1 of this bill which is not consistent with state participation in Title XIX shall be deemed severable from the remaining aspects or applications, and Section 1 shall continue to apply to abortion-related procedures which states are not required to fund as a condition to participation under Title XIX.

Section 3. **EFFECTIVE DATE**. This act takes effect immediately in accordance with AS 01.10.070(c).

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 6

BALLOT MEASURE NO. 6 SHOULD BECOME LAW FOR THE FOLLOWING REASONS:

1. Abortion is the elimination of innocent and helpless human life.
2. This nation was founded on the principle of the equal value of every human life.
3. Since it cannot be shown that prenatal human life at any stage of development is of less value than its postnatal life at any stage of development, prudence demands that it be equally protected.
4. It is the duty of the State, therefore, to seek the preservation equally of every innocent human life.
5. Only when it is medically determined that only one of two lives can be preserved—that of mother or child—must a necessary exception be granted.
6. At no stage of development, however, can it be shown that abortion on demand can ever be justified on the basis of physical appearance, intelligence level, sex or degree of dependency.
7. What can be shown is that nearly 99% of all abortions in the State of Alaska were performed for nonmedical reasons.
8. Statistics show that about 98.7% of all these abortions were performed because of "unwanted pregnancies"
9. Economic considerations, while strong in themselves, are not sufficient strength as to diminish or destroy the intrinsic value of human life.
10. "The natural right to life" (Article I, Section 1) is guaranteed by the Alaska State Constitution and should therefore be upheld in contrast to the present practice of funding abortion on demand.

—**David R. Buchanan**
Issue 80 Committee

STATEMENT AGAINST BALLOT MEASURE NO. 6

The Alaska Commission on the Status of Women opposes Ballot Measure No. 6 and encourages all Alaskans to vote against it for the following reasons:

1. The measure would cost the State more than six times the amount in medical and related costs for care of indigent women and children than the present program of providing early medical treatment.
2. Under the measure, funds would be cut even for indigent victims of sexual assault, when Alaska has one of the highest rates of sexual assault in the country.
3. A woman's decision on whether or not to terminate her pregnancy is protected by the federal constitutional right to privacy.
4. The measure would violate provisions of the Alaska Constitution, which guarantee the right to privacy (Article I, Sec. 22), the right to equal protection under the law (Article I, Sec. 1), and the right to be free of discrimination based on sex (Article I, Sec. 3).
5. The measure would repeal an existing appropriation, which is contrary to the Alaska Constitution (Article XI, Sec. 7).
6. The measure is an unconstitutional establishment of a religious viewpoint of when life begins.
7. The measure would prohibit state funding for procedures to induce premature birth even if that is the only way to protect the life of the unborn fetus.

The Alaska Commission on the Status of Women urges all Alaskans to unite in support of programs that eliminate the <u>need</u> for abortions, and that support a woman's choice regarding pregnancy, whatever that decision may be, including but not limited to: elimination of sexual assault of adults and minors; comprehensive sex education programs; programs to encourage reproductive responsibility; child care assistance for parents who need or wish to work; an end to discrimination because of parenthood; adequate enforcement of child support awards; programs to assist and support parents; programs providing food, housing, and health care for indigent pregnant women, mothers, and children; and, programs to assist displaced homemakers.

—**Barbara L. Schuhmann**, Chair
Alaska Commission on the
Status of Women

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

BALLOT MEASURE NO. 7

Initiative No. 80-08

PERSONAL CONSUMPTION OF FISH AND GAME

SUMMARY

(As it will appear on the November 2, 1982 General Election Ballot)

This proposal would, for fishing, hunting, or trapping for personal consumption, prevent classification of persons on the basis of economic status, land ownership, local residency, past use or dependence on the resource, or lack of alternative resources. It would, as does existing law, also bar classifications by race or sex for any taking of fish or game. It repeals existing provisions of the Fish and Game Code which provide for, or relate to, subsistence hunting and fishing.

BALLOT FORM:

A vote "FOR" adopts the initiative.
A vote "AGAINST" rejects the initiative.

FOR ☐
AGAINST ☐

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

This initiative, if approved, would add a new section to the Alaska Statutes regarding the allocation of fish or game. The new section reserves fish and wildlife to "all the people of the state for common use". The section provides that all fish and game "should be" available equally to persons who take fish and game for personal consumption. The section prohibits "distinctions" on the basis of economic status, land ownership, local residency, past use or past dependence on "the resource", or "lack of alternative resources". The section would, as does existing law, also bar classifications by race or sex for any taking of fish or game. The section authorizes the Board of Fisheries and the Board of Game to adopt regulations "providing for and distinguishing between commercial fishing, sport fishing, hunting and trapping".

This initiative, if approved, also would repeal the following statutes:

AS 16.05.090(c), which established the subsistence hunting and fishing section (division) in the Department of Fish and Game;
AS 16.05.094, which sets out the duties of the subsistence division;
AS 16.05.251(b), which requires the Board of Fisheries to adopt subsistence fishing regulations;
AS 16.05.255(b) and 16.05.257, which require and authorize the Board of Game to adopt subsistence hunting regulations;
AS 16.05.930(e), which exempts the "traditional barter of fish and game taken by subsistence hunting or fishing" from the provisions of AS 16.05, but allows the commissioner of fish and game to prohibit bartering that results in waste, damage to fish stocks or game populations, or circumvention of fish or game management programs; and
AS 16.05.940(17), (26), and (27), which define the terms "subsistence fishing", "subsistence uses", and "barter", respectively.

The initiative also contains a severability clause so that if any provision is found by a court to be invalid, other provisions will not be affected.

FULL TEXT OF INITIATIVE

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

Section 1. AS 16.05 is amended by adding a new section to read:

Sec. 16.05.907. **HUNTING, FISHING AND TRAPPING.** (a) This section may be cited as the Alaska Anti-Discrimination Hunting, Fishing and Trapping Rights Act.

(b) There shall be no discrimination in the allocation of fish or game based on race or sex.

(c) Fish and wildlife are reserved to all the people of the state for common use. These resources should be equally available to personal consumptive users of all fish or game, and no distinctions shall be made for the reason of economic status, land ownership, local residency, past use or past dependence on the resource, or lack of alternative resources.

(d) The Board of Fisheries and the Board of Game may adopt regulations providing for and distinguishing between commercial fishing, sport fishing, hunting and trapping.

Section 2. AS 16.05.090(c), AS 16.05.094, AS 16.05.251(b), AS 16.05.255(b), AS 16.05.257, AS 16.05.930(e), AS 16.05.940(17), AS 16.05.940(26), and AS 16.05.940(27) are repealed.

Section 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications thereof.

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 7

Passage of this initiative would mean that all Alaskans would be afforded an equal opportunity to take fish and wildlife resources for personal consumptive use. It would allow the Boards of Fisheries and Game to retain the authority to set seasons, bag limits and quotas biologically appropriate for local conditions rather than on a politically mandated basis. The Boards would continue to give rural residents various advantages such as late seasons, more liberal bag limits or prohibition of use of aircraft or other motorized vehicles in certain areas.

Presently, equal access to fish and game is denied to residents of Anchorage, Fairbanks, the Mat-Su Borough, Juneau, Ketchikan, Kenai, Sitka, Kodiak and other areas without regard to level of income or need. This is because federal oversight provisions have mandated that ONLY "rural" residents can be subsistence users and that other uses must not interfere with subsistence use. The Attorney General has written that "the Boards (of Fisheries and Game) must ELIMINATE non-subsistence uses (in an area) before imposing RESTRICTIONS on subsistence use."

In contrast to common belief, the subsistence priority is not triggered only by an unusual shortage of fish and game. It is in effect all the time ("Whenever it is necessary to restrict the taking of game or fish...subsistence use shall be the priority use.") Restriction, of course, in the form of seasons and bag limits, is always necessary.

This initiative, if approved, would be a clear message to our state administration and Congressional delegation that Alaskans are not happy with the present discriminatory system in both state and federal law. It would be an important first step in rectifying the situation.

The present law has effectively repealed subsistence for 85% of Alaska's residents. Passage of this initiative would restore the concept of equality in fish and wildlife resource allocation.

—**Warren E. Olson**, Chairman
—**Tom Scarborough**, Director
—**Loren Croxton**, Director
Alaskans for Equal Fishing and Hunting Rights

STATEMENT AGAINST BALLOT MEASURE NO. 7

YOU SHOULD VOTE AGAINST BALLOT MEASURE NO. 7 BECAUSE:

1. It repeals the subsistence law which has been in existence since 1978. For thousands of Alaskans, subsistence feeds families. It has the same value as driving a truck, teaching school, delivering mail or typing memos has to other workers.

2. The initiative would create a new law called the "Alaska Anti-Discrimination Hunting, Fishing and Trapping Act". This law would be disastrous. It would reduce the power of the Fish and Game Boards. They would not be able to distinguish between any user groups in setting hunting or fishing regulations.

THIS MEANS:

— There would be no difference between OUTSIDE trophy hunters and Alaskans hunting moose to feed our families.

— There would be no difference between a sport fisherman and a commercial fisherman except limits, seasons and gear.

— It creates a large question concerning limited entry which is designed to keep Alaska's fish for Alaskans.

3. The new law would mean FEDERAL TAKEOVER of management of fish and game on the 60% of Alaska's federally owned land. When the US Congress passed the Alaska Lands Bill (d-2) in 1980, Alaska promised to protect subsistence in its laws. If Alaska renigs on that promise, the Federal law says that the Secretary of Interior "SHALL" take responsibility for managing resources on Federal lands to protect subsistence.

James Watt, Secretary of the Interior, has said he must obey the law and will take over management of fish and game on Federal lands.

With Federal budget cuts there will be little money devoted to Alaska fish and game management. They may have to close hunting and fishing on Federal lands.

For those who fought for Statehood in 1959, the adoption of this initiative would destroy the self-determination we achieved.

The proponents of Ballot Measure No. 7 want you to believe that you are deprived of hunting and fishing rights under the subsistence law.

This is FALSE. You can fish and hunt as always. The opportunity for subsistence activities is assured if Alaskans continue to manage our resources. The subsistence preference comes into effect if the resources decline through mismanagement.

They want you to believe that d-2 can be easily changed.

This is FALSE. The Alaskans opposed to the initiative include all our Congressional delegation and all governors who have served in the State.

They have indicated that it is highly unlikely that attempts to amend the d-2 law would be successful. The many national interests that forged the d-2 compromise will resist all efforts to change it.

The proponents of Ballot Measure No. 7 want you to believe that you are deprived of fish in COOK INLET because of the subsistence law.

This is FALSE. The number of fish taken in Cook Inlet last year is:

94.6%	Commercial	3,967,006
4.8%	Sport	199,000
.3%	Subsistence	12,995
.3%	Personal use	11,648
100.0%		4,190,649

Subsistence amounted to three-tenths of one percent.

If you have concerns about the law, we can address it in Alaska, not in Washington, D.C.

We urge you to vote AGAINST BALLOT MEASURE NO. 7.

—**Jim Repine**, Sport Fisherman, Guide, Co-Chairman
Alaskans for Sensible Fish and Game Management

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BALLOT MEASURE NO. 8

Ballot Proposition

RELOCATION OF THE STATE CAPITAL

(Committee Substitute for House Bill No. 603 Finance)

SUMMARY

(As it will appear on the November 2, 1982 General Election Ballot)

This proposition asks: Considering the cost, revenue and population estimates set out below, may the State of Alaska spend the money necessary (estimated to total $2,843,147,000) to accomplish relocation of a functional state capital from Juneau to the new capital site at Willow? If a majority votes YES, the State may spend the money required for that purpose. If a majority votes NO, laws and initiatives relating to capital relocation and indemnification are repealed.

COMPONENTS OF ESTIMATED TOTAL COST. The components of the estimated total cost to the State of providing for relocation of a functional state capital at the new capital site at Willow through the anticipated relocation completion date of 1994 are as follows:

Capital improvements in the new capital site at Willow	$1,286,327,000	
Relocation of personnel and equipment to the new capital site at Willow	$ 46,769,000	
Indemnification of Juneau residents under AS 44.08	$ 589,323,000	
Other costs (financing costs and subsidies)	$ 920,728,000	
TOTAL		$2,843,147,000

ESTIMATED NET REVENUE FROM LAND SALES

Amount of total estimated cost which may be defrayed by net revenue through 1994 from disposal of land in the new capital site at Willow — $ 384,122,000

ESTIMATED COST OF NEW OR EXPANDED FACILITIES IN JUNEAU AND ELSEWHERE IF THE CAPITAL IS NOT RELOCATED

Estimated cost of providing new or expanded facilities in Juneau and elsewhere through 1994 to accommodate growth in state government if the Capital is not relocated — $ 341,741,000

ESTIMATED POPULATION: STATE EMPLOYEES AND TOTAL RESIDENTS

Number of central state employees who are reasonably expected to be relocated from

Juneau	2832
Anchorage	1092
Other communities	6
Total	3930

Population reasonably expected to reside at the new capital site at Willow by completion of relocation in 1994 — 15,000

BALLOT FORM:

A vote "YES" adopts the proposition.

A vote "NO" rejects the proposition.

YES ☐

NO ☐

BALLOT MEASURE NO. 8 (cont.)

LEGISLATIVE AFFAIRS AGENCY SUMMARY

(As required by law)

The FRANK Initiative was amended by the Legislature in 1981 to permit the expenditure of state money for the relocation of the state capital from its present location to the new capital site at Willow only if a majority of those voting at the 1982 General Election on a proposition relating to the relocation of the state capital approve a ballot proposition that includes the total cost to the State of providing for the relocation of a functional state capital at the new capital site at Willow.

The 1981 law further provides that if the ballot proposition is adopted by a majority of those voting on the proposition, then the State shall relocate the capital and to achieve that goal may expend an amount equal to the estimate of the total costs of relocating the Capital as determined by the New Capital Site Planning Commission. If the ballot proposition is rejected by a majority of those voting on the proposition, then the Capital remains in Juneau and the following laws are repealed: the Capital Relocation Initiative; the "FRANK Initiative" as amended; the laws establishing the New Capital Site Planning Commission; and the Relocation Indemnification Act.

The law provides that the New Capital Site Planning Commission will prepare a report on a number of issues specified in the law. The issues and the results of the study on these issues by the Commission are:

(1) the estimated total cost to the State through 1994 of providing for the relocation of a functional state capital at the new capital site at Willow: $2,843,147,000;

(2) the amount of the total cost that the Commission estimates may be defrayed from the net proceeds from disposal of land in the new capital site at Willow: $384,122,000;

(3) the estimated cost, through the relocation completion date, of providing for new or expanded facilities in Juneau and Anchorage to accommodate estimated growth in state government if the Capital is not relocated: $341,741,000;

(4) an estimate of the number of central state employees who are reasonably expected to be relocated from existing locations to the new capital site at Willow by the relocation completion date:

from Anchorage	1,092 employees
from Fairbanks	6 employees
from Juneau	2,832 employees

(5) an estimate of the population reasonably expected to reside at the new capital site at Willow on the relocation completion date of 1994: 15,000 persons

(6) the estimated total cost to the State of providing for the relocation of the Capital at the new capital site at Willow through the completion date of 1994 includes the following components:

(A) the cost to the State of capital improvements in the new capital site at Willow: $1,286,327,000;

(B) the cost to the State of relocation of employees, dependents, and households to the new capital site at Willow: $ 44,875,000;

(C) the cost to the State of relocation of equipment and office contents to the new capital site at Willow: $ 1,894,000;

(D) the cost to the State of indemnification of Juneau residents under the Relocation Indemnification Act: $ 589,323,000;

(E) other costs to the State, including financing costs, subsidies, and payments deferred beyond the relocation completion date of 1994: $ 920,728,000

On the ballot, a vote "YES" adopts the proposition and a vote "NO" rejects the proposition.

STATEMENT IN FAVOR OF BALLOT MEASURE NO. 8

For better, more efficient, more responsive and less costly state government, accessible to the people whom it serves, vote YES on Ballot Measure No. 8.

Relocation need not and should not cost anything like the unrealistic, inflated estimates shown on the ballot measure. These figures are estimates—the guess of the New Capital Site Planning Commission—and they are not binding. A YES vote will authorize relocation of the State Capital to proceed—nothing more. It is not an authorization to spend any fixed amount of money. That is a decision for the State Legislature.

Even if these estimated amounts were required, which they are not, they would be spread over a twelve-year period. The consultants to the Planning Commission found that expenditures of the actual sums required in any one year would be such a small portion of the total expected state revenue that they need have little impact on other needed projects.

A substantial portion of the "estimated" cost of relocation is the cost of providing for the increase in size of state government through the year 1994 and will be incurred whether the Capital remains in Juneau or is relocated to the Willow site.

The 1978 report of the New Capital Site Planning Commission stated that proceeds from the sale of land in the 102 square mile area of the new capital site can pay the cost of relocation and, in addition, yield a profit to the State within the decade following completion of relocation. In fact, there have been offers to build the new Capital without cost to the State in return for only a portion of the land in the capital site. This possibility was not considered by the Commission.

The new capital site at Willow is in the center of the state's population. Juneau is isolated, and travel to and from Juneau is so expensive and time consuming that few ordinary citizens are able to go there. There is little space in Juneau for growth in state government. Land there is both expensive and scarce. It is plentiful and free at Willow.

Already there are more state employees in Anchorage than in Juneau. Eventually the seat of state government must move. The longer relocation is delayed, the more costly it will become.

Vote YES on Ballot Measure No. 8.

—**Frank W. Harris**, Chairman
Capital Access Committee, Inc.

STATEMENT AGAINST BALLOT MEASURE NO. 8

In 1978, the voters of the State passed the FRANK Initiative which required voter approval before any money could be spent to relocate the Capital. In that same year, the voters turned down a $966,000,000 bond issue to relocate the Capital. The New Capital Site Planning Commission has estimated that it will cost $2,843,000,000 to relocate the Capital. When it is considered that to relocate the Capital the state government must construct a new city in the wilderness, we can be certain that it will probably cost far more than $2,843,000,000 to relocate the Capital. The expenditure of at least $2,843,000,000 to relocate the Capital will divert funds from needed roads, schools, low-cost power projects and water and sewer projects in communities around the State.

In addition to this loss of projects in Alaskan communities as a result of the cost of the capital relocation, our Congressional delegation has warned us of a hidden cost: that spending $2,843,000,000 to relocate the Capital may cause the federal government to believe we have too much money and thus limit our ability to tax oil. Loss of our capacity to tax oil would cause a major reduction in state revenues and could require the reimposition of the income tax.

In conclusion, as a result of the 1978 FRANK Initiative, we now know that the cost of relocating the Capital will be at least $2,843,000,000, and probably more. As you vote on this issue, ask yourself this question: Which is more important to you? Programs and projects which benefit your community and Alaska, or relocating the Capital to Willow? Which would most improve your life? Vote NO on Ballot Measure No. 8 because using the money which would otherwise be spent on the capital relocation to benefit your community and Alaska is in your best interest.

—**Jim Clark**, Chairman
Alaska Committee

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BALLOT MEASURE NO. 8

FULL TEXT OF THE PROPOSITION

(Underlining indicates material to be added. Brackets indicate material to be deleted.)

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

AN ACT relating to relocation of the state capital: repealing and reenacting the law enacted by the initiative popularly known as the 'FRANK Initiative' to provide for the determination of the costs of capital relocation, amending laws relating to the New Capital Site Planning Commission, and conditionally repealing laws relating to relocation of the state capital.

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

Sec. 44.06.196. **CAPITAL RELOCATION EXPENDITURES.** (a) Except for money used for planning, design, studies, and field investigations in accordance with the provisions of AS 44.06.200—44.06.299, state money may be spent to relocate the state capital from its present location to the new capital site at Willow only after a majority of those voting on the proposition at the 1982 general election have approved a ballot proposition that includes the total cost to the state of providing for completion of relocation of a functional state capital at the new capital site at Willow as provided in this section.

(b) The ballot proposition prepared and submitted to the voters under this section shall also show:

(1) the amount of the total cost that it is estimated may be defrayed by the net proceeds from disposal of land in the new capital site at Willow;

(2) the estimated cost, through the relocation completion date, of providing for new or expanded facilities in Juneau and elsewhere to accommodate estimated growth in state government if the capital is not relocated;

(3) an estimate of the number of central state employees who are reasonably expected to be relocated from Juneau and from other existing, named locations to the new capital site at Willow; the estimate prepared under this paragraph shall be prepared in a manner consistent with the methodology used by the commission in determining the estimate in its 1978 report of the number of central state employees who are reasonably expected to be relocated to the new capital site at Willow, and the estimate shall be supported by information obtained from each of the branches of government;

(4) an estimate of the population reasonably expected to reside at the new capital site at Willow on the relocation completion date; the estimate prepared under this paragraph shall be based on the number of central state employees who are reasonably expected to be relocated to the new capital site at Willow estimated under (3) of this subsection; and

(5) the estimated costs, through the relocation completion date, of

(A) capital improvements;

(B) relocation of personnel and equipment; and

(C) indemnification under AS 44.08.

(c) The sum of the following costs, as estimated by the commission, shall be the total cost to the state that shall be included in the ballot proposition submitted to the voters under this section:

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

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

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

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

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

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

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

(d) To estimate the costs under (c) of this section, the commission shall prepare a basic development plan. The commission shall prepare the basic development plan by revising the detailed development plan and cost estimates prepared by the commission in its report of March 15, 1978, in accordance with the provisions of AS 44.06.235 and this section. In making its revision, the commission shall revise those assumptions in the detailed development plan, if any, that are shown by substantial evidence to be erroneous and shall use the average rate of growth for central state positions and the average annual rate of inflation for construction costs and for

other costs for the preceding 10 years, taking into account any unusual growth or decline in growth caused by special circumstances. However, in estimating costs under (c) of this section, if public money is used for the development of facilities that will be conveyed to persons for private use and the public money will be recovered over a period of years, the estimated cost of the facility, for purposes of providing a cost estimate under (c) of this section, is the estimate of the difference between the amount expected to be recovered and the amount that would have been recovered if the public money had been invested over the same period of years at the average rate of return for investments made under AS 37.10.070.

(e) The commission shall prepare an estimate of the net proceeds reasonably expected to be received from the disposal of land at the new capital site at Willow through the relocation completion date. For purposes of this estimate, "net proceeds" means the increased value of lands expected to be disposed of if relocation occurs less the current value of those lands to the state in the absence of relocation of the state capital, taking into account the likelihood of disposal of those lands and of their producing revenue to the state.

(f) In estimating costs through the relocation completion date of providing for new or expanded facilities in Juneau and elsewhere in the absence of relocation, the commission shall

(1) exclude from its estimates the costs of facilities that would be required in Juneau and elsewhere even if relocation of the state capital were to proceed;

(2) use the same projections for growth in state government that it uses in preparing the basic development plan under (d) of this section and the cost estimates for the new capital site at Willow; and

(3) base its estimate of total space to accommodate its estimate of the growth of state government on the state's past and current practice of providing public facilities at Juneau and elsewhere.

(g) In making its estimates, the commission shall neither overstate nor understate the costs, but rather shall make the most realistic estimates possible with the evidence available to it.

(h) The commission shall, on August 16, 1982, provide the legislature, the governor, the lieutenant governor, the director of elections, and the public with its basic development plan and a report setting out the cost estimates required by this section and the number of central state employees to be relocated from existing, named locations to the new capital site at Willow.

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

(j) If the ballot proposition provided for in this section is approved by a majority of the votes cast on the question, an amount equal to the estimate of total costs may be expended to complete relocation of the capital. If the ballot proposition is rejected by a majority of those voting on the proposition, the Capital Relocation Initiative (AS 44.06.100—44.06.190), the "FRANK Initiative" as amended (AS 44.06.195, 44.06.196), the laws establishing the New Capital Site Planning Commission (AS 44.06.200—44.06.299), and the Relocation Indemnification Act (AS 44.08) are repealed.

(k) In this section

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

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

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

*Sec. 2. AS 44.06.210(c) is amended to read:

(c) The members are entitled to receive $200 [$100] per day for their service on the commission and per diem and travel expenses as authorized by law.

*Sec. 3. AS 44.06 is amended by adding a new section to read:

Sec. 44.06.235. **PLANS.** (a) The purpose of the commission is to prepare detailed plans for development of the capital site within the guidelines enumerated in this chapter.

(b) A basic development plan shall be completed in time to meet the requirements of AS 44.06.196 and shall be subject to public comment during its formulation. Following completion of the basic development plan, the commission shall make public presentations of it throughout the state.

(c) The basic development plan shall

(1) 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; however, the plan shall assume that the development of commercial, industrial, and residential facilities shall be provided by the private sector to the maximum extent feasible;

(2) include provisions addressing each element described in (1) of this subsection in terms of its social and economic impact;

(3) 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; and

(4) develop a planning and implementation work program.

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

(e) The commission shall conduct an analysis of the opportunity for the reorganizing and regionalization of state government, and develop a list of executive agencies that 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.

(f) The commission shall recommend to the legislature the type of development entity that would be responsible for capital city development as well as the powers and authority that should be vested in this development entity.

(g) The commission shall conduct a cost analysis that includes proposed construction schedules and related cost studies including but not limited to construction costs and escalation and energy-efficient construction costing. The commission shall also prepare financing analysis including the investigation of funding alternatives and submission of a recommended financial plan to the legislature.

(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) The commission shall provide a comprehensive assessment of the social, economic and environmental impact on the Matanuska-Susitna Borough and the City and Borough of Juneau 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. 4. AS 44.06 is amended by adding new sections to read:

Sec. 44.06.270. **GENERAL DEVELOPMENT PLAN.** (a) Simultaneously with the preparation of the basic development plan under AS 44.06.196(d) and 44.06.235(b), the commission shall begin preparation of a general development plan for the new capital site at Willow. To the extent that they are not adequately covered by the basic development plan prepared by the commission, the general development plan shall include, but is not limited to,

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

(2) an estimate of the cost, number, nature, and general locations of governmental and institutional facilities relating to use of the site as the new capital of the state, public transportation and major arterial street systems, parks and recreational facilities, water, sewer and drainage systems, electric, telephone and other energy or communications systems or utilities, and health, educational and community facilities;

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

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

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

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

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

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

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

community of the state selected by the commission. Public notice of a hearing under this subsection shall be given by the commission by publication in a newspaper of general circulation in the community.

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

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

(f) An amendment to the general development plan takes effect on the date set by the commission. However, a major amendment may not take effect unless it is reviewed by the Matanuska-Susitna Borough in accordance with (d) of this section.

Sec. 44.06.280. **SPECIFIC DEVELOPMENT PLANS.** (a) Simultaneously with the preparation of the basic development plan under AS 44.06.196(d) and 44.06.235(b), the commission shall also begin preparation of one or more specific development plans for the new capital site at Willow. A specific development plan includes, but is not limited to,

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

(2) a detailed and specific statement of the proposed uses in the area to be developed, including proposed locations of all buildings and structures;

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

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

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

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

(7) any additional statements or documentation that the commission considers necessary or appropriate.

(b) A specific development plan shall be approved by the commission only after the general development plan has been adopted by the commission. A specific development plan becomes effective only after review and comment by the assembly of the Matanuska-Susitna Borough. The assembly shall submit its comments within 60 days of submission of the plan to the assembly.

(c) Amendments to a specific development plan may be made according to the procedure established in this section for approval of a specific development plan.

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

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

(f) Approval of a specific development plan is an amendment to the relevant portion of the general development plan. A specific development plan which constitutes a substantial change from the general development plan is subject to the provisions applicable to amendments to the general development plan under AS 44.06.270(d) and (e).

Sec. 44.06.290. **LAND.** Land within the new capital site at Willow reserved by the commissioner of natural resources under AS 44.06.130 as "reserved use land" may not be classified and made available for homesites under AS 38.08.

Sec. 44.06.299. **DEFINITION.** In AS 44.06.195—44.06.299, "commission" means the New Capital Site Planning Commission.

*Sec. 5. AS 44.06.230 is repealed.

*Sec. 6. **FILLING VACANCIES IN COMMISSION MEMBERSHIP; MEETING.** Within 15 days after the effective date of this Act, the governor shall fill any vacancies in the membership of the New Capital Site Planning Commission and shall call the first meeting of the commission.

*Sec. 7. **REPORTS.** The New Capital Site Planning Commission shall provide reports of its work under AS 44.06.196, 44.06.235, and 44.06.270—44.06.299 by April 15, 1982, and August 16, 1982. These reports shall be distributed to the governor, presiding officers of the legislature, chief justice of the supreme court, and the general public.