

1 IN THE HOUSE

BY THE HEALTH, WELFARE
AND EDUCATION COMMITTEE

2 HOUSE CONCURRENT RESOLUTION NO. 7

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 Relating to a study of the problem of
6 mental health, competency, laws relat-
7 ing to commitment, sentencing and
8 treatment of accused with mental prob-
9 lems, availability of community mental
10 health and retardation matching grants
11 under existing federal laws, and the
12 need for revision and enactment of
13 Alaska statutes in connection with
14 these matters.

15 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CON-
16 CURRING:

17 WHEREAS, the laws relating to mental health, competency,
18 mental condition, the care, commitment and treatment of the
19 mentally ill, are confused in their definitions and placement in
20 Alaska statutes and have no cross references or clarity; and

21 WHEREAS, there is no law for the restoration of competency
22 and confusion has arisen with regard to the treatment of those
23 accused of crime who are suffering from various forms of mental
24 illness; and

25 WHEREAS, the state, local governments and nonprofit institu-
26 tions may desire to participate in the various federal laws re-
27 lating to community mental health facilities for the mentally ill
28 and retarded, and state laws must perhaps be revised in order to
29 so participate; and

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1 WHEREAS, Governor William A. Egan, in his annual message to
2 the legislature, urged that a study of the problem be made by the
3 Legislative Council and the Governor 's Advisory Committee on
4 Mental Health Planning;

5 BE IT RESOLVED that

6 (1) The Legislative Council is directed to study and,
7 if necessary conduct public hearings on the need for new and
8 for remedial legislation in the matter of mental health and
9 mental condition, or competency, and of all laws pertaining
10 thereto, including the study of all definitions or lack of
11 definitions appearing in Alaska statutes, incompetency and
12 declarations of incompetency, the restoration of competency,
13 the appointment of, and standards for appointment of guardi-
14 ans of the person and property of individuals, all laws
15 dealing with accused individuals who are mentall ill, and
16 the like;

17 (2) The Council is likewise directed to study the need
18 for further legislation to enable local government bodies
19 and nonprofit institutions to participate in the comprehen-
20 sive mental health program envisioned by P.L. 88-164 and
21 P.L. 88-156, which are concerned with the planning grants
22 for mental health and mental retardation that have been made
23 to the state;

24 (3) The Council is further directed to study the neces-
25 sity for clarifying, rearranging and modernizing the Alaska
26 Mental Health Program Act (AS 47.30.010 - 340), and the need
27 for a system of cross referencing the various acts dealing
28 with mental condition presently found in 14 titles of the
29 code;

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(4) The Council shall further study the need for a mental health code, as opposed to a statute, so that the laws can be approached without the present difficulties;

(5) The Council shall coordinate its hearings and studies with the Governor's Advisory Committee on Mental Health Planning;

(6) Legislative Council recommendations on the subject, together with drafts of remedial or new legislation that it may deem necessary, shall be submitted to the legislature.