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1 IN THE HOUSE

2

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the interim management of mental

7

health trust land; and providing for an effective

8

date."

9

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

10

* Section 1. The legislature finds that

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(1) the Congress granted 1,000,000 acres of land to the Terri-
12 tory of Alaska to be administered as a public trust for the necessary
13 expenses of the support of mental health in the territory;

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(2) the land authorized to be granted to the Territory of Alaska
15 has been selected by the territory and since statehood by the state and
16 most of the 1,000,000 acres has been conveyed to the state;

17

(3) the Alaska Supreme Court ruled in State v. Weiss, 706 P.2d
18 681 (Alaska 1985) that the legislation redesignating mental health trust
19 land as general grant land had actually breached the trust established by
20 Congress and the court ordered the trust reconstituted;

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(4) there is presently no statutory authority providing for the
22 interim management of the mental health trust land as trust land, Weiss et
23 al. v. State, 4FA 82 2208 CIV;

24

(5) the Alaska Mental Health Association as the original sponsor
25 of the litigation regarding the management of the mental health trust land,
26 more recently participating as intervenor in the litigation, and the plain-
27 tiffs have performed and continue to perform an important public function
28 in their efforts to reconstitute the mental health land and to provide for
29 the proper management of the trust;

1 (6) there is an immediate need for funds to facilitate the
2 reconstruction of the trust and to conclude the litigation over the status
3 of the mental health land; and

4 (7) there is an immediate need for the interim management of the
5 land as a public trust.

6 * Sec. 2. INTERIM MENTAL HEALTH TRUST LAND COMMISSION ESTABLISHED. (a)
7 The interim mental health trust land commission is established.

8 (b) The members of the commission established under (a) of this
9 section include the commissioner of revenue and the commissioner of health
10 and social services, or their designees, and three members appointed by the
11 governor as follows:

12 (1) one member nominated by the plaintiffs;

13 (2) one member nominated by the intervenors; and

14 (3) one member nominated by the Governor's Mental Health Ad-
15 visory Council.

16 (c) The members of the commission shall elect a presiding officer. A
17 majority of the commission constitutes a quorum. The affirmative vote of
18 three members is required to take official action. A vacancy does not
19 impair the power of the remaining members to exercise the powers of the
20 commission.

21 (d) Members of the commission who are not members of the commission
22 ex officio are in the exempt service and are entitled to a monthly salary
23 equal to Step C, Range 26 of the salary schedule in AS 39.27.011(a) for
24 Juneau, Alaska.

25 * Sec. 3. RESPONSIBILITIES OF THE COMMISSION. (a) The commission
26 shall inventory and catalog the mental health trust land of the state,
27 shall audit each land transaction involving the mental health trust land of
28 the state, and determine the status of mental health trust land on the
29 effective date of this Act. In the exercise of the commission's

1 responsibilities under this section, the commission may review the records
2 of the Department of Natural Resources.

3 (b) The commission is responsible for the management of the mental
4 health land of the state as a public trust under P.L. 84-830, 70 Stat. 709.
5 The commission may contract with the plaintiffs or the intervenors for the
6 performance of functions assigned to it. The commissioner of natural
7 resources may not transfer, sell, lease, or exchange mental health trust
8 land of the state or an interest in the mental health trust land of the
9 state without the approval of the commission and the concurrence of counsel
10 for both the plaintiffs and intervenors, or approval by the court. The
11 commission shall seek to provide sufficient funds for the support of the
12 mental health program of the state from the management of its mental health
13 trust land.

14 (c) The proceeds from the management of the mental health trust land
15 of the state shall be deposited in a special trust account in the general
16 fund of the state and may be appropriated by the legislature for the
17 support of the mental health program in the state.

18 (d) The commission shall make an annual report to the legislature on
19 matters of concern to it including recommendations of the commission for
20 amendment of the laws relating the management of the mental health trust
21 land of the state.

22 * Sec. 4. DEFINITION. In secs. 2 and 3 of this Act "commission" means
23 the interim mental health trust land commission established in sec. 2 of
24 this Act.

25 * Sec. 5. Sections 1 - 4 of this Act are repealed July 1, 1988.

26 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
27 10.070(c).