

Offered: 4/18/86
Referred: Finance

Original sponsors: Pignalberi, Gruenberg,
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1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128 (Judiciary)
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. INTERIM MENTAL HEALTH TRUST LAND COMMISSION ESTABLISHED.
11 (a) The interim mental health trust land commission is established in the
12 Department of Natural Resources.
13 (b) The commission established under (a) of this section consists of
14 five members, including the commissioner of natural resources and the
15 commissioner of health and social services and three members appointed by
16 the governor as follows:
17 (1) a member representing the plaintiffs, appointed by the
18 governor from a list of three names submitted to the governor by the plain-
19 tiffs in State v. Weiss, 706 P.2d 681 (Alaska 1985);
20 (2) a member representing the intervenors, appointed by the
21 governor from a list of three names submitted to the governor by the inter-
22 venors in State v. Weiss; and
23 (3) a member representing the Governor's Mental Health Advisory
24 Council, appointed by the governor from a list of three names submitted to
25 the governor by the Governor's Mental Health Advisory Council.
26 (c) The members of the commission shall elect a presiding officer. A
27 majority of the commission constitutes a quorum. The affirmative vote of
28 three members is required to take official action. A vacancy does not
29 impair the power of the remaining members to exercise the powers of the

1 commission. A member of the commission may designate an individual to
2 represent the member at a meeting of the commission. An individual des-
3 ignated under this subsection may vote and has all the powers of a member.

4 (d) Members of the commission serve without compensation but are
5 entitled to per diem and travel expenses authorized by law for other boards
6 under AS 39.20.180.

7 (e) The commission may employ an executive director and staff to
8 assist it in fulfilling its responsibilities under this Act. The executive
9 director of the commission is in the exempt service under AS 39.25.110.

10 * Sec. 2. RESPONSIBILITIES OF THE COMMISSIONER OF NATURAL RESOURCES AND
11 THE COMMISSION. (a) The commissioner of natural resources shall inventory
12 and catalog the mental health trust land, shall audit each transaction
13 involving land that has been part of the mental health trust land, and
14 shall determine the status of mental health trust land under procedures and
15 guidelines established by the commissioner of natural resources as directed
16 by the commission.

17 (b) As directed by the commission, the commissioner of natural re-
18 sources shall retain appraisers to appraise land that was part of the
19 mental health trust. The commissioner shall provide the appraisers with
20 written procedures and instructions that have been adopted by the commis-
21 sion.

22 (c) The commissioner of natural resources shall manage the mental
23 health trust land as a public trust under P.L. 84-830, 70 Stat. 709, under
24 the direction of the commission. The commissioner of natural resources may
25 not sell, lease, or exchange mental health trust land or an interest in the
26 mental health trust land without the prior approval of the commission. The
27 commissioner of natural resources shall sell, lease, and exchange mental
28 health trust land as directed by the commission. The commissioner of
29 natural resources may transfer trust land to the federal government under

1 AS 38.05.035(b)(9) without the approval of the commission. The commis-
2 sioner of natural resources shall advise the commission of an intention to
3 transfer any trust land to the federal government and, after the transfer,
4 shall make every effort to ensure that the federal government will transfer
5 to the state trust land of equal value. In managing the trust and the
6 trust land the commission and the commissioner shall be guided by the
7 principles established for the Board of Trustees of the Alaska Permanent
8 Fund Corporation under AS 37.13.120(a).

9 (d) The income from the management of the mental health trust land
10 shall be deposited in a special trust account in the general fund of the
11 state and may be appropriated by the legislature only for the support of
12 the mental health program in the state.

13 * Sec. 3. RESPONSIBILITIES OF THE COMMISSIONER OF HEALTH AND SOCIAL
14 SERVICES AND THE COMMISSION. The commissioner of health and social ser-
15 vices, as directed by the commission, shall

16 (1) select auditors to audit the state's mental health program;

17 (2) establish the procedures and guidelines to guide the audi-
18 tors selected under this subsection;

19 (3) propose the guidelines and procedures to be used in de-
20 termining a range of expenditures for mental health programs necessary to
21 comply with the state's comprehensive mental health plan.

22 * Sec. 4. ADDITIONAL RESPONSIBILITIES OF THE COMMISSION. The commis-
23 sion shall report to the legislature on February 1 of each year on matters
24 of concern to it including recommendations for amendment of laws relating
25 to the management of the mental health trust, the mental health trust land,
26 and the mental health program of the state.

27 * Sec. 5. DEFINITION. In secs. 1 - 4 of this Act "commission" means
28 the interim mental health trust land commission established in sec. 1 of
29 this Act.

- 1 * Sec. 6. Sections 1 - 5 of this Act are repealed July 1, 1988.
- 2 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
- 3 10.070(c).