

Offered: 5/10/86
Referred: Rules

Original sponsor: Health, Education and
Social Services Committee

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 472 (Finance)

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 the
7 mental health trust; 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 COMMISSION ESTABLISHED. (a)

11 The interim mental health trust commission is established in the Department
12 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, or their designees, and three
16 members and three alternates appointed by the governor as follows:

17 (1) a member and an alternate representing the plaintiffs,
18 appointed by the governor from a list of three names submitted to the
19 governor by the plaintiffs in Weiss v. State, 4 FA 82-2208 Civil;

20 (2) a member and an alternate representing the intervenors,
21 appointed by the governor from a list of three names submitted to the
22 governor by the intervenors in Weiss v. State, 4 FA 82-2208 Civil; and

23 (3) a member and an alternate representing the Governor's Mental
24 Health Advisory Council, appointed by the governor from a list of three
25 names submitted to the governor by the Governor's Mental Health Advisory
26 Council.

27 (c) The members of the commission shall elect a presiding officer. A
28 majority of the commission constitutes a quorum. The affirmative vote of
29 three members is required to take official action. A vacancy does not

1 impair the power of the remaining members to exercise the powers of the
2 commission.

3 (d) In the absence of the member, an alternate appointed under (b) of
4 this section may vote and has all the powers of a member.

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

8 (f) The commission shall meet at least quarterly and may meet more
9 frequently, either in person or by teleconference.

10 (g) The commission shall prepare a budget allocating the funds appro-
11 priated to it for the performance of its responsibilities and may contract
12 with parties or individuals for the performance of functions it considers
13 necessary, including the services of an executive director and staff.

14 * Sec. 2. RESPONSIBILITIES OF THE COMMISSIONER OF NATURAL RESOURCES AND
15 THE COMMISSION. (a) The commissioner of natural resources shall inventory
16 and catalog the mental health trust land of the state, shall audit and
17 appraise each transaction involving land that has been part of the mental
18 health trust land of the state, and determine the status of mental health
19 trust land on October 4, 1985, under procedures and guidelines established
20 by the commissioner of natural resources with the approval of the commis-
21 sion. In the exercise of the commission's responsibilities under this
22 section, the commission and its staff may review the records of the Depart-
23 ment of Natural Resources that are made confidential by law or regulation.

24 (b) An individual who acquires information made confidential by law
25 or regulation in the performance of functions authorized by this Act and
26 discloses it without proper authority violates AS 11.56.860.

27 (c) The commissioner of natural resources shall, with the approval of
28 the commission, retain an appraiser or appraisers to appraise all or a
29 portion of land that, at any time, was part of the mental health trust land

1 of the state. The commissioner shall provide an appraiser conducting an
2 appraisal with written procedures and instructions that have been approved
3 by the commission.

4 (d) The commissioner of natural resources is responsible for the
5 management of the mental health land of the state as a public trust under
6 P.L. 84-830, 70 Stat. 709. Except as provided in (e) of this section, the
7 commissioner of natural resources may not sell, lease, or exchange mental
8 health trust land of the state or an interest in the mental health trust
9 land of the state without the prior approval of the commission. In review-
10 ing a proposal for the sale, lease, or exchange of mental health trust land
11 from the commissioner of natural resources, the commission may approve the
12 proposal of the commissioner on its determination that the proposal is
13 consistent with the terms of the trust established by the Alaska Mental
14 Health Enabling Act.

15 (e) The commissioner of natural resources may transfer trust land to
16 the federal government under AS 38.05.035(b)(9) without approval of the
17 commission. The commissioner of natural resources shall advise the commis-
18 sion of an intention to transfer trust land to the federal government and,
19 after the transfer, shall make every effort to acquire replacement land to
20 fulfill the state's remaining entitlement based on a prioritization, ap-
21 proved by the commission, of existing valid mental health selection.

22 (f) The proceeds from the management of the mental health trust land
23 of the state shall be deposited in a special trust account in the general
24 fund of the state and shall first be applied to meet the necessary expenses
25 of the mental health program of the state.

26 * Sec. 3. RESPONSIBILITIES OF THE COMMISSIONER OF HEALTH AND SOCIAL
27 SERVICES AND THE COMMISSION. (a) The commissioner of health and social
28 services, with the approval of the commission, shall

29 (1) establish the procedures and guidelines for the audit of the

1 state's mental health program; and

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

5 (b) The legislative auditor shall audit the state's mental health
6 program under the procedures and guidelines established in (a) of this
7 section.

8 * Sec. 4. ADDITIONAL RESPONSIBILITIES OF THE COMMISSION. The commis-
9 sion shall submit a report to the legislature by the 10th day of the First
10 Session of the Fifteenth State Legislature on matters of concern to the
11 commission. The report shall include its recommendations for amendment of
12 the laws relating to the management of the mental health trust account, the
13 mental health trust land, and the mental health program of the state.

14 * Sec. 5. DEFINITION. In this Act "commission" means the interim
15 mental health trust commission established in sec. 1 of this Act.

16 * Sec. 6. This Act is repealed July 1, 1987.

17 * Sec. 7. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).