

1 IN THE SENATE

BY POURCHOT

2

SENATE RESOLUTION NO. 10

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

Establishing a Senate Special Committee

6

on Mental Health.

7 BE IT RESOLVED BY THE SENATE:

8 WHEREAS the United States Congress granted 1,000,000 acres of land to
9 the Territory of Alaska to be administered as a public trust for the neces-
10 sary expenses and support of mental health in the territory; and

11 WHEREAS in October 1985 the Alaska Supreme Court determined that the
12 1978 decision of the Alaska Legislature to redesignate mental health trust
13 land as general grant land had breached the trust established by the Con-
14 gress; and

15 WHEREAS the Fourteenth Alaska State Legislature established a Joint
16 Special Committee on Mental Health to develop a proposal to settle the
17 mental health trust litigation; and

18 WHEREAS the settlement, which is embodied in Chapter 48, SLA 1987,
19 sets out a procedure for reconstituting the trust with land currently in
20 legislative designations that is determined to be equal in value to the
21 original 1,000,000 acres of land granted by Congress, establishes a mental
22 health trust income account funded by annual payments by the state in
23 return for use of the mental health trust land and from which appropria-
24 tions for the necessary expenses of the state's mental health program are
25 to be made, and establishes a mental health board to assist the state in
26 ensuring a comprehensive mental health program; and

27 WHEREAS, since enactment of Chapter 48, SLA 1987, valuation of the
28 original 1,000,000 acres of land has been undertaken but has not been
29 finalized despite the expenditure of more than \$2,800,000 for plaintiffs'

1 and intervenors' costs, attorney fees, and other state costs; and

2 WHEREAS the mental health trust income account has been established,
3 but a 1988 ruling by the state superior court that the mental health trust
4 includes beneficiary groups not identified at the time the account was
5 established has created considerable confusion in fully using the account;
6 and

7 WHEREAS the Alaska Mental Health Board has been appointed and is
8 operational but some persons feel that its membership does not reflect the
9 additional beneficiary groups identified by the superior court; and

10 WHEREAS these problems in implementation of Chapter 48, SLA 1987,
11 threaten the settlement of the litigation and the status of the original
12 1,000,000 acres of land, and may affect the state's operating budget;

13 BE IT RESOLVED by the Senate that a Senate Special Committee on Mental
14 Health is established under Uniform Rule 21; and be it

15 FURTHER RESOLVED that the Senate Special Committee on Mental Health is
16 composed of three members of the Senate appointed by the president of the
17 Senate; and be it

18 FURTHER RESOLVED that the committee conduct oversight hearings on the
19 implementation of the settlement of the mental health trust litigation,
20 including the reconstitution of the mental health land trust, use of the
21 mental health trust income account, the responsibilities and composition of
22 the Alaska Mental Health Board, and other problems that might be brought to
23 the committee's attention; and be it

24 FURTHER RESOLVED that the committee facilitate, to the extent possi-
25 ble, resolution of the problems hindering settlement; and be it

26 FURTHER RESOLVED that the committee is authorized to meet during and
27 between sessions of the legislature; and be it

28 FURTHER RESOLVED that the committee terminates upon convening of the
29 First Session of the Seventeenth Alaska State Legislature.