

## SENATE BILL NO. 383

IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SPECIAL SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 9/26/94  
Referred: Finance

## A BILL

## FOR AN ACT ENTITLED

1 "An Act making and amending appropriations relating to the mental health trust  
2 fund, the mental health trust income account, and the mental health trust  
3 settlement income account; and providing for an effective date."

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

5 \* Section 1. Section 1(a), ch. 6, FSSLA 1994, is amended to read:

6 (a) The sum of \$200,000,000 is appropriated to the mental health trust fund  
7 (AS 37.14.031), added by sec. 11, ch. 66, SLA 1991, from the following sources, in  
8 the amounts listed, to capitalize the mental health trust fund:

9	SOURCE	APPROPRIATION
10	(1) Mental health trust income	\$ 33,000,000
11	account (AS 37.14.011) [BALANCE	
12	ON JUNE 30, 1995]	
13	(2) Department of Natural Resources -	11,700,000
14	mental health trust income in the	

1	general fund	
2	<u>(3)</u> Proceeds from sale of Department of	25,000,000
3	Natural Resources land sale	
4	contract portfolio	
5	<u>(4)</u> Budget reserve fund (art. IX, sec. 17(c),	130,300,000
6	Constitution of the State of Alaska)	

7 \* Sec. 2. Section 1(b), ch. 6, FSSLA 1994 is amended to read:

8 (b) The appropriations made by (a), (f), and (g) of this section are contingent  
9 upon

10 (1) the enactment into law of a bill passed by the Eighteenth Alaska  
11 State Legislature that amends ch. 66, SLA 1991, and contains other provisions relating  
12 to the mental health land trust and mental health land trust litigation (Weiss v. State,  
13 4FA-82-2208 Civil); and

14 (2) not later than December 15, 1994,

15 (A) the superior court of the State of Alaska having made a  
16 [FINAL] determination that the state has satisfied its obligation to reconstitute  
17 the mental health trust under State v. Weiss, 706 P.2d 681 (Alaska 1985); and

18 (B) the superior court having entered an [A FINAL] order  
19 dismissing Weiss v. State, 4FA-82-2208 Civil; AND

20 (C) THE TIME FOR APPEALS OF THAT DETERMINATION  
21 AND THAT ORDER HAVING EXPIRED WITH NO APPEALS HAVING  
22 BEEN TAKEN AS OF THAT DATE OR ANY APPEALS TAKEN HAVING  
23 BEEN FINALLY RESOLVED AND THE ORDER DISMISSING WEISS V.  
24 STATE, 4FA-82-2208 CIVIL, HAVING BEEN AFFIRMED ON APPEAL].

25 \* Sec. 3. Section 1(e), ch. 6, FSSLA 1994 is amended to read:

26 (e) The appropriations made by (a), (f), and (g) of this section are for the  
27 capitalization of funds and do not lapse.

28 \* Sec. 4. Section 1, ch. 6, FSSLA 1994 is amended by adding new subsections to read:

29 (f) If the money available for appropriation from a funding source identified  
30 in (a)(1), (3), or (4) of this section is less than the amount appropriated by any of those  
31 paragraphs, then the amount necessary to cover the shortfall is appropriated from the

1 unappropriated balance of mental health trust income deposited in the general fund.

2 (g) If the money available for appropriation from a funding source identified  
3 in (a)(2), (a)(3), (a)(4), or (f) of this section is less than the amount necessary to  
4 entirely fund any of the appropriations made by (a)(2), (a)(3), (a)(4), or (f) of this  
5 section, then an amount equal to the shortfall, remaining after the appropriation under  
6 (f) of this section is made, is appropriated from the unappropriated money in the  
7 mental health trust income account (AS 37.14.011).

8 \* Sec. 5. If the amount in the mental health trust income account (AS 37.14.011) is  
9 insufficient to fund appropriations from that account passed by the Eighteenth Alaska  
10 Legislature or a previous legislature, and enacted into law, the amount necessary to fund those  
11 appropriations is appropriated from the general fund to the mental health trust income account  
12 (AS 37.14.011).

13 \* Sec. 6. (a) On the date that AS 37.14.011(a) is repealed, the balance of the mental  
14 health trust income account (AS 37.14.011) is transferred to the general fund.

15 (b) The unexpended, unobligated, and unencumbered balances of appropriations from  
16 the mental health trust income account (AS 37.14.011) that lapse after the repeal of  
17 AS 37.14.011(a) lapse into the general fund.

18 \* Sec. 7. Expenditures, made in accordance with law, from the mental health trust income  
19 account (AS 37.14.011) on or after June 24, 1994, and before the effective date of this section,  
20 are ratified.

21 \* Sec. 8. (a) The sum of \$200,000,000 and an amount equivalent to the amount deposited  
22 in the mental health trust fund (AS 37.14.031) that is attributable to inflation proofing  
23 \$200,000,000 of the principal of that fund, determined as of the date of the repeal of  
24 AS 37.14.031, is appropriated from that fund to the general fund.

25 (b) The unexpended and unobligated balance remaining in the mental health trust fund  
26 (AS 37.14.031) after the appropriation made by (a) of this section is appropriated to the  
27 mental health trust income and proceeds account (AS 37.14.013).

28 \* Sec. 9. The unexpended and unobligated balance in the mental health trust settlement  
29 income account (AS 37.14.036) on the date of the repeal of AS 37.14.036 is appropriated to  
30 the mental health trust income and proceeds account (AS 37.14.013).

31 \* Sec. 10. Sections 8 and 9 of this Act take effect only if a dismissal of Weiss v. State,

1 4FA-82-2208 Civil, by the superior court is reversed on appeal, including a petition for  
2 certiorari to the United States Supreme Court.

3 \* Sec. 11. Section 1(c), ch. 6, FSSLA 1994, is repealed.

4 \* Sec. 12. Sections 1 - 7 and 11 of this Act are retroactive to June 24, 1994.

5 \* Sec. 13. If they take effect under sec. 10 of this Act, secs. 8 and 9 of this Act take effect  
6 on the date that an order of dismissal entered by the superior court of Weiss v. State, 4FA-82-  
7 2208 Civil, is reversed on appeal, including a petition for certiorari to the United States  
8 Supreme Court. The attorney general shall certify that date to the lieutenant governor and the  
9 revisor of statutes.

10 \* Sec. 14. Except as provided in sec. 13 of this Act, this Act takes effect immediately  
11 under AS 01.10.070(c).