

HOUSE
COMMITTEE REPORT

4/18

(7)

Date referred: 3/26/86

FURTHER REFERRALS:

FINANCE

DATE: _____

The JUDICIARY Committee has considered SSHB 128

"An Act relating to the interim management of mental health trust land; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS SSB 128 (JUD) same title
- new title

and recommends do pass

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Chairman

HOUSE

COMMITTEE REPORT

3/26

JUDICIARY

(7)

Date referred: 2/17/86

FURTHER REFERRALS: FINANCE

DATE: March 25, 1986

The RESOURCES Committee has considered SSHB 128

"An Act relating to the interim management of mental health trust land; and providing for an effective date."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with CS for SSHB 128 (Resources) same title
- new title

and recommends No recommendation

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

sup 102

Sunsite in 1988, there is no further fiscal impact beyond per Dept Nat Rec. Do Not Mention Journal

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Shultz

Dink Shultz

Gato

Bette Gato

Wallis

F. Kay Wallis

Wendell Pearce NO REC

David W. Thompson NO REC

Albert H. Herrmann No Rec.

John Sund

Dink Shultz
Co-Chairman Shultz

Bradley

Offered: 4/18/86
Referred: Finance

Original sponsors: Pignalberi, Gruenberg,
Boucher, et al

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 12. (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 veners 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(L)(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.

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* Sec. 6. Sections 1 - 5 of this Act are repealed July 1, 1988.

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

Offered: 3/26/86
Referred: Judiciary and
Finance

(Fin) Note
Sup 102

Bradley

Original sponsors: Pignalberi, Gruenberg,
Boucher, et al

1 IN THE HOUSE

BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "A 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

11 (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;

14 (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;

21 (4) there is presently no statutory authority providing for the
22 management of the mental health trust land as trust land, Weiss et al. v.
23 State, 4 FA 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 trust land and to pro-
29 vide for the proper management of the trust land;

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

4 (7) there is an immediate need for the interim management of the
5 trust 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 in the
8 Department of Natural Resources.

9 (b) The commission established under (a) of this section consists of
10 five members, including the commissioner of natural resources and the
11 commissioner of health and social services, or their designees, and three
12 members appointed by the governor as follows:

13 (1) a member representing the plaintiffs, appointed by the
14 governor from a list of three names submitted to the governor by the plain-
15 tiffs in State v. Weiss, 706 P.2d 681 (Alaska 1985);

16 (2) a member representing the intervenors, appointed by the
17 governor from a list of three names submitted to the governor by the inter-
18 venors in State v. Weiss, 706 P.2d 681 (Alaska 1985); and

19 (3) a member representing the Governor's Mental Health Advisory
20 Council, appointed by the governor from a list of three names submitted to
21 the governor by the Governor's Mental Health Advisory Council.

22 (c) The members of the commission shall elect a presiding officer. A
23 majority of the commission constitutes a quorum. The affirmative vote of
24 three members is required to take official action. A vacancy does not
25 impair the power of the remaining members to exercise the powers of the
26 commission.

27 (d) Members of the commission serve without compensation but are
28 entitled to per diem and travel expenses authorized by law for other boards
29 under AS 39.20.130.

1 (e) The commission shall meet at least once a month.

2 (f) The commission may employ an executive director and staff to
3 assist it in fulfilling its responsibilities under this Act.

4 * Sec. 3. RESPONSIBILITIES OF THE COMMISSIONER OF NATURAL RESOURCES AND
5 THE COMMISSION. (a) The commissioner of natural resources inventory and
6 catalog the mental health trust land of the state, shall audit each land
7 transaction involving land that has been part of the mental health trust
8 land of the state, and determine the status of mental health trust land on
9 the effective date of this Act under procedures and guidelines established
10 by the commissioner of natural resources with the approval of the commis-
11 sion. In the exercise of the commission's responsibilities under this
12 section, the commission may review the records of the Department of Natural
13 Resources.

14 (b) The commissioner of natural resources shall, with the approval of
15 the commission, retain an appraiser to appraise all or a portion of land
16 that, at any time, was part of the mental health trust land of the state.
17 The commissioner shall provide the appraiser conducting the appraisal with
18 written procedures and instructions that have been approved by the commis-
19 sion.

20 (c) The commissioner of natural resources is responsible for the
21 management of the mental health land of the state as a public trust under
22 P.L. 84-830, 70 Stat. 709, under the direction of the commission. The
23 commission may contract with the plaintiffs or the intervenors for the
24 performance of functions assigned to it. The commissioner of natural
25 resources may not sell, lease, or exchange mental health trust land of the
26 state or an interest in the mental health trust land of the state without
27 the prior approval of the commission. The commissioner of natural re-
28 sources shall sell, lease, and exchange mental health trust land of the
29 state as directed by the commission. In managing the trust and the trust

1 land the commission and the commissioner shall seek to maximize the income
2 earned and received by the trust consistent with a trustee's obligation to
3 protect and perpetuate the trust.

4 (d) The proceeds from the management of the mental health trust land
5 of the state shall be deposited in a special trust account in the general
6 fund of the state and may be appropriated by the legislature for the sup-
7 port of the mental health program in the state.

8 * Sec. 4. RESPONSIBILITIES OF THE COMMISSIONER OF HEALTH AND SOCIAL
9 SERVICES AND THE COMMISSION. (a) The commissioner of health and social
10 services, with the approval of the commission, shall

11 (1) select an independent auditor to audit the state's mental
12 health program;

13 (2) establish the procedures and guidelines to guide the auditor
14 selected under this subsection;

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

18 (b) The commission may review the records of the Department of Health
19 and Social Services that involve mental health expenditures under the
20 state's comprehensive mental health plan.

21 * Sec. 5. ADDITIONAL RESPONSIBILITIES OF THE COMMISSION. The commis-
22 sion shall make an annual report to the legislature on matters of concern
23 to it including recommendations of the commission for amendment of the laws
24 relating the management of mental health trust, the mental health trust
25 land, and the mental health program of the state.

26 * Sec. 6. DEFINITION. In secs. 2 - 5 of this Act "commission" means
27 the interim mental health trust land commission established in sec. 2 of
28 this Act.

29 * Sec. 7. Sections 1 - 6 of this Act are repealed July 1, 1988.

1 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
2 10.070(c).
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Brodey

Introduced: 2/17/86
Referred: Resources,
Judiciary and Finance

BY PIGNALBERI, GRUENBERG,
BOUCHER, JENKINS, KOPONEN,
SZYMANSKI, M.M. MILLER AND
GOLI.

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

11 (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;

14 (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;

21 (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).

Handwritten notes:
 4/26
 5/1/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

REQUEST Page 1 of 4

Bill/Resolution No. : CSSSHB 128 (Res)
 Title : Interim Mental Health Land Management Commission
 Sponsor : Signalberi
 Requestor House Resources
 Date of Request : 2-24-86

Revision Date : _____

FISCAL DETAIL

Agency Affected : DMP
 BRU : Land/Water Mgmt.
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		198.4	160.6			
TRAVEL		25.0	24			
CONTRACTUAL		302.0	17.8			
SUPPLIES		4.6	1.4			
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		531.9	203.8			

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		531.9	203.8			

POSITIONS :

FULL-TIME		5	4			
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See Attached

Prepared by : Mike Vediner Phone : 465-2400
 Division : Commissioner's Office Date : _____
 Approved by Commissioner : Wm D Arnold Date : 3/24/86
 Agency : Department of Natural Resources

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Department of Natural Resources

3-24-86

CSSSHB 128(Res) Page 2 of 4
Fiscal Note Addendum

Analysis

Several detailed reports, audits, and appraisals would be required under this bill, and indeed are required under the Supreme Court decision in Weiss v. Alaska, as interpreted by the Attorney General's Office. No funding is included for contracting with the plaintiffs and intervenors in the case.

FY 87

1. Account for all funds or land received from conveyances and exchanges made between July 19, 1978 and October 4, 1985. Estimated costs: \$40,800.

We estimate that 4,650 cases (2,370 land conveyances, 1,370 mining claims, 390 rights-of-way, 275 land leases, 25 timber or material sales, 110 oil and gas or coal leases, and 110 miscellaneous cases) will have to be audited to determine the amount received and/or appraised. Land discounts will have to be accounted for during this process. This process will take a Natural Resource Officer I approximately one year (37.8 personal services; 1.0 travel; 1.5 contractual; 0.5 commodities).

2. Identify and appraise all less than fair market value conveyances and encumbrances. Estimated costs: \$304,800.

These appraisals will be performed contractually. However, the department must prepare reports and maps containing information about each parcel before the contract can be let. We also note that these appraisals cover only those mental health parcels that are no longer in trust status. The approximately 700,000 acres in trust status are not to be appraised. If section 3(b) of the bill intends that all mental health land be appraised, then the cost will be \$1,206,100.

The reports and maps must take approximately 1,100 parcels into consideration. We expect this project to take a single Natural Resource Officer I three months to complete. Additionally, the project will need funding for supplies and contractual clerical services (9.5 personal services; .5 contractual; .2 commodities).

The appraisals are expected to cost \$294,600. We project that approximately 820 parcels totalling 268,000 acres will need appraisals at an estimated cost of \$215,000. In

addition, approximately 276 leases must be reappraised at five-year intervals (the Legislature created a first term of 25 years during which time rents cannot be raised). The approximate cost of these lease reappraisals is \$79,600.

In meeting the court stipulated appraisal for mental health land values as of July 19, 1978, the department used an Opinion of Value Panel approach which has subsequently caused the plaintiffs and intervenors much concern. Using this approach here, the estimate for appraisals reduces to \$28,000.

3. Provide management oversight of all transactions and account for funds received from mental health lands.
Estimated costs: \$142,700.

Statewide trust management oversight can be provided by a Natural Resource Manager II with support from a Natural Resource Officer I. That manager would be expected to review a large number of transactions, with research assistance from a subordinate, to ensure that the trust is not breached. It is expected that the manager will also provide the necessary coordination between the department and the plaintiffs, and will be required to travel.

Accounting functions can be broken into two parts: ongoing accounting services, and an independent audit. An accounting Technician I will be needed to receive and separately process that portion of the approximately \$1.5 billion taken in by DNR annually that should be assigned to the mental health accounts.

Line items in this total are: 124.0 personal services; 6.0 travel; 11.3 contractual; and, 1.4 commodities.

4. Provide administrative support to the commission.
Estimated costs: \$53,600.

The department would need to provide administrative support to the commission which includes arranging meetings, preparing briefing packets, documenting meeting results, and clerical support. The Natural Resource Officer I listed in item 3 above could assist with the details of action review and a Clerk Typist III would be needed to assist with typing and organization of meetings. Contractual monies would cover duplication costs, phone charges, postage, etc. Travel and per diem funding is for meetings of the commission. Commodities money is to cover routine supplies and maps (27.1 personal services; 18.0 travel; 6.0 contractual; 2.5 commodities).

FY 88

All anticipated court ordered reports will be completed in FY 87. Therefore, FY 88 costs will be substantially reduced. Support for the commission will include 3 months of an NRO I, the clerk typist III, and similar support costs (36.6 personal services; 18.0 travel; 6.5 contractual; 2.7 commodities).

The department would continue to provide the oversight function described in item 3 for FY 87 with costs of 124.0 personal services, 6.0 travel, 11.3 contractual, and 1.4 commodities.

ALASKA STATE LEGISLATURE

14th Legislature SECOND Session

SPONSOR SUBSTITUTE

HOUSE BILL..... NO. 128.

By ..PIGNALBERI, GRUEBERG.....
BOUCHER, JENKINS, KOPONEN,
SZYMANSKI, M.F. MILLER, GOLL

"An Act relating to the interim management of mental health trust land; and providing for an effective date."

mental health land.

Introduced in the House ..2/17..., 19. 86

HISTORY IN THE HOUSE

19 86	Read first time and referred to Committee on
Feb 17	RESOURCES, JURISDICTION AND FINANCE
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by Speaker
	Sent to Senate
	CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19	Read first time and referred to Committee on
	Reported back with recommendation that
	Read second time and
	Read third time and
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reconsideration
	PASS Effective Date
	Yeas Yeas
	Nays Nays
	Absent Absent
	Excused Excused
	Reported correctly engrossed
	Signed by President
	Returned to House
	SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19	Received from Senate
	Concurred in Senate amendment thus adopting: VOTE
	Failed to concur in Senate amendment; asked Senate to recede VOTE
	Senate receded from amendment VOTE
	Senate failed to recede from amendment VOTE
	CC appointed by House
	CC appointed by Senate
	CC adopted by House VOTE
	CC adopted by Senate VOTE
	To enrolling Reported correctly enrolled Sent to Governor by Governor
	Filed with Lt. Governor
	Chapter No.

Offered: 4/18/86
Referred: Finance

Original sponsors: Pignalberi, Gruenberg,
Boucher, et al

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).

Offered: 3/26/86
Referred: Judiciary and
Finance

Originators: Pignalberi, Gruenberg,
Boucher, et al

1 IN THE HOUSE BY THE RESOURCES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128 (Resources)

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

11 (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;

14 (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;

21 (4) there is presently no statutory authority providing for the
22 management of the mental health trust land as trust land, Weiss et al. v.
23 State, 4 FA 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 trust land and to pro-
29 vide for the proper management of the trust land;

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

4 (7) there is an immediate need for the interim management of the
5 trust 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 in the
8 Department of Natural Resources.

9 (b) The commission established under (a) of this section consists of
10 five members, including the commissioner of natural resources and the
11 commissioner of health and social services, or their designees, and three
12 members appointed by the governor as follows:

13 (1) a member representing the plaintiffs, appointed by the
14 governor from a list of three names submitted to the governor by the plain-
15 tiffs in State v. Weiss, 706 P.2d 681 (Alaska 1985);

16 (2) a member representing the intervenors, appointed by the
17 governor from a list of three names submitted to the governor by the inter-
18 venors in State v. Weiss, 706 P.2d 681 (Alaska 1985); and

19 (3) a member representing the Governor's Mental Health Advisory
20 Council, appointed by the governor from a list of three names submitted to
21 the governor by the Governor's Mental Health Advisory Council.

22 (c) The members of the commission shall elect a presiding officer. A
23 majority of the commission constitutes a quorum. The affirmative vote of
24 three members is required to take official action. A vacancy does not
25 impair the power of the remaining members to exercise the powers of the
26 commission.

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

1 (e) The commission shall meet at least once a month.

2 (f) The commission may employ an executive director and staff to
3 assist it in fulfilling its responsibilities under this Act.

4 * Sec. 3. RESPONSIBILITIES OF THE COMMISSIONER OF NATURAL RESOURCES AND
5 THE COMMISSION. (a) The commissioner of natural resources inventory and
6 catalog the mental health trust land of the state, shall audit each land
7 transaction involving land that has been part of the mental health trust
8 land of the state, and determine the status of mental health trust land on
9 the effective date of this Act under procedures and guidelines established
10 by the commissioner of natural resources with the approval of the commis-
11 sion. In the exercise of the commission's responsibilities under this
12 section, the commission may review the records of the Department of Natural
13 Resources.

14 (b) The commissioner of natural resources shall, with the approval of
15 the commission, retain an appraiser to appraise all or a portion of land
16 that, at any time, was part of the mental health trust land of the state.
17 The commissioner shall provide the appraiser conducting the appraisal with
18 written procedures and instructions that have been approved by the commis-
19 sion.

20 (c) The commissioner of natural resources is responsible for the
21 management of the mental health land of the state as a public trust under
22 P.L. 84-830, 70 Stat. 709, under the direction of the commission. The
23 commission may contract with the plaintiffs or the intervenors for the
24 performance of functions assigned to it. The commissioner of natural
25 resources may not sell, lease, or exchange mental health trust land of the
26 state or an interest in the mental health trust land of the state without
27 the prior approval of the commission. The commissioner of natural re-
28 sources shall sell, lease, and exchange mental health trust land of the
29 state as directed by the commission. In managing the trust and the trust

1 land the commission and the commissioner shall seek to maximize the income
2 earned and received by the trust consistent with a trustee's obligation to
3 protect and perpetuate the trust.

4 (d) The proceeds from the management of the mental health trust land
5 of the state shall be deposited in a special trust account in the general
6 fund of the state and may be appropriated by the legislature for the sup-
7 port of the mental health program in the state.

8 * Sec. 4. RESPONSIBILITIES OF THE COMMISSIONER OF HEALTH AND SOCIAL
9 SERVICES AND THE COMMISSION. (a) The commissioner of health and social
10 services, with the approval of the commission, shall

11 (1) select an independent auditor to audit the state's mental
12 health program;

13 (2) establish the procedures and guidelines to guide the auditor
14 selected under this subsection;

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

18 (b) The commission may review the records of the Department of Health
19 and Social Services that involve mental health expenditures under the
20 state's comprehensive mental health plan.

21 * Sec. 5. ADDITIONAL RESPONSIBILITIES OF THE COMMISSION. The commis-
22 sion shall make an annual report to the legislature on matters of concern
23 to it including recommendations of the commission for amendment of the laws
24 relating the management of mental health trust, the mental health trust
25 land, and the mental health program of the state.

26 * Sec. 6. DEFINITION. In secs. 2 - 5 of this Act "commission" means
27 the interim mental health trust land commission established in sec. 2 of
28 this Act.

29 * Sec. 7. Sections 1 - 6 of this Act are repealed July 1, 1988.

1 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
2 10.070(c).

Introduced: 2/17/86
Referred: Resources,
Judiciary and Finance

BY PIGNALBERI, GRUENBERG,
BOUCHER, JENKINS, KOPONEN,
SZYMANSKI, M.M. MILLER AND
GOLL

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

11 (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;

14 (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;

21 (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).

Introduced: 2/17/86
Referred: Resources,
Judiciary and Finance

BY PIGNALBERI, GRUENBERG,
BOUCHER, JENKINS, KOPONEN,
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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;

21 (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 (l) 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
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