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STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Judiciary:*

*2/16/87*

*2/19/87*

**STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE**

Bill Version: HB 61  
Publish Date: \_\_\_\_\_

REQUEST: \_\_\_\_\_  
Revision Date: February 5, 1987  
Title: Permits for Use of Mental Health Land  
Sponsor: Representative Sund  
Requestor: House Resources

Agency Affected: Natural Resources  
BRU: Land and Water Management  
Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

\_\_\_\_\_

Prepared by: Tom Hawkins  
Division: Land and Water Management

Phone: 465-2400  
Date: February 5, 1987

Approved by Commissioner: Mina D Arnold Degette  
Agency: Natural Resources

Date: 2/6/87

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)
  - Senate Secretary

JOHN SUND, REPRESENTATIVE

2504 2nd Avenue  
Ketchikan, Alaska 99901  
(907) 225-5552

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While in Juneau  
P. O. Box V  
Juneau, Alaska 99811  
(907) 465-4919

February 11, 1987

MEMORANDUM

TO: House Judiciary Committee

FROM: Representative John Sund 

RE: CSHB61 (Resources) "An Act relating to the renewal of permits or contracts for the use of mental health land of the state; and providing for an effective date."

.....

The renewal of permits or contracts on mental health lands is becoming a serious problem due to policies adopted by the Department of Natural Resources, the attorneys for the plaintiffs and interveners in the Weis lawsuit, and the Mental Health Review Commission.

A contractor in my district received a letter from DNR requesting an application for permit renewal on 11/13/86. He reapplied to DNR within the week, and his application was passed along to the attorneys for the plaintiffs and interveners. Under Department order, the attorneys are allowed 30-60 days to review each permit before it can be reviewed by the Commission.

In this case the permit expired on 1/7/87 while under review and it wasn't scheduled to go before the Mental Health Review Commission until 1/23/87. In the meantime the contractor couldn't operate and was facing possible bankruptcy. Attorneys had requested a thirty day extension to appraise resource value, even though DNR and the Commission had each appraised the permit within the last year.

Under Sec. 2. (g) of this bill, If a person files a timely application for the renewal of a permit for the use of mental health land of the state and the commission fails to reject it before the termination of the permit, the commissioner may extend the permit until the commission has acted on the application for the renewal.

# STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.  
JUNEAU, ALASKA 99801  
PHONE: (907) 465-2400

February 5, 1987

The Honorable Sam Cotten  
The Honorable Adleheid Herrmann  
Co-Chairs, House Resources Committee  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

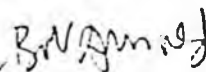
Dear Representatives Cotten and Herrmann:

Subject: HB 61, which provides for the extension of permits until the Mental Health Commission has had the opportunity to determine that such action is consistent with the terms of the trust established by the Alaska Mental Health Enabling Act.

Response: The department supports this legislation. It provides a more orderly process for conducting business on mental health lands. Additionally, we think its coverage should be expanded to include other actions provided in AS 38.05.850 and 38.05.110.

Commentary: The meeting schedule of the Mental Health Commission does not always coincide with the termination date of permits and other land use authorizations. Thus a gravel sale contract, for instance, could be terminated before the commission was able to consider its consistency with trust purposes and approve its extension. The bill would remedy this problem.

Sincerely,

  
Judith M. Brady  
Commissioner

cc: Committee Members  
Governor's Legislative Liaison

AMENDMENT

Amendment #1  
Adopted

BY: SUND

Offered in the House Judiciary Committee  
TO: CSHB 61(Resources)

Page 1, line 24:  
Delete "renewal" insert "reissuance"

Page 1, line 29:  
Delete "renewal" insert "reissuance"

Page 2, line 4  
Delete "renewal" insert "reissuance"

Introduced: 1/22/87  
Referred: Resources and  
Judiciary

1 IN THE HOUSE

BY SUND

2

HOUSE BILL NO. 61

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the renewal of permits for the  
7 use of mental health land of the state; and providing  
8 for an effective date."

9

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

10

\* Section 1. Section 2(d), ch. 132, SLA 1986, is amended to read:

11

(d) The commissioner of natural resources is responsible for the  
12 management of the mental health land of the state as a public trust  
13 under P.L. 84-830, 70 Stat. 709. Except as provided in [(e) OF] this  
14 section, the commissioner of natural resources may not sell, lease, or  
15 exchange mental health trust land of the state or an interest in the  
16 mental health trust land of the state without the prior approval of  
17 the commission. In reviewing a proposal for the sale, lease, or ex-  
18 change of mental health trust land from the commissioner of natural  
19 resources, the commission may approve the proposal of the commissioner  
20 on its determination that the proposal is consistent with the terms of  
21 the trust established by the Alaska Mental Health Enabling Act.

22

\* Sec. 2. Section 2, ch. 132, SLA 1986, is amended by adding a new  
23 subsection to read:

24

(g) If a person files a timely application for the <sup>renewal</sup> of a  
25 permit for the use of mental health land of the state and the commis-  
26 sion fails to reject it before the termination of the permit, the  
27 commissioner may extend the permit until the commission has acted on  
28 the application for the renewal.

29

\* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

HB0061A

HB 61

*or contract*  
-1-  
38.05.110  
38.05.850