

HB

357

# HOUSE COMMITTEE REPORT

(9)

Date Referred: January 10, 1994

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 4/6/94

The RESOURCES Committee considered:

HB 357

HOUSE BILL NO. 357

REMOVE LIENS ON MENTAL HEALTH LAND

"An Act confirming and ratifying the conversion of certain former mental health to general grant land and disposals of that land, canceling the lis pendens notices recorded in state public records against third-party holdings of former mental health trust land, and urging the attorney general to seek the dissolution of a related injunction; and providing for an effective date."

RECOMMENDATIONS:

be replaced with \_\_\_\_\_  the same title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note DNE, LAW

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Janette James</i>	<input checked="" type="checkbox"/>	<i>Bill Hudson</i> <sup>Hindson</sup> <sup>Jareds</sup> <sup>Amend. 7</sup>			<input checked="" type="checkbox"/>
		<i>[Signature]</i> <sup>Carney</sup>			<input checked="" type="checkbox"/>
		<i>[Signature]</i> <sup>Green</sup>			<input checked="" type="checkbox"/>
		<i>[Signature]</i> <sup>Finkelstein</sup>			<input checked="" type="checkbox"/>
		<i>[Signature]</i> <sup>Davies</sup> <sup>ONLY WITH AMEND</sup>			<input checked="" type="checkbox"/>
		<i>[Signature]</i> <sup>Bunde</sup>		<input checked="" type="checkbox"/>	
		<i>W.K. Williams</i>			<input checked="" type="checkbox"/>

*W.K. Williams*  
CHAIRMAN'S SIGNATURE



# Alaska State Legislature

## HOUSE RESOURCES COMMITTEE

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-3715

### LETTER OF TRANSMITTAL FOR HB 357 TO FURTHER COMMITTEES OF REFERRAL FROM THE HOUSE RESOURCES COMMITTEE

April 6, 1994

The House Resources Committee has moved House Bill 357 out of committee unamended, but in doing so, the Committee unanimously agreed to forward a letter to the next committee(s) of referral expressing a desire to have the bill amended.

The Resources Committee wishes to have House Bill 357 amended before coming to the House floor to include language providing for a specific land exchange to resolve the problem of third-party holdings, rather than simply a "promise" of an exchange as in the original HB 357.

Signed,

A handwritten signature in cursive script, appearing to read "Bill Williams".

Rep. Bill Williams, Chairman  
House Resources Committee

# FISCAL NOTE

STATE OF ALASKA

BILL NO. HB357

**1994 LEGISLATIVE SESSION**

Revision Date: Original Dept Affected: Natural Resources  
 Title: "An Act confirming and ratifying the conversion BRU: Resource Development  
of certain former mental health to general grant land and disposals..." Component: Land Development  
 Sponsor: Representative James  
 Requestor: Representative James Component Serial No. 431

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY94) cost: \$ None

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated fiscal impact to the Department of Natural Resources associated with this bill.

Prepared by: / Ron Swanson, Director Phone: 762-2692  
 Division: Land Date: 6-Apr-94  
 Approved by Commissioner: [Signature] Date: 6-Apr-94  
 Agency: Natural Resources

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FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 357

Revision Date: February 24, 1994  
Title: "...canceling the lis pendens notices...against third-party holdings of former mental health trust lands..."  
Sponsor: Representative James  
Requestor: Representative James

Department Affected: Department of Law  
BRU: Legal Services  
Component: Mental Health Lands  
COMPONENT SERIAL NO. 1421

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)  
Please see the attached analysis.

Prepared by: Richard I. Pegues, Director Phone: 465-3672  
Division: Administrative Services Division Date: February 24, 1994  
Approved by Commissioner: Bruce M. Botelho, Attorney General  
Agency: Department of Law Date: February 24, 1994

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 357

ANALYSIS CONTINUATION:

This bill would eliminate the third-party encumbrances on more than 3,100 parcels of former mental health trust lands, involving nearly 50,000 acres, that have been conveyed to third parties, and that were subsequently encumbered in the Weiss v. State litigation. Although the plaintiffs will most likely challenge the elimination of the encumbrances, adoption of this bill may help advance the state's cause in the overall mental health trust litigation. Funds are available in the existing mental health lands budget, established to implement of the Chapter 66 settlement and to handle resultant litigation, for the state to defend against a challenge.

# Alaska State Legislature



REPRESENTATIVE  
**JEANNETTE JAMES**

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FAX (907) 488-9006  
House District 34

While in Juneau  
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House of Representatives

## HOUSE BILL 357

### SPONSOR STATEMENT

The purpose of House Bill 357 is to release third-party holdings, including the "Moms and Pops", from the Mental Health Lands litigation.

I filed HB 357 at the beginning of this session because I did not see much hope of a settlement for the Mental Health Lands issue based on court decisions and I felt it was time to free the Moms and Pops from the damaging situation in which they have been stuck for years.

Subsequently, I put the bill on hold at the request of the DNR Commissioner and the Attorney General who said the Administration had another plan and asked me to wait a few weeks to give their settlement a chance to work.

Now, nearly three months later, I am still not convinced the Administration's plan will succeed and I feel compelled to bring my bill through the committee process. Somehow, by the end of this session, we must at least try to take care of the tragic situation in which the state of Alaska is holding the Moms and Pops hostage.

FISCAL NOTE

STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 357

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Requestor: Representative James

Department Affected: Department of Law  
BRU: Legal Services  
Component: Mental Health Lands  
COMPONENT SERIAL NO. 1421

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING:

1002 Federal						
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POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)  
Please see the attached analysis.

Prepared by: Richard I. Peques, Director Phone: 465-3672  
Division: Administrative Services Division Date: February 24, 1994  
Approved by Commissioner: Bruce M. Botelho, Attorney General  
Agency: Department of Law Date: February 24, 1994

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STATE OF ALASKA  
1994 LEGISLATIVE SESSION

BILL NO. HB 357

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