

# HR

# 6

<target><bill>HR 6</bill><subject>HR  
6</subject><comm>HFIN26</comm></target>

# HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 13, 2009

FURTHER REFERRALS:

Date of Committee Action: 2/24/09

The FINANCE considered:

HOUSE RESOLUTION NO. 6

Encouraging the Alaska Mental Health Trust Authority to develop its land and resources to the fullest extent possible consistent with its legal and moral responsibility to provide jobs and protect and enhance the lives of those who benefit from the mental health trust.

**HR 6 DEVELOP MENTAL HEALTH TRUST LAND**

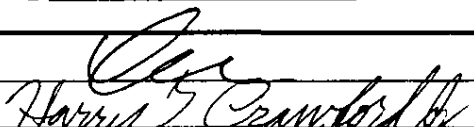

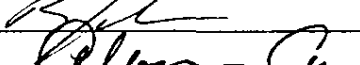
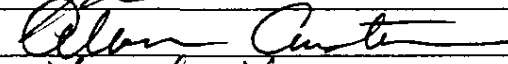
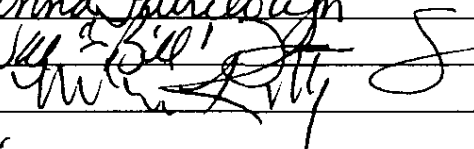
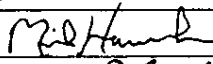
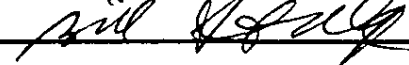
Recommends it be replaced with  HCS or  CS for HR 6 (FIN)  
 For Senate Bills with new title:  Technical Title  New Title: HCR \_\_\_\_\_  Same Title  New Title

- attach amendments
- add new referral to \_\_\_\_\_ Committee
- Letter of Intent \_\_\_\_\_ Committee

List of Abbrev for Depts.:  
 ADM  
 CED  
 COR  
 CRT  
 EED  
 DEC  
 DFG  
 GOV  
 DHS  
 LWF  
 LAW  
 LEG  
 MVA  
 DNR  
 DPS  
 REV  
 DOT  
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
LEG				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Gara	✓			
Harry S Crawford	CRAWFORD	X			
	Salmon	X			
	Jole	X			
	AUSTERMAN	X			
Anna Fairclough	FAIRCLOUGH	X			
Will "Bill" Kelly	Thomas	X			
	KELLY	X			
Chair: 	Hawber	X			
Chair: 	STOLTE	X			

26-LS0572\E  
Bullock  
2/23/09

**CS FOR HOUSE RESOLUTION NO. 6(FIN)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES STOLTZE, Thomas, Chenault, Austerman, Coghill, Dahlstrom, Edgmon, Fairclough, Foster, Gatto, Harris, Herron, Johansen, Johnson, Joule, Keller, Kelly, Lynn, Muñoz, Neuman, Olson, Ramras, Seaton, Millett, Hawker**

**A RESOLUTION**

1 **Encouraging the Alaska Mental Health Trust Authority to develop its land and**  
2 **resources to the fullest extent possible consistent with its legal and moral responsibility**  
3 **to advance mental health services and employment opportunities that protect and**  
4 **enhance the lives of those who benefit from the mental health trust.**

5 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:**

6 **WHEREAS** the Alaska Mental Health Trust Authority is the trustee of the trust  
7 established under the Alaska Mental Health Enabling Act of 1956, P.L. 84-830, 70 Stat. 709;  
8 and

9 **WHEREAS** the mental health trust was established with more than 1,000,000 acres of  
10 land and \$200,000,000 to serve the beneficiaries of the trust with services related to mental  
11 health and to enable the Alaska Mental Health Trust Authority to act as a catalyst for change  
12 in the systems and services that serve the beneficiaries of the trust; and

13 **WHEREAS** many of Alaska's most vulnerable citizens, who experience mental  
14 illness, developmental disabilities, Alzheimer's disease and related dementia, alcohol and  
15 substance addictions, traumatic brain injuries, and other mental health disabilities, are

1 beneficiaries of the mental health trust; and

2       **WHEREAS** many of these vulnerable Alaskans suffer neglect; sexual, physical, and  
3 emotional abuse; homelessness; and exposure to domestic violence; and

4       **WHEREAS** many communities lack adequate mental health care and treatment  
5 facilities; and

6       **WHEREAS** employment opportunities, treatment, education, and housing for  
7 beneficiaries of the mental health trust are particularly limited in the rural areas of the state;  
8 and

9       **WHEREAS** the lack of jobs in the rural areas of the state contributes to unlawful  
10 behavior, feelings of despair, and, in extreme cases, suicide; and

11       **WHEREAS** more than 40 percent of the offenders in Alaska's correctional facilities  
12 are beneficiaries of the mental health trust; and

13       **WHEREAS** many of the beneficiaries of the mental health trust who have access to  
14 an adequate support program are capable of being employed; and

15       **WHEREAS** prevention and early intervention by mental health organizations can  
16 prevent more costly institutional and intensive care; and

17       **WHEREAS** the costs of providing mental health care services are increasing; and

18       **WHEREAS** the Department of Health and Social Services, the Alaska Mental Health  
19 Trust Authority, and other partner organizations work cooperatively to plan, budget, and  
20 implement an integrated and comprehensive mental health program for the state; and

21       **WHEREAS** the ability of the Alaska Mental Health Trust Authority to assist the state  
22 in developing a better mental health program is largely dependent on the authority's ability to  
23 generate revenue from the land and natural resources of the trust; and

24       **WHEREAS** development of the land held by the mental health trust creates jobs for  
25 beneficiaries of the mental health trust and other Alaskans;

26       **BE IT RESOLVED** that the House of Representatives encourages the Alaska Mental  
27 Health Trust Authority to develop its land and resources to the fullest extent possible,  
28 consistent with its legal and moral responsibility to advance mental health services and  
29 employment opportunities that protect and enhance the lives of those who benefit from the  
30 mental health trust.

for recreational purposes or other public purposes for which the water is used or capable of being used consistent with the public trust.

(d) This section may not be construed to affect or abridge valid existing rights or create a right or privilege of the public to cross or enter private land. (§ 4 ch 56 SLA 1999)

**Sec. 38.05.127. Access to navigable or public water.** (a) Before the sale, lease, grant, or other disposal of any interest in state land adjacent to a body of water or waterway, the commissioner shall,

(1) determine if the body of water or waterway is navigable water, public water, or neither;

(2) upon finding that the body of water or waterway is navigable or public water, provide for the specific easements or rights-of-way necessary to ensure free access to and along the body of water, unless the commissioner finds that regulating or limiting access is necessary for other beneficial uses or public purposes.

(b) The department shall adopt regulations implementing this section.

(c) Nothing in this section affects valid existing rights or limits in any way the constitutional right of the public to use and have free access to the navigable or public waters of the state.

(d) Upon application by a municipality or an affected owner of land, the department may vacate, release, modify, or relocate an easement and right-of-way for public access to or along navigable or public waters reserved by the department in a patent issued under AS 29.65 or former AS 29.18, if the commissioner determines the action is consistent with the public interest.

(e) The establishment of easements or rights-of-way for oil and gas, gas only, and mineral leases under (a) of this section need not be made until the leases are ready to be developed.

(f) Rights-of-way or easements to waterways established under (a)(2) of this section shall be established approximately once each mile unless the commissioner makes a written finding that regulating or limiting access is necessary for other beneficial uses or public purposes.

(g) The commissioner may exchange land under AS 38.50 to create access to public water of the state. (§ 2 ch 117 SLA 1976; am § 32 ch 113 SLA 1981; am §§ 37, 38 ch 152 SLA 1984; am § 57 ch 74 SLA 1985; am § 3 ch 82 SLA 1985; am § 2 ch 53 SLA 1988; am § 13 ch 49 SLA 2004)

**Cross references.** — For legislative findings and purpose in connection with the 1985 amendment to (c) of this section, see § 1, ch. 82, SLA 1985 in the Temporary and Special Acts; for legislative findings and intent in connection with the enactment of (f) and (g) of this section, see § 1, ch. 53, SLA 1988 in the Temporary and Special Acts.

**Effect of amendments.** — The 2004 amendment effective June 5, 2004, inserted "gas only" in subsection (e).

**Legislative history reports.** — For report on ch. 117, SLA 1976 (HCS 2d CSSB 215), see 1975 Senate Journal, p. 452; 1975 House Journal, p. 1296.

#### NOTES TO DECISIONS

Cited in CWC Fisheries, Inc. v. Bunker, 755 P.2d 1115 (Alaska 1988).

**Sec. 38.05.128. Obstructions to navigable water.** (a) A person may not obstruct or interfere with the free passage or use by a person of any navigable water unless the obstruction or interference is

- (1) authorized by a federal agency and a state agency;
- (2) authorized under a federal or state law or permit;
- (3) exempt under 33 U.S.C. 1344(f) (Clean Water Act);
- (4) caused by the normal operation of freight barging that is otherwise consistent with law; or

Distributed by  
Rep. Gara