

Chapter 132

CHAPTER: CH132

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Action Date: June 9, 1986

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Effective Date: June 10, 1986

AN ACT

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

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

\* Section 1. INTERIM MENTAL HEALTH TRUST COMMISSION ESTABLISHED.

(a) The interim mental health trust commission is established in the Department of Natural Resources.

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

(1) a member and an alternate representing the plaintiffs, appointed by the governor from a list of three names submitted to the governor by the plaintiffs in *Weiss v. State*, 4 FA 82-2208 Civil;

(2) a member and an alternate representing the intervenors, appointed by the governor from a list of three names submitted to the governor by the intervenors in *Weiss v. State*, 4 FA 82-2208 Civil; and (3) a member and an alternate representing the Governor's Mental Health Advisory Council, appointed by the governor from a list of three names submitted to the governor by the Governor's Mental Health Advisory Council.

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

(d) In the absence of the member, an alternate appointed under (b) of this section may vote and has all the powers of a member.

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

(f) The commission shall meet at least quarterly and may meet more frequently, either in person or by teleconference.

(g) The commission shall prepare a budget allocating the funds appropriated to it for the performance of its responsibilities and may contract with parties or individuals for the performance of functions it considers necessary, including the services of an executive director and staff.

\* Sec. 2. RESPONSIBILITIES OF THE COMMISSIONER OF NATURAL RESOURCES AND THE COMMISSION. (a) The commissioner of natural resources shall inventory and catalog the mental health trust land of the state, shall audit and appraise each transaction involving land that has been part of the mental health trust land of the state, and determine the status of mental health trust land on October 4, 1985, under procedures and guidelines established by the commissioner of natural resources with the approval of the commission. In the exercise of the commission's responsibilities under this section, the commission and its staff may review the records of the Department of Natural Resources that are made confidential by law or regulation.

(b) An individual who acquires information made confidential by law or regulation in the performance of functions authorized by this Act and discloses it without proper authority violates AS 11.56.860.

(c) The commissioner of natural resources shall, with the approval of the commission, retain an appraiser or appraisers to appraise all or a portion of land that, at any time, was part of the mental health trust land of the state. The commissioner shall provide an appraiser conducting an appraisal with written procedures and instructions that have been approved by the commission.

(d) The commissioner of natural resources is responsible for the management of the mental health land of the state as a public trust under P.L. 84-830, 70 Stat.

709. Except as provided in (e) of this section, the commissioner of natural resources may not sell, lease, or exchange mental health trust land of the state or an interest in the mental health trust land of the state without the prior approval of the commission. In reviewing a proposal for the sale, lease, or exchange of mental health trust land from the commissioner of natural resources, the commission may approve the proposal of the commissioner on its determination that the proposal is consistent with the terms of the trust established by the Alaska Mental Health Enabling Act.

(e) The commissioner of natural resources may transfer trust land to the federal government under AS 38.05.035(b)(9) without approval of the commission. The commissioner of natural resources shall advise the commission of an intention to transfer trust land to the federal government and, after the transfer, shall make every effort to acquire replacement land to fulfill the state's remaining entitlement based on a prioritization, approved by the commission, of existing valid mental health selection.

(f) The proceeds from the management of the mental health trust land of the state shall be deposited in a special trust account in the general fund of the state and shall first be applied to meet the necessary expenses of the mental health program of the state.

\* Sec. 3. RESPONSIBILITIES OF THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES AND THE COMMISSION. (a) The commissioner of health and social services, with the approval of the commission, shall (1) establish the procedures and guidelines for the audit of the state's mental health program; and (2) propose the guidelines and procedures to be used in determining a range of expenditures for mental health programs necessary to comply with the state's comprehensive mental health plan.

(b) The legislative auditor shall audit the state's mental health program under the procedures and guidelines established in (a) of this section.

\* Sec. 4. ADDITIONAL RESPONSIBILITIES OF THE COMMISSION.

The commission shall submit a report to the legislature by the 10th day of the First Session of the Fifteenth State Legislature on matters of concern to the commission.

The report shall include its recommendations for amendment of the laws relating to the management of the mental health trust account, the mental health trust land, and the mental health program of the state.

\* Sec. 5. DEFINITION. In this Act "commission" means the interim mental health trust commission established in sec. 1 of this Act.

\* Sec. 6. This Act is repealed July 1, 1987.

\* Sec. 7. This Act takes effect immediately in accordance with AS 01.10.070(c).