

Second Special Session Chapter 02

Chapter: SSS 02

Source: SB 383

Action Date: September 28, 1994

Effective Date: See Chapter

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### AN ACT

Making and amending appropriations relating to the mental health trust fund, the mental health trust income account, and the mental health trust settlement income account; and providing for an effective date.

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\* **Section 1.** Section 1(a), ch. 6, FSSLA 1994, is amended to read:

(a) The sum of \$200,000,000 is appropriated to the mental health trust fund ([AS 37.14.031](#)), added by sec. 11, ch. 66, SLA 1991, from the following sources, in the amounts listed, to capitalize the mental health trust fund:

	SOURCE	APPROPRIATION
<b>(1)</b>	Mental health trust income account ( <a href="#">AS 37.14.011</a> ) [BALANCE ON JUNE 30, 1995]	\$ 33,000,000
<b>(2)</b>	Department of Natural Resources - mental health trust income in the general fund	11,700,000
<b>(3)</b>	Proceeds from sale of Department of Natural Resources land sale contract portfolio	25,000,000

**(4)** Budget reserve fund (art. IX, sec. 17(c), 130,300,000  
Constitution of the State of Alaska)

\* **Sec. 2.** Section 1(b), ch. 6, FSSLA 1994 is amended to read:

(b) The appropriations made by (a), **(f), and (g)** of this section are contingent upon

(1) the enactment into law of a bill passed by the Eighteenth Alaska State Legislature that amends ch. 66, SLA 1991, and contains other provisions relating to the mental health land trust and mental health land trust litigation (Weiss v. State, 4FA-82-2208 Civil); and

(2) not later than December 15, 1994,

(A) the superior court of the State of Alaska having made a [FINAL] determination that the state has satisfied its obligation to reconstitute the mental health trust under State v. Weiss, 706 P.2d 681 (Alaska 1985); **and**

(B) the superior court having entered **an** [A FINAL] order dismissing Weiss v. State, 4FA-82-2208 Civil [; AND

(C) THE TIME FOR APPEALS OF THAT DETERMINATION AND THAT ORDER HAVING EXPIRED WITH NO APPEALS HAVING BEEN TAKEN AS OF THAT DATE OR ANY APPEALS TAKEN HAVING BEEN FINALLY RESOLVED AND THE ORDER DISMISSING WEISS V. STATE, 4FA-82-2208 CIVIL, HAVING BEEN AFFIRMED ON APPEAL].

\* **Sec. 3.** Section 1(e), ch. 6, FSSLA 1994 is amended to read:

(e) The appropriations made by (a), **(f), and (g)** of this section are for the capitalization of funds and do not lapse.

\* **Sec. 4.** Section 1, ch. 6, FSSLA 1994 is amended by adding new subsections to read:

(f) If the money available for appropriation from a funding source identified in (a)(1), (3), or (4) of this section is less than the amount appropriated by any of those paragraphs, then the amount necessary to cover the shortfall is appropriated from the unappropriated balance of mental health trust income deposited in the general fund.

(g) If the money available for appropriation from a funding source identified in (a)(2), (a)(3), (a)(4), or (f) of this section is less than the amount necessary to entirely fund any of the appropriations made by (a)(2), (a)(3), (a)(4), or (f) of this section, then an amount equal to the shortfall, remaining after the appropriation under (f) of this section is

made, is appropriated from the unappropriated money in the mental health trust income account ([AS 37.14.011](#) ).

\* **Sec. 5.** If the amount in the mental health trust income account ([AS 37.14.011](#) ) is insufficient to fund appropriations from that account passed by the Eighteenth Alaska Legislature or a previous legislature, and enacted into law, the amount necessary to fund those appropriations is appropriated from the general fund to the mental health trust income account ([AS 37.14.011](#) ).

\* **Sec. 6.** (a) On the date that [AS 37.14.011](#) (a) is repealed, the balance of the mental health trust income account ([AS 37.14.011](#) ) is transferred to the general fund.

(b) The unexpended, unobligated, and unencumbered balances of appropriations from the mental health trust income account ([AS 37.14.011](#) ) that lapse after the repeal of [AS 37.14.011](#) (a) lapse into the general fund.

\* **Sec. 7.** Expenditures, made in accordance with law, from the mental health trust income account ([AS 37.14.011](#) ) on or after June 24, 1994, and before the effective date of this section, are ratified.

\* **Sec. 8.** (a) The sum of \$200,000,000 and an amount equivalent to the amount deposited in the mental health trust fund ([AS 37.14.031](#) ) that is attributable to inflation proofing \$200,000,000 of the principal of that fund, determined as of the date of the repeal of [AS 37.14.031](#) , is appropriated from that fund to the general fund.

(b) The unexpended and unobligated balance remaining in the mental health trust fund ([AS 37.14.031](#) ) after the appropriation made by (a) of this section is appropriated to the mental health trust income and proceeds account ([AS 37.14.013](#) ).

\* **Sec. 9.** The unexpended and unobligated balance in the mental health trust settlement income account ([AS 37.14.036](#) ) on the date of the repeal of [AS 37.14.036](#) is appropriated to the mental health trust income and proceeds account ([AS 37.14.013](#) ).

\* **Sec. 10.** Sections 8 and 9 of this Act take effect only if a dismissal of Weiss v. State, 4FA-82-2208 Civil, by the superior court is reversed on appeal, including a petition for certiorari to the United States Supreme Court.

\* **Sec. 11.** Section 1(c), ch. 6, FSSLA 1994, is repealed.

\* **Sec. 12.** Sections 1 - 7 and 11 of this Act are retroactive to June 24, 1994.

\* **Sec. 13.** If they take effect under sec. 10 of this Act, secs. 8 and 9 of this Act take effect on the date that an order of dismissal entered by the superior court of Weiss v. State, 4FA-82- 2208 Civil, is reversed on appeal, including a petition for certiorari to the United States Supreme Court. The attorney general shall certify that date to the lieutenant governor and the revisor of statutes.

\* **Sec. 14.** Except as provided in sec. 13 of this Act, this Act takes effect immediately under [AS 01.10.070](#) (c).