

Trust

Alaska Mental Health Trust Authority

3745 Community Park Loop, Suite 200
Anchorage, Alaska 99508
Phone: 907-269-7960
Fax: 907-269-7966

Board of Trustee Meeting

Date: August 26-27, 2015

Trust Authority Building

3745 Community Park Loop, Ste 120

August 26th: Call in number: (866)-469-3239; Training Session: 809 951 471 # / Attendee Number: #

August 27th: Call in number: (866)-469-3239; Training Session: 808 793 103 # / Attendee Number: #

<http://amhta.webex.com>

Trustees: Russ Webb (Chair), Mary Jane Michael (Vice Chair), Paula Easley (Secretary/Treasurer),
Larry Norene, Laraine Derr, Carlton Smith

Wednesday, August 26, 2015

Page No.

9:00a	Call to Order – Russ Webb, Chair	
	Roll Call	
	Approval of Agenda	
	Approval of Minutes	
	• May 13, 2015	5
	• May 19, 2015	26
	• June 5, 2015	28
	• June 30, 2015	32
	Ethics Disclosure	
	Review of Guiding Principles	34
	Current Bylaws	43
	Approve Revised Bylaws	
	Approve Revised Regulations	52
	Trustee Board Elections	
9:30	Staff Report	
	CEO Update	
9:45	Committee Reports	
	Resource Management	124
10:00	Committee Reports	
	Planning Committee	126
10:30	Break	

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**Wednesday, August 26, 2015
(continued)**

		<u>Page No.</u>
10:45	Committee Reports Finance Committee	129
11:15	FY16 Budget Approvals	190
	• Small Project Approvals	191
	• Medicaid Expansion & Reform	193
	• Local Reentry Coalition Coordinators	196
12:00	Lunch On Your Own	
1:30p	Partner Updates Ronald Taylor Commissioner, Department of Corrections	
2:00	Statutory Advisor Updates Denise Daniello, Executive Director Alaska Commission on Aging	198
2:40	Partner Updates Christine Johnson, Alaska Statewide Court Administrator Alaska Court System	
3:10	Statutory Advisor Updates Patrick Reinhart, Executive Director Governor's Council on Disabilities and Special Education	210
3:50	Break	
4:00	Statutory Advisor Updates Kate Burkhart, Executive Director Alaska Mental Health Board / Advisory Board on Alcoholism and Drug Abuse	215
4:40	Recess	
4:45	Public Comment	41

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Thursday, August 27, 2015

Page No.

9:00	Call to Order Announcements	
9:10	FY16/17 Budget Deliberations	
10:30	Break	
10:45	FY16/17 Budget Deliberations	
11:45	Lunch On Your Own	
1:00p	FY16/17 Budget Deliberations	
2:15	Break	
2:30	FY16/17 Budget Deliberations	
3:30	Statutory Advisory Update Valerie Davidson Commissioner of Health & Social Services	
4:00	FY16/17 Budget Deliberations	
4:30	Adjourn	

Future Meeting Dates

Full Board of Trustee / Planning / Resource Management / Finance (updated 08/07/15)

FY16/17 – Planning Committee Dates:

- October 21, 2015 (Wed)
- January 26, 2016 (Tue) – JUNEAU
- April 14, 2016 (Thu)
- August 2-3, 2016 (Tue, Wed)
- October 20, 2016 (Thu)

FY16/17 – Resource Management Committee Dates:

- October 21, 2015 (Wed)
- April 14, 2016 (Thu)
- August 4, 2016 (Thu)
- October 20, 2016 (Thu)

FY16/17 - Finance Committee Dates:

- October 21, 2015 (Wed)
- January 26, 2016 (Tue) – JUNEAU
- April 14, 2016 (Thu)
- August 4, 2016 (Thu)
- October 20, 2016 (Thu)

FY 16/17 – Full Board of Trustee Meeting Dates:

- November 18, 2015 (Wed) – Anchorage – TAB
- January 27-28, 2016 (Wed, Thu) – JUNEAU
- May 5, 2016 (Thu) – TBD
- August 24-26, 2016 (Wed, Thu, Fri)
- November 17, 2016 (Thu) – Anchorage – TAB

**Minutes for the
May 13, 2015
Full Board of Trustee
Meeting**

ALASKA MENTAL HEALTH TRUST AUTHORITY

FULL BOARD MEETING

May 13, 2015
10:10 a.m.

Taken at:

Dena'ina Wellness Center
508 Upland Street
Kenai, Alaska 99611

OFFICIAL MINUTES

Trustees present:

John McClellan, Chair
Paula Easley
Russ Webb
Larry Norene
Mary Jane Michael
Laraine Derr
Carlton Smith

Trust staff present:

Jeff Jessee
Steve Williams
Nancy Burke
Miri Smith-Coolidge
Nancy Burke
Kevin Buckland
Carrie Predeger (via speakerphone)
Carley Lawrence
Valette Keller (via speakerphone)
Amanda Lofgren (via speakerphone)
Katie Baldwin-Johnson (via speakerphone)
Natasha Pineda (via speakerphone)
Luke Lind
Kat Roch (via speakerphone)

TLO staff present:

John Morrison
Sarah Morrison
Craig Driver

Others participating:

Kathy Craft; Tawny Buck (via speakerphone); Rich Sanders; Patrick Reinhart (via speakerphone); Melissa Stone; Denise Daniello (via speakerphone); Amy Snell; Lizette Stiehr (via speakerphone); Elizabeth Edmunds-Merritt (via speakerphone); Roger Branson; Martha Ramoth; Eliza Eller; Connor Eller.

PROCEEDINGS

CHAIR McCLELLAN calls the Board of Trustees meeting for the Alaska Mental Health Trust Authority to order. He states that all of the Trustees are present. He moves to approval of the agenda.

TRUSTEE DERR makes a motion to approve the agenda.

TRUSTEE EASLEY seconds.

There being no objection, the motion is approved.

MR. JESSEE asks if the Resource Management Committee should be moved.

CHAIR McCLELLAN agrees.

TRUSTEE WEBB makes a motion to amend the agenda to delay the Resource Management Committee report until after the break.

There being no objection, the motion is approved.

CHAIR McCLELLAN moves to the minutes of January 28-29, 2015.

TRUSTEE DERR makes a motion to approve the minutes of January 28-29, 2015.

TRUSTEE WEBB seconds.

There being no objection, the motion is approved.

CHAIR McCLELLAN moves to the minutes of March 11, 2015.

TRUSTEE DERR makes a motion to approve the minutes of March 11, 2015.

TRUSTEE MICHAEL seconds.

There being no objection, the motion is approved.

CHAIR McCLELLAN asks for any ethics disclosures.

TRUSTEE MICHAEL states that she has an employment contract with Anchorage Parks Foundation and believes that, at some point, they received money from the Trust. She also announces that her son, Connor Michael, was offered and has accepted an internship with the

Alaska Mental Health Trust Land Office for the summer. She states that she is pleased to have her son be a part of what the Trust works on here.

CHAIR McCLELLAN states his congratulations, and asks for any other comments or disclosures. Hearing none, he moves on to a review of the Guiding Principles and a review of the Mission Statement, which are included in the Trustees' packets. He continues that the current bylaws are also included in the packet. He asks for any comments on Guiding Principles, Mission Statement, or bylaws. Hearing none, he moves to the Nominations Committee and officer elections. He states that the bylaws call for officer elections to be held at the September meeting, which this year is the last week of August. He appoints Trustee Laraine Derr as Nominations Chair for those elections.

TRUSTEE NORENE makes a motion and asks for unanimous consent for elections to be held for chair and vice chair, as required by Article 4, Section 5 of the bylaws.

TRUSTEE MICHAEL seconds.

CHAIR McCLELLAN asks which article in the bylaws.

TRUSTEE NORENE states that it says in case of a vacancy an election can be held at the next regular meeting. He adds that it is appropriate in the circumstances to be done at this time. He continues that he is calling for elections at this meeting.

TRUSTEE MICHAEL makes a motion to nominate and ask for unanimous consent to elect Russ Webb as chairman.

TRUSTEE SMITH seconds.

There being no objection, the motion is approved.

TRUSTEE SMITH makes a motion and asks for unanimous consent to elect Mary Jane Michael as vice chairman.

TRUSTEE WEBB seconds.

There being no objection, the motion is approved.

CHAIR McCLELLAN passes the gavel to Chair Webb.

TRUSTEE WEBB asks Trustee McClellan to continue presiding at this meeting.

CHAIR McCLELLAN states that next on the agenda is staff reports.

STAFF REPORTS

MR. JESSEE states that the Legislature is still trying to pass a budget. He continues that there will not be any final word on that until the budget is actually passed. He asks for any particular questions.

TRUSTEE MICHAEL comments that she had an opportunity to visit programs which was very helpful in understanding and seeing what some of the challenges of providing services are and the costs associated with that. She states that she was astounded at the difference it would make for programs to actually receive Medicaid funding for those people that are currently not eligible. She continues that, as an organization, the Trust is in the depths of trying to help with Medicaid expansion and feels that the Trust should be out in front of it. She adds that this organization should do whatever it takes to help move Medicaid expansion and make it more appetizing for people. There are these kinds of opportunities to change the way services in the big picture are provided to people.

MR. JESSEE states that the Trust provided funding for the administrative startup costs, which was very important to the Administration. It not only assisted in them demonstrating that there would not be any additional general fund costs in the first year, this allowed the Trust to negotiate a substantial reduction in the grant reductions for both Senior and Disability Service grants and Behavioral Health grants. He continues that funding was put forward for the behavioral health Medicaid expansion and reform technical assistance contract, which has now been awarded. From a funding standpoint, the Trust did do everything they could. He states that if expansion is approved, there will be opportunities for continued investment around implementation, probably around workforce development, generating the staff that will be required to provide a lot of these services. He goes through a few more examples of some of the activities.

CHAIR McCLELLAN recognizes Trustee Easley.

TRUSTEE EASLEY asks if a co-pay would make the Medicaid expansion more acceptable to some people in the Legislature.

MR. JESSEE replies that has been discussed, but is not currently in any of the bills that he is aware of. He explains that the pushback from the Legislature comes in various forms. He states that if it was in a bill, it might help and would not be objected to by the Trust if it is done on a sliding scale. He adds that one of the Guiding Principles is that Beneficiaries should pay based on their ability, and current services have a sliding-scale-fee requirement.

TRUSTEE EASLEY asks if there was a letter from the CMS saying that the Trust could withdraw from the system.

MR. JESSEE replies yes, which is a concern. He states that all the bills now have a provision that should the federal government change the deal in terms of how much federal match, the State would automatically be out of the expansion.

TRUSTEE MICHAEL states that the Trust should take the lead on this and be out there in front. She continues that she does not know where everyone sits on this, but states that it is a high priority for her.

MR. JESSEE states that he believes the direction from the Board is that this is a top priority. He continues that staff time and resources have been allocated, making it a top priority. He adds that the only thing that should be, but has not been done, is funding of the media.

TRUSTEE WEBB states that it would be useful to be out there with an opinion piece and asks Mr. Jessee to write such a piece with all of the information about the impacts on the Beneficiaries, the folks in the Correctional system, and to debunk some of the reasons for not doing Medicaid.

TRUSTEE MICHAEL agrees.

MR. JESSEE states that he will come back with something. He continues with two other things. Vicki is retiring, and her last day is June 5, 2015. He adds that she will be missed. He states that the other thing is a Freedom of Information Act request, a public information request, not a federal one. It is for all of the e-mails around marijuana. The gathering is almost completed and will be turned over.

CHAIR McCLELLAN asks who made the request.

MR. JESSEE replies that it is the pro-initiative group.

CHAIR McCLELLAN asks for any other questions or comments for the CEO. Hearing none, he calls a 15-minute break.

(Break.)

CHAIR McCLELLAN calls the meeting back to order, and states that the next item on the agenda is the Resource Management Committee report.

RESOURCE MANAGEMENT COMMITTEE REPORT

TRUSTEE NORENE states that there a couple of items on the agenda and, under consultations, begins with the placer lease.

MR. MORRISON explains that this is a placer lease to Doug Baker, doing business as Lakeview Excavating, in the Flume Creek area of the Fairbanks Mining District. He states that this is a historically mined area and all the land around it is planned B mining district, which is the intended use. He continues that the terms of the lease are a \$5,000 annual rental which can be offset in the year paid with royalties that are 10 percent of gross gold recovered.

TRUSTEE NORENE makes a motion that the Resource Management Committee recommends that the Trust Authority Board of Trustees concur with the negotiated lease of Trust minerals at Flume Creek for mining of placer gold, as proposed.

There being no objection, the motion is approved.

TRUSTEE NORENE moves to the two motions for budget items approval.

TRUSTEE NORENE makes a motion that the Resource Management Committee recommends that the Alaska Mental Health Trust Board of Trustees approve an increase to appropriation 15960-2016 from the facility maintenance account fund 3404 in the amount of \$149,700.

TRUSTEE EASLEY seconds.

There being no objection, the motion is approved.

CHAIR McCLELLAN states that the Resource Management Committee recommends that the Trust Authority Board of Trustees concur with the negotiated lease of Trust mineral estate on Flume Creek for mining of placer gold, as proposed.

There being no objection, the motion is approved.

TRUSTEE NORENE makes a motion that the Resource Management Committee recommends that the Board of Trustees concur with the recommendation to approve the incremental building expenditures totaling \$4,774,400 budgeted for fiscal year '16 to be paid by the property manager from rents and other income collected from the property.

There being no objection, the motion is approved.

TRUSTEE NORENE makes a motion that the Resource Management Committee recommends that the Alaska Mental Health Trust Board of Trustees instruct the CFO to transfer up to \$114,200 to the third-party property manager, as requested by the TLO, for management of the facility.

There being no objection, the motion is approved.

TRUSTEE NORENE makes a motion that the Resource Management Committee recommends the Alaska Mental Health Trust Board of Trustees authorize the Trust Land Office to form and fund a single-purpose entity owned in full by the Trust for the purpose of acquiring, owning and operating Texas building acquisition project No. 2015-109.

There being no objection, the motion is approved.

TRUSTEE NORENE makes a motion that the Resource Management Committee recommends the Alaska Mental Health Trust Board of Trustees approve funding a newly formed LLC with principal from the Trust Authority Development Account fund code 34045 to acquire Texas building acquisition project No. 2015-109 up to \$7,075,000. The funds will include purchase price net of loan assumed and entity formation expenses, legal review, closing, and due diligence costs as necessary to complete the transaction, as presented.

There being no objection, the motion is approved.

TRUSTEE NORENE makes a motion that the Resource Management Committee recommends the Alaska Mental Health Board of Trustees authorize the TLO to complete the financing of Texas building acquisition project No. 2015-109.

There being no objection, the motion is approved.

TRUSTEE NORENE makes a motion that the Resource Management Committee recommends the Alaska Mental Health Trust Board of Trustees approve an increase to appropriation 15960-2016 from the facility maintenance account, AKSAS fund 34048, in the amount of \$1,218,750. (Read into the record by John Morrison.)

There being no objection, the motion is approved.

TRUSTEE NORENE makes a motion that the Resource Management Committee recommends the Alaska Mental Health Trust Board of Trustees delegate to the executive director of the TLO the authority to modify the transaction up to the \$7,073,000 necessary as requested in Motion 2 or cancel transaction No. 2015-109, as necessary. (Read into the record by John Morrison.)

There being no objection, the motion is approved.

TRUSTEE NORENE makes a motion that the Board authorize the Resource Management chairman and the Executive Committee to appoint John Morrison as the acting Trust Land Office director.

TRUSTEE EASLEY seconds.

There being no objection, the motion is approved.

TRUSTEE WEBB states that the purpose of this is to fill a gap that was created by the absence of the TLO executive director, who is on leave until July 1. He asks if she submitted her resignation as of that date.

TRUSTEE NORENE replies yes.

TRUSTEE NORENE makes a motion that the Board of Trustees authorize himself and the Executive Committee to make a final appointment for the Trust Land Office director.

TRUSTEE MICHAEL seconds.

TRUSTEE DERR states that that would have to come before the Full Trust on the final approval of the TLO officer CEO.

A short discussion ensues.

CHAIR McCLELLAN asks that the process for a full appointment be explained.

TRUSTEE NORENE replies that the appointment is made by the DNR Commissioner, and the Trust recommends to the DNR Commissioner.

TRUSTEE EASLEY states that the motion should state that.

MR. JESSEE states that for that group, the Resource Management Committee chairman and the Executive Committee, to make that recommendation, it would have to be a publicly noticed

meeting. He adds that there is no reason why the Full Board cannot meet telephonically, if necessary.

The discussion continues.

TRUSTEE NORENE withdraws the motion, and concludes the Resource Management report.

CHAIR McCLELLAN moves on to the Executive Committee's report.

EXECUTIVE COMMITTEE REPORT

CHAIR McCLELLAN states that there was a meeting on March 26, 2015, and the report is in the packet. He asks for any questions or comments.

TRUSTEE WEBB asks Mr. Jessee about the legal status of guidelines versus policies. He states that he is trying to figure out where guidelines fit in how the Trust operates. He adds that the way he understands it is that a guideline is a suggestion, and a policy is a requirement.

MR. JESSEE replies that the intention is that the guide is a policy and will be followed until the Trustees change it. He states that whether it is called a guideline or a policy, it is the guidance that the staff has in operating.

A discussion continues.

TRUSTEE MICHAEL makes a motion that the Trustees approve the Executive Committee recommendation to incorporate the updates and revisions made to the current Alaska Mental Health Trust Authority's Personnel Guide 2010.

TRUSTEE DERR seconds.

A discussion ensues.

CHAIR McCLELLAN calls the vote.

There being no objection, the motion is approved.

CHAIR McCLELLAN states that, in addition to the written report, there were some items discussed at the Trustee retreat on April 12. He continues that there is a follow-up work session that will be scheduled in the next few weeks to review the retreat recommendations with staff. He adds that this will be scheduled toward the end of the meeting. He moves on to the Finance Committee.

MR. BUCKLAND goes through the Cash Management sheet that has been updated through April. He states that the results for the Permanent Fund were not available for April. He goes through the sheet, explaining as he goes along.

A discussion on comparing the TLO's income from last year ensues.

MR. BUCKLAND continues, explaining, highlighting, and answering questions as he goes through the numbers. He briefly goes over the FY15 payout calculation and the snapshot of what would be seen if the books were closed right now. He adds the hope for improvement there. He states that the current status of the budget is that essentially the Legislature passed a budget. He continues that the funding of that budget went to the Legislature and did not pass the majority vote necessary to fund the budget out of the CVR. He adds that the current status is that the budget has not been funded, and the Governor has not vetoed the bill. He explains the budget that was approved. He adds that there are two proposed motions to be considered.

TRUSTEE WEBB asks that, technically, since the budget has not been passed and signed by the Governor, if finalization of the FY16 budget would be premature.

A discussion ensues.

CHAIR McCLELLAN asks Trustee Webb to continue with the Finance Committee report.

FINANCE COMMITTEE REPORT

TRUSTEE WEBB states that this will be his first and last Finance Committee report, and asks for a motion.

TRUSTEE DERR makes a motion that the Board of Trustees ratify the Legislature's MHTAAR and Mental Health Trust admin budget amounts as appropriated in the FY16 Mental Health Budget Bill, CCH Bill 73, and, therefore, reduces previous FY16 Trustee Authority authorizations by \$60,900.

TRUSTEE NORENE seconds.

There being no objection, the motion is approved.

TRUSTEE DERR makes a motion that the Board of Trustees reverse \$10,000 in FY15 Mental Health Trust Admin previously authorized during the June 25, 2014, Full Board meeting for the Trust Authority to use to advocate against Ballot Measure No. 2.

TRUSTEE MICHAEL seconds.

There being no objection, the motion is approved.

MR. BUCKLAND thanks all.

TRUSTEE WEBB continues with the Finance Committee report, stating that there were multiple items taken up. He begins that the first item is a Trust Land Office item, the FY16 real estate budget. He asks Mr. Morrison to continue.

MR. MORRISON states that this motion has already been approved by the Full Board earlier.

TRUSTEE WEBB moves to the second item, designated grant to Youth Engagement and Enrichment Outreach Program Preventing Homelessness to Covenant House.

TRUSTEE WEBB makes a motion that the Finance Committee recommends that the Full Board approve a \$75,000 FY16 designated grant to Covenant House Alaska for the Youth Engagement and Enrichment Program Street Outreach Program Preventing Adult Homelessness Project.

There being no objection, the motion is approved.

TRUSTEE WEBB states that the next item is a focus area allocation implementation for the 2015 recidivism reduction plan.

MR. JESSEE explains that last year intent language that directed a number of State agencies to work together to develop a recidivism reduction plan was established and well received by the Legislature. He states that additional intent language has been put in the FY16 budget directing all of those State agencies and notably placing a greater emphasis on the State partnering and collaborating with tribal organizations to develop an implementation plan to go with the recidivism plan that would lay out specifics about strategies, time lines, costs, and all those things that need to be put into the budget. He continues that this funding would allow contracting with Carmen Guitierrez to coordinate that group and develop the implementation plan. He adds that this whole effort has a lot of momentum at this point.

TRUSTEE WEBB states that the next three items are all essentially related, and asks Mr. Jessee to talk about them.

MR. JESSEE states that item No. 4 is the Re-entry Coalition Capacity Development. He explains that there are regional re-entry coalitions around the State that need to be taking the recidivism plan and the implementation plan and implement them in their region. He adds that there is no infrastructure to operate with. He continues that this would allow each of those regional entities to hire a coordinator to do the day-to-day work. He states that in order to implement any kind of plan, there is the need to have a capacity to collect data, analyze and determine whether the results are what was expected. In addition, he states that the Pew efforts require the State to have some data-gathering and analysis capacity. He adds that it is a testimonial to the fact that the Legislature is serious about getting this done, because these general funds stayed in the budget both on the House and the Senate side.

TRUSTEE WEBB makes a motion that the Finance Committee recommends that the Full Board of Trustees approve a \$100,000 expenditure authorization increase to the FY15 Disability Justice focus area, AR 16874-18, to fund a contract to facilitate the implementation of the 2015 Recidivism Reduction Plan and other efforts identified by the Trust aimed at reducing criminal recidivism of Trust Beneficiaries.

TRUSTEE EASLEY states that Senator Kelly put Jeff Jessee in charge of the recidivism plan for the State, which is a real compliment for the work that he did.

A short discussion ensues.

There being no objection, the motion is approved.

TRUSTEE WEBB makes a motion that the Finance Committee recommends that the Full Board of Trustees approve a \$500,000 FY16 expenditure to support local Re-entry Coalition Capacity Development in targeted communities.

There being no objection, the motion is approved.

TRUSTEE WEBB makes a motion that the Finance Committee recommends the Full Board of Trustees approve a \$125,000 FY16 MHTAAR allocation to the University of Alaska Anchorage for the Alaska Justice Information Center.

There being no objection, the motion is approved.

TRUSTEE WEBB makes a motion that the Finance Committee recommends the Full Board of Trustees approve a \$146,000 FY15 Beneficiary Employment Focus Area funding allocation to the Statewide Independent Living Council for the Alaska DB 101 Web Site and Online Benefits Calculator Project.

There being no objection, the motion is approved.

TRUSTEE WEBB states that there were two other issues that were dealt with in the Finance Committee. One was the committee acted to approve FY16 Beneficiary Employment and Engagement Focus Area allocation in the amount of \$1,380,100 for the purpose of FY16 BPI grant funding; and the last item was the recommendation from the CFO to adopt a Real Estate Management Audit Policy. He continues that Trustees and staff met and may have a plan going forward to resolve that issue. He concludes the Finance Committee report.

CHAIR McCLELLAN asks for any further questions.

TRUSTEE DERR states, for the record, that the Executive Committee did approve the proposed revisions to the existing regulations dated May, 2012, and directed staff to initiate work with the Department of Law to amend those regulations dated May 12 to incorporate the proposed revisions. She continues, that will take care of the AMPS changes that were recommended and reviewed in January.

CHAIR McCLELLAN thanks her for the clarification. He calls for the lunch break.

(Lunch break.)

CHAIR McCLELLAN calls the board meeting of the Alaska Mental Health Trust back into session.

TRUSTEE DERR makes a motion to approve the action of the Executive Committee to approve the proposed updates and revisions to the Alaska Mental Health Trust Authority's current Personnel Guide.

CHAIR McCLELLAN states that one was already done.

TRUSTEE DERR states that it is the one on regulations.

TRUSTEE DERR makes a motion that the Executive Committee approves the proposed revisions to amend the Mental Health Trust's existing regulations dated May, 2012. Furthermore, the Executive Committee directs Trust staff to initiate work with the Department of Law to amend existing regulations dated May, 2012, to incorporate the proposed revisions.

A discussion clarifying the issues ensues.

TRUSTEE DERR rescinds her motion.

CHAIR McCLELLAN moves to the Planning Committee report.

PLANNING COMMITTEE REPORT

TRUSTEE EASLEY states that the Planning Committee met on April 26, 2015, and present were John McClellan, Larry Norene, Mary Jane Michael, and Russ Webb. She continues that there was a presentation by Heidi Wailand from Agnew::Beck regarding the Behavioral Health Systems Assessment, which is nearing completion. It will provide a lot of information regarding behavioral health capacity across the State. She adds that there was also an update on Medicaid expansion and reform. There was then an update on the long-term support and services on conflict-free case management. She states that there is a book in the packet, so everyone can read about it. She continues that staff gave an update on the Disability Justice and Substance Abuse Treatment Prevention and the re-entry coalition, the re-entry initiative. The funding for the local re-entry coalition was highlighted, as well as the importance of community assessment to identify the needs and areas of focus for them. She states that the Alaska Scorecard for 2014 has been finished, and all legislators have been given copies. She continues that there were no actions required, and concludes her report.

CHAIR McCLELLAN asks for any questions or comments. There being none, he moves on to the Small Projects Approvals.

SMALL PROJECTS APPROVALS

MS. BURKE states that the PEC, Proposal Evaluation Committee, met in March and considered the applications and recommendations for projects to be funded, which are on page 133 in the packet. She continues that there are 11 that are being forwarded to Trustees with recommendation to fund for amounts ranging between \$7,000 and \$10,000.

TRUSTEE DERR makes a motion to approve the recommended FY15 small projects from the March application period in the amount of \$106,900.

TRUSTEE WEBB seconds.

There being no objection, the motion is approved.

CHAIR McCLELLAN thanks Ms. Burke, and moves to the Governor's Council on Disabilities and Special Education.

GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION

MR. SANDERS states that he is Rich Sanders, the planner for the Governor's Council on Disabilities and Special Education. He continues that Patrick Reinhart, executive director, is also on-line. He states that the presentation is going to focus a lot on the legislative priorities and things that the Council follows, and will end with some of the projects. He begins with House Bill 161, stating that the Council convened a work group with Medicaid, Access Alaska, Senior and Disability Services, and some other agencies to talk about the reuse of durable medical equipment under Medicaid. He explains that this is moving forward and being included in regulations. He moves to HB 76, a Council statute that removes the word "gifted" from the enabling statute. There were concerns about why this was being done. He explains that the Council's responsibility for the term "gifted education program" ended years ago with the IDEA Act, and became the responsibility of local school boards and the State Board of Education. It is not part of the duties as the Special Education Advisory Board. He adds that the focus of the Council is on intellectual and developmental disabilities, which is a different thing. He moves on to HB77, a disability training and I.D. bill. He states that it was brought by the Fairbanks Wall Busters Group from the Breaking-Down-Walls Movement, and is expected to move forward in the next session. He explains the bill more fully. He continues on to the capital budget requests, stating that they did not get anywhere with the Denali Deaf Community Center, which puts the whole project at risk. He continues that the Council will be looking for other funding from foundations and other places that may help cover this. He continues, moving to HB 154, Senate Bill 49, which is the civil legal services fund. This is strictly a potential funding mechanism for Alaska Legal Services which provides civil legal services to low-income Alaskans. He adds that a majority of the clients are Trust Beneficiaries, including persons dealing with addictions, domestic violence issues and others. He states that HB 99 is the voluntary termination of life, and the Council is opposed to that. He moves on to Senate Bill 104, House Bill 188. He states that one of the things going on for years is the inability for people on benefits to save enough to get up on STEP. The new ABLE Act, passed by Congress, allows people to set up ABLE accounts, tax-advantaged savings accounts. He continues his slide presentation, going through some of the other bills affecting the Council, and then goes through the budget cuts and how they affect the Council. He talks about the concerns of the Council and then talks about Employment and the Employment First implementation. He thanks the Trust for the generous funding which provided the ability to increase the number of certified benefits planners. These are the people that Beneficiaries must see when they return to work to understand how it will impact their benefits and where they can expect the benefits to end and new benefits begin. He states that he is working with Anchorage Community Mental Health on their application to become a Ticket to Work employment network. He explains that when jobs are found for people and they go off benefits, they will be reimbursed monthly by Social Security based on what program they are in. He moves on and states that the Council is partnering with the Department of Labor on the new grant for the Disability Employment Initiative which will focus on career pathways for youth with disabilities. It will be connected with business and industry. He moves on, stating that the Council is partnering with the Department of Labor on the new grant for the Disability Employment Initiative which will focus on career pathways for youth with disabilities and will be connected with business and industry. He goes through a few more groups and moves on to Project Search. He explains, that involves four hospitals in Alaska and is a great model. He shares a video that KTVA did on it.

(Video being played.)

He further states that the Council is very proud of this program and are now focusing on business and industry to get it into some other industries in Alaska. Last, he talks about the Council partnering in the CDC Health and Disability Grant and are working to develop a commercial in their Play Every Day Program under the Division of Health and Social Services, which is also a collaboration with United Way and other partners. He concludes the presentation and asks for any questions.

TRUSTEE SMITH asks about the definition of intellectual disability for Project Search.

MR. SANDERS replies that in talking about an intellectual disability, oftentimes people talk about those in the IQ range of 70 or below or have a condition such as Down Syndrome.

A discussion ensues.

CHAIR McCLELLAN states that the videos in the presentation were very effective. He thanks both and moves on the next presentation.

ALASKA COMMISSION ON AGING

MS. DANIELLO states that she is the executive director for the Commission on Aging. She explains that she is not specifically present because she is honoring the Department's freeze on travel to do her part to help with the funding services during these tight budget times. She provides an overview of the last legislative session, focusing on bills, budget items impacting seniors and other seniors at risk. She then takes a closer look at the impact of Medicaid expansion and reform for senior Trust Beneficiaries and other older Alaskans. She then switches to the national level to take a look at federal advocacy items for people with Alzheimer's disease and related dementia that Congress is taking a look at. She then briefly discusses the new draft Alaska State Plan for senior services, FY 2016 through 2019, which has been a focal point for the Commission's work since the last meeting. She goes through her presentation, explaining as she goes along.

TRUSTEE EASLEY asks why the WAMI program was opposed to.

MS. DANIELLO replies that she can only deduce that it is a budget issue. She agrees that Alaska needs to build up its health-care workforce, and WAMI is a big way to do it. She continues with her presentation, looking at the impact of Medicaid expansion and reform for seniors and senior Trust Beneficiaries. She states that Senior and Disability Services and the Trust have assembled and featured an agency home- and community-based services steering community. She continues that it their purpose to work together to draft an RFP, request for proposal, to engage a consultant. She adds that it is called Medicaid Reform Work in Alaska with the 1015(k), and thanks the Trust and Trustees for their investment in that effort. She states that she attended the Alzheimer's Advocacy Forum this past March in Washington, D.C. She continues that she served as Alaska's Ambassador for the National Alzheimer's Association. She asks for any questions.

CHAIR McCLELLAN asks when the Alaska State Plan will be ready for Trust review.

MS. DANIELLO replies that it is having an internal review and could be viewed right now. She adds that it will be out for public comment soon. She continues that the new plan will have to be in place by July 1.

CHAIR McCLELLAN asks for any other questions or comments. There being none, he thanks Ms. Daniello.

TRUSTEE EASLEY acknowledges the presence of Melissa Stone, the former state division director for Behavioral Health, who is now the director of Behavioral Health for the Peninsula Community Health Services of Alaska.

MS. STONE thanks Trustee Easley.

TRUSTEE EASLEY congratulates her on the new job.

CHAIR McCLELLAN thanks Trustee Easley for the introduction, and calls a break.

(Break.)

CHAIR McCLELLAN calls the meeting back to order. He states that next on the agenda is the statutory advisory update by Valerie Davidson, Commissioner of Health and Social Services. He continues that he has just been informed that Commissioner Davidson and staff have been called into an unscheduled meeting with OMB, Office of Management and Budget, and will be unable to make the presentation today. He moves on to Public Comment.

PUBLIC COMMENT

MS. SNELL states that she is Amy Snell, the director of Behavioral Health at Peninsula Community Health Services. She continues that they were very lucky to have Melissa on an interim basis. She gives a short report on some of the things that they have been doing, and thanks the Trust for all the support. She states that they are facing a difficult financial situation with changes to funding, and Medicaid expansion would help decrease the amount of services provided to folks who do not have a payment source. She welcomes any conversations or visits from anyone who would like to come and visit and see what the group does.

CHAIR McCLELLAN asks for any questions or comments.

TRUSTEE WEBB asks several questions: What prompted the combination of the community mental health center with the federally qualified health center; what were the challenges faced; what the benefits are; are there downsides; and what is the relationship of the program with the hospital and its programs.

MS. SNELL replies that there were financial difficulties on the part of all the agencies, the health clinic and the behavioral health provider. The board that was formed wanted to make a priority to provide integrated care. She continues that a grant has been required and has been a challenge. She states that being a one-stop shop is a great benefit to the clients working well together.

A short question-and-answer session ensues.

MR. JESSEE points out the Trust gave them a grant for attorney help and other merger planning and implementation, which is something that has been talked about with Foraker.

MS. SNELL thanks all.

CHAIR McCLELLAN moves back to the agenda, and recognizes Nancy Burke with a presentation on Medicaid expansion.

MEDICAID EXPANSION

MS. BURKE states that she appreciated the conversation from the service providers. She continues that she asked them to address the question of Medicaid expansion and how that would impact them in terms of people they would see and impacts on sustainability for their program. She adds that she has copies of the presentation provided by the hospital for anyone interested. She goes through some of the highlights of the presentation. She asks to finish her presentation that contained Medicaid expansion talking points. She states that the hope is that the Trustees will have these talking points and feel up to speed on why the organization is moving in the direction that it is. She states that the thought is that people around substance abuse services, homeless adults and incarcerated persons will be among the populations of the Trust Beneficiary areas that will be eligible. She reminds the Trustees that one of the significant things about Medicaid expansion is that it covers everyone, regardless of disability conditions, up to 138 percent of federal poverty limit. She states that many people who have an underlying disability that prevents them from working full time or competitively are not able to meet the threshold for eligibility determination under the Social Security programs, and SSI is the main insurance program that people with a disability can qualify for; it comes with Medicaid and health care coverage. She continues that to qualify for SSI, a person has to be able to participate in a year-long process of application and screening and be in a stable place to maintain this process. She adds that it is very hard for people who are on the edge of making it to stay in the process. If a person does not respond to one of the requests for appeals during this SSI application period, the application gets thrown out. That means the process has to be started again. She states that the significance about expansion is that it covers a person based on income and really closes that gap that many Trust Beneficiaries fall into. She continues her presentation, explaining as she goes along. She states that if anyone has any questions about these reform activities, Amanda Lofgren, Natasha, Katie, or she would be happy to review them with you.

CHAIR McCLELLAN thanks Ms. Burke, and asks if there is a draft motion for the Board to consider.

MS. BURKE states that the request will be for Trustees to consider approval of a change of intent to move \$100,000 Beneficiary Employment Focus area funds from the FY15 BPI grant funding line to a new FY15 Beneficiary Employment focus line, Medicaid expansion advocacy. She continues that it has a lot of synergy with the Beneficiary Projects area, given that the activities that are being focused on, employment and community engagement, are primarily the benefits that will come from expansion.

TRUSTEE MICHAEL makes a motion to approve a change of intent to move \$100,000 from Beneficiary Employment focus area funds from FY15 BPI grant funding to a new FY15 Beneficiary Employment focus area line, Medicaid expansion advocacy.

TRUSTEE WEBB seconds.

There being no objection, the motion is approved.

CHAIR McCLELLAN states that the next item on the revised agenda is to schedule the retreat workshop.

MR. JESSEE states that there are five potential days and goes through them. He continues that the first one is Wednesday, May 27. He asks if anyone is a no.

CHAIR McCLELLAN states that everyone agrees to Wednesday, May 27, 2015, at 10:00 a.m. through 6:00 p.m. He asks staff to put up a confirmation of all of this to all the Trustees. He states that next on the agenda is the need for an executive session on a confidential personnel matter.

TRUSTEE WEBB makes a motion to go into executive session to consider a personnel matter.

TRUSTEE EASLEY seconds.

There being no objection, the motion is approved.

(Executive session from 3:36 p.m. until 3:49 p.m.)

CHAIR McCLELLAN states that the Mental Health Trust Board is now out of executive session and back on the record. He asks for any other business to come before the Board.

TRUSTEE WEBB states that in his new role as chair of the Board, he needs to appoint someone to replace him as Finance Committee Chair. He appoints John McClellan as Finance Committee Chair.

CHAIR McCLELLAN thanks Mr. Chairman for the confidence, and states that he will be pleased to do that.

MR. WILLIAMS states that the site visits tomorrow start at 9:00 a.m., and goes over the schedule.

PUBLIC COMMENT

CHAIR McCLELLAN asks for any other business before starting public comment. He recognizes Lizette Stiehr.

MS. STIEHR states that she is Lizette Stiehr and is primarily here to say thank you. She thanks the Trustees and Trust for all their work on behalf of all of the Beneficiary groups. She states that she is the executive director for AADD, the Alaska Association on Developmental

Disabilities, and is acting as a voice for agencies that provide services for Beneficiaries with developmental disabilities. She continues that she gets to work closely with Amanda Lofgren and under Jeff Jessee's outstanding leadership we are aware of some of the significant issues facing Beneficiaries who experience developmental disabilities. She states that the Center for Medicaid Services waiver amendment submission is due in July of 2016 to include how conflict-free case management is functioning for all individuals receiving services in Alaska. She believes that the Trust funding on this project was both essential and instrumental in getting the State SDS, Division of Senior and Disability Services, PCA, Alzheimer's Services, and HCF to work openly toward a new conflict-free design. She states that many provider agencies are working very hard in their local communities because the report gave a way to move forward gathering nontraditional partners seeking a nonconflicted agency to hire care coordinators who want to work within an agency and not become independent. She continues that AADD sponsored training for care coordinators interested in becoming care coordinators, and 68 people attended that this morning. She adds that all this happened because of the Trust funding, and we thank you all very much.

CHAIR McCLELLAN thanks her for her comments.

TRUSTEE WEBB thanks her for all her comments and for all the praise for Trustees. He states that the Trust can serve as a catalyst, but the people who do the real hard work are the people who get things done.

MS. STIEHR appreciates the opportunity to talk, and thanks all once again.

CHAIR McCLELLAN recognizes Kathy Craft.

MS. CRAFT states that she is the director of the Alaska Health Workforce Coalition and also the lead for the Trust Workforce focus area. She continues that at the last Planning Committee she filled all in on the health workforce profile survey that went out and will keep the Trustees abreast of that as the data comes in. She also talked about the SHARP, the loan repayment and incentive programs and the Alaska core competency. She shares some of the work that is being done with the Department of Labor, the Workforce Investment Board, and also the Department of Health and Social Services.

CHAIR McCLELLAN thanks Ms. Craft, and asks for anyone else.

MS. EDMUNDS-MERRITT states that she is the CEO of Challenge Alaska. She continues that about 17 years ago the Trust funded an inclusive recreation project through a grant to Challenge Alaska which was highly successful in serving Beneficiaries, giving them access to sports and recreation opportunities in Alaska equal to the access of their nondisabled family and friends. She states that project was transitioned and for approximately 15 years has been a CDEC grantee serving thousands of Beneficiaries throughout Alaska. She continues that Challenge Alaska and their partner in Juneau are currently placed to lose \$225,000 in funding that would serve over 80 clients next year. She adds that she wants the Trust to be aware of this pending loss of services to Beneficiaries, and states that any support and assistance that can be provided will greatly benefit Beneficiaries currently receiving the least services while waiting for full waiver services.

CHAIR McCLELLAN thanks Ms. Edmunds-Merritt, and recognizes Roger Branson.

MR. BRANSON states that he is wearing the hat of an unofficial probationary member of Ionia. He thanks the Trust for the positive impact they have on the community, which it has been for a long time. He talks about how Mr. Jessee came into his life, and as a result of the catalyst, changed what he believed in. He thanks the Trustees, the Mental Health Trust, and Mr. Jessee for all the hard work.

CHAIR McCLELLAN thanks Mr. Branson, and recognizes Martha Ramoth.

MS. RAMOTH states that she is Martha Ramoth, is generally from Smethwick, Alaska, and is a recovering alcoholic. She continues that she has been a client with Kenaitze Recover, and was introduced to Ionia in January. Since then she quit alcohol, gluten, sugar, and, in April, was one of the lucky few that attended a retreat, Healing Our Future. She has lost weight, introduced a healthier food menu to her family, which has helped in her recovery. She thanks the Trust, Ionia, and Kenaitze.

TRUSTEE WEBB thanks Martha for her courage, and congratulates her on her sobriety and improvement in health. He asked what was the most important thing to her in achieving sobriety and maintaining it.

MS. RAMOTH replies that the cooking demos and the hands-on has made a big difference.

CHAIR McCLELLAN thanks Martha, and recognizes Eliza Eller.

MS. ELLER states that Ionia is one of the biggest peer-run organizations in Kenai and gives a short report on some of its activities. She continues that a lot of people are very interested in how food can affect their behavior and their own wellness as they move forward in their recovery.

TRUSTEE SMITH asks if, in their rural outreach, they find that the traditional Native foods satisfy the diet requirements, or do they need to change.

MS. ELLER replies that the aim is traditional Native foods, plus whole grains, beans, and farmed vegetables, minus the junk food.

A short question-and-answer ensues.

CHAIR McCLELLAN thanks Ms. Eller, and recognizes Connor Eller.

MR. ELLER states that he is Eliza Eller's son and shares his experience of this outreach that Ionia has been doing, especially with Healing Our Future, and from the perspective of a youth growing up here. He continues that, from his perspective, it has been an amazing experience.

TRUSTEE WEBB thanks Connor for his courage to come up here and speak at his age.

TRUSTEE MICHAEL asks how old he is.

MR. ELLER replies 20.

TRUSTEE MICHAEL asks what his favorite thing about living his lifestyle is, or what are the challenges.

MR. ELLER replies that we are so blessed to be here and have this amount of nature and to live in a way that lets us connect to that. He adds that it is amazing.

CHAIR McCLELLAN thanks Connor, and asks for anyone else for Public Comment. There being none, he ends the public comment period. He asks for any other business to be brought before the Board.

TRUSTEE SMITH states that it might be appropriate for the Trust to formally recognize the Kenaitze for their welcoming and their sharing.

TRUSTEE WEBB states that it would be appropriate to send a formal thank you letter, adding that they have been quite welcoming and very informative in the tour and reception yesterday.

CHAIR McCLELLAN states that will be taken care of and thanks Trustee Smith for the suggestions. There being no other business, he asks for a motion to adjourn.

TRUSTEE WEBB makes a motion to adjourn the meeting.

There being no objection, the motion is approved.

(Alaska Mental Health Trust Authority Full Board adjourned at 4:32 p.m.)

**Minutes for the
May 19, 2015
Full Board of Trustee
Meeting**

MEETING OF THE BOARD OF TRUSTEES

3745 Community Park Loop, Anchorage, AK

May 19, 2015

Call to order time: 3:00 p.m.

Present in person: Russ Webb, Paula Easley, John McClellan, Valette Keller

Present on the phone: Carlton Smith

Call for executive session moved by: John McClellan

Seconded by: Paula Easley

Purpose of executive session: Personnel

Time executive session begins: 3:03 p.m.

Time executive session ends: 3:41 p.m.

Meeting called back to order time: 3:41 p.m.

Meeting adjourn moved by: Paula Easley

Seconded by: John McClellan

Meeting adjourns: 3:43 p.m.

**Minutes for the
June 5, 2015
Full Board of Trustee
Meeting**

ALASKA MENTAL HEALTH TRUST AUTHORITY

FULL BOARD MEETING

June 5, 2015
8:30 a.m.

Taken at:

Alaska Mental Health Trust Authority
3745 Community Park Loop
Anchorage, Alaska 99508

OFFICIAL MINUTES

Trustees present:

Russ Webb, Chair (via Speakerphone)
Mary Jane Michael (via Speakerphone)
John McClellan (via Speakerphone)
Paula Easley (via Speakerphone)
Larry Norene (via Speakerphone)
Carlton Smith (via Speakerphone)

Trust staff present:

Steve Williams
Jeff Jessee

PROCEEDINGS

CHAIR WEBB calls the Board meeting of the Alaska Mental Health Board of Trustees to order and calls the roll. He moves to the agenda and asks for any additions. There being none, he asks for approval of the agenda.

TRUSTEE NORENE makes a motion to approve the agenda.

TRUSTEE MICHAEL seconds.

There being no objection, the motion is approved.

CHAIR WEBB asks for any ethics disclosures. There being none, he moves to the review of the Guiding Principles, stating that they are on-line for anyone if they wish to review them. He states that the next item on the agenda is the Trust Land Office executive director selections. He

continues that this has been previously discussed in several meetings, and this will formalize that.

TRUSTEE MICHAEL moves that the Board of Trustees select TLO Deputy Director John Morrison as TLO Executive Director effective July 2, 2015, and delegate to the Board chair and Resource Management Committee chair responsibility for consultation regarding this selection with the Commissioner of Natural Resources in accord with Section 4.1(e) of the Memorandum of Understanding between the Department of Natural Resources and the Trust Authority.

TRUSTEE SMITH seconds.

TRUSTEE McCLELLAN states that he does not see the need to move this fast, and that the process is off here. He continues that he has no problem with Morrison as the selected candidate, but the Commissioner may have some candidates of his own in mind for the DNR position and should be brought in on the consultation before someone is selected.

TRUSTEE NORENE states that the procedure is that the Board selects someone, brings it to the Commissioner and then consults with the Commissioner. He continues that the sequence is the Board first, and then working with the Commissioner.

TRUSTEE McCLELLAN states that he does not read it that way, and disagrees.

TRUSTEE EASLEY comments that the Trustees have always made the decision and then taken that decision to the Commissioner.

TRUSTEE McCLELLAN states that if that is the protocol, he understands.

CHAIR WEBB reads, for the record, the section of the Memorandum of Agreement with the Department of Natural Resources to review the process. The relevant section reads as follows: “Together, DNR and the Trust mutually will, (e), recruit and appoint new executive director—that is executive directors of the TLO. The Commissioner will delegate his authority to the Trust to select the new executive director in consultation with the Commissioner. The Commissioner will forward the agreed-upon candidate to the Governor for appointment.”

He states, that as Trustee Easley indicated, the past practice has been for the Trust Authority to make its selection and forward that to the Commissioner for consultation, and then have that name forwarded to the Governor, if the Commissioner agrees. He states that the motion has been made and seconded.

There being no objection, the motion is approved.

CHAIR WEBB asks for any other items that anyone would like to raise.

TRUSTEE SMITH states that once the appointment actually takes place and is approved, will the Chair be directing a warranted press release.

CHAIR WEBB states that is an excellent suggestion and that it would be useful for the public and the Trust to raise the level of public awareness about what the TLO does. He asks for any other comments. There being none, he asks for a motion to adjourn.

TRUSTEE NORENE makes a motion to adjourn the meeting.

TRUSTEE MICHAEL seconds.

There being no objection, the meeting is adjourned.

(Full Board meeting adjourned at 8:49 a.m.)

**Minutes for the
June 30, 2015
Full Board of Trustee
Meeting**

Special Full Board of Trustee Meeting

3745 Community Park Loop, Anchorage, AK

(June 30, 2015)

- Call to order Time: 1:50
- Present in person: Webb
Derr
Michael
McClellan
Norene
Easley
Smith
- Present on the phone: _____
- Call for executive session moved by: Lar Den
- Seconded by: MJM
- Purpose of Executive Session: Personnel
- Time Executive Session Begins: 1:50
- Time Executive Session Ends: 4:50
- Meeting called back to order time: 4:50
- Meeting adjourn moved by: John M. Lar. Secor
- Seconded by: Larame
- Time Meeting Adjourns: _____

**The Trust's
Guiding Principles /
Mission Statement /
Trust Budget
Process Flowcharts**

Trust Guiding Principles

To improve the lives of Trust beneficiaries, The Trust is committed to:

Education of the public and policymakers on beneficiary needs;

Collaboration with consumers and partner advocates;

Maximizing beneficiary input into programs;

Continually improving results for beneficiaries;

Prioritizing services for beneficiaries at risk of institutionalization or needing long-term, intensive care;

Useful and timely data for evaluating program results;

Inclusion of early intervention and prevention components in programs;

Provision of reasonably necessary beneficiary services based on ability to pay.

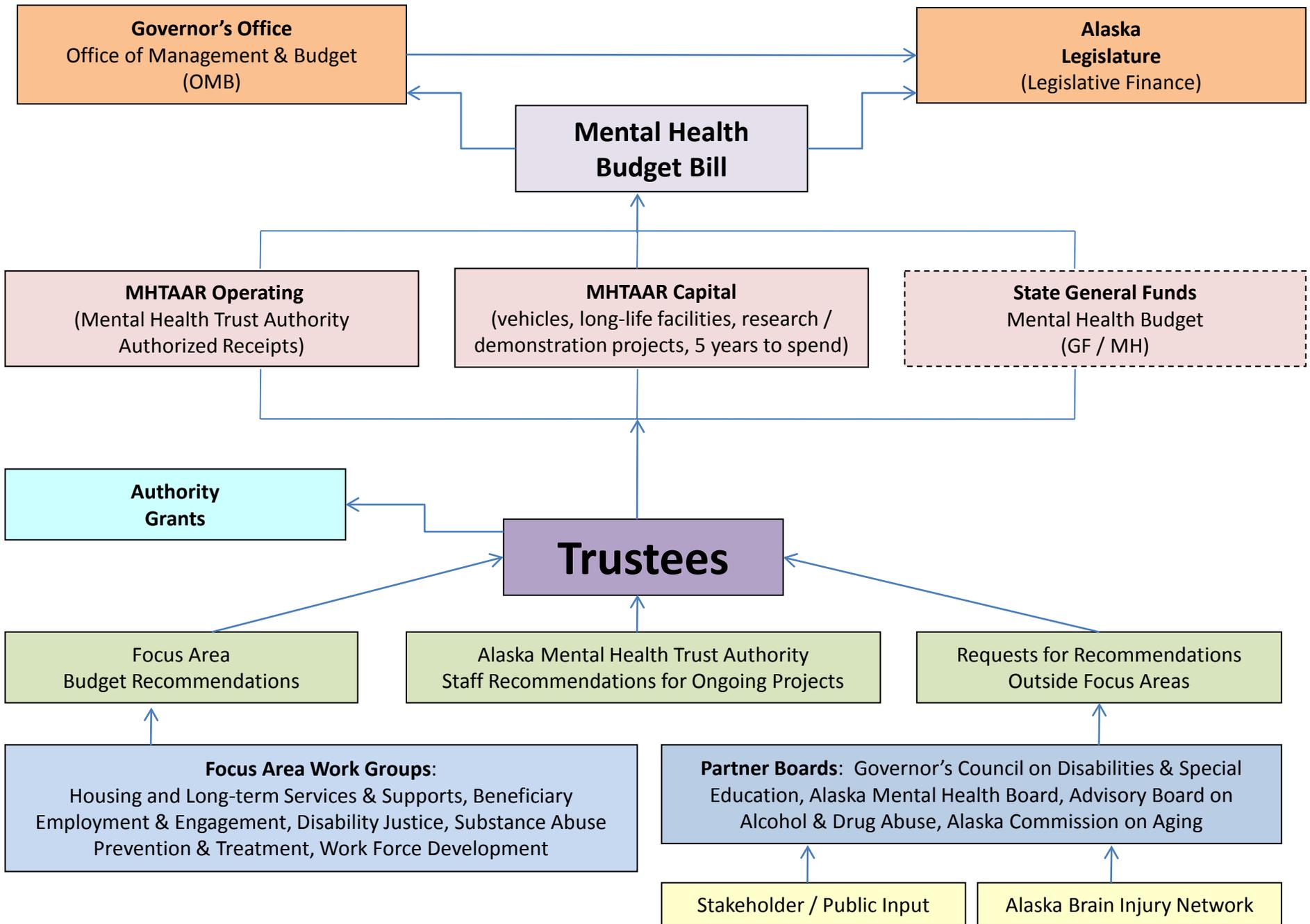
Approved 5-12-09, Board of Trustee meeting

Trust Mission Statement

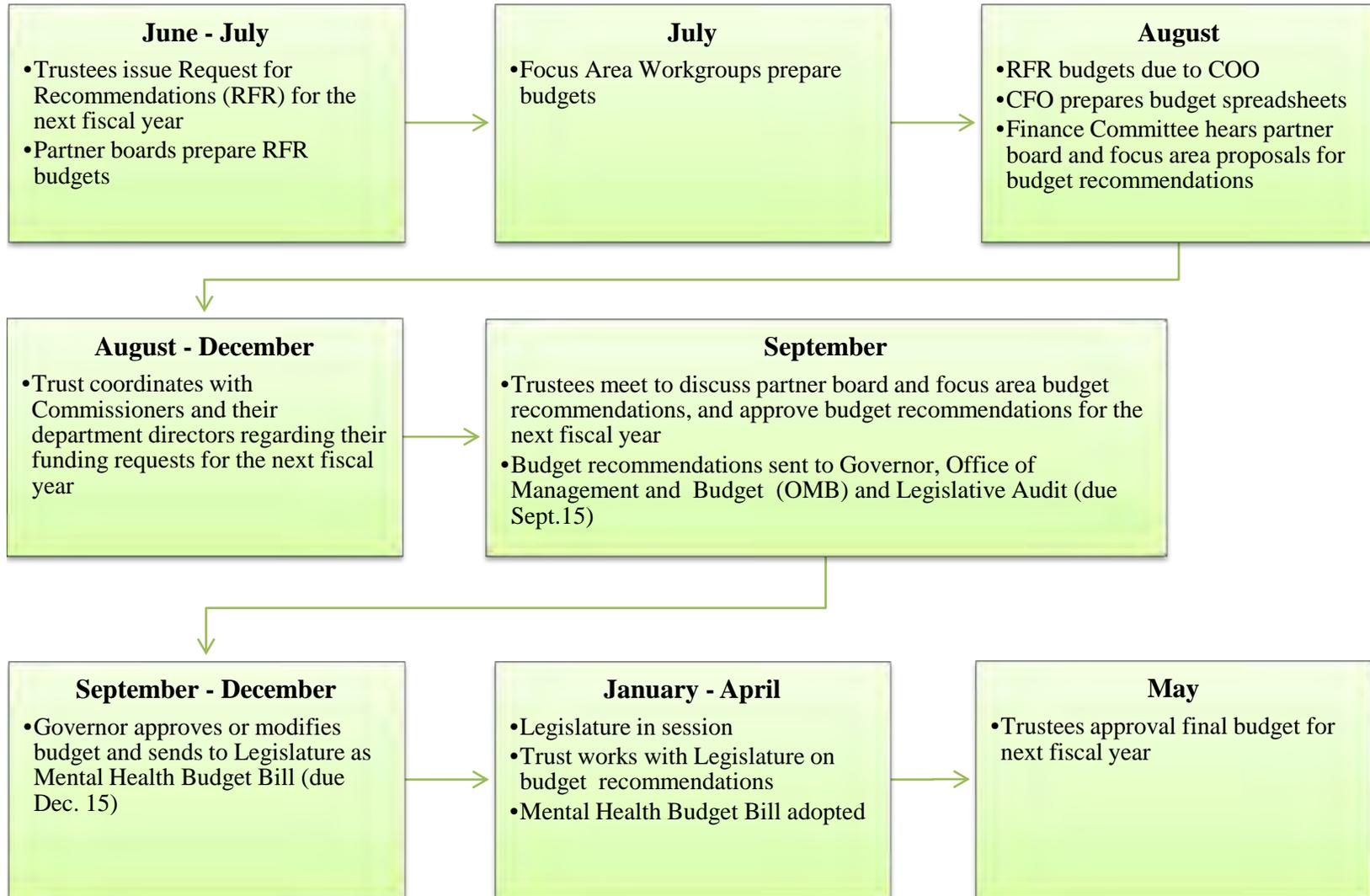
The Alaska Mental Health Trust Authority (The Trust) administers the Mental Health Trust to improve the lives of beneficiaries. Trustees have a fiduciary responsibility to protect and enhance trust assets in perpetuity for the beneficiaries. The Trust provides leadership in advocacy, planning, implementing and funding of the Comprehensive Integrated Mental Health Program; and acts as a catalyst for change.

Approved 5-12-09, Board of Trustee meeting

Alaska Mental Health Trust Authority Budget Process



Annual Mental Health Budget Bill Process

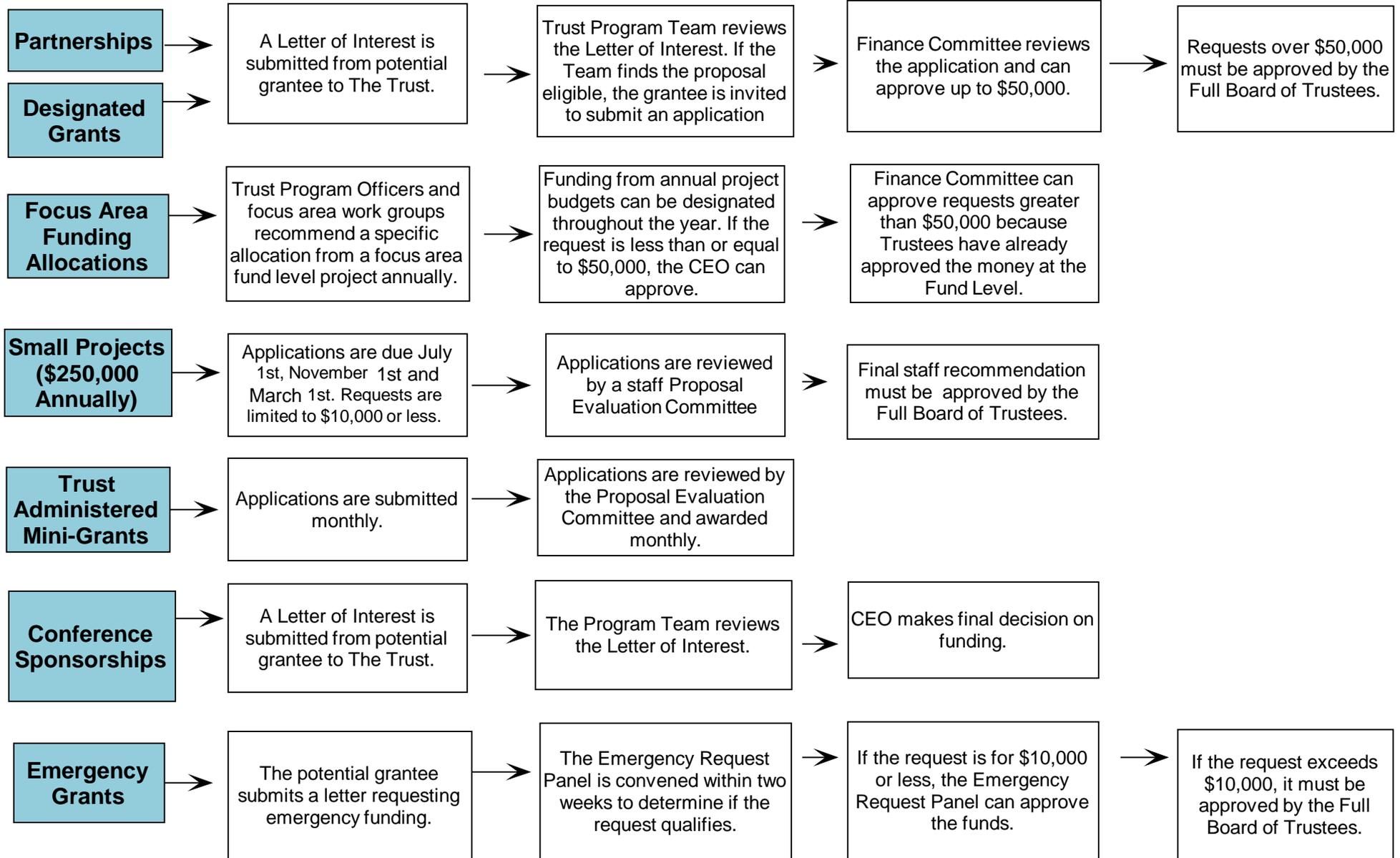


Note: timeline represents those items in the green boxes in the chart entitled "Alaska Mental Health Budget Process"

02/06/15

Grant Approval Process for Authority Grant Funds

All annual budgets are approved by the Full Board of Trustees at the September Meeting



Note: this chart depicts those items included in the blue box labeled "Authority Grants" on the chart entitled "Alaska Mental Health Trust Authority Budget Process:

Trust Annual Calendar

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Board Administration												
Trustee reports due to APOC – Mar 15			XX									
Trustee committee assignments					XX							
Officer elections									XX			
Board evaluations										XX	XX	
CEO evaluation											XX	
Trust Administration												
Legislature convenes	XX											
Trustees present budget to House/ Senate Finance Committees	XX	XX										
Legislature adjourns				XX								
Request for Recommendations (RFR) issued to partner boards April 30				XX								
Fiscal year ends June 30						XX						
Fiscal year begins July 1							XX					
RFRs due from partner boards July 30							XX					
Advocacy Summit											XX	
Staff drafts Trust office budget for next fiscal year								XX				
Staff coordinates w/DHSS on budget								XX	XX	XX	XX	XX
Trustee meeting to approve next fiscal year budget									XX			
Trust budget recommendations due September 15 to Governor/ Legislative Finance									XX			
Financial audit begins							XX					
Financial audit completed										XX		
Staff coordinates with OMB/DHSS on budget recommendations										XX	XX	XX
Trustees meet to finalize budget											XX	
Governor's budget released December 15												XX

04/17/15

Trust

Alaska Mental Health Trust Authority

PUBLIC COMMENT GUIDELINES

WHEN?	<ul style="list-style-type: none"> ▪ The Trust bylaws call for a public comment period during all regular meetings of the Full Board of Trustees. See page 2 of this document for the relevant bylaw. ▪ Full Board meetings usually are held in late January/early February, May, September and November. Public comment typically occurs at the close of the first meeting day. Public notice is issued for all meetings. Meeting information and agendas are posted on The Trust’s website www.mhtrust.org.
PURPOSE?	The public comment period allows individuals to inform and advise the Board of Trustees about issues, problems or concerns. It is not a hearing.
PROTOCOL?	<ul style="list-style-type: none"> ▪ Individuals are invited to speak for up to three minutes. ▪ A speaker may be granted the latitude to speak longer than the 3-minute time limit only by the Board Chair or by a motion adopted by the Full Board of Trustees. ▪ Participants addressing issues relating to Trust beneficiaries will have priority order. ▪ Speakers are not permitted to criticize or attack others. ▪ Anyone providing comment should do so in a manner that is respectful of the Board of Trustees and all meeting attendees. The Board Chair maintains the right to stop public comments that contain inappropriate or inflammatory language or behavior.

FREQUENTLY ASKED QUESTIONS

How can someone provide comments?	IN PERSON - please sign up for public comment using the clipboard provided by Trust staff during the Trustee meeting.
	VIA TELECONFERENCE – please call the meeting teleconference number on a telephone hard line. To prevent audio feedback, do not call on a speaker phone or cell phone. You may use the mute feature on your phone until you are called to speak, but do not put the call on hold because hold music disrupts the meeting. If this occurs, we will mute or disconnect your line.
	IN WRITING – send comments to the address or fax number below or email steve.williams@alaska.gov . Note that, if you wish your comments distributed to Trustees prior to a meeting, all comments should be received at least two days prior to the meeting to allow time to distribute them to Trustees.
Where is The Trust office?	The Trust Authority Building is located at 3745 Community Park Loop in Anchorage.
What is the call-in number?	Complete dialing instructions and the call-in number are posted on our website. Find the meeting under current upcoming meetings and click on the link to find the meeting agenda, call-in information and any meeting documents. Problems? Email info@mhtrust.org .
Is public comment taken at Trustee committee meetings?	Public comment is not regularly scheduled during Trustee committee meetings. Written comments are always welcome and may be submitted to the Trustees at any time to the address or fax number below or email steve.williams@alaska.gov . Note that, if you wish your comments distributed to Trustees prior to a committee meeting, all comments must be received two days prior to the meeting to allow time to distribute them to Trustees.
What is the process for commenting on projects on Trust land?	Public comment regarding projects on Trust land is most effective when provided early in the decision process. Trust land is managed by the Trust Land Office (TLO) on behalf of the Trust Authority. Written comment is sought by the TLO on a per-project basis. Before each project, the TLO consults with the Board of Trustees and issues a “best interest decision and public notice” regarding the project. The best interest decision and instructions for submitting comments are posted on the Trust Land Office website , through the State of Alaska Online Public Notices and in local newspapers. Following the comment period, the TLO may affirm, revise or rescind the best interest decision regarding the project. Of course, public comment regarding any Trust land issue may be provided to the Trustees at any time at the address or fax number below, by email to steve.williams@alaska.gov or at Trustee meetings as described above.
For additional information:	Call Steve Williams, Chief Operating Officer, at 907-269-7697 or email steve.williams@alaska.gov if you have additional questions.

ALASKA MENTAL HEALTH TRUST AUTHORITY

BYLAWS

ARTICLE V MEETINGS*

Section 6. The Trust Authority will schedule at least one period for public comment during each regularly scheduled Trust Authority meeting. Prior to beginning the public comment period, the presiding officer will specify any limitation on content or topics to be addressed. She or he should read or may paraphrase the following procedural constraints:

- (a) The purpose for having public comment is to allow persons the opportunity to provide information to the Trust Authority and to advise the Trust Authority about problems and issues.
- (b) The public comment period will not be considered a hearing and cannot be used for that purpose. Organizations are required to request hearings in advance in writing, and when granted by the Trust Authority, the hearing must be given public notice in accordance with law.
- (c) Public comments will normally be held to a maximum of three minutes per speaker. A waiver to the time limit may be granted by order of the Chair or motion adopted by the Trust Authority.
- (d) The public comment period is not to be used in order to criticize or attack specific individuals.
- (e) The Trust Authority may not take action during the comment period, but may take matters under advisement.
- (f) The Trust Authority may consider matters identified during the public comment period under new business, but may defer such matters to a subsequent meeting in order to complete the original agenda or to provide notice to the public that the item will be on the Trust Authority's agenda.
- (g) In order to afford the maximum amount of time to the public, responses or comments by Trust Authority members or Trust Authority staff during public comment periods will be held to a minimum.

* Excerpted from Alaska Mental Health Trust Authority Bylaws adopted May 2014. All statutes, regulations and bylaws governing The Trust can be found on our website

<http://mhtrust.org/about/governance/statutes/>

May 2014

Current Trust Bylaws

1
2
3 ALASKA MENTAL HEALTH TRUST AUTHORITY
4 BYLAWS

5
6 ARTICLE I
7 NAME

8
9 The name of this organization is the Alaska Mental Health Trust Authority.
10 Common usage and abbreviation may be "The Trust" or "Trust Authority."

11
12 ARTICLE II
13 MISSION

14
15 Section 1. The Trust Authority acts in the best interest of the beneficiaries of The Trust. Its
16 mission is:

17
18 The Alaska Mental Health Trust Authority (The Trust) administers the Mental Health Trust to
19 improve the lives of beneficiaries. Trustees have a fiduciary responsibility to protect and
20 enhance trust assets in perpetuity for the beneficiaries. The Trust provides leadership in
21 advocacy for and planning, implementing and funding of the Comprehensive Integrated
22 Mental Health Program; and acts as a catalyst for change.

23
24
25 ARTICLE III
26 BOARD OF TRUSTEE
27 MEMBERSHIP AND TERMS OF OFFICE

28
29 Section 1. Trust Authority composition:

30 (a) The Trust shall be governed by its board of trustees.

31
32 (b) The Trust Authority Board of Trustees here after referred to as the Trust Authority,
33 consists of seven members appointed by the governor and confirmed by the
34 legislature. The members appointed under this subsection shall be appointed based
35 upon their ability in financial management and investment, in land management, or in
36 services for the beneficiaries of The Trust.

37
38 (c) A member of the board is entitled to:

- 39 1. An honorarium of \$200 each day spent at a meeting of the board, at a meeting of
40 a subcommittee of the board, or as a representative of the board. The sliding
41 scale will be \$50 for less than 2 hours, \$100 for 2 to 4 hours, \$150 for 4 to 6 hours
42 and \$200 for 6 hours or more. Any conflicts will be resolved by the Executive
43 Committee; and
44 2. Per Diem and travel expenses are authorized for boards and commissions under
45 AS 39.20.180.
46

1 Section 2. Term of office, vacancies, and removal:

- 2 (a) The members of the Trust Authority serve staggered five-year terms. A member
3 shall continue to serve until the member's successor is appointed and confirmed by
4 the legislature.
5
- 6 (b) A vacancy occurring in the membership of the Trust Authority shall be filled within 60
7 days by appointment of the governor for the unexpired portion of the vacated term.
8
- 9 (c) The governor may remove a member of the Trust Authority only for cause, including
10 incompetence, neglect of duty, misconduct in office, poor attendance, or lack of
11 contribution to the Trust Authority's work.
12

13 A member being removed for cause shall be given a copy of the charges and
14 afforded an opportunity to publicly present a defense in person or by counsel upon
15 not less than 10 days' written notice. If a member is removed for cause, the governor
16 shall file with the lieutenant governor a complete statement of all charges made
17 against the member and the governor's findings based on the charges, together with
18 a complete record of the proceedings. The removal of a member for cause
19 constitutes a final administrative order. A member seeking to appeal the governor's
20 removal of a member for cause under this subsection shall file a notice of appeal with
21 the superior court under AS 44.62.560.
22

- 23 (d) Except for a trustee who has served two consecutive five-year terms, a member of
24 the Trust Authority may be reappointed. A member of the Trust Authority who has
25 served two consecutive five-year terms is not eligible for reappointment to the Trust
26 Authority until one year has intervened. (§ 26 ch 66 SLA 1991).
27

28 ARTICLE IV
29 OFFICERS AND DUTIES
30

31 Section 1. The Trust Authority, by a majority vote of its membership, shall annually elect a
32 Chair, Vice Chair, and Secretary/Treasurer and other officers it considers
33 necessary from its membership.
34

35
36 Section 2. The officers must be elected by a majority vote at the September meeting, and
37 their term of office shall start on October 1 and shall end on the following
38 September 30.
39

40 Section 3. Officers may be re-elected to the office in which they serve by vote of the
41 membership of the Trust Authority as above.
42

43 Section 4. In the event of the resignation, death, or removal from the Trust Authority, of the
44 Chair, the Vice-Chair will succeed to the office of the Chair.
45

46 Section 5. If an office of the Trust Authority becomes vacant, an election shall be held to fill
47 the vacancy at the next regular meeting of the Trust Authority following the

1 vacancy. In the interim, the Chair may appoint a member to serve until the
2 election is held.

3
4 Section 6. The duties of the officers shall be as follows:

5 (a) Chair

- 6 1. Call all meetings. Preside at all meetings.
- 7 2. Appoint Committees and Chairs of Committees.
- 8 3. Serve as ex-officio (voting) member of all Committees.
- 9 4. Serve as the Trust Authority's official representative during his/her term.
- 10 5. Operate and conduct the business and affairs of the Trust Authority according
11 to the statutes, regulations, bylaws and policies adopted by the Trust
12 Authority.
- 13 6. Approve Trust Authority meeting agenda.

14
15 (b) Vice Chair

- 16 1. Assist the Chair in the discharge of his/her duties and preside at meetings in
17 the absence of the Chair.
- 18 2. Keep a list of actions taken by motion at each meeting and place items
19 requiring follow-up on the agenda for the next meeting.
- 20 3. Act as the parliamentarian for the Trust Authority.
- 21 4. Perform other duties described in these Bylaws or in accordance with statutes,
22 regulations, by-laws and policies adopted by the Trust Authority.

23
24 (c) Secretary/Treasurer

- 25 1. Sign to authenticate Trust Authority meeting minutes after Board approval for
26 the record. Upon request, attest to the authenticity of Trust Authority by-laws,
27 and approved motions.
- 28 2. Perform other duties assigned by the Trust Authority or the Executive
29 Committee.

30
31 ARTICLE V
32 MEETINGS
33

34 Section 1. The Trust Authority will meet at least four times each fiscal year. Committees will
35 meet as necessary to accomplish their responsibilities.

36
37 Section 2. Special meetings of the Trust Authority may be held at such time and place as
38 the Chair may order; or when any four Trustees request to the CEO a meeting be
39 scheduled.

40
41 Section 3. Reasonable public notice of Trust Authority and Committee meetings shall be
42 provided in accordance with AS 44.62.310. Meetings of the Trust Authority and
43 its Committees are subject to the Open Meetings Act, AS 44.62.310 and
44 44.62.312.

45
46 Section 4. A quorum at all meetings shall consist of a simple majority of currently appointed
47 Trust Authority members. One-half of the Trust Authority membership of a
48 Committee constitutes a quorum at a Committee meeting for conducting and

1 exercising the powers of the Trust Authority, but in no event shall consist of less
2 than two members.

3
4 Section 5. No member of the Trust Authority may designate a proxy.

5
6 Section 6. The Trust Authority will schedule at least one period for public comment during
7 each regularly scheduled Trust Authority meeting. Prior to beginning the public
8 comment period, the presiding officer will specify any limitation on content or
9 topics to be addressed. She or he should read or may paraphrase the following
10 procedural constraints:

- 11
- 12 (a) The purpose for having public comment is to allow persons the opportunity to provide
13 information to the Trust Authority and to advise the Trust Authority about problems and
14 issues.
 - 15
 - 16 (b) The public comment period will not be considered a hearing and cannot be used for
17 that purpose. Organizations are required to request hearings in advance in writing, and
18 when granted by the Trust Authority, the hearing must be given public notice in
19 accordance with law.
 - 20
 - 21 (c) Public comments will normally be held to a maximum of three minutes per speaker. A
22 waiver to the time limit may be granted by order of the Chair or motion adopted by the
23 Trust Authority.
 - 24
 - 25 (d) The public comment period is not to be used in order to criticize or attack specific
26 individuals.
 - 27
 - 28 (e) The Trust Authority may not take action during the comment period, but may take
29 matters under advisement.
 - 30
 - 31 (f) The Trust Authority may consider matters identified during the public comment period
32 under new business, but may defer such matters to a subsequent meeting in order to
33 complete the original agenda or to provide notice to the public that the item will be on
34 the Trust Authority's agenda.
 - 35
 - 36 (g) In order to afford the maximum amount of time to the public, responses or comments
37 by Trust Authority members or Trust Authority staff during public comment periods will
38 be held to a minimum.

39
40 Section 7. Meetings of the Trust Authority may be conducted by teleconference or
41 videoconference in accordance with AS 44.62.312(a)(6) provided that with
42 respect to a matter which requires the consideration of documents a member
43 participating by teleconference or videoconference may vote only on those
44 matters to which he or she has access to said documents.

45
46 Section 8.

- 47 (a) Formal actions by The Trust are accomplished through adoption of motions.

1 (b) Motions must be proposed by a Committee or Trust Authority member.

2
3 (c) Copies of motions on the agenda will be available to the public at the opening of the
4 Trust Authority meeting.

5
6 Section 9. A document becomes an official Trust Authority document only upon approval of
7 the Trust Authority. Any document not approved by the Trust Authority shall be
8 clearly marked "DRAFT".

9
10 ARTICLE VI
11 COMMITTEES

12
13 The Trust Authority Chair may designate Ad Hoc Committees or task forces to
14 accomplish special purposes. Persons other than Trust Authority members may serve on
15 the Trust Authority's Ad Hoc Committees and task forces; however, such persons may not
16 be voting members of such committees, only appointed committee members may vote on
17 committee actions. (The Chair of the Board of Trustees is a voting member of each
18 committee, article IV, section 6 (a)) Committee actions must be reported to the Trust
19 Authority at the next regular Trust Authority meeting.

20
21 ARTICLE VII
22 EXECUTIVE COMMITTEE

23
24 Section 1. The Executive Committee of the Trust Authority is composed of three officers,
25 the Chair, the Vice Chair, and the Secretary/Treasurer. The Chief Executive
26 Officer shall participate as requested at Executive Committee meetings.

27
28 Section 2. The Executive Committee:

- 29 (a) Has full authority within the limits of established Trust Authority priorities, policies, and
30 procedures to act on behalf of the Trust Authority between regularly scheduled
31 meetings with a dollar limit of \$500,000.00 on expenditures.
32
33 (b) Evaluates the Chief Executive Officer's performance in carrying out policies,
34 procedures, and directions of the Trust Authority before the November Trustee
35 meeting.
36
37 (c) Refers matters to other Committees for reports to the Trust Authority.
38
39 (d) Monitors activities of the Trust Authority through the Standing Committees.
40
41 (e) Reviews corporate performance measures, analyzes them, and brings them to the
42 Trust Authority with recommendations.
43
44 (f) Approves the annual corporation audit and forwards to the state for inclusion in the
45 state financial statements within timeframes set by the state department of
46 Administration.
47 (g) Reviews Memorandums of Agreement (MOAs) that involve the Trust Authority
48 and other governmental entity's except the Department of Natural Resources in

1 respect to the Trust Land Office and recommends to the Board of Trustees for
2 approval.

3
4 Section 3. The Executive Committee will meet no less than two times a year.
5

6
7 ARTICLE VIII
8 STANDING COMMITTEES
9

10 Standing Committees and their Chairs will be appointed by the Chair.
11

12 (a) The Resource Management Committee:

- 13 • Develops policies and plans for protecting, enhancing, and managing the Trust's
14 non-cash resources in the best interests of the beneficiaries.
- 15 • Implements plans at the direction of and on behalf of The Trust in accordance with
16 Trust statutes and regulations.
- 17 • Approves disposals with an annual lease rental more than \$50,000 and not to
18 exceed \$200,000; and disposals with sale revenues more than \$100,000 and less
19 than \$500,000. This authority includes disposals that could produce revenues in the
20 form of royalties that exceed this revenue limit if the disposal is an extension or
21 expansion of an existing lease that has previously been subject to the consultation
22 process, so long as any expansion or addition to that lease does not exceed 25% of
23 the original lease acreage. All approvals for new disposals of interest that include
24 royalties shall be approved by The Trust Authority.
- 25 • Approves project-specific expenditures from the principal, budget reserves or the
26 facility maintenance account up to \$50,000.
- 27 • Reviews Trust Authority Memorandum of Agreement with the Department of
28 Natural Resources for management of the Trust Land Office and recommends for
29 approval to Board of Trustees.
- 30 • Reviews annual operating budget for TLO and recommends approval to Finance
31 Committee.
- 32 • Evaluates, along with DNR, the Executive Director of the TLO annually.
33

34 (b) The Planning Committee:

- 35 • Identifies and forecasts the status and needs of beneficiaries.
- 36 • Develops program policies and plans to meet needs and improve the
37 circumstances of beneficiaries; and recommends to the Trust Authority for approval
38 as appropriate.
- 39 • Evaluates the implementation of approved policies and plans affecting
40 beneficiaries.
41

42 (c) The Finance Committee:

- 43 • Develops policies for investment and fiscal management for approval by the Trust
44 Authority.
- 45 • Oversees the implementation of approved investment and fiscal management
46 policies.
- 47 • Reviews the administrative budgets for The Trust and Trust Land Office and then
48 recommends to the Trust Authority for approval.

- 1 • Approves expenditure of authority funds to implement Trust Authority-approved
2 Focus Area allocations or bundles of an unlimited amount for a state fiscal year so
3 long as the total annual budget approved for this purpose for the same fiscal year is
4 not increased.
- 5 • Approves authority funds for individual Partnership Grants, General Authority
6 Grants and Trust Directed Projects in amounts up to \$50,000 awarded to a specific
7 recipient.
- 8
- 9 • Recommends to the Trust Authority individual Partnership, General Authority
10 Grants and Trust Directed Projects in amounts over \$50,000 for each specific
11 recipient.
- 12 • Approves Changes of Intent for MHTAAR grants involving the carry-over from one
13 state fiscal year to the next.
- 14

15 ARTICLE IX
16 CHIEF EXECUTIVE OFFICER
17

18
19 Section 1. The Trust Authority shall hire and appoint a Chief Executive Officer as provided
20 by law.

21
22 Section 2. The Chief Executive Officer is responsible for ensuring the staffing, planning,
23 organizing, coordinating, and directing all activities necessary to fulfill the
24 powers, duties, and purpose of the Trust Authority.

25
26 Section 3. The Trust Authority will evaluate the performance of the Chief Executive Officer
27 after the first six months of employment. Thereafter, the Chief Executive Officer's
28 performance shall be evaluated annually by the Executive Committee.

29
30 Section 4. Termination of employment of the Chief Executive Officer is by simple majority of
31 the seven trustees.

32
33 Section 5. Authorizes disposition of assets with an annual lease rental of \$50,000 or less
34 and/or total sale revenues of \$100,000 or less.

35
36 Section 6. Designates funds for contracts or grants in amounts up to \$50,000 each to a
37 specific recipient so long as the Focus Area project or bundle is within the scope
38 and amount previously approved by the Trust Authority but had not already been
39 designated to a specific agency.

40
41 Section 7. Approves authority grants in amounts up to \$10,000 for purposes that are
42 allowed under AS 47.30.056 totaling not more than the total approved for this
43 purpose annually by the Trust Authority for Trust Directed Projects.

44
45 Section 8. Executes transactions previously approved by the Trust Authority.

46
47 Section 9. The Chief Executive Officer will provide fiscal oversight of the Trust Land Office
48 on behalf of The Trust Authority.

1
2
3 ARTICLE X
4 PARLIAMENTARY AUTHORITY
5

6 Unless otherwise provided by law or these Bylaws, the Trust Authority's procedures
7 shall be governed by Robert's Rules of Order Newly Revised.
8

9
10 ARTICLE XI
11 ETHICS
12

13 Section 1. Trust Authority members are required to comply with AS 39.52.010 -39.52.960,
14 the Alaska Executive Branch Ethics Act.
15

16 Section 2. In addition to complying with the requirements of the Alaska Executive Branch
17 Ethics Act, Trust Authority members shall refrain from influencing or attempting
18 to influence their fellow Trust Authority members, or the Trust Authority's staff, to
19 take any official action or make any recommendation for official action with
20 respect to the state's funding, direct or indirect, of an organization with which
21 they are associated.
22

23 Section 3. Trust Authority members are required to comply with the Conflict of Interest
24 Declaration as stipulated in the Alaska Executive Branch Ethics Acts.
25

26
27 ARTICLE XII
28 AMENDMENT OF BYLAWS
29

30 These Bylaws may be amended at any regular or special meeting of the Trust
31 Authority by a two-thirds vote of Trust Authority members provided that written notice and
32 copies of the proposed amendment have been submitted to the members 30 days prior to
33 the meeting or by unanimous vote without notice.
34

**Revised Regulations
For Approval
(August 2015)**

To: Board of Trustees
From: Executive Committee
Date: August 14, 2015
Re: Revisions to Trust Regulations

MEMO

REQUESTED MOTION:

Recommend the full board of trustees adopt 20 AAC 40.010 through 20 AAC 40.990 as written in the March 30, 2015, draft regulations.

PROJECT DESCRIPTION

The executive committee met on March 25, 2015, and directed staff to work with the Department of Law to amend existing regulations dated May 2012 to incorporate the proposed revisions. The committee passed a motion approving the proposed revisions to the current regulations (see attached).

Staff have worked with the Department of Law to create a file, review the draft revisions, and prepare public notice. Opportunity for public comment on the draft regulations was available from May 21 through June 22, 2015, and notice was provided in the Anchorage Dispatch News as well as directly to the Department of Revenue commissioner's office, chairs of the House & Senate Finance Committees, Legislative Affairs Agency, Administrative Regulation Review Committee, and legislative council. No questions or comments were received from the public or the legislature.

Upon adoption by Trustees, the final regulations package will be sent to the Department of Law for legal review and approval, and then submitted to the lieutenant governor's office for filing. The final regulations take effect on the 30th day after being filed by the lieutenant governor.

Trust

Alaska Mental Health Trust Authority

3745 Community Park Loop, Suite 200
Anchorage, Alaska 99508
Phone: 907-269-7960
Fax: 907-269-7966

To: Mike Barton, Chairman, Board of Trustees
Date: March 30, 2015
Re: Trust Regulation Revisions

REQUESTED MOTION:

The Executive Committee approves the proposed revisions to amend the Mental Health Trust Authority's existing regulations dated May 2012. Furthermore, the Executive Committee directs Trust staff to initiate work with the Department of Law to amend existing regulations dated May 2012 to incorporate the proposed revisions.



Signature

Date

20 AAC is amended by adding a new chapter to read:

Title 20. Miscellaneous Boards and Commissions.

Chapter

5. Commercial Fisheries Entry Commission (20 AAC 05.010 - 20 AAC 05.1990)
10. Professional Teaching Practices Commission (20 AAC 10.010 - 20 AAC 10.900)
15. Student Financial Aid (20 AAC 15.010 - 20 AAC 15.990)
16. Educational Incentive Grant Program (20 AAC 16.010 - 20 AAC 16.900)
17. Regulation of Postsecondary Educational Institutions (20 AAC 17.010 - 20 AAC 17.900)
18. WICHE Professional Student Exchange Loan Program (20 AAC 18.010 - 20 AAC 18.090)
19. Financial Support for the Wwami Program (20 AAC 19.010 - 20 AAC 19.900)
25. Alaska Oil and Gas Conservation Commission (20 AAC 25.005 - 20 AAC 25.990)
30. Alaska State Council on the Arts (20 AAC 30.010 - 20 AAC 30.985)
- 40. Mental Health Trust Authority (20 AAC 40.010 - 20 AAC 40.990)**

Chapter 40. Mental Health Trust Authority.

Article

1. Fiscal Matters Generally (20 AAC 40.010 - 20 AAC 40.040)
2. MHTAAR Money (20 AAC 40.100 - 20 AAC 40.110)
3. Authority Grants (20 AAC 40.200 - 20 AAC 40.270)
4. General Terms and Conditions Applicable to Authority Grants (20 AAC 40.300 - 20 AAC 40.415)
5. Beneficiaries of the Trust (20 AAC 40.500 - 20 AAC 40.590)
6. Administration of the Trust (20 AAC 40.600 - 20 AAC 40.620)
7. Real Property Assets (20 AAC 40.700 - 20 AAC 40.730)
8. Miscellaneous Provisions (20 AAC 40.900 - 20 AAC 40.990)

Article 1. Fiscal Matters Generally.

Section

- 10. Development of mental health budget recommendations to board
- 20. Authority consideration and action on budget recommendations
- 30. Grant program
- 40. Guiding principles

20 AAC 40.010. Development of mental health budget recommendations to board.

(a) The authority will use a two-year budget cycle for the authority's budget recommendations under AS 47.30.046. The first year of that budget cycle is the state's fiscal year that ends in an even-numbered year.

(b) The authority will invite each planning board and other agencies that serve the needs of beneficiaries as the authority considers appropriate to collaborate with the authority in developing budget recommendations to the board to meet the mental health needs of the state for the upcoming budget cycle. Recommendations will be developed for meeting both operating and capital needs to be paid, subject to appropriations, for the following:

(1) base adjustments to the state's general fund appropriations for the comprehensive program between

(A) the various appropriations authorized in the mental health budget appropriation bill; and

(B) the legislature's general fund appropriations that affect beneficiaries, but are not included in the mental health budget appropriation bill;

(2) other changes to the mental health budget appropriation bill, including

expenditures from the mental health trust settlement income account.

(c) Repealed ___/___/___.

(d) The participants in the collaboration process may break their efforts into smaller or multiple collaboration groups, as appropriate, to develop budget recommendations for individual focus areas.

(e) Early in the calendar year before the second year of a budget cycle begins, the authority will again invite the planning boards and such other agencies that serve the needs of beneficiaries as the authority considers appropriate to meet with the authority and evaluate whether and how the authority's budget recommendations for that second year should be changed. (Eff. 10/24/2004, Register 172; am ___/___/___, Register ___)

Authority: AS 47.30.031 AS 47.30.046 AS 47.30.056
AS 47.30.036 AS 47.30.051

20 AAC 40.020. Authority consideration and action on budget recommendations.

(a) The board will consider the budget recommendations made to the board under 20 AAC 40.010 in light of the authority's guiding principles adopted by reference in 20 AAC 40.040 and the board's understanding of

- (1) the mental health needs of the state; and
- (2) current issues affecting beneficiaries.

(b) When the board considers the budget recommendations submitted under 20 AAC 40.010, the board will determine whether and to what extent those recommendations should be incorporated into the authority's budget recommendations to the governor and legislature. The

authority will then finalize its budget recommendations and submit those budget recommendations as required under AS 47.30.046. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 47.30.031 AS 47.30.046 AS 47.30.056
AS 47.30.036 AS 47.30.051

20 AAC 40.030. Grant program. (a) The authority will annually determine the total amount of money from the mental health trust settlement income account established by AS 37.14.036 available for grants in support of the mental health program under AS 37.14.041 and AS 37.14.045. The authority will allocate that total amount between

- (1) MHTAAR money; and
- (2) authority administrative money; and
- (3) authority grants.

(b) The purposes and amounts of expenditures of MHTAAR money available for expenditure for a particular fiscal year are determined by approval of the board and inclusion in the mental health budget appropriations bill enacted for that year.

(c) Authority administrative money is money used to meet necessary administrative expenses as described in AS 37.14.041 (a)(6) and AS 47.30.056(a)(2).

(d) Authority grants are grants made under 20 AAC 40.200 - 20 AAC 40.270. The purposes and amounts of authority grants are determined by the authority as provided in 20 AAC 40.200 - 20 AAC 40.270.

(e) The authority will consider, as applicable, the guiding principles adopted by reference

in 20 AAC 40.040 when taking actions associated with grants under this chapter. (Eff.

10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.040. Guiding principles. The *Guiding Principles*, adopted by the board on May 12, 2009, are adopted by reference. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

Editor's note: The May 12, 2009 *Guiding Principles* adopted by reference in 20 AAC 40.040, are available for review on the Alaska Mental Health Trust Authority's Internet website at <http://www.mhtrust.org>, and at the office of the Alaska Mental Health Trust Authority, 3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508.

Article 2. MHTAAR Money.

Section

100. Administration and operation of MHTAAR Money

110. Proposals arising in the legislative budget process

20 AAC 40.100. Administration and operation of MHTAAR money. (a) Subject to the requirements of this section, a designated agency shall administer and operate an award of MHTAAR money in accordance with the administrative and operational procedures and requirements generally applicable to that agency.

(b) Unless expressly authorized by the authority in writing, a designated agency may not use MHTAAR money to supplant the agency's own budgetary or financial obligations.

(c) Before the authority authorizes access to payment of MHTAAR money to a designated agency, the authority will

(1) prepare a written statement of the authority's intent for the use of the money;

(2) make any inquiry that it considers necessary to establish that the agency has sufficient experience and the organizational capacity to carry out the purposes for which the money was authorized; and

(3) establish written reporting and evaluation requirements for the money.

(d) The authority will not authorize payment of MHTAAR money to a designated agency until the agency has agreed, in writing, that the agency will

(1) adhere to and implement the authority's statement of intent for the money;

(2) not use the money in a manner that deviates from the authority's statement of intent for the money without first receiving written approval from the authority;

(3) not use MHTAAR money to supplant the agency's own budgetary or financial obligations;

(4) provide any information to the authority that the authority may request to show that the authority's statement of intent for the money is being carried out, including reports on the progress and current status of the project; and

(5) accept a reduction of the money, including possible termination of the payment of money, if the money is used in a manner that does not comply with the requirements of this section or the purpose of the award.

(e) The authority may reduce or terminate a grant of MHTAAR money and cut off further payment if the designated agency, without prior written approval from the authority, operates the project in a manner that does not comply with the applicable requirements of this section. (Eff. 10/24/2004, Register 172; am __/__/__, Register)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.110. Proposals arising in the legislative budget process. (a)

Notwithstanding 20 AAC 40.010 - 20 AAC 40.040, this section applies to any proposal for financing a particular purpose or project that arises from negotiations between the authority and the governor or the legislature in the course of the legislative budget process. These proposals typically arise under short timelines and require a quick response by the authority.

(b) In considering whether to approve a proposal described in (a) of this section, the authority will seek information about the proposal that is reasonably available within the time constraints applicable to the authority's decision.

(c) In deciding whether and in what amount to approve a proposal described in (a) of this section, the authority will consider the proposal in light of its consistency with the purposes of the trust, the authority's guiding principles adopted by reference in 20 AAC 40.040, and the authority's other priorities. (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

Article 3. Authority Grants.

Section

- 200. Scope and applicability of 20 AAC 40.200 - 20 AAC 40.270
- 205. Eligibility for authority grants
- 210. Small projects grants
- 215. Expenditure of small projects grants
- 220. Competitive grants
- 225. Notice of application process for competitive grants
- 230. Submission of competitive grant application
- 235. Review of competitive grant applications
- 240. Criteria for review of competitive grant applications
- 245. Notification of award of competitive grant
- 250. Designated grants
- 255. Partnering grants
- 260. Emergency grants
- 265. Expenditure of emergency grants
- 270. Release of grant payments

20 AAC 40.200. Scope and applicability of 20 AAC 40.200 - 20 AAC 40.270.

(a) The provisions of 20 AAC 40.200 - 20 AAC 40.270 apply to grants of money by the authority that is not MHTAAR money. The source of money for these authority grants is the mental health trust settlement income account. The amounts and purposes of authority grants will be determined by the authority from time to time.

(b) Authority grants are made under 20 AAC 40.200 - 20 AAC.40.270. Authority grants include small projects grants, competitive grants, designated grants, **partnership** **[PARTNERING]** grants, **[AND]** emergency grants **and other general authority grants**. (Eff.

10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.205. Eligibility for authority grants. (a) Unless otherwise provided in 20 AAC 40.200 - 20 AAC 40.270 and any specific limitations on eligibility the authority establishes for a particular grant, any entity, including a government agency, with an interest in serving beneficiaries or otherwise advancing the mission of the authority is eligible to receive an authority grant. An individual is not eligible for an authority grant.

(b) Before a native entity may receive an authority grant, the entity must submit to the authority a resolution approved by the entity's governing body that waives the entity's sovereign immunity from suit with respect to claims by the authority or the state arising out of activities related to the grant.

(c) Repealed __/__/__. (Eff. 10/24/2004, Register 172: am __/__/__, Register ___)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.210. Small projects grants. (a) Subject to the provisions of this section and 20 AAC 40.215, the authority will make one-time small projects grants of up to **\$20,000** **[\$10,000]** for beneficiary-related purposes.

(b) The purpose of small projects grants is to provide for innovation or for enhancements in an existing activity or project, but not to maintain or create an ongoing program with trust money.

(c) An application for a small projects grant must be submitted on a form or in a format

prescribed by the authority. The board will set a schedule for applications for small projects grants.

(d) The authority staff shall return an application that requests a grant in excess of **\$20,000** [**\$10,000**] that does not state the amount requested, or that does not state how a requested amount will be spent. The authority staff shall provide a written explanation of the reason the application is being returned.

(e) Repealed __/__/__.

(f) The **[THE]** authority staff shall evaluate the applications, and prepare a summary of each application and a written recommendation to the board for the award of the grant. After reviewing the application summary and the recommendation of the authority staff, the board will either approve or deny an application. If the board approves an application, the board will determine the amount of the grant award.

(g) The authority will notify each applicant for a small projects grant in writing of its decision to approve or deny the application as soon as practical after the decision is made. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

Editor's note: Application information is available at the office of the Alaska Mental Health Trust Authority, 3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508. Application information is also posted on the authority's web site. The Internet address for the Alaska Mental Health Trust Authority is <http://www.mhtrust.org>.

20 AAC 40.215. Expenditure of small projects grants. (a) Unless otherwise provided in the grant, a small projects grant under 20 AAC 40.210 is awarded in the fiscal year in which it is approved, but is available for payment for 12 months after the date of award, unless that period is extended by the written agreement between the authority and the grantee.

(b) If the full grant award has not been expended under a small projects grant within the agreed project term, the authority will inform the grantee in writing that money under the grant will no longer be available after a specific date. The authority will also inform the grantee that the grantee must respond in writing by a stated date if the grantee desires that the grant money remain available until that specific date given by the authority. If the grantee does not timely respond, the authority may close the grant. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.220. Competitive grants. (a) The provisions of 20 AAC 40.220 - 20 AAC 40.245 apply to the award of competitive grants by the authority.

(b) If the authority decides to award an authority grant by competitive means, the authority will determine the purpose and amount of the grant. The authority will also determine whether to establish any specific limitations on eligibility for the grant and any other special qualifications or criteria that must be met by the grant recipient. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.225. Notice of application process for competitive grants. (a) The authority will give notice of the availability of a competitive grant by

(1) posting on the authority's web site and on the Alaska Online Public Notice System established under AS 44.62.175; and

(2) any other method the authority may consider appropriate for a particular grant.

(b) In a notice provided under (a) of this section, the authority will include the following information:

(1) the purpose and anticipated amount of the grant;

(2) the categories of recipients that are eligible to apply for the grant;

(3) any special qualifications or criteria that must be met by the successful grantee;

(4) whether the grant is a single or multiple year grant;

(5) as applicable, whether the grant project will be fully paid by the authority or will require that the grantee contribute a portion of the costs of the project from other sources;

(6) the appropriate method and instructions for application;

(7) the deadline by which an applicant must submit an application to be considered for the grant. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

Editor's note: The Internet address for the Alaska Mental Health Trust Authority is <http://www.mhtrust.org>. The Internet address for the Alaska Online Public Notice System is <http://aws.state.ak.us/OnlinePublicNotices/> [[HTTP://NOTES3.STATE.AK.US/PN/PUBNOTIC.NSF](http://NOTES3.STATE.AK.US/PN/PUBNOTIC.NSF)].

20 AAC 40.230. Submission of competitive grant application. (a) Unless otherwise stated in the grant notice given under 20 AAC 40.225, an application for a competitive grant must be submitted on a form or in a format prescribed by the authority. To be considered for a competitive grant, an applicant must include in the grant application the information requested in the application instructions. The authority will consider grant applications received on or before the date provided in the grant notice.

(b) If a grant project requires that the successful grantee contribute a portion of the costs of the project from another source, the applicant must acknowledge and agree to that requirement in the grant application and identify each proposed source of those contributions.

(c) A not-for-profit entity must submit documentation supporting its nonprofit status with its application.

(d) Upon request of the authority, the applicant must submit documentation supporting information and statements contained in the application. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

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20 AAC 40.235. Review of competitive grant applications. (a) No later than 10 working days after the deadline for submission of an application for a competitive grant, the authority will provide copies of properly completed and timely applications to each interested planning board or other beneficiary-related agency, as appropriate, for comment. Any comment or ranking by an interested planning board or other beneficiary-related agency must be in writing and must be submitted to the authority no later than 20 working days after receipt of copies of the grant applications from the authority.

(b) No later than 40 working days after the application submission deadline for a competitive grant, the authority staff shall review the applications and any comments on the applications or rankings received from a planning board or beneficiary-related agencies under (a) of this section. As part of the review process, the authority staff may request an applicant to provide additional information in support of its application. In reviewing the applications, the authority staff shall consider the criteria set out in 20 AAC 40.240 and any additional qualifications or criteria set out in the grant notice issued under 20 AAC 40.225.

(c) After reviewing the applications under (b) of this section, the authority staff shall

make a recommendation to the board. At the next appropriate scheduled meeting the board will make a decision on the award of grants and the amount of each grant.

(d) A decision of the board under (c) of this section will be to

(1) approve the grant application recommended by the authority staff;

(2) approve the grant application recommended by the authority staff, subject to acceptable revisions being made in the amount of the grant, the applicant's proposed grant project budget, or the proposed services or activities to be provided; or

(3) disapprove the grant application recommended by the authority staff and

(A) direct the authority staff to re-evaluate all applications and submit a new recommendation under (c) of this section; or

(B) determine that the grant project is to be re-noticed under 20 AAC 40.225 for new applications or canceled.

(e) If the board's decision is to approve the grant subject to revisions as described in (d)(2) of this section, the authority will negotiate with the applicant for necessary revisions in the applicant's proposed grant project budget or proposed services and activities. (Eff. 10/24/2004, Register 172; am __/__/__, Register__)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.240. Criteria for review of competitive grant applications. In addition to qualifications and criteria described in the grant notice issued under 20 AAC 40.225 and any applicable criteria established by law, the authority will use the following criteria, as applicable,

in reviewing an application for a competitive grant:

(1) the extent to which the proposed services would provide a direct benefit to one or more beneficiary groups;

(2) the applicant's management and financial capabilities, including the applicant's ability to implement and carry out the grant project in accordance with 20 AAC 40.300 – 20 AAC 40.415;

(3) the applicant's previous experience and results in providing the same or similar services in an effective manner;

(4) whether the applicant's proposed grant project budget is complete, understandable, and appears likely to achieve the purposes of the grant in a cost effective manner;

(5) the feasibility and appropriateness of the applicant's plan for providing services, including accessibility of services to clients;

(6) demonstrated support of the applicant by each community in which services would be provided;

(7) if the applicant has previously been awarded a grant by the authority,

(A) the applicant's prior performance as a grantee; and

(B) the status of audits and the resolution of audit exceptions, if any, for any other grant awarded by the authority. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.245. Notification of award of competitive grant. (a) After the board makes a decision on the applications for a competitive grant under 20 AAC 40.235(d), the authority will send to each applicant for that grant

(1) a notice of intent to award the grant to the successful applicant contingent upon necessary revisions, if any, if the board decides to award the grant;

(2) a notice of grant denial to all unsuccessful applicants;

(3) a notice of cancellation of the grant proposal request if the board decides not to award the grant to any applicant.

(b) At least **10 (ten) [SEVEN]** working days after issuance of a notice of intent to award the grant under (a)(1) of this section and after any necessary revisions to the successful applicant's grant proposal are negotiated, the authority will issue a notice of grant award to the successful applicant. In the notice of grant award, the authority will state

(1) the amount of money that is available for the grant; and

(2) the terms and conditions of the grant, including the duration of the grant and the period over which grant money may be spent.

(c) The grantee must sign the notice of grant award issued under (b) of this section to indicate acceptance of and agreement to comply with the terms and conditions of the grant project, including the applicable provisions of 20 AAC 40.300 – 20 AAC 40.415. The signed notice of grant award constitutes a contract between the authority and the grantee.

(d) A notice of grant award issued under (b) of this section is a final decision of the authority. A person adversely affected by the decision may appeal to the superior court in

accordance with the Alaska Rules of Appellate Procedure. (Eff. 10/24/2004, Register 172; am ___/___/___, Register ___)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.250. Designated grants. (a) If the board identifies a specific purpose or need that is consistent with the purposes and goals of the comprehensive program, the board may award an authority grant to one or more designated recipients to provide money to serve that purpose or need.

(b) A proposal for a designated grant under this section may be initiated by the board, a board committee, the authority staff, a beneficiary-related agency, or a mental health service provider.

(c) The board will determine the amount and term of a designated grant awarded under this section.

(d) Unless otherwise specified in the grant, a designated grant under this section is subject to the terms and conditions for authority grants set out in 20 AAC 40.300 - 20 AAC 40.415.

(e) A decision of the board to make a designated grant under this section is a final decision of the authority. A person adversely affected by the decision may appeal to the superior court in accordance with the Alaska Rules of Appellate Procedure. (Eff. 10/24/2004, Register 172; am ___/___/___, Register ___)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.255. Partnership [PARTNERING] grants. (a) The board may set aside money for the purpose of paying for activities to be undertaken in partnerships with other entities to expand or enhance the quality, quantity, or range of services for beneficiaries or non-beneficiaries who may receive services paid for by the trust under 20 AAC 40.560. Appropriate uses of these partnering grants include

- (1) leveraging other money;
- (2) increasing facility or service capacity;
- (3) enhancing relationships within the mental health service system;
- (4) providing technical assistance to beneficiary-related agencies, mental health service providers, and other entities concerned with the needs or well-being of beneficiaries;
- (5) conducting beneficiary-related research;
- (6) encouraging policy or systems changes within the mental health service system; and
- (7) expanding opportunities for beneficiaries or beneficiary organizations.

- (b) Within the amount set aside by the board under (a) of this section, the board will
- (1) identify appropriate opportunities for partnerships with other entities eligible for authority grants under 20 AAC 40.205;
 - (2) determine the appropriate recipients and purposes of partnering grants; and
 - (3) determine the amount, term, and other conditions of each partnering grant.
- (c) Except as specifically provided in the grant, a partnering grant under this section is

not subject to the terms and conditions for authority grants set out at 20 AAC 40.300 - 20 AAC 40.415.

(d) With the prior approval of the board, a partnering grant under this section may be administered directly by the authority.

(e) A decision of the board on a partnering grant under this section is a final decision of the authority. A person adversely affected by the decision may appeal to the superior court in accordance with the Alaska Rules of Appellate Procedure. (Eff. 10/24/2004, Register 172; am ___/___/___, Register ___)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
 AS 47.30.031

20 AAC 40.260. Emergency grants. (a) Subject to the provisions of this section and 20 AAC 40.265, the authority may make an emergency grant to a beneficiary-related agency, mental health service provider, or other entity that provides a significant part of its services to beneficiaries. Emergency grants are

(1) a one-time source of money to provide a bridge while securing other financial sources to maintain mental health-related services or programs or to replace property or equipment lost in an emergency;

(2) used to provide direct services to beneficiaries; and

(3) except in unusual circumstances, not used to replace lost grants or money from other sources.

(b) To qualify for consideration as an emergency grant under this section, a grant request

- (1) may not have been submitted to the authority as part of a budget recommendation under 20 AAC 40.100;
- (2) may not have been part of a request submitted to the legislature by the authority;
- (3) may not be the result of mismanagement by the applicant; and
- (4) must reflect needs that are unique to the applicant and are not representative of broader issues affecting other entities that are similar to the applicant.

(c) A request for an emergency grant may be submitted at any time. The request must be submitted in writing. Information that must be provided by the applicant includes

- (1) the nature and cause of the emergency situation;
- (2) the reasons that the request could not be addressed by the authority within its regular budgeting process;
- (3) the results of efforts made by the applicant to identify other sources of money for the emergency situation; and
- (4) any corrective action to be taken by the applicant to avoid similar emergency situations in the future.

(d) No later than five working days after receipt of a request for an emergency grant, the authority staff shall review the grant request to determine if it addresses an emergency and is not the result of mismanagement by the applicant. If the authority staff determines that the request does not address an emergency, the authority staff shall notify the applicant of the reason. If the authority staff determines that the request addresses an emergency, the authority staff shall notify

the following of the request:

- (1) the board's executive committee
- (2) appropriate planning boards;
- (3) other appropriate state agencies.

(e) In addition to a copy of the emergency grant request, the authority staff shall provide the staff's analysis of the request to the executive committee.

(f) No later than 10 working days after an initial determination by authority staff that the grant request addresses an emergency and is not the result of mismanagement by the applicant, the executive committee will conduct a meeting to determine whether the request qualifies for consideration as an emergency grant under (a) and (b) of this section. The authority staff shall provide notice of the meeting to the applicant and each appropriate planning board and state agency. The meeting may be held by teleconference.

(g) If the Executive committee determines after the meeting under (f) of this section that a request does not qualify for consideration as an emergency grant under (a) and (b) of this section or is otherwise not consistent with the purposes of the trust, the authority staff shall inform the applicant in writing.

(h) If the executive committee determines after the meeting under (f) of this section that a request qualifies for consideration as an emergency grant under (a) and (b) of this section and is otherwise consistent with the purposes of the trust, a decision to grant or deny the request shall be made as follows:

1) if the amount requested by the applicant is \$50,000 or less, the executive committee will approve or disapprove the request and establish the amount of the grant as the committee determines is in the best interest of the trust and its beneficiaries.

(2) if the amount requested by the applicant is more than \$50,000, the authority staff shall forward the executive committee's determination to the full board for consideration; unless a special meeting is scheduled earlier for that purpose, the board will consider the request at its next regular scheduled meeting and decide to approve or disapprove the request and establish the amount of the grant as the board determines is in the best interest of the trust and its beneficiaries.

(i) A decision of the board's executive committee under (h)(1) of this section may be appealed to the full board in accordance with 20 AAC 40.910.

(j) A decision of the board under (h)(2) of this section is final decision of the authority. A person adversely affected by the decision may appeal to the superior court in accordance with the Alaska Rules and Appellate Procedure. (eff. 10/24/2004, Register 172; am __/__/__, Register

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.265. Expenditure of emergency grants. Unless otherwise provided in the grant, a grantee may only spend money from an emergency grant in the fiscal year in which the emergency exists. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.270. Release of grant payments. (a) The authority may withhold payment under an authority grant until the grantee provides any documentation or other confirmation requested by the authority of information and statements submitted by the grantee either in the grant application or otherwise in support of the grant or implementation of the grant.

(b) With the prior approval of the board, the authority may retain a stated amount from an authority grant to pay the authority's out-of-pocket administrative costs incurred in connection with the grant. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

**Article 4. General Terms and Conditions
Applicable to Authority Grants.**

Section

- 300. Scope and applicability of 20 AAC 40.300 - 20 AAC 40.415
- 305. Grant duration
- 310. Accounting requirements
- 315. Payment
- 320. Allowable costs
- 325. Administrative policies of grantees
- 330. Subcontracts
- 335. Purchasing practices and procedures
- 340. Property management
- 345. Grant income
- 350. Methods for making contributions
- 355. Permissible contributions
- 360. Value of contributions
- 365. Audit requirements
- 370. Retention of records
- 375. Equal employment opportunity
- 380. Civil rights of clients
- 385. Confidentiality
- 390. Grantee compliance with applicable law
- 395. Grantee reports and evaluation
- 400. Authority monitoring and evaluation
- 405. Changes in approved grant project
- 410. Suspension and termination of a grant
- 415. Protest of grant decisions

20 AAC 40.300. Scope and applicability of 20 AAC 40.300 - 20 AAC 40.415. Except as otherwise provided in a grant agreement or this chapter, the provisions of 20 AAC 40.300 - 20 AAC 40.415 apply to authority grants awarded under 20 AAC 40.200 - 20 AAC 40.270. (Eff. 10/24/2004, Register 172; am __/__/__, Register ___)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056

AS 47.30.031

20 AAC 40.305. Grant duration. The authority will establish the term of a specific grant in the grant document. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.310. Accounting requirements. A grantee shall, with respect to the financial records and accounts of the grant project, use generally accepted accounting practices and maintain those records and accounts in a manner that permits them to be audited. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.315. Payment. (a) The authority will specify in the grant document the schedule by which payments under the grant are made. To receive a payment, the grantee must submit to the authority any documentation required by this chapter or in the grant document, along with a payment request made on a form provided by the authority.

(b) A grantee shall reimburse the authority for an advance payment made to the grantee to the extent that the grantee does not expend or encumber the payment before the end of the grant period. A grantee shall notify the authority in writing no later than 30 calendar days after the end of the grant term of an outstanding obligation against the grant. For the purposes of this subsection, an encumbrance must relate to a cost the payment of which is reflected in the grant

project budget.

(c) The authority may withhold one or more grant payments if the grantee

(1) fails timely to submit a report required for the grant by this chapter or the grant document;

(2) uses grant money to pay a cost that is not permitted under the grant; or

(3) is otherwise not in compliance with the applicable provisions of this chapter or the requirements of the grant document. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

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20 AAC 40.320. Allowable costs. (a) Subject to (b) - (d) of this section, a grantee may use money received under a grant to pay for costs associated with the grant only if the cost is reflected in the budget of the grant project.

(b) A grantee must obtain the prior approval of the authority in writing before paying a cost associated with the grant that is not reflected in the budget of the grant project.

(c) If doing so is specified in the grant agreement or in the budget for the grant project, a

grantee may pay for indirect costs of the grant project in accordance with an indirect-cost rate that has been agreed upon between the federal government and the grantee as an accurate reflection of the cost of the items included under that rate. In computing the amount of the grant allocated to indirect costs, the authority will accept the grantee's indirect-cost rate most recently negotiated with the federal government at the time of the award of the grant. An amount allocated for indirect costs in a grant is considered part of the grant and not an addition to it. An increase or decrease in the grantee's federal indirect-cost rate made after the grant award does not affect the amount of the grant. A grantee shall make available to the authority upon request all federal audit data relating to indirect costs of the grant project paid by the federal government.

(d) A grantee that does not have a federally approved indirect-cost rate may include administrative costs in the grantee's proposed grant project budget as direct costs. The grantee shall document the proposed costs in its justification narrative for the proposed grant project budget.

(e) A grantee may not use grant money to supplant the grantee's own budgetary or financial obligations. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.325. Administrative policies of grantees. (a) A grantee with more than six employees must have written policies relating to employee compensation and benefits, employee leave, employee relocation costs, use of consultants and consultant fees, training, including orientation for new employees, nepotism, and conflicts of interest. The grantee shall apply these

policies consistently in the administration of the grant project without regard to the source of the money used for the purposes to which the policies relate. The authority may require a grantee to submit these policies to the authority.

(b) A grantee that is a not-for-profit entity must establish and adhere to a written policy stating that an employee of the grantee may not be a member of the grantee's governing board.

(Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.330. Subcontracts. (a) A grantee may enter into a subcontract for the performance of an activity required by a grant only if the grantee

(1) remains administratively and financially responsible for the activity and is responsible for the performance of the subcontractor; and

(2) provides written notice to the authority of intent to enter into a subcontract at least five business days before entering into the subcontract.

(b) A subcontract must be in writing and must include the subcontractor's agreement

(1) to provide the grantee and the authority, or a representative of the grantee or the authority, with reasonable access to the books, documents, papers, and records of the subcontractor if either the grantee or the authority determines that access to this information is necessary for the purposes of an audit; and

(2) to comply with the applicable provisions of 20 AAC 40.300 – 20 AAC 40.415 and the grant. (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.335. Purchasing practices and procedures. A grantee shall apply uniform purchasing practices and procedures for the procurement of goods, equipment, and services. The authority may require a grantee to submit these practices and procedures to the authority. (Eff.

10/24/2004, Register 172; am __/__/__, Register ___)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.340. Property management. (a) A grantee shall maintain accurate property records as well as effective inventory, control, and maintenance procedures for non-expendable personal property acquired with the grant. Records must include the following information:

(1) a description of the property and the manufacturer's serial number or other identification number;

(2) the grant project under which the property was acquired;

(3) the acquisition date and cost of the property;

(4) the percentage of the total cost of the property paid by the grant;

(5) the location, use, and condition of the property and the date on which that information was recorded;

(6) if the grantee disposes of the property, the disposition of the property, including the date of its disposal and its sales price or the method used to determine its fair market value at disposition.

(b) A grantee shall maintain a control system to **ensure [INSURE]** adequate safeguards to prevent loss, damage, or theft of non-expendable personal property of the grant project. A grantee shall provide for the investigation and full documentation of a loss, damage, or theft of non-expendable personal property of the grant project.

(c) Repealed __/__/__. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.345. Grant income. (a) A grantee shall report grant income to the authority on a form or in a format prescribed by the authority.

(b) A grantee shall use grant income, including the grantee's share of proceeds from the sale of assets of the grant project, to further the objectives of the grant project

(1) as specified in the terms of the grant; or

(2) with approval from the authority in writing. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

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20 AAC 40.350. Methods for making contributions. (a) If a grant requires that the

grantee contribute a portion of the project costs from other sources, the authority will specify in the grant either the amount of the required contribution or the proportion of the project cost that the grantee must provide from other sources. In the grant, the authority may also specify the timetable for the grantee to provide those contributions.

(b) The authority may require a grantee to verify that the grantee has provided required contributions and may withhold payments under the grant if those contributions are not timely provided. Unless another form of verification is permitted by the grant, provision of required contributions must be verified by a person certified or licensed as a public accountant under AS 08.04. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.355. Permissible contributions. (a) Subject to (b) of this section, a grantee may contribute any of the following to satisfy the contribution requirements of a grant:

- (1) cash, other than cash received as a grant from the authority;
- (2) real or personal property, including the use of real or personal property;
- (3) personal services.

(b) To qualify as a contribution under (a) of this section, a contribution must be

- (1) used for a purpose that is an allowable cost under 20 AAC 40.320;
- (2) verifiable from the grantee's records of the grant project; and
- (3) in the determination of the authority, necessary and reasonable for proper and

efficient accomplishment of the objectives of the grant project. (Eff. 10/24/2004, Register 172;

am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.360. Value of contributions. (a) The authority will accept the following methods of determining the value of contributions made under 20 AAC 40.355:

(1) for real property, the grantee must determine the value of the contribution by using

(A) the fair rental value of the real property, or of that part of the real property used by the grant project, during use of the real property for the grant project; or

(B) if the real property is developed and the grantee elects not to use the method described in (A) of this paragraph, the amount of depreciation of the building or structure, or part of the building or structure used for the grant project that is located on the real property during use of the building or structure by the grant project, using the straight-line method of depreciation with an assumed life of the building or structure of 20 years;

(2) for personal property, the grantee must determine the value of the contribution by using

(A) the fair market value of the personal property; or

(B) if the fair market value of the personal property is greater than \$1,000, the fair rental value of the personal property; and

(3) for personal services, the grantee must determine the value of the contribution

by using the prevailing rate of pay for similar services in the area in which the grant project is located.

(b) A grantee shall maintain records of any personal services that are used to satisfy the contribution requirements of the grant. A grantee shall also maintain records of the methods used by the grantee to determine the value of contributions made to the grant project. (Eff.

10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.365. Audit requirements. (a) For an audit conducted by the authority, the grantee and any subcontractor of the grantee shall provide the auditor with reasonable access to the books, documents, papers, and records of the grantee or subcontractor. The auditor is a representative of the authority.

(b) When an audit report prepared under (a) of this section questions a cost or financial transaction incurred or recorded by the grantee or subcontractor, the grantee shall, within 30 calendar days after receiving written notice of the audit report, submit to the authority a response to the questions in the report. If the grantee fails to respond to the audit report or if the authority determines that the response does not adequately explain or justify a questioned cost or transaction, the authority may require the grantee to refund to the authority the amount of grant money used to pay the questioned cost or to otherwise correct a questioned transaction. The grantee shall refund the amount in accordance with procedures specified by the authority.

(c) In addition to an audit conducted under (a) of this section and unless otherwise

provided in the grant, a grantee and each subcontractor of the grantee under 20 AAC 40.330, except a subcontractor who is an individual, shall have a fiscal audit of the grantee's or subcontractor's operations, as applicable, under the grant program performed at least once every two years. However, the authority may accept a state or federal audit as a substitute for an audit required by this subsection. (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.370. Retention of records. The grantee and a subcontractor of a grantee shall retain grant and subcontract records, including records of the receipt and disposition of grant income, for a period of at least three full calendar years after closure of the grant. If an audit is in progress or audit findings, litigation, or claims that involve the records are pending three years after closure of the grant, the grantee or the subcontractor shall continue to retain those records until at least one calendar year after all those matters are concluded. (Eff.

10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.375. Equal employment opportunity. (a) A grantee shall post in conspicuous places, accessible to employees and applicants for employment, at the location of the grantee's grant project, notices setting out the provisions of AS 18.80.220.

(b) A grantee shall state, in solicitations or advertisements for employees to work on a grant project, that the grantee is an equal opportunity employer and that all qualified applicants

will be considered for employment without regard to race, religion, color, national origin, age, physical handicap, sex, or marital status.

(c) A grantee shall include the requirements of this section in the grantee's contracts and shall require compliance with those provisions in contracts entered into by the grantee's subcontractors. (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.380. Civil rights of clients. A grantee shall

(1) comply fully with 42 U.S.C. 2000d, as amended through October 24, 2004, and 42 U.S.C. 12101 - 42 U.S.C. 12213 (Americans with Disabilities Act of 1990), as amended through October 24, 2004;

(2) inform and instruct staff members concerning obligations under the statutes referred to in (1) of this section; and

(3) upon request, make available to the authority information relating to the grantee's compliance with the statutes referred to in (1) of this section. (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.385. Confidentiality. In a grant project to which federal or state requirements for confidentiality apply, the authority will establish procedures for preserving that confidentiality before the authority awards the grant. The authority will include the procedures

as part of the terms of the grant. (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.390. Grantee compliance with applicable law. (a) In addition to satisfying the applicable requirements of 20 AAC 40.375 - 20 AAC 40.385, in order to receive an authority grant and continue to operate under that grant, a grantee must conduct its activities and operations in accordance with all other applicable state and federal law, including applicable wage and hour requirements, requirements for exemption from taxation under applicable tax codes, and requirements to attain and maintain the legal status that the grantee represents that it has.

(b) The authority may at any time request a grantee to demonstrate through appropriate documentation that the grantee is in compliance with (a) of this section.

(c) Failure of a grantee to comply with (a) of this section is grounds for suspension or termination of the grant under 20 AAC 40.410. (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.395. Grantee reports and evaluation. (a) A grantee shall submit to the authority, in a format established by the authority, grant project performance reports, financial reports, and evaluations of the grantee's management and operation of the grant project. The

grantee shall prepare the reports and evaluations in accordance with written instructions provided by the authority. The grantee shall submit the required reports and evaluations in accordance with the reporting schedule set out in the **grant agreement [WRITTEN INSTRUCTIONS]**.

(b) If a grantee fails to submit complete and timely reports and evaluations as required by the written instructions described in (a) of this section, the authority may withhold grant payments under 20 AAC 40.315 or suspend or terminate the grant under 20 AAC 40.410. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.400. Authority monitoring and evaluation. (a) The authority may monitor and evaluate the performance and progress of a grant project.

(b) When it is cost-efficient or otherwise effective to do so, the authority may enter into a contract to provide for monitoring and evaluation of a grant project under (a) of this section. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.405. Changes in approved grant project. (a) The scope and nature of activities for which grant money may be expended, and other terms and requirements of a grant project may not be changed without prior written approval of the authority. A request for approval of a change in the terms or requirements of a grant project must be submitted to the authority in writing and must describe the requested change and explain the reason for it. The

authority will notify the grantee of its decision in writing no later than 20 working days after receipt of the request.

(b) The appointment of the director of a grant project and any other key personnel specified by the authority in the grant award, including any changes in those positions during the term of the grant, are subject to prior written approval of the authority. The grantee shall immediately notify the authority in writing of any change in the director of a grant project or any other key personnel, including an absence due to incapacity that is expected to or does exceed three months, and, if applicable, advise the authority that the grantee desires to terminate the grant project because of the change. Any change is subject to the approval of the authority. The authority will notify the grantee in writing of any objections to the change.

(c) If a grantee informs the authority under (b) of this section that the grantee desires to terminate the grant project, the authority will provide the grantee with instructions for doing so. If the grantee does not desire to terminate the grant project, replacement of the director or other key personnel is subject to prior written approval of the authority. If the grantee is unable to recruit a qualified candidate who is approved by the authority and the grantee is otherwise unable to assure performance of the duties of the position, the authority may terminate the grant.

(d) Subject to (e) of this section, a grantee may reallocate money between budget categories within the total grant project budget to meet unanticipated expenditures necessary to the successful continuation or completion of the grant project, if the expenditures are authorized under the terms of the grant. A grantee must

(1) receive prior written approval from the authority before reallocating an

amount that exceeds 10 percent of a budget category established in the grant that is affected by the reallocation or \$2,500, whichever is less; and

(2) notify the authority within 15 calendar days after reallocating an amount not subject to (1) of this subsection.

(e) The grantee shall notify the authority of an increase or decrease in the total amount of the grant project budget from all sources within 30 calendar days after the increase or decrease.

(Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.410. Suspension and termination of a grant. (a) If a grantee fails to comply with the terms of the grant or of 20 AAC 40.300 - 20 AAC 40.415, the authority may suspend or terminate the grant. The authority will give the grantee written notice of the grantee's failure to comply at least 15 calendar days before a suspension or termination of the grant takes effect. In the notice, the authority will state the reasons for the suspension or termination and the effective date of the suspension or termination.

(b) If a grant is suspended under (a) of this section, a grantee may not use grant money to pay an obligation incurred during the period of the suspension. However, the grantee may pay an obligation incurred before the period of suspension, if the grantee obtains the approval of the authority and if payment of the obligation would otherwise be allowed under 20 AAC 40.300 – 20 AAC 40.415 and the terms of the grant.

(c) A suspension under this section remains in effect until

(1) the grantee takes corrective action and gives assurance of the corrective action that the authority considers satisfactory;

(2) the grantee successfully protests or appeals the suspension; or

(3) the authority or grantee terminates the grant.

(d) If the authority terminates a grant under this section, the authority will make arrangements that the authority considers necessary for managing the grant before the effective date of a termination and for closing the grant upon termination.

(e) The authority may terminate a grant before the end of the grant period, in whole or in part, with the consent of the grantee.

(f) A grantee may terminate a grant, in whole or in part, before the end of the grant period upon 30 calendar days written notification to the authority stating the reasons for the termination, the effective date, and the portion of the grant to be terminated, if the termination is partial.

(g) A grantee may not incur any new obligation to be paid with money from a suspended or terminated grant or the terminated portion of a grant after receiving notice of the suspension or termination. The grantee shall make a reasonable effort to cancel the grantee's outstanding obligations that, but for the suspension or termination, would be payable, in whole or in part, with money from the grant. To the extent that the grantee is not able to cancel a properly incurred obligation, the authority may provide for payments to the grantee to satisfy that part of an obligation that, but for the suspension or termination, would be payable with money from the grant.

(h) If a grant is terminated under this section by either the authority or the grantee, the grantee shall, no later than 30 calendar days after the effective date of the termination, repay to the authority the unexpended portion of any advance payments received under the grant from the authority. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

20 AAC 40.415. Protest of grant decisions. An applicant for a grant or a grantee may protest the following decisions of the authority in accordance with 20 AAC 40.900:

- (1) a final decision denying an application for a small projects grant under 20 AAC 40.210;
- (2) a determination under 20 AAC 40.260(d) that a request for an emergency grant does not qualify for consideration as an emergency or is otherwise not consistent with the purposes of the trust;
- (3) a determination under 20 AAC 40.260(g) that a request for an emergency grant is not for an emergency for which support by the trust may be appropriate;
- (4) a decision to withhold a grant payment under 20 AAC 40.315 or 20 AAC 40.350;
- (5) a decision to require a refund of grant money under 20 AAC 40.365;
- (6) a decision under 20 AAC 40.405 denying a requested change in an approved grant project;
- (7) a decision to suspend or terminate a grant under 20 AAC 40.410. (Eff.

10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.045 AS 47.30.051 AS 47.30.056
AS 47.30.031

Article 5. Beneficiaries of the Trust.

Section

- 500. Adoption by reference
- 510. Beneficiaries of the trust
- 520. People with mental illness
- 530. People with developmental disabilities
- 540. People with alcoholism
- 550. People with Alzheimer's disease or related dementia
- 560. Services to non-beneficiaries
- 590. Definitions

20 AAC 40.500. Adoption by reference. (a) The **DSM-5 [DSM-IV-TR]** is adopted by reference for the purposes of 20 AAC 40.500 - 20 AAC 40.590.

(b) The **ICD-10-CM [ICD-9-CM]** is adopted by reference for the purposes of 20 AAC 40.500 - 20 AAC 40.590. (Eff. 10/24/2004, Register 172; am __/__/__, Register ___)

Authority: AS 47.30.031 AS 47.30.056

Editor's note: Copies of the **DSM-5 [DSM-IV-TR]** and the **ICD-10-CM [ICD-9-CM]**, adopted by reference in 20 AAC 40.500, are available for review at the offices of the Alaska Mental Health Trust Authority, **3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508 [550 WEST SEVENTH AVENUE, SUITE 1820, ANCHORAGE, ALASKA 99501]**.

20 AAC 40.510. Beneficiaries of the trust. (a) A person in one or more of the groups listed in AS 47.30.056(b) and as more specifically described in AS 47.30.056(d) - (g) and 20 AAC 40.520 - 20 AAC 40.550 is a beneficiary of the trust.

(b) In addition to persons described in (a) of this section, a person shall also be

considered a beneficiary of the trust if, due to either a general medical condition such as a brain injury or a substance-induced disorder, the person can be diagnosed using the **DSM-5 [DSM-IV-TR]** or the **ICD-10-CM [ICD-9-CM]** with a disorder comparable to a disorder that would qualify a person as a beneficiary under (a) of this section.

(c) A beneficiary may receive mental health services and shall be given a priority in the delivery of those services if the beneficiary's condition qualifies under AS 47.30.056(c)(1). (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 47.30.031 AS 47.30.056

20 AAC 40.520. People with mental illness. (a) Subject to (b) of this section, people with mental illness are persons who can be diagnosed using the **DSM-5 [DSM-IV-TR]** with **a [AN AXIS I OR AXIS II]** disorder comparable to those listed at AS 47.30.056(d)(1) - (8) or with an equivalent disorder using the **ICD-10-CM [ICD-9-CM]**.

(b) In addition to persons described in (a) of this section, people with mental illness include persons with conditions that support a **DSM-5 [DSM-IV-TR]** diagnosis of "other conditions that may be a focus of clinical attention" or a comparable **ICD-10-CM [ICD-9-CM]** diagnosis, even though the condition is not due to a mental disorder described in AS 47.30.056(d)(1) - (8), AS 47.30.056(d)(10), or (a) of this section. (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 47.30.031 AS 47.30.056

20 AAC 40.530. People with developmental disabilities. (a) Subject to (b) of this section, people with developmental disabilities are persons who

(1) can be diagnosed using the DSM-5 [DSM-IV-TR] with [AN AXIS I OR AXIS II] a mental disorder usually first diagnosed in infancy, childhood, or adolescence that is comparable to a disorder listed at AS 47.30.056(e)(1) - (6);

(2) can be diagnosed using the ICD-10-CM [ICD-9-CM] with diseases of the nervous system, congenital malformations, deformation, or chromosomal abnormalities; or

(3) meet the definition of "person with a developmental disability" at AS 47.80.900 or are developmentally delayed within the meaning of AS 47.20.290(4).

(b) In addition to persons described in (a) of this section, people with developmental disabilities include persons with conditions that support a DSM-5 [DSM-IV-TR] diagnosis of "other conditions that may be a focus of clinical attention" or a comparable ICD-10-CM [ICD-9-CM] diagnosis, even though that condition is not due to a neurologic or mental disorder described in AS 47.30.056(e)(1) - (6) or (a) of this section. (Eff. 10/24/2004, Register 172; am ___/___/___, Register ___)

Authority: AS 47.30.031 AS 47.30.056

20 AAC 40.540. People with alcoholism. (a) Subject to (b) of this section, people with alcoholism are persons who can be diagnosed using the DSM-5 [DSM-IV-TR] with an [AXIS I] alcohol-induced disorder comparable to those listed at AS 47.30.056(f)(1) - (6) or with a comparable disorder using the ICD-10-CM [ICD-9-CM].

(b) In addition to persons described in (a) of this section, people with alcoholism include persons with conditions that support a **DSM-5 [DSM-IV-TR]** diagnosis of "other conditions that may be a focus of clinical attention" or a comparable **ICD-10-CM [ICD-9-CM]** diagnosis, even though that condition is not due to an alcohol-induced disorder described at AS 47.30.056(f)(1) - (6) or (a) of this section. (Eff. 10/24/2004, Register 172; __/__/__, Register ____)

Authority: AS 47.30.031 AS 47.30.056

20 AAC 40.550. People with Alzheimer's disease or related dementia. (a) Subject to (b) of this section, people with Alzheimer's disease or related dementia are persons who

(1) can be diagnosed using the **DSM-5 [DSM-IV-TR]** with **[AXIS I]** delirium, dementia, amnestic, or other cognitive disorders comparable to those listed at AS 47.30.056(g)(1) - (4) or with a comparable disorder using the **ICD-10-CM [ICD-9-CM]**; or

(2) as a result of adult onset cognitive impairment that is progressive and degenerative in nature, require

(A) supervision and cueing from other individuals in order adequately and routinely to perform activities of daily living; or

(B) protection from the consequences of their impaired judgment, of fluctuations in their decision-making capacity, or of their frequent impulsive, inappropriate, or disruptive behavior when this behavior poses health or safety hazards to themselves or to others.

(b) In addition to persons described in (a) of this section, people with Alzheimer's disease

or related dementia include persons with conditions that support a **DSM-5 [DSM-IV-TR]** diagnosis of "other conditions that may be a focus of clinical attention" or a comparable **ICD-10-CM [ICD-9-CM]** diagnosis, even though that condition is not due to a mental disorder described at AS 47.30.056(g)(1) - (4) or (a) of this section. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 47.30.031 AS 47.30.056

20 AAC 40.560. Services to non-beneficiaries. A person who is not a beneficiary of the trust under 20 AAC 40.510 may receive mental health services paid for by the trust if the comprehensive program provides for those services or if providing those services is otherwise consistent with the authority's guiding principles, adopted by reference in 20 AAC 40.040. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 47.30.031 AS 47.30.056

20 AAC 40.590. Definitions. As used in 20 AAC 40.500 - 20 AAC 40.590,

(1) "**DSM-5 [DSM-IV-TR]**" means the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published May 27, 2013 by the American Psychiatric Association, [FOURTH EDITION, TEXT REVISION, PUBLISHED BY THE AMERICAN PSYCHIATRIC ASSOCIATION IN 2000]*, adopted by reference in 20 AAC 40.500(a);

(2) "**ICD-10-CM [ICD-9-CM]**" means the *International Classification of Diseases, 10th Revision, Clinical Modification, published in 2015, [9TH REVISION,*

CLINICAL MODIFICATION, 1998,] adopted by reference in 20 AAC 40.500(b);

(3) "people with alcoholism" has the meaning given "chronic alcoholics suffering from psychoses" in AS 47.30.056(f);

(4) "people with Alzheimer's disease or related dementia" has the meaning given "senile people who as a result of their senility suffer major mental illness" in AS 47.30.056(g);

(5) "people with developmental disabilities" has the meaning given "the mentally defective and retarded" in AS 47.30.056(e);

(6) "people with mental illness" has the meaning given "the mentally ill" in AS 47.30.056(d). (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 47.30.031 AS 47.30.056

Editor's note: Copies of the **DSM-5 [DSM-IV-TR]** and the **ICD-10-CM [ICD-9-CM]**, adopted by reference in 20 AAC 40.500, are available for review at the offices of the Alaska Mental Health Trust Authority, **3745 Community Park Loop, Suite 200, Anchorage, Alaska 99508** [550 WEST SEVENTH AVENUE, SUITE 1820, ANCHORAGE, ALASKA 99501].

Article 6. Administration of the Trust.

Section

- 600. Management of trust assets
- 610. Allocation of trust land revenues between principal and income
- 620. Contributions to the trust

20 AAC 40.600. Management of trust assets. The *Asset Management Policy Statement*, adopted by the board on **January 28, 2015** [SEPTEMBER 7, 2011], sets out the board's policies and practices for management of trust assets and accounts. The [SEPTEMBER 7, 2011] *Asset Management Policy Statement* is adopted by reference. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.031 AS 37.14.041 AS 47.30.031
AS 37.14.036

Editor's note: The [SEPTEMBER 7, 2011] *Asset Management Policy Statement*, adopted by reference in 20 AAC 40.600, is available for review at the office of the Mental Health Trust Authority, 3745 Community Park **Loop** [LOOPS], Suite 200, Anchorage, Alaska 99508 and is posted on the authority's website at <http://www.mhtrust.org>.

20 AAC 40.610. Allocation of trust land revenues between principal and income. Revenues received from the management of trust land will be allocated between principal and income as follows:

- (1) to principal,

(A) 100 percent of

(i) land sale revenues;

(ii) royalties on coal, oil, gas, materials, and minerals; and

(iii) revenues from perpetual easements; and

(B) 85 percent of revenues from timber sales;

(2) to income,

(A) 100 percent of

(i) interest from land sale contracts;

(ii) bonus bids; and

(iii) rents; and

(B) 15 percent of revenues from timber sales. (Eff. 10/24/2004, Register

172; am __/__/__, Register ___)

Authority: AS 37.14.031 AS 47.30.031

20 AAC 40.620. Contributions to the trust. (a) Unless otherwise specifically provided in the document or instrument providing for a contribution to the trust, the authority will determine the appropriate account in which to deposit the contribution.

(b) The authority may decline to accept any contribution to the trust.

(c) In this section, "contribution" includes gifts and bequests. (Eff. 10/24/2004, Register

172; am __/__/__, Register ___)

Authority: AS 37.14.031 AS 37.14.041 AS 47.30.031
AS 37.14.036

Article 7. Real Property Assets.

Section

- 700. Real property development accounts
- 710. Requests for use of trust land at less than fair market value
- 720. Authority consultation with trust land office
- 730. Confidentiality

20 AAC 40.700. Real property development accounts. (a) From time to time, the board may determine that it is in the interest of the trust and its beneficiaries to use receipts from the management of trust land to

- (1) acquire for the trust new trust land; or
- (2) improve or develop existing trust land.

(b) The board will make a decision under (a) of this section in accordance with the applicable provisions of the *Asset Management Policy Statement* adopted by reference in 20 AAC 40.600.

(c) If the board decides under (a) of this section to acquire new trust land or to improve or develop existing trust land, the authority will establish a development account for the purpose of monitoring and accounting for the receipts used and the costs incurred by the trust to carry out that acquisition, improvement, or development project.

(d) The authority will maintain a development account established under (c) of this section until the project for which the account was established has been completed. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.007 AS 37.14.009 AS 47.30.031

20 AAC 40.710. Requests for use of trust land at less than fair market value. (a)

This section applies to a beneficiary, or an organization acting on behalf of a beneficiary, who wants to be granted the use of trust land under 11 AAC 99.110 and wants to pay less than fair market value for that use.

(b) A request for approval to use trust land at less than fair market value must be submitted to the authority in writing and must include the following information:

(1) the name of the beneficiary or the organization acting on behalf of a beneficiary;

(2) contact information for the beneficiary or organization, including address, telephone number, and, as applicable, fax number and e-mail address;

(3) a description of the property sufficient to identify the property's location and the area or portion of the property sought to be used;

(4) an explanation of the purpose for which the property is sought to be used, with special emphasis on the manner in which its use by the beneficiary or organization furthers the authority's purpose to ensure a plan for an integrated, comprehensive mental health program;

(5) the period of time for which use of the trust land is sought;

(6) the rate proposed to be paid for use of the trust land.

(c) The authority staff shall review the request and determine whether sufficient information has been provided by the applicant to make a recommendation on the request. If the authority staff determines that insufficient information has been provided, the authority staff shall return the request to the applicant, along with an explanation of the additional information that is

necessary. If the authority staff determines that sufficient information has been provided to make a recommendation, the authority staff shall request that the trust land office determine whether the land is suitable for the use proposed by the applicant and the estimated fair market value of that use. After being advised of the land's suitability for the proposed use and the estimated fair market value of the use by the trust land office, the authority staff shall inform the board's resource management committee of those determinations and make a recommendation to the committee for appropriate action on the request.

(d) After receiving a recommendation from the authority staff under (c) of this section, the board's resource management committee will consider the request and make a recommendation to the full board to

- (1) approve the request as presented;
- (2) approve the request, subject to modification;
- (3) deny the request; or
- (4) return the recommendation to the authority staff for additional information.

(e) If the board's resource management committee recommends approval of a request under (d) of this section, the authority will give public notice of the request and the committee's recommendation in the manner provided under 11 AAC 99.050(a). The board will consider a recommendation of the board's resource management committee under (d) of this section at the board's next regular meeting that occurs at least 30 calendar days after that public notice is first published.

(f) In deciding whether to approve a request for the use of trust land under this section,

the board will consider

(1) whether and to what extent that use is consistent with the authority's plan for a comprehensive program;

(2) the applicant's ability to implement and carry out the purposes for which the land is to be used;

(3) the extent of any economic or other benefit to beneficiaries as a result of the proposed use of the land;

(4) the extent of any likely economic impact to the trust as a result of approving use of the land at less than fair market value;

(5) comments received from the public regarding the proposed use; and

(6) the nature and extent of any administrative burden on the authority or the trust land office to oversee the land or activities on the land.

(g) If the board approves a request for use of trust land under this section, the authority will forward that approval to the trust land office for consideration under 11 AAC 99.110.

Approval of a use of trust land under this section is not a disposal of land as that term is defined in 11 AAC 99.990.

(h) A decision of the board under (g) of this section is a final decision of the authority. A person adversely affected by the decision may appeal to the superior court in accordance with the Alaska Rules of Appellate Procedure. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.007 AS 37.14.009 AS 47.30.031

20 AAC 40.720. Authority consultation with trust land office. For the purpose of consultation with the trust land office under 11 AAC 99, unless otherwise specifically provided by the board by resolution, any such consultation must involve either the board's resource management committee or the full board. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.007 AS 37.14.009 AS 47.30.031

20 AAC 40.730. Confidentiality. Information determined to be confidential by the chief executive officer will be made available to the trust land office upon request, subject to the requirement that the material must remain confidential after receipt. (Eff. 10/24/2004, Register 172; am __/__/__, Register __)

Authority: AS 37.14.007 AS 37.14.009 AS 47.30.031

Article 8. Miscellaneous Provisions.

Section

- 900. Grant protest procedures
- 910. Appeals
- 920. Grievances regarding services not provided
- 990. Definitions

20 AAC 40.900. Grant protest procedures. (a) A person may seek review of a decision described in 20 AAC 40.415 only by filing a protest with the chief executive officer under this section. In order to be considered under this section, a protest must assert that the decision being protested was

- (1) based on a material error of fact by the authority;
- (2) made by the authority without following applicable procedures; or
- (3) made by the authority contrary to applicable
 - (A) statutes or regulations;
 - (B) terms of a specific grant; or
 - (C) authority policy or procedure.

(b) The chief executive officer must receive a protest within no later than 30 calendar days after

- (1) the earliest date that the authority mailed or delivered the decision being protested to the protester; or
- (2) the date that the authority conveyed the decision to the protester if the authority did not put the decision in writing.

(c) A protest is not effective unless it is submitted in writing, is signed by the protester or

the protester's representative, and includes

(1) a reference to any grant or grant application number under which the decision was made;

(2) a copy of the decision being protested, if written, or, if either the decision was not written or a copy of the decision is not available to the protester, a summary description of the decision;

(3) a detailed statement of the factual and legal basis of the protest, as applicable, including a statement of the facts alleged to be in dispute and a copy of any relevant documents, and a statement of the remedy requested;

(4) citation to the statute, regulation, terms of the grant, or authority policy or procedure upon which the protest is based;

(5) the address of the protester or the protester's representative to whom any notice or decision concerning the protest is to be mailed or delivered; and

(6) a reference, by grant or grant application number, if applicable, to any other affected grant or application.

(d) The chief executive officer may reject a protest that does not satisfy the requirements of (a) of this section. If the chief executive officer rejects a protest under this subsection, the chief executive officer shall inform the protestor of the reason for the rejection in writing.

(e) The proper and timely filing of a protest under this section stays the decision being protested until the protest is decided unless the chief executive officer determines in writing that it is contrary to the best interest of the authority or the trust to stay the decision beyond the date

of that determination or another stated date.

(f) The chief executive officer shall mail or deliver a written decision on the protest to the protester or the protester's representative no later than 15 calendar days after the protest is filed unless the protester agrees, in writing, to a longer period. If the chief executive officer does not mail or deliver a decision to the protester or the protester's representative within 15 calendar days, the protest is denied.

(g) The chief executive officer may delegate the functions of the chief executive officer under this section to another employee of the authority who was not involved in the decision being protested. If the decision being protested was made by the chief executive officer, the chair of the board, or another board member designated by the board chair, shall exercise the functions of the chief executive officer under this section.

(h) The protester may appeal an adverse decision on the protest in accordance with 20 AAC 40.910. A decision subject to this section but not timely protested in accordance with this section is not subject to appeal under 20 AAC 40.910. (Eff. 10/24/2004, Register 172; am ___/___/___, Register ___)

Authority: AS 47.30.031 AS 47.30.051

20 AAC 40.910. Appeals. (a) This section applies to an appeal of

(1) a decision on a protest under 20 AAC 40.900; and

(2) a decision of the board's executive committee on an application for an

emergency grant under 20 AAC 40.260(h)(1).

(b) The authority must receive an appeal within 30 calendar days after

(1) the earliest date that the chief executive officer or the chief executive officer's designee mailed or delivered the decision being appealed to the appellant or the appellant's representative; or

(2) the date that is 15 calendar days after the protest was filed, if a decision on the protest was not mailed or delivered to the appellant or the appellant's representative by that date.

(c) An appeal must be in writing, must be signed by the appellant or the appellant's representative, and must include

(1) a reference to any grant or grant application number under which the decision was made;

(2) a copy of the decision being appealed;

(3) a detailed statement of the factual and legal basis of the appeal, including a statement of the facts alleged to be in dispute and a copy of the relevant documents, and a statement of the remedy requested;

(4) the address of the appellant or the appellant's representative to whom any notice or decision concerning the appeal is to be mailed or delivered;

(5) a reference, by grant or grant application number, if applicable, to any other affected grant or grant application; and

(6) if a material fact is disputed and a hearing is desired, a request for a hearing.

(d) The proper and timely filing of an appeal under this section stays the decision being appealed until the appeal is decided unless the board determines in writing that it is contrary to

the best interest of the authority or the trust to stay the decision beyond the date of that determination or another stated date.

(e) The board will decide the appeal. The board may appoint a committee of the board or a review officer to assist the board with the appeal. A person appointed as a review officer may not have any prior direct involvement in the decision being appealed.

(f) A hearing on the appeal will be held if the board or, as applicable, the committee or review officer determines that material facts are in dispute. The board, committee, or review officer, as applicable, may

(1) with the agreement of the appellant, review the appellant's appeal on the basis of the written submissions of the appellant and the grant agency, without a hearing, even though material facts are in dispute;

(2) upon the agreement of the appellant, for good cause shown, or as is otherwise in the interest of the state, extend the time set for the hearing;

(3) arrange for the hearing to be held by teleconference.

(g) In a hearing under this section,

(1) as applicable, the board will or the committee or review officer shall,

(A) at least 20 calendar days before the hearing or a lesser time as agreed to by the board, committee, or review officer and the parties, provide to the appellant and the chief executive officer written notice of the time and place for the hearing;

(B) upon the prior request of a person with a mental or physical disability who is either the appellant, the appellant's representative, or an interested person, provide

reasonable accommodation for that person in procedures or facilities to permit the person to participate in the hearing;

(2) as applicable, the chair of the board or of the committee or the review officer shall regulate the order of testimony and presentation of the appeal;

(3) interested persons may attend, give testimony, or submit written statements;

(4) formal rules of evidence do not apply; however, testimony must be given under oath; and

(5) the hearing must be recorded and will be transcribed at the request and expense of the person requesting the transcript.

(h) The appellant has the burden to prove by a preponderance of the evidence that the appellant is entitled to the remedy requested.

(i) If a committee or review officer is appointed to assist the board under (e) of this section, the committee or review officer, as applicable, shall provide a written recommendation on the appeal to the board. The board may

(1) accept the recommendation of the committee or review officer;

(2) reject the recommendation of the committee or review officer and remand the recommendation back to the committee or review officer, as applicable, with instructions; or

(3) issue a written decision based on the appeal record.

(j) The authority will mail or deliver to the appellant or the appellant's representative a copy of any decision or order the board issues on the appeal.

(k) The decision of the board on the appeal is a final administrative decision of the

authority that may be appealed to the superior court under the Alaska Rules of Appellate Procedure. (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 47.30.031 AS 47.30.051

20 AAC 40.920. Grievances regarding services not provided. At each regular meeting of the board, the board will provide an opportunity on its meeting agenda for aggrieved persons or groups who believe they have not received services that should be provided by the trust to inform the board of their grievances and to request redress from the authority. (Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 47.30.031 AS 47.30.051 AS 47.30.056

20 AAC 40.990. Definitions. Unless the context indicates otherwise, in this chapter

(1) "approval" means a written agreement or permission to proceed, signed by an authorized representative of the authority, in response to a written request from the grantee or applicant for approval of a proposed action;

(2) "authority" means the Alaska Mental Health Trust Authority established under AS 47.30.011; "authority" includes, as applicable, the board, a duly authorized committee of the board, and a duly authorized member of the staff of the Alaska Mental Health Trust Authority;

(3) "authority grant" means a grant described at 20 AAC 40.030(d);

(4) "authority staff" means the officers and employees of the Alaska Mental Health Trust Authority other than the board;

(5) "beneficiary" means a person described in 20 AAC 40.510;

(6) "beneficiary group" refers to the individual groups of persons in need of mental health services described at AS 47.30.056(b);

(7) "beneficiary-related agency" means a planning board or other agency of the state, including the authority, or of a political subdivision of the state that has responsibilities for the provision of mental health services to persons in one or more beneficiary groups;

(8) "board" means the board of trustees of the Alaska Mental Health Trust Authority established under AS 47.30.016;

(9) "client" means a person receiving mental health services from a recipient of a grant made by the authority;

(10) "comprehensive program" means the integrated comprehensive mental health program described at AS 47.30.056;

(11) "consumer" means a person receiving mental health services;

(12) "designated agency" means the state agency designated to receive an MHTAAR grant under a mental health budget appropriation bill;

(13) "direct cost" means a cost associated with a particular cost objective that is identified specifically with the grant;

(14) "duly authorized" means authorized to perform a particular act by the bylaws of the board, by board action, or by this chapter;

(15) repealed ___/___/___;

(16) "fair market value" has the meaning given in AS 38.04.910(3);

(17) "fiscal year" means the fiscal year for the state as provided in AS 37.05.920;

(18) "grant" means an award of financial or direct assistance by the authority under this chapter for a proposed activity or service;

(19) "grant income" means income earned by a grant project during the grant period; "grant income" includes proceeds from the sale of products or services such as testing or computer time, payments received for medical or hospital services, fees received for personal services, proceeds from the sale of assets of the grant project, and royalties from copyrights or publications;

(20) "grant period" means the time period for which a grant has been awarded;

(21) "grant project" means the project for which a grant has been awarded;

(22) "grant project budget" means the financial expenditure plan for a grant project approved by the authority; "grant project budget" includes money awarded by the authority for the grant project and any other financing sources used by the grantee for the grant project;

(23) "grantee" means the legally accountable entity that receives a grant;

(24) "indirect cost" means a cost that, because it is incurred for common or joint objectives, is not readily subject to treatment as a direct cost;

(25) "mental health budget appropriation bill" means the bill making appropriations for the state's annual implementation plan in support of the comprehensive program enacted for a particular fiscal year under AS 37.14.005;

(26) "mental health service system" means the system of governmental boards

and agencies, sources of money, and mental health service providers through which mental health services are delivered to consumers in the state;

(27) "mental health service provider" means a person, agency, or other organization that

(A) provides mental health services to consumers; and

(B) is recognized by one or more beneficiary-related agencies as providing necessary and appropriate mental health services to consumers;

(28) "mental health services" means services provided under or in furtherance of the comprehensive program;

(29) "MHTAAR" means mental health trust authority authorized receipts;

(30) "MHTAAR money" means a grant of money from the mental health trust settlement income account to a state agency in the form of a transfer of money that has been authorized under a mental health budget appropriation bill;

(31) "native entity" has the meaning given "tribal organization" in 25 U.S.C. 450b(l); "native entity" does not include a regional or village corporation as defined in or established under 43 U.S.C. 1601 - 1629h (Alaska Native Claims Settlement Act);

(32) "non-expendable personal property" means

(A) an article of tangible personal property that is complete in itself, is of a durable nature, has an expected useful life of more than one year, and has a value of \$300 or more; and

(B) intangible personal property, such as patents, inventions, and

copyrights;

(33) "not-for-profit entity" means an entity no part of the income or profit of which is distributable to its members, directors, or officers;

(34) "personal property" means property other than real property;

(35) "planning board" means, as applicable, the Advisory Board on Alcohol and Drug Abuse established under AS 44.29.100, the Alaska Commission on Aging established under AS 47.45.200, the Alaska Mental Health Board established under AS 47.30.661, or the Governor's Council on Disabilities and Special Education established under AS 47.80.030;

(36) "political subdivision of the state" means a borough or city organized under AS 29 or a school district under AS 14.12.010;

(37) "real property" means land, land improvements, and structures and appurtenances located on land other than moveable machinery and equipment;

(38) "true lease" means a lease other than one under which

(A) ownership of the property is transferred, under the terms of the lease, to the lessee by the end of the lease term;

(B) an option to buy the property at a price less than the fair market value of the property is in the lease;

(C) the lease term is 75 percent or more of the estimated economic life of the property; or

(D) the present value of the total payments made by the lessee under the lease is 90 percent or more of the fair market value of the property less the amount of

investment tax credits to be retained by the lessor under 26 U.S.C. 38 during the term of the lease; the valuation date for purposes of this subparagraph is the date of the lease agreement or the date of a commitment to enter into a lease agreement, whichever is earlier.

(39) "trust land" has the meaning given "Alaska mental health trust land" in 11 AAC 99.990;

(40) "trust land office" means the unit within the Department of Natural Resources required by AS 44.37.050;

(41) "working day" means a day other than Saturday, Sunday, or a state holiday.
(Eff. 10/24/2004, Register 172; am __/__/__, Register ____)

Authority: AS 47.30.031