

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FOURTH JUDICIAL DISTRICT

VERN T. WEISS, father and next)
friend of CARL WEISS, a minor)
child, and EARL HILLIKER, on)
behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.)

STATE OF ALASKA,)

Defendant,)

FILED in the Trial Courts
State of Alaska, Fourth District

NOV 26 1982

By Deputy

No. 4FA 82- 2208

COMPLAINT

1. The plaintiff Vern T. Weiss is the father and next friend of Carl Weiss, a minor seven (7) years of age, who resides in Nenana in the Fourth Judicial District, State of Alaska. The plaintiff Earl Hilliker is a citizen and resident of Fairbanks, Alaska. Carl Weiss and Earl Hilliker are persons in need of mental health services which are not available in the State of Alaska.

2. Plaintiffs bring this action on behalf of themselves and all other persons who are residents of the State of Alaska, who have in the past been recipients of mental health services provided by the defendant, State of Alaska, and who will also require ongoing mental health services in the future which are not available in the State of Alaska.

3. The rights plaintiffs seek to enforce in this proceeding are the rights to benefit from the mental health land grant made from the United States of America to the State of Alaska through P.L. 84-830, §202, 70 Stat. 709 (1956), as confirmed by the Alaska Statehood Act, P.L. 85-508, 72 Stat. 339 (1958), and from the trust established thereunder by operation of law.

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4. In 1978, the State of Alaska, through legislation which violated the intent and purpose of the land grant and trust described above, illegally purported to redesignate mental health lands as general grant lands, through A.S. §37.14.070, 1978 Alaska Sess. L., ch. 181, §3, §4.

5. Pursuant to the above-described legislation, the defendant State of Alaska has at various times sold, leased, or otherwise disposed of certain lands lawfully selected for the mental health land grant, and has realized, or will realize, substantial revenues from doing so. No trust fund or other special trust account has ever been established by the State of Alaska for the purpose of discharging its obligations under the public trust established by the United States of America as set forth hereinabove. Such revenues were used for purposes other than those designated in the mental health land grant.

6. At various times, the State of Alaska has sold, leased, or otherwise disposed of certain lands lawfully selected for the mental health land grant for less than adequate consideration, in derogation of its duties under the public trust as above described.

7. On account of the foregoing, there is an actual and justiciable controversy within the State between plaintiffs and defendant under the Alaska Declaratory Judgment Act, A.S. 22.10.030(b).

8. On account of the foregoing, plaintiff is entitled to an order declaring A.S. §37.14.070 to be null and void; establishing a trust for the receipt of funds generated from all lands selected by the State of Alaska under the aforesaid mental health land grant; directing the defendant to administer the lands so granted and the trust established thereby in accordance with applicable law; and such other legal and equitable remedies as may be deemed appropriate.

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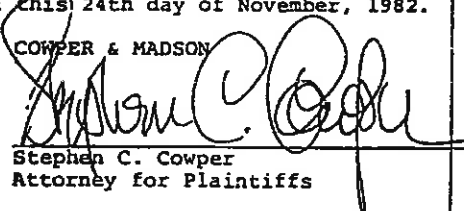
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WHEREFORE, plaintiffs demand judgment against the defendant as follows:

- a) Adjudicating and determining the respective rights of the parties under the evidence to be produced before this Court;
- b) Declaring A.S. §37.14.070 to be null and void;
- c) Establishing a trust for the receipt of funds generated from mental health lands in the State of Alaska;
- d) Directing defendant to administer the lands so granted, and the trust established thereby, in accordance with applicable law;
- e) For costs and attorneys fees; and
- f) For such other and further relief, legal or equitable, as may be deemed appropriate.

DATED at Fairbanks, Alaska this 24th day of November, 1982.

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