

1 IN THE HOUSE

BY MR. PARSONS

2 HOUSE BILL NO. 221

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a Department of Mental
7 Health; providing for its functions and
8 powers; providing for the qualifications
9 of the commissioner of mental health; and
10 providing for an effective date."

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

12 Section 1. DEPARTMENT CREATED. There is hereby created a
13 Department of Mental Health, hereafter referred to in this Act
14 as the department. The commissioner of mental health shall have
15 exclusive supervision and control of the department and shall
16 administer the Alaska Mental Health Act and such other acts as
17 pertain to mental health. All action on behalf of the depart-
18 ment shall be taken by the commissioner or, under his direction,
19 by such agents or subordinate officers as he may determine.
20 There shall be an assistant commissioner of mental health, quali-
21 fied as hereinafter provided, who shall perform such duties as
22 the commissioner may prescribe. The commissioner and assistant
23 commissioner shall be physicians who are diplomates in
24 psychiatry of the American Board of Psychiatry and Neurology,
25 Incorporated, and shall have had at least five years experience
26 on the resident administrative staff of a state or federal hos-
27 pital for mental diseases or in any equivalent psychiatric
28 organization, or at least four years experience as aforesaid and
29 at least one year of experience in the department controlling

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1 such hospital. In the event of disability or absence of the
2 commissioner, or of a vacancy in his office by reason of death
3 or otherwise, the assistant commissioner shall exercise the
4 powers and duties of the commissioner. In event of the death or
5 disability of the commissioner or assistant commissioner, the
6 governor, with the advice and consent of the legislature, may
7 appoint an acting commissioner who shall serve until the commis-
8 sioner or assistant commissioner is able to perform the duties
9 of his office.

10 Sec. 2. TRANSFER OF POWERS. The duties and powers vested
11 in the Department of Health and Welfare under provisions of Sec.
12 12, Ch. 64, SLA 1959, as they pertain to state programs for
13 mental health treatment and diagnosis are transferred to the
14 Department of Mental Health.

15 Sec. 3. COMMISSIONER: ASSISTANT COMMISSIONER. Upon the
16 expiration of the term of office of the first commissioner, his
17 successor shall be appointed for six years by the governor with
18 the advice and consent of the legislature. The commissioner
19 shall receive an annual salary of at least \$25,000.00 or such
20 greater sum as the governor and legislature may determine. Upon
21 the expiration of the term of office of an assistant commissioner,
22 his successor shall be appointed by the commissioner with the
23 approval of the governor and the legislature. The assistant com-
24 missioner shall receive the salary fixed for his position by the
25 commissioner. The commissioner and assistant commissioner shall
26 be reimbursed for expenses necessarily incurred in the perform-
27 ance of their duties, and the commissioner and assistant commis-
28 sioner shall devote their entire time to the affairs of the
29 department.

1 Sec. 4. COMMISSIONER: DUTIES. The commissioner is respon-
2 sible for the internal organization of the department and may
3 remove such agents and subordinate officers as he may deem
4 necessary, consistent with the State Personnel Act.

5 Sec. 5. PERSONNEL POLICIES AND PRACTICES. Physicians and
6 psychiatrists are exempt from the provisions of the State Person-
7 nel Act. Other employees of the Department of Mental Health
8 shall be covered by the State Personnel Act to the extent that
9 it is adapted to the needs of the department as determined by
10 the commissioner with the advice and consent of the governor and
11 the legislature.

12 Sec. 6. EFFECTIVE DATE. This Act takes effect on the day
13 after its passage and approval or on the day it becomes law with-
14 out such approval.

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