

1 IN THE HOUSE

BY FRITZ BY REQUEST

2 HOUSE BILL NO. 438

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Department of Health; prescribing  
7 its organization, powers and duties; and providing for  
8 an effective date."

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

10 \* Section 1. AS 44 is amended by adding a new chapter to read:

11 CHAPTER 28. DEPARTMENT OF HEALTH.

12 Sec. 44.28.010. BOARD AND COMMISSIONER OF HEALTH. There is at the  
13 head of the Department of Health a Board of Health. The commissioner of  
14 health is the principal executive officer of the department.

15 Sec. 44.28.020. DUTIES OF THE DEPARTMENT. The Department of  
16 Health shall administer the state programs of public health including:  
17 (1) maternal and child health services; (2) preventive medical services;  
18 (3) public health nursing services; (4) sanitation and engineering  
19 services; (5) nutrition services; (6) health education; (7) laboratories;  
20 (8) mental health treatment and diagnosis; and (9) medical and mental  
21 health facilities and institutions.

22 \* Sec. 2. AS 44.29.010 is amended to read:

23 CHAPTER 29. DEPARTMENT OF [HEALTH AND] SOCIAL SERVICES.

24 Sec. 44.29.010. COMMISSIONER OF [HEALTH AND] SOCIAL SERVICES. The  
25 principal executive officer of the Department of [HEALTH AND] Social  
26 Services is the commissioner of [HEALTH AND] social services.

27 \* Sec. 3. AS 44.29.020 is repealed and re-enacted to read:

28 Sec. 44.29.020. DUTIES OF DEPARTMENT. The Department of Social  
29 Services shall administer the state programs of public social services,

1 including: (1) management of state correction and other institutions  
2 relating to the duties assigned by this section; (2) old age assistance;  
3 (3) aid to dependent children; (4) aid to the blind; (5) child welfare  
4 services; (6) general relief; (7) licensing and supervision of child  
5 care facilities; and (8) probation and parole supervision.

6 \* Sec. 4. AS 17.05.160(4) is amended to read:

7 (4) "department" means the Department of Health [AND SOCIAL  
8 SERVICES];

9 \* Sec. 4. AS 17.12.150(1) is amended to read:

10 (1) "commissioner" means the commissioner of health [AND  
11 SOCIAL SERVICES];

12 \* Sec. 6. AS 17.12.150(2) is amended to read:

13 (2) "department" means the Department of Health [AND SOCIAL  
14 SERVICES];

15 \* Sec. 7. AS 17.20.370(1) is amended to read:

16 (1) "commissioner" means the commissioner of health [AND  
17 SOCIAL SERVICES];

18 \* Sec. 8. AS 17.20.370(2) is amended to read:

19 (2) "department" means the Department of Health [AND SOCIAL  
20 SERVICES];

21 \* Sec. 9. AS 17 is amended by adding a new chapter to read:

22 CHAPTER 25. ADVISORY BOARD ON DRUG ABUSE.

23 Sec. 17.25.010. ADVISORY BOARD ON DRUG ABUSE. There is estab-  
24 lished in the Department of Health an advisory board on drug abuse.

25 Sec. 17.25.020. COMPOSITION. The advisory board on drug abuse  
26 shall consist of 12 members, broadly representative of all drug-  
27 related fields, who are known for their experience or interest in  
28 drug abuse and who shall be appointed by the governor.

29 Sec. 17.25.030. TERM OF OFFICE. (a) Members of the advisory

1 board on drug abuse shall be appointed for overlapping terms of three  
2 years.

3 (b) Of the 12 initial appointees four shall be appointed for one-  
4 year terms, four for two-year terms, and four for three-year terms.

5 (c) Subsequent terms for all board members are three years.

6 (d) A vacancy occurring in the membership of the board shall  
7 be filled by appointment of the governor for the unexpired portion  
8 of the vacated term.

9 (e) Board members serve at the pleasure of the governor.

10 (f) The governor shall replace any members who by poor at-  
11 tendance or lack of contribution to the board's work demonstrate  
12 their ineffectiveness as board members.

13 Sec. 17.25.040. COMPENSATION, PER DIEM, AND EXPENSES. Members  
14 of the advisory board on drug abuse are not entitled to a salary,  
15 but are entitled to per diem, reimbursement for travel and other  
16 expenses authorized by law for other boards.

17 Sec. 17.25.050. DUTIES. The board shall act in an advisory  
18 capacity to the commissioner of health in the following matters:

19 (1) special problems affecting mental health which drug  
20 abuse or addiction may present;

21 (2) educational research and public informational activities  
22 conducted by the Department of Health and others in respect to the  
23 problems presented by drug abuse;

24 (3) social problems which affect rehabilitation of drug  
25 users and addicts;

26 (4) legal processes which affect the treatment and rehabilita-  
27 tion of drug users and addicts;

28 (5) development of programs of prevention, treatment and  
29 rehabilitation for drug abusers and addicts;

1 (6) review of applications and subsequent recommendations to  
2 the commissioner of health on use of funds for grants for local drug  
3 abuse projects and programs;

4 (7) evaluation of effectiveness of drug abuse programs in  
5 the state.

6 Sec. 17.25.060. DRUG ABUSE PROGRAM COORDINATOR. The drug abuse  
7 program coordinator shall carry out the development and implementation  
8 of a comprehensive program to prevent and treat the use and abuse of  
9 drugs as they affect the people in Alaska. The comprehensive program  
10 may include educational activities, research, grants for treatment  
11 centers, or any other activities considered effective for prevention  
12 or treatment. The drug abuse coordinator is appointed by the governor.

13 \* Sec. 10. AS 18 is amended by adding a new chapter to read:

14 CHAPTER 03. DEPARTMENT OF HEALTH.

15 ARTICLE 1. Board of Health.

16 Sec. 18.03.010. CREATION. There is created at the head of the  
17 Department of Health a Board of Health consisting of seven members.

18 Sec. 18.03.020. APPOINTMENT. (a) The seven members of the board,  
19 no more than four of whom shall be members of the same political party  
20 as the governor, shall be appointed by the governor, subject to con-  
21 firmation by a majority of the members of the legislature in joint  
22 session. At least four of the members shall be medical or osteopath  
23 physicians licensed to practice in this state. In appointing these  
24 four board members, the governor shall consider recommendations made  
25 by recognized medical associations in the state.

26 (b) One member shall be appointed from each of the four judicial  
27 districts and three from the state at large.

28 (c) No member of the board may be a candidate for partisan  
29 political office while serving on the board.

1           Sec. 18.03.030. TERM OF OFFICE. The members of the board serve  
2 at the pleasure of the governor and shall be appointed for staggered  
3 five-year terms beginning February 1 of the year of appointment. A  
4 member appointed to fill a vacancy serves for the unexpired term of the  
5 member he succeeds. A vacancy occurring during the term of office is  
6 filled in the same manner as the original appointment.

7           Sec. 18.03.040. OFFICERS. Annually, the board shall elect a  
8 chairman and vice chairman from among its members. No board member  
9 may serve as chairman for more than two consecutive one-year terms.

10          Sec. 18.03.050. COMPENSATION AND PER DIEM. Members of the board  
11 serve without compensation but are entitled to per diem and travel  
12 expenses as may be authorized by law for boards and commissions. A  
13 member may act and receive per diem and travel expenses from his  
14 appointment until his confirmation or rejection by the legislature.

15          Sec. 18.03.060. MEETINGS; QUORUM; RULES; VOTES REQUIRED. The  
16 board shall prescribe its own rules of procedure. The board shall  
17 meet once quarterly at a time and place determined by the chairman,  
18 and at other times and places as the chairman, or a majority of the  
19 members of the board, consider necessary. A quorum is a majority of  
20 the members of the board. The votes of the board members shall be  
21 recorded and effective action requires the affirmative vote of a  
22 majority of the members of the board present. No board member may,  
23 with respect to a matter before the board, vote for or on behalf of,  
24 or in any way exercise the vote of another member of the board.

25          Sec. 18.03.070. PRESCRIPTION OF BYLAWS. (a) The board may  
26 adopt bylaws for the management of the department. The bylaws shall  
27 be written and distributed in a manner as to be readily available  
28 to personnel of the department.

29          (b) This section may not be construed to allow the use of a bylaw

1 rather than a regulation where the subject is of statewide importance  
2 or interest.

3 Sec. 18.03.080. ADDITIONAL POWERS. The board may

4 (1) appoint unpaid advisory commissions;

5 (2) require other state departments or agencies, municipali-  
6 ties or other political subdivisions of the state, to submit to the  
7 department in the form the board prescribes any information or reports  
8 which are reasonably necessary to assist the department in carrying  
9 out its functions.

10 ARTICLE 2. COMMISSIONER OF HEALTH.

11 Sec. 18.03.100. COMMISSIONER OF HEALTH. (a) The board shall  
12 appoint the commissioner of health subject to the approval of the  
13 governor. The commissioner shall be the principal executive officer  
14 of the department.

15 (b) The commissioner shall be appointed without regard to  
16 political affiliation and shall be a medical or osteopathic physician  
17 who has been licensed to practice for at least five years.

18 (c) The commissioner may be appointed by the board for a term of  
19 office not to exceed five years. He may be removed during his term  
20 of office for cause by a majority of the members of the board. In  
21 this subsection, "cause" means

22 (1) incompetency which is the inability or the unintentional  
23 or intentional failure to perform the duties of the commissioner;

24 (2) immorality which is the commission of an act which,  
25 under the laws of the state, constitutes a crime involving moral  
26 turpitude; or

27 (3) malfeasance or misfeasance in office which includes,  
28 but is not limited to, the failure of the commissioner to comply  
29 with the regulations adopted by the board.

1 (d) The commissioner shall receive the salary prescribed in  
2 AS 39.20.080.

3 (e) The commissioner shall employ and remove all classified  
4 personnel in the department subject to the State Personnel Act (AS 39.25).  
5 He may employ and remove personnel in the exempt or partially exempt  
6 service subject to the approval of the board. Personnel in the exempt  
7 or partially exempt service have a right of appeal to the board if  
8 they are removed.

9 Sec. 18.03.110. BUDGET AND FISCAL AUTHORITY. The commissioner  
10 shall prepare and execute a budget and shall administer the other  
11 fiscal affairs of the department, subject to the approval of the board.

12 \* Sec. 11. AS 18.05.070(1) is amended to read:

13 (1) "department" means the Department of Health [AND SOCIAL  
14 SERVICES];

15 \* Sec. 12. AS 18.05.070(2) is amended to read:

16 (2) "commissioner" means the commissioner of health [AND  
17 SOCIAL SERVICES];

18 \* Sec. 13. AS 18.07.030(b) is amended to read:

19 (b) The three governmental members are the commissioner of health  
20 [AND SOCIAL SERVICES], or his designee from within the department; a  
21 representative of the Indian Health Service of the United States Public  
22 Health Service; and a representative of the Veterans Administration of  
23 the United States; and one representative of the health care service  
24 or delivery agencies of the armed forces of the United States to serve  
25 in an advisory capacity. Council members representing federal agencies  
26 shall be appointed by, and serve at the pleasure of, their respective  
27 agencies.

28 \* Sec. 14. AS 18.07.090(a) is amended to read:

29 (a) The Department of Health [AND SOCIAL SERVICES] is the state

1 agency responsible for the administration of state comprehensive health  
2 planning functions under sec. 314(a) of the Public Health Service Act  
3 (P.L. 89-749) as amended.

4 \* Sec. 15. AS 18.07.100(1) is amended to read:

5 (1) "commissioner" means the commissioner of health [AND  
6 SOCIAL SERVICES];

7 \* Sec. 16. AS 18.07.100(4) is amended to read:

8 (4) "department" means the Department of Health [AND SOCIAL  
9 SERVICES];

10 \* Sec. 17. AS 18.07.100(5) is amended to read:

11 (5) "office" means the office of comprehensive health  
12 planning in the Department of Health [AND SOCIAL SERVICES];

13 \* Sec. 18. AS 18.10.260(b) is amended to read:

14 (b) In this chapter "department" means the Department of Health  
15 [AND SOCIAL SERVICES].

16 \* Sec. 19. AS 18.15.190 is amended to read:

17 Sec. 18.15.190. DEFINITIONS. As used in this chapter, "depart-  
18 ment" means the Department of Health [AND SOCIAL SERVICES].

19 \* Sec. 20. AS 18.15.200(b) is amended to read:

20 (b) The Department of Health [AND SOCIAL SERVICES] shall pre-  
21 scribe regulations regarding the method used and the time or times of  
22 testing as accepted medical practice indicates.

23 \* Sec. 21. AS 18.20.130(3) is amended to read:

24 (3) "department" means the Department of Health [AND SOCIAL  
25 SERVICES].

26 \* Sec. 22. AS 18.20.210(1) is amended to read:

27 (1) "department" means the Department of Health [AND SOCIAL  
28 SERVICES];

29 \* Sec. 23. AS 18.25.120 is amended to read:

1           Sec. 18.25.120. DEFINITIONS. In this chapter "department" means  
2 the Department of Health [AND SOCIAL SERVICES].

3 \* Sec. 24. AS 18.35.090(2) is amended to read:

4           (2) "department" means the Department of Health [AND SOCIAL  
5 SERVICES].

6 \* Sec. 25. AS 18.45.030(1) is amended to read:

7           (1) the Department of Health [AND SOCIAL SERVICES] particu-  
8 larly as to hazards to the public health and safety;

9 \* Sec. 26. AS 18.50.030 is amended to read:

10           Sec. 18.50.030. APPOINTMENT OF STATE REGISTRAR OF VITAL STATISTICS  
11 The commissioner of health [AND SOCIAL SERVICES] shall select the state  
12 registrar of vital statistics in accordance with state personnel laws  
13 and regulations. The registrar shall carry out the provisions of this  
14 chapter.

15 \* Sec. 27. AS 18.50.370(3) is amended to read:

16           (3) "department" means the Department of Health [AND SOCIAL  
17 SERVICES];

18 \* Sec. 28. AS 18.67.020(a) is amended to read:

19           (a) There is the Violent Crimes Compensation Board in the Depart-  
20 ment of [HEALTH AND] Social Services composed of three members to be  
21 appointed by the governor. One of the members shall be designated as  
22 chairman by the governor. At least one member shall be a medical or  
23 osteopathic physician licensed to practice in this state.

24 \* Sec. 29. AS 44.62.330(24) is amended to read:

25           (24) Department of [HEALTH AND] Social Services, under  
26 AS 47.35.010 - 47.35.080, relating to boarding and foster homes for  
27 children

28 \* Sec. 30. AS 44.62.330(27) is amended to read:

29           (27) Department of Health [AND SOCIAL SERVICES], under

1 Alaska Food, Drug, and Cosmetic Act (AS 17.20), and in connection with  
2 the licensing of embalmers under AS 08.44.010.

3 \* Sec. 31. AS 44.62.330(28) is amended to read:

4 (28) Department of Health [AND SOCIAL SERVICES] and the  
5 Hospital Advisory Council, under AS 18.20.010 - 18.20.130

6 \* Sec. 32. AS 44.62.330(30) is amended to read:

7 (30) Department of Health [AND SOCIAL SERVICES], under  
8 AS 18.35.010 - 18.35.090, concerning the regulation of tourist and  
9 trailer camps, motor courts, and motels

10 \* Sec. 33. AS 47.05.010 is amended to read:

11 Sec. 47.05.010. DUTIES OF DEPARTMENT. The Department of [HEALTH  
12 AND] Social Services shall

13 (1) administer old age assistance, aid to dependent children,  
14 aid to the blind, and all other assistance programs, and receive and  
15 spend funds made available to it;

16 (2) adopt regulations necessary for the conduct of its  
17 business and for carrying out federal and state laws granting old age  
18 assistance, aid to dependent children, aid to blind persons and other  
19 assistance;

20 (3) establish minimum standards for personnel employed by  
21 the department and make necessary rules and regulations to maintain  
22 those standards;

23 (4) require those bonds and undertakings from persons  
24 employed by it which in its judgment are necessary, and pay the premiums  
25 on them;

26 (5) cooperate with the federal government in matters of  
27 mutual concern pertaining to old age assistance, aid to dependent  
28 children, aid to blind persons and other forms of public assistance;

29 (6) make the reports, in the form and containing the informa-

1 tion, which the federal government from time to time requires;

2 (7) cooperate with the federal government, its agencies or  
3 instrumentalities in establishing, extending and strengthening services  
4 for the protection and care of homeless, dependent and neglected  
5 children in danger of becoming delinquent, and receive and expend funds  
6 available to the department by the federal government, the state  
7 or its political subdivisions for that purpose;

8 (8) cooperate with the federal government in adopting state  
9 plans to make the state eligible for federal matching in appropriate  
10 categories of assistance, and in all matters of mutual concern, including  
11 adoption of the methods of administration which are found by the federal  
12 government to be necessary for the efficient operation of welfare pro-  
13 grams;

14 (9) adopt regulations, not inconsistent with law, defining  
15 need, prescribing the conditions of eligibility for assistance, and  
16 establishing standards for determining the amount of assistance which an  
17 eligible person is entitled to receive; the amount of assistance is  
18 sufficient when, added to all other income and resources available to an  
19 individual, it provides the individual with a reasonable subsistence  
20 compatible with health and well-being; an individual who meets the  
21 requirements for eligibility for assistance shall be granted the  
22 assistance promptly upon application for it;

23 (10) grant to a person claiming or receiving assistance and  
24 who is aggrieved because of the department's action or failure to act,  
25 reasonable notice and an opportunity for a fair hearing by the depart-  
26 ment, and the department shall establish regulations relative to this;

27 (11) enter into reciprocal agreements with other states  
28 relative to public assistance, welfare services, and institutional care  
29 which are considered advisable;

1 (12) establish the requirements of residence for public  
2 assistance, welfare services and institutional care which are considered  
3 advisable, subject to the limitations of other laws of the state, or  
4 law or regulation imposed as conditions for federal financial participa-  
5 tion;

6 (13) establish the divisions and local offices which are  
7 considered necessary or expedient to carry out a duty or authority  
8 assigned to it and appoint and employ the assistants and personnel which  
9 are necessary to carry on the work of the divisions and offices, and fix  
10 the compensation of the assistants or employees except that no person  
11 engaged in business as a retail vendor of general merchandise, nor a  
12 member of the immediate family of a person who is so engaged, may  
13 serve as an acting, temporary or permanent local agent of the depart-  
14 ment, unless the commissioner of [HEALTH AND] social services certifies  
15 in writing to the governor, with relation to a particular community,  
16 that no other qualified person is available in the community to serve  
17 as local welfare agent; for the purposes of this subsection, a "member  
18 of the immediate family" includes a spouse, child, parent, brother,  
19 sister, parent-in-law, brother-in-law or sister-in-law;

20 (14) each February hold public meetings to review, study, and  
21 propose, the necessary levels of care and the rates it will pay to  
22 anyone for the services required during the succeeding year; before  
23 final adoption by the department the proposed levels of care and the  
24 rates of payment shall be reviewed by the legislature annually while in  
25 session.

26 \* Sec. 34. AS 47.07.010 is amended to read:

27 Sec. 47.07.010. PURPOSE. It is declared as a matter of public  
28 concern that the needy persons of this state receive uniform and high  
29 quality medical care, regardless of race, age, national origin, or

1 economic standing. Accordingly, this chapter authorizes the Depart-  
2 ment of Health [AND SOCIAL SERVICES] to apply for participation in  
3 the national medical assistance program as provided for under title  
4 XIX of the federal Social Security Act.

5 \* Sec. 35. AS 47.07.040 is amended to read:

6 Sec. 47.07.040. STATE PLAN FOR PROVISION OF MEDICAL ASSISTANCE.  
7 The department shall prepare a state plan in accordance with the  
8 provisions of title XIX of the Social Security Act and submit it for  
9 approval to the United States Department of Health, Education and  
10 Welfare. The plan shall designate that the Department of Health  
11 [AND SOCIAL SERVICES] is the single state agency to administer this  
12 plan. The department shall act for the state in any negotiations  
13 relative to the submission and approval of the plan and may make  
14 those arrangements, not inconsistent with law, as may be required  
15 under federal law to obtain and retain approval of the United States  
16 Department of Health, Education and Welfare to secure for the state  
17 the provisions of title XIX of the Social Security Act. In addition,  
18 the department shall provide a report to the legislature no later than  
19 March 15 of each year concerning the status of this program and recom-  
20 mendations, with supporting fiscal data, as to any changes in the  
21 coverage of eligible persons or services to be provided.

22 \* Sec. 36. AS 47.07.080(2) is amended to read:

23 (2) "department" means the Department of Health [AND SOCIAL  
24 SERVICES].

25 \* Sec. 37. AS 47.10.080(b)(1) is amended to read:

26 (1) order the minor committed to the Department of [HEALTH  
27 AND] Social Services for an indeterminate period of time not to extend  
28 past a specified date or in any event past the day the minor becomes  
29 19, except that the department may petition the court for continued

1 supervision for an additional one-year period for minors who have not  
2 responded to treatment, and may direct the minor's placement in a  
3 juvenile correctional school, detention home, or detention facility  
4 designated by the department; the minor may be released from place-  
5 ment or detention and placed on probation on order of the court; or

6 \* Sec. 38. AS 47.10.110 is amended to read:

7 Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When, in  
8 the course of a proceeding under this chapter, it appears to the court  
9 that the welfare of a minor will be promoted by the appointment of a  
10 guardian or custodian of his person, the court may make the appoint-  
11 ment. The court shall have a summons issued and served upon the  
12 parents of the minor, if they can be found, in a manner and within a  
13 time before the hearing which the court considers reasonable. The  
14 court may determine whether the father, mother, or the Department of  
15 [HEALTH AND] Social Services shall have the custody and control of the  
16 minor. If the minor is over 14 years of age, his desires in the matter  
17 shall be given consideration by the court.

18 \* Sec. 39. AS 47.10.140(b) is amended to read:

19 (b) A peace officer who has a minor detained under (a) of this  
20 section shall immediately, and in no event more than 12 hours later,  
21 notify the court, the minor's parents or guardian, and the Department  
22 of [HEALTH AND] Social Services of the officer's action. The department  
23 may file with the court a petition alleging delinquency before the  
24 detention hearing.

25 \* Sec. 40. AS 47.10.140(f) is amended to read:

26 (f) A peace officer may detain a minor who is evading the person  
27 having legal custody of him if the minor is not otherwise subject to  
28 arrest or detention under (a) of this section, for the sole purpose  
29 of either (1) returning the minor to the person having legal custody

1 of him or (2) if the minor prefers, taking him to an office specified  
2 by the Department of [HEALTH AND] Social Services, facility or contract  
3 agency of the Department of [HEALTH AND] Social Services where such  
4 exists in the community. Immediately upon detaining a minor under  
5 this provision, the peace officer shall advise him of his right to  
6 social services under sec. 142(b) of this chapter, and, if known,  
7 the peace officer shall advise the person having the legal custody of  
8 the minor of his detention.

9 \* Sec. 41. AS 47.10.140(g) is amended to read:

10 (g) No minor who is detained under (f) of this section may be  
11 detained in a jail or other facility unless kept out of contact with  
12 adult persons convicted or accused of a crime. No minor may be  
13 detained in a jail or other detention facility which has not been ap-  
14 proved by the Department of [HEALTH AND] Social Services before  
15 detention of the minor.

16 \* Sec. 42. AS 47.10.142(a) is amended to read:

17 (a) The Department of [HEALTH AND] Social Services may take  
18 emergency custody of a minor upon discovering any of the following  
19 circumstances:

20 (1) the minor has been abandoned;

21 (2) the minor has been grossly neglected by his parents or  
22 guardian, as "neglect" is defined in AS 47.17.070(5), so that immediate  
23 removal from his surroundings is, in the determination of the depart-  
24 ment, necessary to protect his life;

25 (3) the minor has been abused, as "abuse" is defined in  
26 AS 47.17.070(1), so that immediate medical attention is necessary, in  
27 the determination of the department.

28 \* Sec. 43. AS 47.10.150 is amended to read:

29 Sec. 47.10.150. GENERAL POWERS OF DEPARTMENT OVER JUVENILE

1 INSTITUTIONS. The Department of [HEALTH AND] Social Services may

2 (1) purchase, lease or construct buildings or other  
3 facilities for the care, detention, rehabilitation and education of  
4 dependent or delinquent minors;

5 (2) adopt plans for construction of juvenile homes, juvenile  
6 detention facilities, and other juvenile institutions;

7 (3) adopt standards and regulations under this chapter for  
8 the design, construction, repair, maintenance and operation of all  
9 juvenile detention homes, facilities, and institutions;

10 (4) inspect periodically each juvenile detention home,  
11 facility, or other institution to insure that the standards and  
12 regulations adopted are being maintained;

13 (5) reimburse cities maintaining and operating juvenile  
14 detention homes and facilities;

15 (6) enter into contracts and arrangements with cities and  
16 state and federal agencies to carry out the purposes of this chapter;

17 (7) do all acts necessary to carry out the purposes of this  
18 chapter;

19 (8) adopt the regulations necessary to carry out this  
20 chapter;

21 (9) accept donations, gifts or bequests of money or other  
22 property for use in construction of juvenile homes, institutions or  
23 detention facilities;

24 (10) operate juvenile homes when municipalities are unable  
25 to do so;

26 (11) receive, care for, and place in a juvenile detention  
27 home, the minor's own home, a foster home, or correctional school or  
28 treatment institution all minors committed to its custody under this  
29 chapter.

1 \* Sec. 44. AS 47.10.160 is amended to read:

2 Sec. 47.10.160. DUTIES OF DEPARTMENT. The Department of  
3 [HEALTH AND] Social Services shall

4 (1) accept all minors committed to the custody of the  
5 department and all minors who are involved in a written agreement  
6 under sec. 230(c) of this chapter, and provide for the welfare, control,  
7 care, custody, and placement of these children in accordance with the  
8 provisions of this chapter;

9 (2) require and collect statistics on juvenile offenses and  
10 offenders in Alaska;

11 (3) conduct studies and prepare findings and recommendations  
12 on the need, number, type, construction, maintenance, and operating  
13 costs of juvenile homes, facilities and the other institutions, and  
14 adopt and submit a plan for construction of the homes, facilities, and  
15 institutions when needed, together with a plan for financing the  
16 construction programs;

17 (4) examine, where possible, all facilities, institutions,  
18 and places of juvenile detention in Alaska and inquire into their  
19 methods and the management of juveniles in them.

20 \* Sec. 45. AS 47.10.180(a) is amended to read:

21 (a) The Department of [HEALTH AND] Social Services shall adopt  
22 standards and regulations for the operation of juvenile detention  
23 homes and juvenile detention facilities in the state.

24 \* Sec. 46. AS 47.10.220 is amended to read:

25 Sec. 47.10.220. GRANTS-IN-AID. The Department of [HEALTH AND]  
26 Social Services may accept grants-in-aid from the federal government  
27 or private foundations and may accept other gifts consistent with the  
28 purposes of this chapter.

29 \* Sec. 47. AS 47.10.230(a) is amended to read:

1 (a) The Department of [HEALTH AND] Social Services shall arrange  
2 for the care of every child committed to its custody by placing him in  
3 a foster home or in the care of an agency or institution providing care  
4 for children inside or outside the state. The department may place a  
5 child in a suitable family home, with or without compensation, and  
6 may place a child released to it, in writing verified by the parent,  
7 or guardian or other person having legal custody, for adoptive pur-  
8 poses, in a home for adoption in accordance with existing law.

9 \* Sec. 48. AS 47.10.250 is amended to read:

10 Sec. 47.10.250. STANDARDS OF CARE. The Department of [HEALTH  
11 AND] Social Services shall establish standards of care and regulations  
12 desirable for the welfare of every child under its care.

13 \* Sec. 49. AS 47.17.070(3) is amended to read:

14 (3) "department" means the Department of [HEALTH AND]  
15 Social Services;

16 \* Sec. 50. AS 47.20.010 is amended to read:

17 Sec. 47.20.010. ASSISTANCE AUTHORIZED. The Department of [HEALTH  
18 AND] Social Services may provide professional guidance and financial  
19 assistance to organized groups of parents according to standards and  
20 regulations devised by the department for providing special services,  
21 evaluation and special training required by exceptional children who  
22 are educable or trainable but physically or mentally retarded.

23 \* Sec. 51. AS 47.20.030 is amended to read:

24 Sec. 47.20.030. APPROPRIATIONS. Appropriations to carry out the  
25 purposes of this chapter shall be made to the Department of [HEALTH  
26 AND] Social Services.

27 \* Sec. 52. AS 47.25.300(2) is amended to read:

28 (2) "department" means the Department of [HEALTH AND] Social  
29 Services;

- 1 \* Sec. 53. AS 47.25.410(2) is amended to read:  
2 (2) "department" means the Department of [HEALTH AND] Social  
3 Services;
- 4 \* Sec. 54. AS 47.25.780(3) is amended to read:  
5 (3) "department" means the Department of [HEALTH AND] Social  
6 Services;
- 7 \* Sec. 55. AS 47.25.960(2) is amended to read:  
8 (2) "department" means the Department of [HEALTH AND] Social  
9 Services;
- 10 \* Sec. 56. AS 47.30.340(2) is amended to read:  
11 (2) "department" means the Department of Health [AND SOCIAL  
12 SERVICES] or its designee;
- 13 \* Sec. 57. AS 47.30.500(1) is amended to read:  
14 (1) "department" means the Department of Health [AND SOCIAL  
15 SERVICES];
- 16 \* Sec. 58. AS 47.37.060 is amended to read:  
17 Sec. 47.37.060. ADVISORY BOARD ON ALCOHOLISM. There is estab-  
18 lished in the Department of Health [AND SOCIAL SERVICES] an advisory  
19 board on alcoholism.
- 20 \* Sec. 59. AS 47.37.270(4) is amended to read:  
21 (4) "commissioner" means the commissioner of health [AND  
22 SOCIAL SERVICES];
- 23 \* Sec. 60. AS 47.37.270(6) is amended to read:  
24 (6) "department" means the Department of Health [AND SOCIAL  
25 SERVICES];
- 26 \* Sec. 61. AS 47.37.270(11) is amended to read:  
27 (11) "office" means the office of alcoholism within the  
28 Department of Health [AND SOCIAL SERVICES];
- 29 \* Sec. 62. AS 47.40.080(3) is repealed and re-enacted to read:

1 (3) "department" means either the Department of Health or  
2 the Department of Social Services, as appropriate to the functions,  
3 powers, duties and responsibilities assigned each department under  
4 this chapter.

5 \* Sec. 63. AS 47.50.050 is amended to read:

6 Sec. 47.50.050. DEPARTMENTS TO ASSIST OFFICE OF CHILD ADVOCACY.  
7 The Department of Health, the Department of [AND] Social Services,  
8 the Department of Education, the Department of Labor and all other  
9 departments and agencies of the state which have programs or services  
10 pertaining to children shall cooperate with the Office of Child  
11 Advocacy and shall furnish technical assistance and personnel, if  
12 available, upon request.

13 \* Sec. 64. AS 44.29.100 - 44.29.150 are repealed.

14 \* Sec. 65. Because the provisions of this Act relating to the Advisory  
15 Board on Drug Abuse (AS 17.25.010 - 17.25.060) are identical to the provi-  
16 sions in AS 44.29.100 - 44.29.150 which are repealed by sec. 65 of this  
17 Act, nothing in this Act requires the appointment of a new board.

18 \* Sec. 66. Whenever the title Department of Health and Social Services  
19 appears in the law of this state with respect to the functions, powers,  
20 duties and responsibilities prescribed in AS 44.28.020, as added by sec. 1  
21 of this Act, it shall read as the Department of Health. Whenever the title  
22 Department of Health and Social Services appears in the law of this state  
23 with respect to the functions, powers, duties and responsibilities pre-  
24 scribed in AS 44.29.020, as amended by sec. 3 of this Act, it shall be read  
25 as the Department of Social Services.

26 \* Sec. 67. (a) The Department of Health is hereby vested with the  
27 duties, powers and responsibilities formerly exercised and held by the fol-  
28 lowing divisions and offices of the Department of Health and Social Services:

29 (1) the division of public health;

- 1 (2) the division of mental health;  
2 (3) the division of medical assistance;  
3 (4) the office of alcoholism and the advisory board on  
4 alcoholism;  
5 (5) the office of drug abuse and the advisory board on  
6 drug abuse; and  
7 (6) the office of comprehensive health planning and the  
8 comprehensive health advisory council.

9 (b) Appropriations, records, equipment and other property of the  
10 divisions or offices of the Department of Health and Social Services  
11 designated in (a) of this section are transferred to the Department of  
12 Health. Appropriations and other money available and to become available  
13 to a division or office designated in (a) of this section, the functions,  
14 powers and duties of which have been transferred to the Department of  
15 Health established under this Act shall be available for the objects and  
16 purposes for which appropriated or otherwise made available, subject to  
17 terms, restrictions, limitations or other requirements imposed under this  
18 Act or other state or federal law. Other financial liabilities of the  
19 divisions and offices designated in (a) of this section that are not  
20 assumed by the Department of Health shall be assumed by the general fund  
21 of the state as determined by the governor.

22 (c) This Act does not abate or otherwise affect an action or  
23 proceeding, civil or criminal, brought by or against a division or office  
24 designated in (a) of this section and pending on July 1, 1974. These  
25 actions or proceedings may be maintained in the same manner as if this Act  
26 had not taken effect.

27 (d) All applications, petitions, hearings and other proceedings pending  
28 on June 30, 1974, before a division or office designated in (a) of this  
29 section shall be continued and determined by that division or office.

1 (e) Certificates, orders, rules or regulations issued or filed under  
2 authority of a law amended or repealed by this Act or functions which may  
3 be transferred by this Act, with respect to a division or office designated  
4 under (a) of this section transferred to the Department of Health, remain  
5 in effect for the term issued until amended, revoked, modified, or vacated  
6 under the provisions of law.

7 (f) All contracts or other vested obligations created by a law amended  
8 or repealed by this Act or by virtue of functions which are or may be  
9 transferred by this Act, and in effect on the effective date of this Act,  
10 remain in effect unless amended, revoked, modified, or vacated under the  
11 provisions of law.

12 \* Sec. 68. This Act takes effect July 1, 1974.  
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