

Introduced: 4/30/75  
Referred: Health, Education &  
Social Services and Finance

1 IN THE HOUSE

BY SULLIVAN BY REQUEST

2 HOUSE BILL NO. 464

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST 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 AS 44.29.020 is repealed and re-enacted to read: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. 5. 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 44.29.100 is amended to read:

22 Sec. 44.29.100. ADVISORY BOARD ON DRUG ABUSE. There is estab-  
23 lished in the Department of Health [AND SOCIAL SERVICES] an advisory  
24 board on drug abuse.

25 \* Sec. 10. AS 44.29.140 is amended to read:

26 Sec. 44.29.140. DUTIES. The board shall act in an advisory  
27 capacity to the commissioner of health [AND SOCIAL SERVICES] in the  
28 following matters:

29 (1) special problems affecting mental health which drug

1 abuse or addiction may present;

2 (2) educational research and public informational activities  
3 conducted by the Department of Health [AND SOCIAL SERVICES] and others  
4 in respect to the problems presented by drug abuse;

5 (3) social problems which affect rehabilitation of drug users  
6 and addicts;

7 (4) legal processes which affect the treatment and rehabili-  
8 tation of drug users and addicts;

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

11 (6) review of applications and subsequent recommendations to  
12 the commissioner of health [AND SOCIAL SERVICES] on use of funds for  
13 grants for local drug abuse projects and programs;

14 (7) evaluation of effectiveness of drug abuse programs in the  
15 state.

16 \* Sec. 11. AS 18 is amended by adding a new chapter to read:

17 CHAPTER 03. DEPARTMENT OF HEALTH.

18 ARTICLE 1. BOARD OF HEALTH.

19 Sec. 18.03.010. CREATION. There is created at the head of the  
20 Department of Health a Board of Health consisting of nine members.

21 Sec. 18.03.020. APPOINTMENT. (a) The nine members of the board,  
22 no more than five of whom shall be members of the same political party  
23 as the governor, shall be appointed by the governor, subject to confir-  
24 mation by a majority of the members of the legislature in joint session.  
25 The members of the board shall be broadly representative of all related  
26 health professions, who are known for their experience or interest in  
27 the promotion and protection of the public health. At least three of  
28 the members shall be medical or osteopathic physicians licensed to  
29 practice in the state. At least one member shall be a health consumer.

1 The governor shall consider recommendations made by recognized profes-  
2 sional associations in the state.

3 (b) No member of the board may be a candidate for partisan politi-  
4 cal office while serving on the board.

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

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

13 Sec. 18.03.050. COMPENSATION AND PER DIEM. Members of the board  
14 serve without compensation but are entitled to per diem and travel  
15 expenses as may be authorized by law for boards and commissions.

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

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

1 (b) This section may not be construed to allow the use of a bylaw  
2 rather than a regulation where the subject is of statewide importance or  
3 interest.

4 Sec. 18.03.080. ADDITIONAL POWERS. The board may

5 (1) appoint unpaid advisory commissions;

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

11 ARTICLE 2. COMMISSIONER OF HEALTH.

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

16 (b) The commissioner shall be appointed without regard to politi-  
17 cal affiliation. He shall be qualified by training and experience a  
18 minimum of seven years in the fields of public health or mental health  
19 or both and a minimum of three years administrative experience.

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

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

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

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

1 regulations adopted by the board.

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

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

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

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

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

16 \* Sec. 13. AS 18.05.070(2) is amended to read:

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

19 \* Sec. 14. AS 18.07.030(b) is amended to read:

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

29 \* Sec. 15. AS 18.07.090(a) is amended to read:

1 (a) The Department of Health [AND SOCIAL SERVICES] is the state  
2 agency responsible for the administration of state comprehensive health  
3 planning functions under sec. 314(a) of the Public Health Service Act  
4 (P.L. 89749) as amended.

5 \* Sec. 16. AS 18.07.100(1) is amended to read:

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

8 \* Sec. 17. AS 18.07.100(4) is amended to read:

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

11 \* Sec. 18. AS 18.07.100(5) is amended to read:

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

14 \* Sec. 19. AS 18.10.260(b) is amended to read:

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

17 \* Sec. 20. AS 18.15.190 is amended to read:

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

20 \* Sec. 21. AS 18.15.200(b) is amended to read:

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

24 \* Sec. 22. AS 18.20.130(3) is amended to read:

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

27 \* Sec. 23. AS 18.20.210(1) is amended to read:

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

1 \* Sec. 24. AS 18.25.120 is amended to read:

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

4 \* Sec. 25. AS 18.35.090(2) is amended to read:

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

7 \* Sec. 26. AS 18.35.230(1) is amended to read:

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

10 \* Sec. 27. AS 18.45.030(1) is amended to read:

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

13 \* Sec. 28. AS 18.50.030 is amended to read:

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

19 \* Sec. 29. AS 18.50.370(3) is amended to read:

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

22 \* Sec. 30. AS 18.67.020(a) is amended to read:

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

28 \* Sec. 31. AS 44.62.330(24) is amended to read:

29       (24) Department of [HEALTH AND] Social Services, under

1 AS 47.35.010 - 47.35.080, relating to boarding and foster homes for  
2 children

3 \* Sec. 32. AS 44.62.330(27) is amended to read:

4 (27) Department of Health [AND SOCIAL SERVICES], under  
5 Alaska Food, Drug, and Cosmetic Act (AS 17.20), and in connection with  
6 the licensing of embalmers under AS 08.44.010.

7 \* Sec. 33. AS 44.62.330(28) is amended to read:

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

10 \* Sec. 34. AS 44.62.330(30) is amended to read:

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

14 \* Sec. 35. AS 47.05.010 is amended to read:

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

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

20 (2) adopt regulations necessary for the conduct of its  
21 business and for carrying out federal and state laws granting old age  
22 assistance, aid to dependent children, aid to blind persons and other  
23 assistance;

24 (3) establish minimum standards for personnel employed by  
25 the department and make necessary rules and regulations to maintain  
26 those standards;

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

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

4 (6) make the reports, in the form and containing the informa-  
5 tion, which the federal government from time to time requires;

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

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

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

27 (10) grant to a person claiming or receiving assistance and  
28 who is aggrieved because of the department's action or failure to act,  
29 reasonable notice and an opportunity for a fair hearing by the depart-

1 ment, and the department shall establish regulations relative to this;

2 (11) enter into reciprocal agreements with other states rela-  
3 tive to public assistance, welfare services, and institutional care  
4 which are considered advisable;

5 (12) establish the requirements of residence for public assis-  
6 tance, welfare services and institutional care which are considered  
7 advisable, subject to the limitations of other laws of the state, or law  
8 or regulation imposed as conditions for federal financial participation;

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

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

29 \* Sec. 36. AS 47.07.010 is amended to read:

1           Sec. 47.07.010. PURPOSE. It is declared as a matter of public  
2 concern that the needy persons of this state receive uniform and high  
3 quality medical care, regardless of race, age, national origin, or  
4 economic standing. Accordingly, this chapter authorizes the Department  
5 of Health [AND SOCIAL SERVICES] to apply for participation in the  
6 national medical assistance program as provided for under title XIX of  
7 the federal Social Security Act.

8 \* Sec. 37. AS 47.07.040 is amended to read:

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

25 \* Sec. 38. AS 47.07.080(2) is amended to read:

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

28 \* Sec. 39. AS 47.10.080(b)(1) is amended to read:

29           (1) order the minor committed to the Department of [HEALTH

1 AND] Social Services for an indeterminate period of time not to extend  
2 past a specified date or in any event past the day the minor becomes 19,  
3 except that the department may petition the court for continued super-  
4 vision for an additional one-year period for minors who have not re-  
5 sponded to treatment, and may direct the minor's placement in a juvenile  
6 correctional school, detention home, or detention facility designated by  
7 the department; the minor may be released from placement or detention  
8 and placed on probation on order of the court; or

9 \* Sec. 40. AS 47.10.110 is amended to read:

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

21 \* Sec. 41. AS 47.10.140(b) is amended to read:

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

28 \* Sec. 42. AS 47.10.140(f) is amended to read:

29 (f) A peace officer may detain a minor who is evading the person

1 having legal custody of him if the minor is not otherwise subject to  
2 arrest or detention under (a) of this section, for the sole purpose of  
3 either (1) returning the minor to the person having legal custody of him  
4 or (2) if the minor prefers, taking him to an office specified by the  
5 Department of [HEALTH AND] Social Services, facility or contract agency  
6 of the Department of [HEALTH AND] Social Services where such exists in  
7 the community. Immediately upon detaining a minor under this provision,  
8 the peace officer shall advise him of his right to social services under  
9 sec. 142(b) of this chapter, and, if known, the peace officer shall  
10 advise the person having the legal custody of the minor of his detention.

11 \* Sec. 43. AS 47.10.140(g) is amended to read:

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

18 \* Sec. 44. AS 47.10.142(a) is amended to read:

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

22 (1) the minor has been abandoned;

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

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

1 \* Sec. 45. AS 47.10.150 is amended to read:

2 Sec. 47.10.150. GENERAL POWERS OF DEPARTMENT OVER JUVENILE INSTI-  
3 TUTIONS. The Department of [HEALTH AND] Social Services may

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

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

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

12 (4) inspect periodically each juvenile detention home,  
13 facility, or other institution to insure that the standards and regula-  
14 tions adopted are being maintained;

15 (5) reimburse cities maintaining and operating juvenile  
16 detention homes and facilities;

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

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

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

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

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

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

1 chapter.

2 \* Sec. 46. AS 47.10.160 is amended to read:

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

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

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

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

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

21 \* Sec. 47. AS 47.10.180(a) is amended to read:

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

25 \* Sec. 48. AS 47.10.220 is amended to read:

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

1 \* Sec. 49. AS 47.10.230(a) is amended to read:

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

10 \* Sec. 50. AS 47.10.250 is amended to read:

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

14 \* Sec. 51. AS 47.17.070(3) is amended to read:

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

17 \* Sec. 52. AS 47.20.010 is amended to read:

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

24 \* Sec. 53. AS 47.20.030 is amended to read:

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

28 \* Sec. 54. AS 47.25.300(2) is amended to read:

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

1 Services;

2 \* Sec. 55. AS 47.25.410(2) is amended to read:

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

5 \* Sec. 56. AS 47.25.780(3) is amended to read:

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

8 \* Sec. 57. AS 47.25.960(2) is amended to read:

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

11 \* Sec. 58. AS 47.30.340(2) is amended to read:

12 (2) "department" means the Department of Health [AND SOCIAL  
13 SERVICES] or its designee;

14 \* Sec. 59. AS 47.30.500(1) is amended to read:

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

17 \* Sec. 60. AS 47.37.060 is amended to read:

18 Sec. 47.37.060. ADVISORY BOARD ON ALCOHOLISM. There is estab-  
19 lished in the Department of Health [AND SOCIAL SERVICES] an advisory  
20 board on alcoholism.

21 \* Sec. 61. AS 47.37.270(4) is amended to read:

22 (4) "commissioner" means the commissioner of health [AND  
23 SOCIAL SERVICES];

24 \* Sec. 62. AS 47.37.270(6) is amended to read:

25 (6) "department" means the Department of Health [AND SOCIAL  
26 SERVICES];

27 \* Sec. 63. AS 47.37.270(11) is amended to read;

28 (11) "office" means the office of alcoholism within the  
29 Department of Health [AND SOCIAL SERVICES];

1 \* Sec. 64. AS 47.40.080(3) is repealed and reenacted to read:

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

5 \* Sec. 65. 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, the  
8 Department of Education, the Department of Labor and all other depart-  
9 ments and agencies of the state which have programs or services per-  
10 taining to children shall cooperate with the Office of Child Advocacy  
11 and shall furnish technical assistance and personnel, if available, upon  
12 request.

13 \* Sec. 66. Whenever the title Department of Health and Social Services  
14 appears in the law of this state with respect to the functions, powers,  
15 duties and responsibilities prescribed in AS 44.28.020, as added by sec. 1 of  
16 this Act, it shall read as the Department of Health. Whenever the title  
17 Department of Health and Social Services appears in the law of this state  
18 with respect to the functions, powers, duties and responsibilities prescribed  
19 in AS 44.29.020, as amended by sec. 3 of this Act, it shall be read as the  
20 Department of Social Services.

21 \* Sec. 67. (a) The Department of Health is hereby vested with the duties,  
22 powers and responsibilities formerly exercised and held by the following  
23 divisions and offices of the Department of Health and Social Services:

- 24 (1) the division of public health;  
25 (2) the division of mental health;  
26 (3) the division of medical assistance;  
27 (4) the office of alcoholism and the advisory board on  
28 alcoholism;  
29 (5) the office of drug abuse and the advisory board on drug

1 abuse; and

2 (6) the office of comprehensive health planning and the  
3 comprehensive health advisory council.

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

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

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

23 (e) Certificates, orders, rules or regulations issued or filed under  
24 authority of a law amended or repealed by this Act or functions which may be  
25 transferred by this Act, with respect to a division or office designated  
26 under (a) of this section transferred to the Department of Health, remain in  
27 effect for the term issued until amended, revoked, modified, or vacated under  
28 the provisions of law.

29 (f) All contracts or other vested obligations created by a law amended

1 or repealed by this Act or by virtue of functions which are or may be trans-  
2 ferred by this Act, and in effect on the effective date of this Act, remain  
3 in effect unless amended, revoked, modified, or vacated under the provisions  
4 of law.

5 \* Sec. 68. This Act takes effect July 1, 1975.  
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