

Introduced: 4/30/79
Referred: Health, Education &
Social Services and Finance

BY MCKINNON, BRANSON, MUNSON
AND ROGERS

1 IN THE HOUSE

2 HOUSE BILL NO. 491

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating a Department of Health and a Depart-
7 ment of Social Services; prescribing their organiza-
8 tion, powers and duties; and providing for an effective
9 date."

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

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

12 CHAPTER 28. DEPARTMENT OF HEALTH.

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

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

23 * Sec. 2. AS 18 is amended by adding a new chapter to read:

24 CHAPTER 03. DEPARTMENT OF HEALTH.

25 ARTICLE 1. BOARD OF HEALTH.

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

28 Sec. 18.03.020. APPOINTMENT. (a) The nine members of the board,
29 no more than five of whom shall be members of the same political party

1 as the governor, shall be appointed by the governor, subject to confir-
2 mation by a majority of the members of the legislature in joint session.
3 The members of the board shall be broadly representative of all related
4 health professions and known for their experience or interest in the
5 promotion and protection of the public health. At least three of the
6 members shall be medical or osteopathic physicians licensed to practice
7 in the state. At least one member shall be a health consumer. The
8 governor shall consider recommendations made by recognized professional
9 associations in the state.

10 (b) A member of the board may not be a candidate for partisan
11 political office while serving on the board.

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

17 Sec. 18.03.040. OFFICERS. Annually, the board shall elect a
18 chairman and vice-chairman from among its members. A board member may
19 not serve as chairman for more than two consecutive one-year terms.

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

23 Sec. 18.03.060. MEETINGS; QUORUM; RULES; VOTES REQUIRED. The
24 board shall prescribe its own rules of procedure. The board shall meet
25 once quarterly at a time and place determined by the chairman, and at
26 other times and places as the chairman, or a majority of the members of
27 the board, consider necessary. A quorum is a majority of the members of
28 the board. The votes of the board members shall be recorded and effec-
29 tive action requires the affirmative vote of a majority of the members

1 of the board present. No board member may, with respect to a matter
2 before the board, vote for or on behalf of, or in any way exercise the
3 vote of another member of the board.

4 Sec. 18.03.070. PRESCRIPTION OF BYLAWS. (a) The board may adopt
5 bylaws for the management of the department. The bylaws shall be written
6 and distributed in a manner as to be readily available to personnel of
7 the department.

8 (b) This section may not be construed to allow the use of a bylaw
9 rather than a regulation when the subject is of statewide importance or
10 interest.

11 Sec. 18.03.080. ADDITIONAL POWERS. The board may

12 (1) appoint unpaid advisory commissions;

13 (2) require other state departments or agencies, municipali-
14 ties or other political subdivisions of the state to submit to the
15 department in the form the board prescribes any information or reports
16 which are reasonably necessary to assist the department in carrying out
17 its functions.

18 Sec. 18.03.090. COOPERATION WITH FEDERAL GOVERNMENT. The board
19 shall cooperate with the federal government in adopting state plans to
20 make the state eligible for federal matching in health programs, and in
21 all matters of mutual concern, including adoption of the methods of
22 administration which are found by the federal government to be necessary
23 for the efficient operation of health programs.

24 ARTICLE 2. COMMISSIONER OF HEALTH.

25 Sec. 18.03.100. COMMISSIONER OF HEALTH. (a) The board shall
26 appoint the commissioner of health subject to the approval of the gover-
27 nor. The commissioner shall be the principal executive officer of the
28 department.

29 (b) The commissioner shall be appointed without regard to politi-

1 cal affiliation. He shall be qualified by training and experience with
2 a minimum of seven years in the field of public health or mental health
3 or both and a minimum of three years administrative experience.

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

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

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

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

15 (d) The commissioner shall receive the salary prescribed in AS
16 39.20.080.

17 (e) The commissioner shall employ and remove all classified per-
18 sonnel in the department subject to the State Personnel Act (AS 39.25).
19 He may employ and remove personnel in the exempt or partially exempt
20 service subject to the approval of the board. Personnel in the exempt
21 or partially exempt service have a right of appeal to the board if they
22 are removed.

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

26 * Sec. 3. AS 17.05.160(4) is amended to read:

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

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

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

3 * Sec. 5. AS 17.12.150(2) is amended to read;

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

6 * Sec. 6. AS 17.20.370(1) is amended to read:

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

9 * Sec. 7. AS 17.20.370(2) is amended to read:

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

12 * Sec. 8. AS 18.05.070(1) is amended to read:

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

15 * Sec. 9. AS 18.05.070(2) is amended to read:

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

18 * Sec. 10. AS 18.07.021 is amended to read:

19 Sec. 18.07.021. STATE HEALTH PLANNING AND DEVELOPMENT AGENCY. The
20 [OFFICE OF PLANNING AND RESEARCH IN THE] department is the state health
21 planning and development agency designated under sec. 1521(b)(3), P.L.
22 93-641. The office shall perform the functions enumerated under sec.
23 1523, P.L. 93-641, administer the certificate of need program outlined
24 in AS 18.07.041 - 18.07.111, and other functions prescribed in this
25 chapter.

26 * Sec. 11. AS 18.07.031 is amended to read:

27 Sec. 18.07.031. CERTIFICATE OF NEED REQUIRED. No person may
28 undertake the following unless authorized under the terms of a certifi-
29 cate of need issued by the department [OFFICE]:

- 1 (1) construction of a health care facility;
2 (2) alteration of the bed capacity of a health care facility;
3 (3) addition or elimination of a category of health services
4 provided by a health care facility.

5 * Sec. 12. AS 18.07.041 is amended to read:

6 Sec. 18.07.041. STANDARD OF REVIEW FOR APPLICATIONS FOR CERTIFI-
7 CATES OF NEED. The department [OFFICE] shall grant a sponsor a certi-
8 ficate of need or modify a certificate of need if the availability and
9 quality of existing health care resources or the accessibility to those
10 resources is less than the current or projected requirement for health
11 services required to maintain the good health of Alaska citizens.

12 * Sec. 13. AS 18.07.061 is amended to read:

13 Sec. 18.07.061. MODIFICATION AND TERMINATION OF ACTIVITIES. The
14 certificate holder shall apply to the department [OFFICE] for a modifi-
15 cation of the certificate before terminating part of the activities
16 authorized by the terms of issuance, but the certificate holder is not
17 required to obtain the acquiescence of the department [OFFICE] before
18 terminating all the activities authorized by the certificate. If a
19 certificate holder terminates all of the activities authorized by a
20 certificate, the certificate holder is required to notify the department
21 [OFFICE] 60 days before termination and to surrender the certificate to
22 the department [OFFICE] within 30 days of termination.

23 * Sec. 14. AS 18.07.071 is amended to read:

24 Sec. 18.07.071. TEMPORARY AND EMERGENCY CERTIFICATES. (a) The
25 department [OFFICE] shall grant a sponsor an emergency certificate for
26 the construction of a health care facility for which a certificate is
27 required under AS 18.07.041 if the sponsor shows, by affidavit or formal
28 hearing, that the act of construction consists of effecting emergency
29 repairs.

1 (b) The department [OFFICE] may grant a sponsor a temporary certi-
2 ficate for the temporary operation of a category of health service, if
3 the sponsor shows by affidavit or formal hearing

4 (1) the necessity for early, immediate, or temporary relief,
5 and

6 (2) adverse effect to the public interest by reason of delay
7 occasioned by compliance with the requirements of AS 18.07.041 and
8 application procedures prescribed by regulations under this chapter.

9 (c) A temporary certificate granted under (a) and (b) of this
10 section confers no vested rights on behalf of the applicant. The
11 department [OFFICE] shall impose those special limitations and restric-
12 tions concerning duration and right of extension which the department
13 [OFFICE] considers appropriate. No temporary certificate may be granted
14 for a period longer than necessary for the sponsor to obtain review of
15 the action certified by the temporary certificate under AS 18.07.051.
16 Application for a certificate of need under AS 18.07.041 must commence
17 within 60 days of the date of issuance of the temporary certificate.

18 * Sec. 15. AS 18.07.081(a) and (c) are amended to read:

19 (a) The department [OFFICE], a member of the public who is sub-
20 stantially affected by activities authorized by the certificate, or
21 another applicant for a certificate of need may initiate a hearing to
22 obtain modification, suspension or revocation of an existing certificate
23 of need by filing an accusation with the commissioner as prescribed
24 under AS 44.62.360. No revocation, modification, or suspension of an
25 outstanding certificate may be undertaken unless it is in accordance
26 with AS 44.62.330 - 44.62.630.

27 (c) A certificate of need shall be suspended if an accusation is
28 filed before the commencement of activities authorized under AS 18.07.-
29 041 which charges that factors upon which the certificate of need was

1 issued have changed, or new factors have been discovered which signifi-
2 cantly alter the need for the activity authorized. A suspension of a
3 certificate may not exceed 60 days. At the end of this period or
4 sooner, the department [OFFICE] shall revoke or reinstate the certifi-
5 cate.

6 * Sec. 16. AS 18.07.101 is amended to read:

7 Sec. 18.07.101. REGULATIONS. The commissioner shall adopt, in
8 accordance with the Administrative Procedure Act (AS 44.62), regulations
9 which establish procedures under which sponsors may make application for
10 certificates of need required by this chapter and which govern the
11 review of those applications by the department [OFFICE], establish
12 requirements for a uniform statewide system of reporting financial and
13 other operating data, and otherwise carry out the purposes of this
14 chapter.

15 * Sec. 17. AS 18.07.111(2) is amended to read:

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

18 * Sec. 18. AS 18.07.111(6) is amended to read:

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

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

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

24 * Sec. 20. AS 18.15.190 is amended to read:

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

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

28 (b) The Department of Health [AND SOCIAL SERVICES] shall prescribe
29 regulations regarding the method used and the time or times of testing

1 as accepted medical practice indicates.

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

3 (3) "department" means the Department of Health [AND SOCIAL

4 SERVICES].

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

6 (1) "department" means the Department of Health [AND SOCIAL

7 SERVICES];

8 * Sec. 24. AS 18.25.120 is amended to read:

9 Sec. 18.25.120. DEFINITIONS. In this chapter "department" means

10 the Department of Health [AND SOCIAL SERVICES].

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

12 (2) "department" means the Department of Health [AND SOCIAL

13 SERVICES].

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

15 (1) "department" means the Department of Health [AND SOCIAL

16 SERVICES];

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

18 (1) The Department of Health [AND SOCIAL SERVICES] particu-

19 larly as to hazards to the public health and safety;

20 * Sec. 28. AS 18.50.030 is amended to read:

21 Sec. 18.50.030. APPOINTMENT OF STATE REGISTRAR OF VITAL STATIS-

22 TICS. The commissioner of health [AND SOCIAL SERVICES] shall select the

23 state registrar of vital statistics in accordance with state personnel

24 laws and regulations. The registrar shall carry out the provisions of

25 this chapter.

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

27 (3) "department" means the Department of Health [AND SOCIAL

28 SERVICES];

29 * Sec. 30. AS 44.29.010 is amended to read:

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

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

5 * Sec. 31. AS 44.29.020 is repealed and re-enacted to read:

6 Sec. 44.29.020. DUTIES OF DEPARTMENT. The Department of Social
7 Services shall administer the state programs of public social services,
8 including: (1) management of state correction and other institutions
9 relating to the duties assigned by this section; (2) old age assistance;
10 (3) aid to dependent children; (4) aid to the blind; (5) child welfare
11 services; (6) general relief; (7) licensing and supervision of child
12 care facilities; and (8) probation and parole supervision.

13 * Sec. 32. AS 44.29.100 is amended to read:

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

17 * Sec. 33. AS 44.29.140 is amended to read:

18 Sec. 44.29.140. DUTIES. The board shall act in an advisory capac-
19 ity to the commissioner of health [AND SOCIAL SERVICES] in the following
20 matters:

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

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

26 (3) social problems which affect rehabilitation of drug users
27 and addicts;

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

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

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

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

8 * Sec. 34. AS 44.62.330(a)(24) is amended to read:

9 (24) Department of [HEALTH AND] Social Services, under AS
10 47.35.010 - 47.35.080, relating to boarding and foster homes for
11 children

12 * Sec. 35. AS 44.62.330(a)(27) is amended to read:

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

16 * Sec. 36. AS 44.62.330(a)(28) is amended to read:

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

19 * Sec. 37. AS 44.62.330(a)(30) is amended to read:

20 (30) Department of Health [AND SOCIAL SERVICES], under AS
21 18.35.010 - 18.35.090, concerning the regulation of tourist and trailer
22 camps, motor courts, and motels

23 * Sec. 38. AS 47.05.010 is amended to read:

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

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

29 (2) adopt regulations necessary for the conduct of its busi-

1 ness and for carrying out federal and state laws granting old age
2 assistance, aid to dependent children, aid to blind persons and other
3 assistance;

4 (3) establish minimum standards for personnel employed by the
5 department and make necessary rules and regulations to maintain those
6 standards;

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

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

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

14 (7) cooperate with the federal government, its agencies or
15 instrumentalities in establishing, extending and strengthening services
16 for the protection and care of homeless, dependent and neglected chil-
17 dren in danger of becoming delinquent, and receive and expend funds
18 available to the department by the federal government, the state or its
19 political subdivisions for that purpose;

20 (8) cooperate with the federal government in adopting state
21 plans to make the state eligible for federal matching in appropriate
22 categories of assistance, and in all matters of mutual concern, in-
23 cluding adoption of the methods of administration which are found by the
24 federal government to be necessary for the efficient operation of wel-
25 fare programs;

26 (9) adopt regulations, not inconsistent with law, defining
27 need, prescribing the conditions of eligibility for assistance, and
28 establishing standards for determining the amount of assistance which an
29 eligible person is entitled to receive; the amount of assistance is

1 sufficient when, added to all other income and resources available to an
2 individual, it provides the individual with a reasonable subsistence
3 compatible with health and well-being; an individual who meets the
4 requirements for eligibility for assistance shall be granted the assis-
5 tance promptly upon application for it;

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

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

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

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

1 parent-in-law, brother-in-law or sister-in-law;

2 (14) each February hold public meetings to review, study, and
3 propose, the necessary levels of care and the rates it will pay to
4 anyone for the services required during the succeeding year; before
5 final adoption by the department the proposed levels of care and the
6 rates of payment shall be reviewed by the legislature annually while in
7 session.

8 * Sec. 39. AS 47.07.010 is amended to read:

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

16 * Sec. 40. AS 47.07.040 is amended to read:

17 Sec. 47.07.040. STATE PLAN FOR PROVISION OF MEDICAL ASSISTANCE.
18 The department shall prepare a state plan in accordance with the provi-
19 sions of title XIX of the Social Security Act and submit it for approval
20 to the United States Department of Health, Education and Welfare. The
21 plan shall designate that the Department of Health [AND SOCIAL SERVICES]
22 is the single state agency to administer this plan. The department
23 shall act for the state in any negotiations relative to the submission
24 and approval of the plan and may make those arrangements, not inconsis-
25 tent with law, as may be required under federal law to obtain and retain
26 approval of the United States Department of Health, Education and Welfare
27 to secure for the state the provisions of title XIX of the Social Secu-
28 rity Act. In addition, the department shall provide a report to the
29 legislature no later than March 15 of each year concerning the status of

1 this program and recommendations, with supporting fiscal data, as to any
2 changes in the coverage of eligible persons or services to be provided.

3 * Sec. 41. AS 47.07.080(2) is amended to read:

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

6 * Sec. 42. AS 47.10.080(b)(1) is amended to read:

7 (1) order the minor committed to the Department of [HEALTH
8 AND] Social Services for a period of time not to exceed two years or in
9 any event extend past the day the minor becomes 19, except that the
10 department may petition for and the court may grant in a hearing (A)
11 two-year extensions of commitment which do not extend beyond the child's
12 19th birthday if the extension is in the best interests of the minor and
13 the public; and (B) an additional one-year period of supervision past
14 age 19 if continued supervision is in the best interests of the person
15 and the person consents to it; the department shall place the minor in
16 the juvenile facility which the department considers appropriate and
17 which may include a juvenile correctional school, detention home, or
18 detention facility; the minor may be released from placement or deten-
19 tion and placed on probation on order of the court and may also be
20 released by the department, in its discretion, under AS 47.10.200;

21 * Sec. 43. AS 47.10.110 is amended to read:

22 Sec. 47.10.110. APPOINTMENT OF GUARDIAN OR CUSTODIAN. When, in
23 the course of a proceeding under this chapter, it appears to the court
24 that the welfare of a minor will be promoted by the appointment of a
25 guardian or custodian of his person, the court may make the appointment.
26 The court shall have a summons issued and served upon the parents of the
27 minor, if they can be found, in a manner and within a time before the
28 hearing which the court considers reasonable. The court may determine
29 whether the father, mother, or the Department of [HEALTH AND] Social

1 Services shall have the custody and control of the minor. If the minor
2 is of sufficient age and intelligence to state his desires, the court
3 shall consider his desires.

4 * Sec. 44. AS 47.10.140(b) is amended to read:

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

11 * Sec. 45. AS 47.10.140(f) is amended to read:

12 (f) A peace officer may detain a minor who is evading the person
13 having legal custody of him if the minor is not otherwise subject to
14 arrest or detention under (a) of this section, for the sole purpose of
15 either (1) returning the minor to the person having legal custody of him
16 or (2) if the minor prefers, taking him to an office specified by the
17 Department of [HEALTH AND] Social Services, facility or contract agency
18 of the Department of [HEALTH AND] Social Services where such exists in
19 the community. Immediately upon detaining a minor under this provision,
20 the peace officer shall advise him of his right to social services under
21 sec. 142(b) of this chapter, and, if known, the peace officer shall
22 advise the person having the legal custody of the minor of his deten-
23 tion.

24 * Sec. 46. AS 47.10.140(g) is amended to read:

25 (g) No minor who is detained under (f) of this section may be de-
26 tained in a jail or other facility unless kept out of contact with adult
27 persons convicted or accused of a crime. No minor may be detained in a
28 jail or other detention facility which has not been approved by the De-
29 partment of [HEALTH AND] Social Services before detention of the minor.

1 * Sec. 47. AS 47.10.142(a) is amended to read:

2 (a) The Department of [HEALTH AND] Social Services may take emer-
3 gency custody of a minor upon discovering any of the following circum-
4 stances:

5 (1) the minor has been abandoned;

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

10 (3) the minor has been abused, as "abuse" is defined in AS
11 47.17.070(1), so that immediate medical attention is necessary, in the
12 determination of the department.

13 * Sec. 48. AS 47.10.150 is amended to read:

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

16 (1) purchase, lease or construct buildings or other facili-
17 ties for the care, detention, rehabilitation and education of children
18 in need of aid or delinquent minors;

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

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

24 (4) inspect periodically each juvenile detention home, facil-
25 ity, or other institution to insure that the standards and regulations
26 adopted are being maintained;

27 (5) reimburse cities maintaining and operating juvenile
28 detention homes and facilities;

29 (6) enter into contracts and arrangements with cities and

1 state and federal agencies to carry out the purposes of this chapter;

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

4 (8) adopt the regulations necessary to carry out this chap-
5 ter;

6 (9) accept donations, gifts or bequests of money or other
7 property for use in construction of juvenile homes, institutions or
8 detention facilities;

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

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

15 * Sec. 49. AS 47.10.160 is amended to read:

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

18 (1) accept all minors committed to the custody of the depart-
19 ment and all minors who are involved in a written agreement under AS 47.-
20 10.230(c), and provide for the welfare, control, care, custody, and
21 placement of these children in accordance with the provisions of this
22 chapter;

23 (2) require and collect statistics on juvenile offenses and
24 offenders in Alaska;

25 (3) conduct studies and prepare findings and recommendations
26 on the need, number, type, construction, maintenance, and operating
27 costs of juvenile homes, facilities and the other institutions, and
28 adopt and submit a plan for construction of the homes, facilities, and
29 institutions when needed, together with a plan for financing the con-

1 instruction programs;

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

5 * Sec. 50. AS 47.10.180(a) is amended to read:

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

9 * Sec. 51. AS 47.10.220 is amended to read:

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

14 * Sec. 52. AS 47.10.230(a) is amended to read:

15 (a) Subject to (e) and (f) of this section, the Department of
16 [HEALTH AND] Social Services shall arrange for the care of every child
17 committed to its custody by placing him in a foster home or in the care
18 of an agency or institution providing care for children inside or out-
19 side the state. The department may place a child in a suitable family
20 home, with or without compensation, and may place a child released to
21 it, in writing verified by the parent, or guardian or other person
22 having legal custody, for adoptive purposes, in a home for adoption in
23 accordance with existing law.

24 * Sec. 53. AS 47.10.250 is amended to read:

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

28 * Sec. 54. AS 47.17.070(3) is amended to read:

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

Services;

* Sec. 55. AS 47.20.010 is amended to read:

Sec. 47.20.010. ASSISTANCE AUTHORIZED. (a) The Department of [HEALTH AND] Social Services shall provide professional guidance and financial assistance to organized groups of parents, nonprofit corporations, school districts, and regional educational attendance areas according to standards and regulations adopted by the department for providing special services, evaluation and special training required by exceptional children.

(b) The program established under (a) of this section shall emphasize individual needs and, where possible, be home based and involve parents in the education and training of their children.

* Sec. 56. AS 47.25.300(2) is amended to read:

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

* Sec. 57. AS 47.25.410(2) is amended to read:

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

* Sec. 58. AS 47.25.780(3) is amended to read:

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

* Sec. 59. AS 47.25.960(2) is amended to read:

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

* Sec. 60. AS 47.30.340(2) is amended to read:

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

* Sec. 61. AS 47.30.500(1) is amended to read:

(1) "department" means the Department of Health [AND SOCIAL

1 SERVICES];

2 * Sec. 62. AS 47.37.060 is amended to read:

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

6 * Sec. 63. AS 47.37.270(4) is amended to read:

7 (4) "commissioner" means the commissioner of health [AND
8 SOCIAL SERVICES];

9 * Sec. 64. AS 47.37.270(6) is amended to read:

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

12 * Sec. 65. AS 47.37.270(11) is amended to read:

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

15 * Sec. 66. AS 47.40.080(3) is repealed and re-enacted to read:

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

19 * Sec. 67. AS 47.50.050 is amended to read:

20 Sec. 47.50.050. DEPARTMENTS TO ASSIST OFFICE OF CHILD ADVOCACY.
21 The Department of Health, the Department of [AND] Social Services, the
22 Department of Education, the Department of Labor and all other depart-
23 ments and agencies of the state which have programs or services per-
24 taining to children shall cooperate with the Office of Child Advocacy
25 and shall furnish technical assistance and personnel, if available, upon
26 request.

27 * Sec. 68. AS 18.07.111(10) is repealed.

28 * Sec. 69. Whenever the title Department of Health and Social Services
29 appears in the law of this state with respect to the functions, powers,

1 duties and responsibilities prescribed in AS 44.28.020, as added by sec. 1 of
2 this Act, it shall read as the Department of Health. Whenever the title
3 Department of Health and Social Services appears in the law of this state
4 with respect to the functions, powers, duties and responsibilities prescribed
5 in AS 44.29.020, as amended by sec. 31 of this Act, it shall be read as the
6 Department of Social Services.

7 * Sec. 70. (a) The Department of Health is hereby vested with the
8 duties, powers and responsibilities formerly exercised and held by the
9 following divisions and offices of the Department of Health and Social Ser-
10 vices:

- 11 (1) the division of public health;
- 12 (2) the division of mental health;
- 13 (3) the division of medical assistance;
- 14 (4) the office of alcoholism and the advisory board on alcoholism;
- 15 (5) the office of drug abuse and the advisory board on drug abuse;

16 and

17 (6) the office of planning and research, insofar as the functions,
18 powers, duties, and responsibilities of that office relate to the functions,
19 powers, duties, and responsibilities prescribed in AS 44.28.020, as added by
20 sec. 1 of this Act.

21 (b) Appropriations, records, equipment and other property of the divi-
22 sions or offices of the Department of Health and Social Services designated
23 in (a) of this section are transferred to the Department of Health. Appro-
24 priations and other money available and to become available to a division or
25 office designated in (a) of this section, the functions, powers and duties of
26 which have been transferred to the Department of Health established under
27 this Act shall be available for the objects and purposes for which appropri-
28 ated or otherwise made available, subject to terms, restrictions, limitations
29 or other requirements imposed under this Act or other state or federal law.

1 Other financial liabilities of the divisions and offices designated in (a) of
2 this section that are not assumed by the Department of Health shall be
3 assumed by the general fund of the state as determined by the governor.

4 (c) This Act does not abate or otherwise affect an action or proceed-
5 ing, civil or criminal, brought by or against a division or office designated
6 in (a) of this section and pending on July 1, 1980. These actions or pro-
7 ceedings may be maintained in the same manner as if this Act had not taken
8 effect.

9 (d) All applications, petitions, hearings and other proceedings pending
10 on June 30, 1980, before a division or office designated in (a) of this
11 section shall be continued and determined by that division or office.

12 (e) Certificates, orders, rules or regulations issued or filed under
13 authority of a law amended or repealed by this Act or functions which may be
14 transferred by this Act, with respect to a division or office designated
15 under (a) of this section transferred to the Department of Health, remain in
16 effect for the term issued until amended, revoked, modified, or vacated under
17 the provisions of law.

18 (f) All contracts or other vested obligations created by a law amended
19 or repealed by this Act or by virtue of functions which are or may be trans-
20 ferred by this Act, and in effect on the effective date of this Act, remain
21 in effect unless amended, revoked, modified, or vacated under the provisions
22 of law.

23 * Sec. 71. This Act takes effect July 1, 1980.

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