

Original

Pub Health

1 IN THE HOUSE

BY MRS. DIMOCK

2 HOUSE BILL NO. 136

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the incorporation and
7 functioning of health districts; amending
8 Sections 2, 3 and 6 of Chapter 118,
9 Session Laws of Alaska 1949."

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

11 Section 1. Section 2, Chapter 118, Session Laws of Alaska
12 1949, is amended to read as follows:

13 Section 2. HEALTH DISTRICTS. (TWO OR MORE CONTIGUOUS
14 HEALTH UNITS CONSTITUTED UNDER THE TERMS OF THE PRECEDING
15 SECTION AND/OR LOCAL BOARDS OF HEALTH FOR CONTIGUOUS
16 INCORPORATED TOWNS NOT CONSTITUTED A HEALTH UNIT UNDER THE
17 TERMS OF THE PRECEDING SECTION, MAY BE CONSTITUTED A
18 HEALTH DISTRICT BY THE ALASKA BOARD OF HEALTH UPON THE
19 RECOMMENDATION OF THE COMMISSIONER OF HEALTH. MEMBERS OF
20 THE BOARD OF HEALTH FOR SUCH HEALTH DISTRICTS SHALL BE
21 APPOINTED BY THE ALASKA BOARD OF HEALTH FROM RESIDENTS OF
22 EACH HEALTH UNIT AND/OR INCORPORATED TOWN REPRESENTED IN
23 THE HEALTH DISTRICT IN SUCH NUMBERS AND FOR SUCH PERIODS OF
24 TIME AS MAY BE DETERMINED BY THE ALASKA BOARD OF HEALTH.)

25 (1) DEFINITIONS. Whenever used in the public health
26 law the term "health district" shall mean a health district
27 established pursuant to the provisions of this section; the
28 term "district board of health" shall mean the board of
29 health having jurisdiction over the public health of such

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health district; the term "district health commissioner" shall mean the executive officer of such health district.

(2) INCORPORATION AUTHORIZED. The people of any incorporated city and its adjacent settlement, or settlements, may incorporate as a Health District in the manner hereinafter provided.

(3) HEALTH BOARD; MANAGEMENT OF HEALTH MATTERS: ORGANIZATION AND ELECTION OF OFFICERS. Each health district organized under the provisions of this Act shall have a health board of nine (9) members to be elected as hereinafter provided, who shall have the exclusive management and control of health matters in the district, subject to the Territorial Health Laws and regulations promulgated by the Territorial Board of Health.

Within seven (7) days after each annual health board election, which election shall be on the same day and at the same time as the city election in such districts, the board shall organize and annually elect one of its members as president, one as vice-president, one as treasurer, and one as clerk of the board.

(4) MANNER OF INCORPORATION: PETITION AND ORDER FOR ELECTION: NOTICE OF ELECTION. The manner of incorporation of Health Districts shall be as follows: A petition praying for such incorporation shall first be presented to the Judge of the United States District Court of the Judicial Division in which the proposed health district is located. Such petition must be signed by as many voters as would be equal to twenty-five percent (25%) of the number of people who voted in the proposed health district at the last

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1 general election and who are residents of the proposed
2 health district, and shall specify as nearly as may be
3 possible the location, boundaries, and number of inhabitants
4 of the proposed health district, and specify the name by
5 which it is to be known.

6 The Judge of the District Court upon presentation and
7 filing of such petition shall order an election in said
8 proposed district for the purpose of determining whether
9 the people of the community desire such incorporation, and
10 shall, by said order, designate the date of such election,
11 the place and hours of voting, and appoint three qualified
12 voters in the proposed health district to supervise and
13 appoint judges and election officers for such election. A
14 printed or typewritten copy of said order shall be posted in
15 three public places within the limits of the proposed health
16 district for at least thirty (30) days prior to the day of
17 election, and such posting shall be sufficient notice of
18 such election.

19 (5) QUALIFICATIONS OF ELECTORS: BALLOTS. The
20 qualifications of the electors at said, or any subsequent
21 health district election, shall be as follows, to-wit: All
22 citizens of the United States, twenty-one (21) years of age
23 and over, who are actual and bona fide residents of Alaska,
24 who have been such residents continuously during the entire
25 year immediately preceding the election, and who have been
26 such residents continuously for thirty (30) days next
27 preceding the election in such health district, and who are
28 able to read and write the English language as prescribed
29 by an Act of the United States Congress on March 3, 1927,

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1 entitled, "An Act to proscribe certain qualifications of
2 voters in the Territory of Alaska, and for other purposes,"
3 shall be qualified to vote at such elections; provided,
4 however, that the requirements of this section as to ability
5 to read and write shall not apply to any person who is
6 incapacitated from complying herewith by reason of physical
7 disability alone. The persons appointed to conduct such
8 first election shall provide a form of printed or written
9 ballots suitable for determining the question whether the
10 voter is in favor of, or against, the incorporation of the
11 district, and the election of five directors who must be
12 qualified electors of the health district and whose term of
13 office shall be as hereinafter prescribed.

14 (6) OATH OF ELECTION JUDGES: CANVASS: CERTIFICATES OF
15 RESULTS. The judges of election shall, before entering upon
16 the duties of their offices, take an oath in writing to
17 faithfully and impartially discharge the duties of their
18 trust and they shall duly canvass and compile the votes cast
19 and issue under their hands and seals a certificate in
20 triplicate showing the number of votes cast in favor of
21 incorporation and the number of votes cast against
22 incorporation. One of said triplicate certificates, together
23 with all ballots and oaths of the judges of election, shall
24 immediately be filed with the Clerk of the District Court in
25 which the district proposed to be incorporated is situated.
26 Another of said certificates shall be filed with the
27 Territorial Board of Health, and the third of said
28 certificates shall be filed with the Health Board.

29 (7) ORDER OF DISTRICT JUDGE DECLARING INCORPORATION:

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1 POWERS OF DISTRICT. If a majority of the votes cast at said
2 election are in favor of incorporation, the District Judge,
3 by an order in writing entered in the records of the court,
4 shall adjudge and declare that the district in which such
5 election has been hold is a health district corporation, and
6 the same shall thenceforth exercise the powers hereinbefore
7 and hereinafter designated, and such other powers as may be
8 granted by law. Said order shall designate the health
9 district by name and may correct or more definitely describe
10 its boundaries.

11 (8) QUALIFICATIONS OF ELECTION JUDGES: CANVASS OF
12 VOTERS FOR HEALTH BOARD MEMBERS: CERTIFICATES OF ELECTION.
13 The said judges of election shall be qualified voters in the
14 health district and shall also canvass the vote cast at said
15 election for members of the health board and in case the
16 majority of the votes cast in the district where such
17 election is held have voted for incorporation, the judges
18 shall declare the nine candidates, who have received the
19 greatest number of votes for such office, duly elected and
20 shall issue and deliver to them certificates of their
21 election. No candidate for any office shall be eligible to
22 serve as judge of election.

23 (9) QUALIFICATIONS AND OATH OF HEALTH BOARD MEMBERS.
24 The health board chosen at said election as well as those
25 chosen at subsequent elections shall be qualified voters in
26 the health district, and before entering upon the duties of
27 their offices severally take an oath in writing to faithfully
28 and honestly discharge the duties of their office, which
29 oath shall be filed with the Clerk of the District Court in

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1 which the incorporated health district is situated.

2 (10) TERM OF OFFICE OF HEALTH BOARD MEMBERS. The term
3 of office of the health board members of the health district
4 shall be three (3) years, three (3) members retiring each
5 year and three new members being elected to take their
6 place; except that the terms of the first nine (9) members
7 shall be as follows: Immediately after qualifying as board
8 members, the board shall assemble and shall by lot draw the
9 triplicate numbers 1, 2 and 3. The three members drawing
10 Number 1 shall hold office until the next regular health
11 district election at which time their successors shall be
12 elected; the three members drawing Number 2 shall hold
13 office until the second health district election following,
14 at which time their successors shall be elected; the three
15 members drawing Number 3 shall hold office until the third
16 health district election following; at which time their
17 successors shall be elected.

18 (11) FILLING VACANCY IN MEMBERSHIP OF BOARD. In case a
19 vacancy in the membership of said board occurs from death,
20 resignation, removal or other causes, such vacancy shall be
21 filled by the remaining members of the board and (the
22 successor) shall serve as a member of said board until the
23 next health district election. In case the remaining
24 members of the board cannot agree, they shall call a special
25 election for the purpose of filling such vacancy.

26 (12) ATTENDANCE AT MEETINGS: LOSS OF MEMBERSHIP. A
27 member of the Health Board shall automatically cease to be a
28 member thereof upon failure to attend four (4) consecutive
29 meetings of the Board, unless at the time of said meetings.

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1 he shall have secured consent of a majority of the Board
2 authorizing his absence.

3 (13) BOND OF TREASURER: CUSTODY OF FUNDS: COMPENSATION
4 OF OFFICERS. The treasurer of the Health Board shall give
5 such bond with such sureties as the health board may
6 require. Said bonds to be conditioned for the honest and
7 faithful disbursing and accounting of all monies that may
8 come into the hands of such officers by virtue of their
9 offices. The treasurer of the board shall be custodian of
10 all funds belonging to the health district. The board shall
11 have the power, subject to the approval of the Territorial
12 Commissioner of Health, to fix the compensation of the
13 clerk and treasurer, which compensation shall be paid from
14 funds belonging to the health district.

15 (14) BOARD TO PROVIDE FOR ELECTIONS. The health board
16 shall have the power and it shall be their duty to prescribe
17 rules for the conduct of the elections hereinbefore
18 authorized, or any other elections, to give notice of
19 election, designate and provide polling places, appoint
20 judges of election and attend to all matters pertaining to
21 such elections.

22 (15) BOARD TO PREPARE AND PRESENT BUDGET. On or before
23 the first day of April each year the health board shall
24 determine the amount of funds needed for all health purposes
25 for the following fiscal year beginning on the first of
26 NT. The district
27 July and ending on June 30, the year fol-----.

28 (16) ESTABLISHMENT OF HEALTH DEPARTMENT. The district
29 board of health shall establish a local department of public
30 health with suitable offices, properly equipped.

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(17) DISTRICT HEALTH REGULATIONS: SANITARY CODE:

ENFORCEMENT. The district board of health shall make and may amend, after notice and hearing, necessary reasonable rules and regulations concerning matters of public health not inconsistent with the laws of the Territory or the rules and regulations of the Alaska Board of Health, or with the ordinances of any municipality contained within the district. Every rule, regulation, order and direction adopted by a district board of health shall state the date on which it takes effect and a copy thereof, signed by the district commissioner of health or his deputy, shall be filed as a public record in the Alaska Department of Health, the health district, and shall be published in such manner as the district board of health may from time to time determine. Such rules, regulations, orders and directions shall be known as the sanitary code of such health district. The district health commissioner or his deputy shall furnish certified copies of such code and its amendments for a fee of one dollar and such certified copies shall be received in evidence in all courts or other judicial proceedings in the Territory. The provisions of each sanitary code shall have the force and effect of law. Any violation of or nonconformance with any provisions of such sanitary code or of any rule, regulation, order or special directive duly made thereunder shall constitute a misdemeanor punishable by a fine of not more than two hundred dollars (\$200.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

A district board of health may hold hearings concerning

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1 violations of the district's sanitary code and may issue
2 subpoenas, compel the attendance of witnesses, administer
3 oaths to witnesses and compel them to testify at such
4 hearings. It may designate by resolution one of its
5 members to sign and issue such subpoenas. No subpoena
6 shall be served outside the jurisdiction of the board
7 issuing it, and no witness shall be interrogated or
8 compelled to testify upon matters not related to public
9 health.

10 (18) ENFORCEMENT OF TERRITORIAL HEALTH LAW. The
11 district board of health shall enforce this Act and the
12 regulations made pursuant thereto.

13 (19) DISTRICT HEALTH COMMISSIONER: QUALIFICATIONS:
14 APPOINTMENT: RESPONSIBILITY AND AUTHORITY. The district
15 board of health shall appoint a district health
16 commissioner, who, in addition to his duties as health
17 commissioner, may be designated by the district board of
18 health to act as secretary without extra compensation.
19 Such district health commissioner shall possess such
20 qualifications for office as shall have been approved by
21 the Alaska Board of Health. He shall serve for a term of
22 three (3) years and shall not be removed during the term
23 for which he shall have been appointed, except upon written
24 charges after a hearing and upon notice. He shall devote
25 his whole time to the duties of his office and shall
26 receive such compensation as the district board of health
27 shall determine within the limits of the appropriations
28 available. He shall, within his district, possess all the
29 powers conferred upon and perform all the duties required

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1 of local health officers. The district health commissioner
2 may, upon the authorization of the district board of health
3 and within the limits of the appropriations therefor,
4 appoint such additional deputies, and other employees as
5 may be required to fulfill in the health district the
6 purposes of this section. Such deputies shall have the
7 qualifications prescribed for deputy health officers by
8 regulation of the Alaska Board of Health. The district
9 commissioner of health may designate in writing a deputy to
10 whom shall be delegated all the powers and duties of the
11 district health commissioner when such district health
12 commissioner is unable to act by reason of absence or
13 disability.

14 (20) HEALTH REFUND. Such per centum of the total
15 amount expended for the maintenance of public health within
16 the limits of any Health District as the Legislature may
17 from time to time direct, shall be refunded to the Health
18 District from the moneys of the Territory as hereinafter
19 set forth; provided, that no expense incurred for the
20 construction of buildings or for the repair, alteration or
21 improvement of buildings for the purchase of building
22 sites or for interest on bonded or other indebtedness shall
23 be considered expenses for maintenance within the meaning
24 of this section.

25 (21) AMOUNT OF REFUND. Seventy-five per centum of
26 the total amount expended for maintenance of public health
27 within the limits of health districts shall be refunded to
28 such health district from the moneys of the Territory
29 appropriated for such purposes.

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(22) ANNUAL BUDGET OR STATEMENT OF PROPOSED

EXPENDITURES. The health board of each health district shall annually before the first day of April submit to the Commissioner of health a budget or detailed statement of proposed expenditures for the maintenance of public health in such health district during the following fiscal year. Said detailed statement shall be submitted in duplicate and shall set forth the salaries of nurses and sanitarians or other employees of the health district, and proposed expenditures for fuel, light, water, supplies, janitor's supplies, library, and for miscellaneous purposes. The Commissioner of Health shall approve for Territorial refund only such parts of the proposed expenditures as come within the purview of this section, and are reasonable and necessary. No refund of Territorial moneys shall be made to any health board for expenditures not previously approved by the Commissioner of Health; provided, that items which it is not possible to include in the annual budget of expenditures may be submitted at a later date.

(23) RESTRICTION OF EXPENDITURES. No expenditures for the following purposes shall be considered as expenditures for maintenance within the meaning of this section:

(a) Conducting regular or special health district elections;

(b) Taxes or insurance paid upon property;

(c) Interest on money borrowed;

(d) Other expenditures which the Territorial Board of Health may, by regulations, class as not being proper expenditures of maintenance.

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(24) QUARTERLY ACCOUNT OF MAINTENANCE EXPENSES:

PREPARATION AND SUBMISSION. The health board of each health district shall, at the expiration of every three months of the fiscal year, beginning on July 1 and ending on June 30, prepare in triplicate an accurate detailed account of the expenses of maintenance of the health district for such three months period. Said account shall be accompanied by vouchers receipted by the payee and showing for what purpose each expenditure has been made, and said account shall be verified by the treasurer of said board, and certified as to correctness by a majority of the health board. The original and duplicate of such account, with accompanying vouchers, shall be forwarded to the Commissioner of Health, and the triplicate copy retained by the Treasurer of the health board.

(25) APPROVAL BY COMMISSIONER: WARRANTS: ADVANCEMENTS

AND REFUNDS. Upon receipt of the detailed expense accounts with accompanying vouchers, the Commissioner of Health shall approve the same or so much thereof as appears to be for expenditures within the purpose and scope of this section and in accord with the rules and regulations of the Territorial Board of Health and thereupon transmit the same to the proper officer who shall issue a warrant on the Territorial Treasurer for such per centum of the amount set forth in the account as has been established by law and approved as aforesaid. Such warrant shall be payable to the treasurer of the health board submitting the said expense account and shall be deposited to the public health fund of the health district in which such expense was

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1 incurred, and the amount so received shall be transferred
2 to no other fund of the said health district; provided,
3 that the Territorial Treasurer may transfer by telegraph
4 amounts of said warrants in settlement thereof under such
5 regulations as the Treasurer may prescribe.

6 Provided, further, that the Commissioner of Health
7 shall have authority in his discretion to transmit or cause
8 to be transmitted in the manner above provided, at the
9 beginning of each three months of the fiscal year, and
10 before the expense accounts are received or checked by him,
11 such sum as he shall have reason to believe will not be in
12 excess of the sum which will become due such health district
13 for such refund, and in no case more than a sum equal to
14 twenty-five percent (25%) of the sum which such health
15 district received as refund for the previous fiscal year,
16 except that no such advancement or refund shall be made for
17 the last quarter of the fiscal year. Warrants for the
18 advance therein authorized shall be issued by the Auditor
19 upon requisition of the Commissioner of Health, who shall
20 submit with each requisition a statement showing the gross
21 amount of the budget of the health district for the current
22 year, and the amount of the refund for the previous year.

23 (26) CONSTRUCTION AND MAINTENANCE OF HOSPITALS. An
24 incorporated health district may construct, equip and
25 maintain necessary hospital facilities within said district,
26 including all other necessary facilities and equipment
27 deemed necessary by the Board.

28 (27) ANNEXATION OF TERRITORY TO HEALTH DISTRICTS. Any
29 territory not a part of a health district may be annexed to

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1 a health district and when so annexed shall become a part
2 of such health district and be subject to all its laws and
3 ordinances. The procedure for annexation shall be the same
4 as for the incorporation of a health district hereinbefore
5 described concerning petition and order for election,
6 notice of election, qualifications of electors, ballots,
7 oath of election judges, canvass and certificate of
8 results. If a majority of the votes cast at said election
9 are in favor of annexation, the District Judge shall, by
10 order in writing entered in the record of the proceedings,
11 adjudge and declare that said unincorporated territory is
12 a part of the said health district and the enlarged area
13 (describing its boundaries) shall thenceforth constitute
14 said health district. Thereafter the enlarged district
15 shall function as to all its parts as a health district in
16 conformity with applicable laws of Alaska and pursuant to
17 its own ordinances.

18 (28) AUTHORITY TO DISINCORPORATE. There is hereby
19 granted to the voters in incorporated health districts,
20 organized under the provisions of this section, authority
21 to dissolve said districts.

22 (29) PROCEDURE FOR DISSOLUTION. The procedure for
23 said dissolution of health districts shall be the same as
24 that under which municipal corporations may be dissolved,
25 as provided in Sections 16-1-5 to 16-1-8 ACLA 1949, and
26 shall be instituted by filing a petition signed by not less
27 than ten percent of the persons owning real property but
28 in no event less than twenty-five persons within the health
29 district the dissolution of which is sought, said petition

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1 stating good and substantial reasons for said action. A
2 three-fifths majority of the voters in favor of dissolution
3 shall be required before an order of dissolution of the
4 health district shall be entered.

5 Section 2. Section 3 of Chapter 118, Session Laws of
6 Alaska 1949, is amended to read as follows:

7 Section 3. COMMISSIONER OF HEALTH IN CHARGE OF WORK.
8 (THE) Local boards of health, other than boards of health
9 for incorporated health districts, outside of and within
10 incorporated towns, and any representative of the Alaska
11 Native Service acting in the capacity of health officer,
12 as provided in the preceding section shall be responsible
13 to and under the supervision of the Commissioner of Health.
14 The Territorial Board of Health acting through the
15 Commissioner of Health shall exercise general supervision
16 over the work of all district health authorities and may
17 reverse or modify an order, regulation, by-law or ordinance
18 of a district board of health concerning a matter which in
19 their judgment adversely affects the public health beyond
20 the territory over which such district board has
21 jurisdiction.

22 Section 3. Section 6 of Chapter 118, Session Laws of
23 Alaska 1949, is amended to read as follows:

24 Section 6. PHYSICIANS TO NOTIFY COMMISSIONER, WHEN.
25 Every physician in the Territory of Alaska who shall
26 prescribe for, or attend any person having amoebic
27 dysentery, bacillary dysentery, smallpox, plague, yellow
28 fever, cholera, typhus fever, leprosy, typhoid fever,
29 malaria, undulant fever, rheumatic fever, scarlet fever,

1 measles, chicken pox, diphtheria, infantile paralysis,
2 encephalitis infectious, rabies, coccidioidomycosis,
3 botulism, ringworm, (dermatophytosis), tapeworm infestation,
4 cancer, cerebrospinal meningitis, erysipelas, whooping
5 cough, glanders, mumps, puerperal septicemia, tularemia,
6 trichinosis, tuberculosis in any form, trachoma, epidemic
7 influenza, other epidemics, gonorrhoea, syphilis, or
8 chancroid, lympho-granuloma venereum, granuloma inguinal,
9 shall, within twenty-four hours after first discovering the
10 existence of such disease, make a report thereon in writing
11 to the Commissioner of Health upon a blank form to be
12 furnished by the Commissioner of Health, which report shall
13 give the name, age, nativity, residence, date of attack,
14 color, and sex of the person having such disease, together
15 with the character of the disease; provided, that cases of
16 gonorrhoea, syphilis, chancroid, lympho-granuloma venereum,
17 granuloma inguinal shall be reported by name, initials or
18 office number of the person infected, on special forms.
19 If a person infected with gonorrhoea, syphilis, chancroid,
20 lympho-granuloma venereum or granuloma inguinal discontinues
21 treatment before he is pronounced cured, the physician must
22 report his name and address to the Commissioner of Health.

23 Physicians residing within the boundaries of an
24 incorporated health district shall report such disease
25 directly to the District Commissioner of Health who will
26 forward such reports within twenty-four hours to the
27 Commissioner of Health.