

1 IN THE HOUSE

BY MR. MCKINLEY
By Request

2 HOUSE BILL NO. 177

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to control the spread of rabies
7 among animals in Alaska."

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

9 Section 1. This Act shall be cited as an Act relating to
10 the control of rabies among animals.

11 Section 2. The following definitions shall apply in the
12 interpretation and enforcement of this Act:

13 (a) Director - The Director of the Division of Rabies
14 Control.

15 (b) Dog - All members of the canine family, six
16 months or more of age, including pet foxes,
17 wolves, etc.

18 (c) Owner - Any person having a right of property in
19 a dog, or who keeps or harbors a dog, or who has
20 it in his care, or acts as its custodian, or who
21 permits a dog to remain on or about any premises
22 occupied by owner.

23 (d) Inoculation - Administration of an antirabic
24 vaccine for dogs which meets the standards pres-
25 cribed by the Alaska Department of Agriculture.

26 (e) Running at large - A dog shall be considered
27 running at large when it is not on the owner's
28 premises or under his or her control.

29 (f) Enforcement area - An incorporated community,

1 school, health or utility district or any other
2 community having a form of local government.

3 Section 3. The Alaska Department of Agriculture is hereby
4 authorized and empowered to create and maintain a Division of
5 Rabies Control in Animals. The Commissioner of Agriculture,
6 acting for the Territory, shall appoint or employ a Director of
7 the Division, who shall be licensed to practice veterinary
8 medicine in the Territory of Alaska or shall be eligible for
9 such licensure, and such other personnel of the Division as he
10 may find appropriate to the enforcement of the duties of this
11 Act, and for this purpose, may spend any funds appropriated here-
12 in together with any other funds which may be available for this
13 purpose.

14 Section 4. For the purpose of providing proper enforcement
15 of this Act, the Director, within 90 days after the effective
16 date of this Act and as often thereafter as may be necessary
17 shall be available to carry out the enforcement of this Act in
18 inoculation against rabies and tagging of all dogs at large
19 within any enforcement area upon official request by the
20 majority vote of the local governing body, or board of education,
21 or board of health, or utility district board at a special open
22 meeting called for the purpose of discussing rabies control for
23 said area. In those areas where it may be deemed advisable, the
24 Director shall appoint one or more deputy inspectors as may be
25 needed. It shall be the duty of the said deputy inspectors,
26 under the direction of the Director, to enforce the provision
27 ~~of~~ of this Act, and to inoculate dogs or have the dogs
28 inoculated by duly authorized persons; and, for the purpose of
29 enforcing this Act, the said Rabies Deputy Inspectors, and all

1 law enforcement officers in each area shall be aides and shall
2 cooperate with said Deputy Inspectors in carrying out the
3 provisions of this Act. The compensation of the Deputy Inspect-
4 ors shall be set by the Commissioner of Agriculture.

5 Section 5. Prior to 90 days after the establishment of an
6 enforcement area and at subsequent intervals to be determined by
7 the Director, every owner of a dog in legally authorized enforce-
8 ment areas shall cause such a dog to be inoculated against
9 rabies by the Director or by his deputy inspector or by a de-
10 signated veterinarian. Evidence of such inoculation shall con-
11 sist of a certificate signed by the person administering the
12 vaccine. The certificate shall be prepared by the Director, and
13 shall contain such pertinent data as may be prescribed by the
14 Director. One copy of the certificate shall be given to the
15 owner, one filed in the office of the Director, and one copy
16 retained in the local area.

17 Section 6. Coincident with the issuance of the certificate
18 of inoculation, as prescribed in the preceding Section, the
19 Director shall furnish a serially numbered tag bearing the same
20 number and year as the certificate bears, which tag shall at all
21 times be attached to a collar or harness worn by the dog for
22 which the certificate and tags have been issued. In the case of
23 loss of the tag from any dog to which the same has been legally
24 issued, on presentation of the certificate covering the tag
25 originally issued and lost, a new certificate, marked duplicate,
26 shall be issued, setting forth the number of the new tag, with
27 a copy being given to the owner, one filed in the office of the
28 Director, and one copy retained in the local area. The cost of
29 duplicate tags shall be One Dollar (\$1.00).

1 Section 7. The Director or other person authorized to
2 inoculate dogs against rabies shall charge for such services a
3 sum which shall include the cost of the vaccine and a service
4 fee. The service fee shall be decided upon by the Director on
5 a graduated scale dependent on the number of dogs to be
6 inoculated. The service fee shall be determined on the basis of
7 the costs within the area. The total sum, including the cost of
8 the vaccine, shall not exceed three dollars (\$3.00) per dog.

9 Section 8. It shall be the duty of each enforcement area
10 to provide a suitable enclosure approved by the Director for the
11 impounding of dogs. Within 90 days after the establishment of
12 an enforcement area, any dog as defined in Section 2 of the Act
13 found running at large, and not wearing the evidence of
14 inoculation as provided herein, and for which no certificate of
15 inoculation can be produced, and which is apprehended by any
16 officer or other person charged with the enforcement of this Act
17 shall be forthwith impounded and the owner of the dog shall
18 forthwith be subject to a penalty of five dollars (\$5.00) plus
19 a per diem maintenance fee for impoundment, which shall be the
20 actual cost of maintenance, in addition to the fee prescribed
21 for inoculation. Where a dog is impounded and the owner is
22 known or can be determined, the impounding officer shall immedi-
23 ately notify said owner of such impoundment on the day of im-
24 poundment. Notification shall be by registered mail with return
25 receipt requested, and by telephone if the latter is possible.
26 Where the owner is unknown, a notice, giving full description of
27 the dog, shall be posted in the Post Offices of the area immedi-
28 ately after such impoundment.

29 Section 9. All dogs which have been impounded for failure

1 of owner to comply with the provisions of this Act, due notice
2 of which impounding shall have been given as provided in this
3 Act, shall be humanely dispatched and disposed of when not re-
4 deemed by the owner⁷ within five (5) days, as provided in
5 Section 8 of this Act. The day of seizure shall not be included
6 in the 5 day impounding period. A dog which has been impounded
7 and not redeemed by its owner shall not be sold unless said dog
8 is kept in the pound for a total period of five (5) days. The
9 prospective owner shall pay in advance the inoculation fee and
10 the board bill for the five (5) day impounding period. No dog
11 which has been impounded and not redeemed by its owner shall be
12 given away or sold without prior written approval of the
13 Director or a Deputy Inspector.
14

15 Section 10. The owner of any dog, whether the dog has
16 been vaccinated or not, which has been bitten by any animal, or
17 which exhibits symptoms of rabies, shall immediately notify a
18 Deputy Inspector of the respective enforcement area and shall
19 promptly and securely confine such dog, or have it confined
20 under suitable observation, for a period of at least fourteen
21 (14) days, unless officially authorized by a Deputy Inspector,
22 in writing, to release it sooner. Dogs bitten by suspected
23 rabid animals or when the biting dog or other animal is not
24 available for observation shall be confined under suitable ob-
25 servation for a period of at least 45 days or for a longer
26 period if prescribed by the Deputy Inspector. The Deputy In-
27 spector shall immediately report to the Director all dogs con-
28 fined for observation with subsequent reports on findings.

29 Section 11. Whenever the Director shall receive informa-
tion that any person has been bitten by a dog, the said

1 Director shall be required to have the said dog confined for a
2 period of fourteen (14) days. It shall be unlawful for any
3 person having knowledge that any person has been bitten by a
4 dog to refuse to notify promptly a Deputy Inspector. It shall
5 be unlawful for the owner of such dog to refuse or fail to com-
6 ply with the written orders of the Deputy Inspector in any
7 particular case, and any expense incurred in the handling of any
8 dog, under this and the preceding Section, shall be borne by the
9 owner. The Director shall promptly notify the Alaska Depart-
10 ment of Health of all dog bite cases in human beings giving
11 name, age, sex, and circumstances.

12 Section 12. Any person violating or aiding in or abetting
13 the violation of this Act, or counterfeiting, or forging any
14 certificate, permit, or tag, or making any misrepresentation in
15 regard to any matter prescribed by this Act, or removing any
16 collar, harness or tag from any dog without the owner's per-
17 mission, shall be guilty of a misdemeanor and upon conviction
18 shall be fined not less than twenty-five dollars (\$25.00) nor
19 more than one hundred dollars (\$100.00).

20 Section 13. In addition to the penalty set out in Section
21 12 of this Act, whenever an owner refuses, neglects, or fails
22 to confine a dog as provided in Section 10 and 11 of this Act,
23 the Deputy Inspector shall forthwith impound the dog and it
24 shall remain impounded for the period of confinement necessary,
25 and the cost of maintenance, plus a fee of twenty-five dollars
26 (\$25.00), shall be borne by the owner.

27 Section 14. Vaccine charges, service fees, penalties,
28 board bills, misdemeanor fines, impounding fees, revenue from
29 sale of dogs and any other collected funds as may be provided

1 in this Act shall be deposited as hereinafter set forth. En-
2 forcement areas providing an approved enclosure for the impound-
3 ing of dogs and providing personnel and equipment for the im-
4 pounding and destruction of stray and ownerless dogs shall
5 retain penalties, board bills, impounding fees, revenue from
6 sale of dogs, and misdemeanor fines collected within the re-
7 spective enforcement area to help defray the costs of providing
8 such services. Where personnel employed by enforcement areas
9 inoculate dogs, inoculation service fees may also be retained
10 for meeting the costs of reimbursing such personnel and in-
11 cidental expenses of enforcing this Act. Charges for the cost
12 of vaccine, certificates, and tags provided enforcement areas
13 by the Division of Rabies Control shall be deposited in the
14 Territorial Treasury. Charges for inoculation services rendered
15 directly by the Division of Rabies Control shall also be deposit-
16 ed in the Territorial Treasury. Such funds deposited in the
17 Territorial Treasury shall be placed in a special fund known as
18 the Rabies Fund and these funds shall be spent under the direc-
19 tion of the Commissioner by the Director only for the purchase of
20 antirabic vaccine for dogs, the purchase of certificates and
21 tags, for the compensation of personnel and incidental expenses
22 of enforcing this Act.

23 Section 15. In addition to the duties of the Director
24 outlined elsewhere in this Act, the Director shall work in co-
25 operation with the Alaska Game Commission, United States Fish
26 and Wildlife Service, the Alaska Department of Health and other
27 federal or territorial agencies in the control of rabies among
28 wild animals in order to protect man, livestock, and other
29 animals.

1 Section 16. If any provisions of this Act be declared in-
2 valid, such invalidity shall not affect the remainder of said
3 Act.

4 Section 17. Nothing in this Act shall be held to limit in
5 any manner the power of any enforcement area to permit dogs
6 from running at large, which have been inoculated as herein pro-
7 vided; nor shall anything in this Act be construed to limit in
8 any manner the power of any enforcement area to further control
9 and regulate in such respective areas, provided that the re-
10 quirements of such area shall be in addition to the provision
11 of this Act and not to conflict therewith.

12 Section 18. The Director or his Deputy Inspectors, or any-
13 one enforcing the provisions of this Act shall not be held
14 responsible for any accident or disease that may happen to any
15 dog while in their custody.

16 Section 19. This Act shall only apply in those areas where
17 the local governing body, Board of Education, Board of Health,
18 or Utility District Board have passed a resolution by a majority
19 of such body expressly approving the application of this Act to
20 the area.

21 Section 20. All laws and parts of laws in conflict with
22 this Act be and the same are hereby repealed.

23 Section 21. In areas where this Act is invoked, it shall
24 supercede the present Act providing for the Territorial Licens-
25 ing of Dogs.