

CHAPTER 103

AN ACT

[S. B. 52]

Requiring Physical Examinations of employees transported into Alaska; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. . PURPOSE. It is the intent of this Act, in the exercise of the police power, to supplement the Territory's health program by precluding inhabitancy in Alaska of workers with infectious or contagious diseases recruited outside of Alaska for work in the Territory. ^{Policy.}

Section 2. All persons recruited by employers outside of Alaska for jobs in Alaska, shall, upon arrival at the place of employment, and before entering upon the rendition of service for the employer, undergo a physical examination by a qualified physician as a check against infectious or contagious disease. Such physical examination shall be at the expense of the employer, which condition shall be deemed to be one of the terms of the employment agreement in each such case. ^{Physical examination required.}

Section 3. When the physical examination shows freedom from infectious or contagious disease, the physician shall issue a certificate to that effect showing the name of the employee, name of the employer, and date of the examination, and keep a record of same. If such examination shows that a particular employee is afflicted with an infectious or contagious disease, he shall be immediately subjected to such precautions as are prescribed by the Territorial Health Department for safeguarding other persons in such a case, and the physician shall keep a record showing the presence of such disease with respect to such individual and forthwith notify the ^{Certificate to be issued.}

Return
transportation.

employer and the Commissioner of Health. Thereupon the employer shall secure return transportation at the earliest possible time for such afflicted person back to his home state, and shall be responsible for seeing that such person avails himself of such transportation, and shall not be excused hereunder by any termination of the employer-employee relationship on a mutually voluntary basis or otherwise while such employee is still in Alaska, it being the intent and purpose that liability of the employer for such return transportation shall be deemed to be one of the terms of the employment agreement in each such case, and that timely acceptance by such employee of such transportation shall be deemed to be one of his commitments in the employment contract from which he may not be released on a mutually voluntary basis or otherwise while he is still in Alaska.

Penalty.

Section 4. Any employer as above designated who causes or obtains the rendition of services by the employee in Alaska without first securing a health certificate as above set forth, or who fails to transport out of Alaska as above prescribed any employee found to be afflicted with an infectious or contagious disease, and any such employee so afflicted who fails or refuses to accept such transportation, shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine not exceeding \$500.00.

Examination
prior to arrival
in Alaska.

Section 5. The requirements above set forth in this Act shall not be applicable to such employers and employees as above mentioned where the physical examination was given prior to the transportation into Alaska, and within a period of thirty days prior to date of arrival at point of destination in Alaska and the employee was then found free of infectious or contagious disease and given the required health certificate.

Section 6. EMERGENCY. An emergency is hereby

declared to exist, and this Act shall be in full force upon its passage and approval. Emergency clause.

Approved March 24, 1949.

CHAPTER 104

AN ACT

[H. B. 76]

To amend Sec. 43-3-5 ACLA 1949 relating to workmen's compensation liens.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Sec. 43-3-5 ACLA is hereby amended to read as follows:

Sec. 43-3-5. LIEN TO SECURE COMPENSATION: EXTENT: PRIORITY AND RANK: NOTICE OF LIEN: FILING AND CONTENTS: ENFORCEMENT: ATTACHMENT. Every employee and every beneficiary entitled to compensation under the provisions of this Act shall have a lien for the full amount of such compensation, including costs and disbursements of suit and attorney's fees therein allowed or fixed, upon all of the property in connection with the construction, preservation, maintenance or operation of which the work of such injured or deceased employee was being performed at the time of the injury or death of such employee. For example: In the case of an employee injured or killed while engaged in mining or in any work connected with mining,

Right of lien.