

CHAPTER 86

AN ACT

To validate incorporations of cities; declaring incorporation of cities under the Alaska Code; and declaring an emergency.

(S. B. 78)

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

Section 1. All cities and towns incorporated prior to or subsequent to the adoption of the Alaska Code (being that Code known as Alaska Compiled Laws Annotated, 1949, and amendments thereto, as adopted by Section 1 of Chapter 101, Session Laws of Alaska, 1951) and any cities or towns operating and organized as cities or towns prior to the adoption of said Alaska Code whether lawfully incorporated or not, are hereby incorporated as cities of the first class and shall

have and may exercise all powers of first class cities as authorized in the Alaska Code, or laws duly adopted and published as the Session Laws of 1949, 1951, 1953, and later Acts of the Legislature now or hereafter adopted; Except, cities specifically and lawfully incorporated as second class or third class cities.

Section 2. An emergency is hereby declared and this Act shall take effect upon its passage and approval, or upon its becoming law without such approval.

Approved March 26, 1955

CHAPTER 87

AN ACT

To provide for an inventory of existing hospitals and medical facilities, for a survey of the need for additional hospital and medical facilities, and for the development and administration of a hospital and medical facilities construction program which will, in conjunction with existing

facilities, afford hospitals and medical facilities adequate to serve all people of the Territory of Alaska; authorizing an appropriation; providing for compliance with the requirements of Title VI of the Public Health Service Act, as amended, and authorizing the acceptance and expenditure of Federal funds in accordance with such requirements, and declaring an emergency.

(S. B. 79)

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

Section 1. **Title.** This Act may be cited as the "Alaska Hospital and Medical Facilities Survey and Construction Act."

Section 2. **Purpose of Act.** The purpose of this Act is to make an inventory of existing hospitals and medical facilities, surveying the need for construction of hospitals and medical facilities, and developing a program and plan of construction as provided hereafter.

Section 3. **Definitions.** As used in this Act:

(a) "Commissioner" means the Commissioner of the Alaska Department of Health.

(b) "The Federal Act" means Title VI of the Public Health Service Act (42 USC 291 et seq.) as now and hereafter amended.

(c) "The Surgeon General" means the Surgeon General of the Public Health Service.

(d) "Hospital" includes public health centers and general, tuberculosis, mental, chronic disease, and other types of hospitals, and related

facilities, such as laboratories, outpatient departments, nurses' homes, and training facilities, and central service facilities operated in connection with hospitals, but does not include any hospital furnishing primarily domiciliary care.

(e) "Public Health Center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics, and administrative offices operated in connection with public health centers.

(f) "Non-profit hospital" and "non-profit medical facility" means any hospital or medical facility owned and operated by one or more non-profit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(g) "Medical facilities" means diagnostic and treatment centers, rehabilitation facilities and nursing homes as those terms are defined in the Federal Act and such other medical facilities for which Federal Aid may be authorized under the Federal Act.

(h) "Hospital Advisory Council" means the Advisory Council set

forth in Section 40-6-10 ACLA 1949.

Section 4. General Powers and Duties. The Alaska Department of Health is hereby empowered and directed to:

(a) Make an inventory of existing hospitals and medical facilities, including public, non-profit and proprietary; to survey the need for construction of hospitals and medical facilities and, on the basis of such inventory and survey, and with the advice of the Hospital Advisory Council, to develop a program for the construction of such public and other non-profit hospitals and medical facilities as will, in conjunction with existing facilities, afford the necessary physical facilities for furnishing adequate hospital and medical facility services to all residents of the Territory.

(b) Prepare and submit to the Surgeon General of the Public Health Service a Territorial Plan which shall include the hospital and medical facilities construction program developed under Section 4 (a) of this Act and which shall provide for the establishment, administration and operation of hospital and medical facilities and construction activities in accordance with the requirements of the Federal Act and the regulations promulgated thereunder. The Commissioner shall, prior to the submission of such Plan to the Surgeon General, give adequate publicity to a general description of all the provisions proposed to be included

therein, and hold a public hearing where all persons or organizations with a legitimate interest in such Plan may be given an opportunity to express their views. After approval of the Plan by the Surgeon General, the Commissioner shall publish a brief resume of the provisions thereof in at least one newspaper having general circulation in the Territory, and shall make the Plan, or a copy thereof, available upon request to all interested persons or organizations. The Commissioner shall from time to time review the construction program and submit to the Surgeon General any modifications thereof which he may find necessary and may submit to the Surgeon General such modifications of the Territorial Plan, not inconsistent with the requirements of the Federal Act, as he may deem advisable.

(c) Do all things on behalf of the Territory necessary to obtain full benefits under the Federal Act as now and hereafter amended.

Section 5. Priority of Projects. The Territory Plan shall set forth the relative need for the several projects included in the construction program determined in accordance with the regulations prescribed pursuant to the Federal Act, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need.

Section 6. Construction Projects: Applications. Applications for hospital and medical facilities con-

struction projects for which Federal funds are requested shall be submitted to the Commissioner and may be submitted by the Territory or any political subdivision thereof or by any public or other non-profit agency authorized to construct and operate a hospital or a medical facility, provided that no application for a diagnostic or treatment center shall be approved unless the applicant is (1) The Territory, a political subdivision, or public agency, or (2) a corporation or association which owns and operates a non-profit hospital. Each application for a construction project shall conform to Federal and Territorial requirements.

Section 7. Consideration and Forwarding of Applications. The Commissioner shall afford to every applicant for a construction project an opportunity for a fair hearing. If the Commissioner, after affording reasonable opportunity for development and presentation of applications in the order of relative need, finds that a project application complies with the requirements of the previous section of this Act and is otherwise in conformity with the Territory Plan, he shall approve such application and shall recommend and forward it to the Surgeon General.

Section 8. Inspection of Projects. From time to time, the Commissioner shall inspect each construction project approved by the Surgeon General, and, if the inspection

so warrants, the Commissioner shall certify to the Surgeon General that work has been performed upon the project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment of Federal Funds is due to the applicant.

Section 9. Acceptance of Grants. The Department of Health of the Territory of Alaska is authorized to accept on behalf of the Territory and to deposit separate and apart from all public monies and funds, any grant from the Federal Government, or gift or contribution from any source made to assist in meeting the costing of carrying out the purposes of this Act and to expend the same for such purposes. Any Federal funds received and not expended for such purposes shall be repaid to the Treasury of the United States.

Section 10. Administrative Appropriations. Funds to carry out the provisions of this Act shall be provided in the general appropriation act of the legislature.

Section 11. Repeal. All Acts or parts of Acts which are inconsistent with the provisions of this Act are hereby repealed.

Section 12. Effective Date. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved March 26, 1955