

Being the guaranteeing of persons holding places of public and private trust; guaranteeing the performance of contracts other than insurance policies; or guaranteeing and executing all bonds, undertakings and contracts of suretyship.

(f) **Motor vehicle insurance.** Being insurance on motor vehicles operated by power generated within or upon such vehicles, except those operating on water or on rails, against any or all loss, expense and liability, including an obligation of the insurer to pay medical, hospital, surgical and disability benefits to injured persons and funeral and death benefits to dependents, beneficiaries or personal representatives of persons who are killed, irrespective of legal liability of the insured, resulting from the ownership, maintenance or use of a motor vehicle.

(g) **Title insurance.** Being insurance against loss from defective titles to real property, including leases.

(h) **Miscellaneous Insurance.** Being insurance on any risk not included within or under either of the foregoing classes, and which is a proper subject for insurance, not prohibited by law or contrary to sound public policy.

Sec. 19. Subsection (m) of Section 34-3-5, ACLA 1949, is hereby amended to read as follows;

(m) (Examination and guaranty of real estate titles.) To examine titles to real estate, to procure and furnish information in relation thereto, and to guarantee or insure the title to real estate to persons interested in such real estate or in mortgages thereon, against loss, by reason of defective title or other encumbrances of or upon such real estate, provided, that any company organized under this Act shall be subject to the insurance law of the State of Alaska, insofar as it pertains to its title insurance activities and operations, except that securities deposited by such company pursuant to Section 34-3-4 ACLA 1949 shall be credited to and included in the total of the guaranty fund of such company required by such insurance law, unless demand for the full statutory amounts, under both the title insurance and the trust company laws, is made by the Commissioner of Commerce and the Insurance Commissioner, and provided further, that no trust company engaged in the business of banking in the State of Alaska, whether such trust company shall have been organized under the laws of the State of Alaska, or otherwise, shall be permitted to do any of the Acts mentioned in this subsection;

Sec. 20. **Effective Date.** This Act shall take effect immediately upon its passage and approval or upon its becoming law without such approval.

Approved April 28, 1959

CHAPTER 127

AN ACT

Amending Chapter 87, SLA 1957, relating to mental health; and providing for an effective date.

(H.B. 184)

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

Section 1. Section 101 (1) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 101 (1) "Mentally ill individual" means an individual having a psychosis or senile changes which substantially impair his mental health to the degree

that he is a danger to himself or others; excluding acute alcoholism or drug addiction.

Sec. 2. Section 101 (o) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 101 (o) "Resident of Alaska" means a person who has been physically present and lived continuously in

Alaska for one year and has not abandoned said residency. A married woman shall be capable of establishing a residence apart from her husband, and an unemancipated minor shall take the residence of the parent or guardian with whom actually living.

Sec. 3. Section 103 of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 103. Authority to Receive Patients. The head of any designated hospital which has been designated by the Department pursuant to Section 102 is authorized to receive therein for observation, diagnosis, care, and treatment any individual whose admission is applied for by one of the following means:

(a) Any individual, including minors with consent of parent or guardian, may be admitted to a hospital for observation, care and treatment if necessary, upon application by the individual, himself or herself.

(b) Subject to the approval of the head of the hospital any individual, upon application by an interested party, by a peace officer, by the Department, or by the head of any institution in which the individual may be, if the application is accompanied by a certificate of a licensed physician stating that on a basis of an examination held in not more than fifteen days prior to the individual's admission, such individual is in his opinion mentally ill, or has symptoms of mental illness, and because of his illness either (I) is likely to injure himself or others if allowed to remain at liberty, or (II) is in need of care or treatment in a hospital.

Sec. 4. Section 105 (b) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 105 (b) At the end of the 48-hour period, any patient so admitted pursuant to Section 103 and 104, shall, without need of application therefor, be discharged if a preliminary examination has not been held or if, upon examination, the designated examiner refuses or fails to certify to the head of the designated hospital that in his

opinion the patient is mentally ill and either is likely to injure himself or others if allowed at liberty, or is in need of care or treatment in a hospital and because of his illness lacks sufficient insight or capacity to make responsible decision therefor. All other patients shall be discharged when, in the opinion of the head of the designated hospital, there is no further need for their hospitalization. Notice of discharge shall be given to (1) the Department, and (2) the Commissioner or person responsible for the order of hospitalization, who shall have an additional 48 hours within which to make other arrangements under Section 108 or otherwise.

Sec. 5. Section 108 (a) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 108 (a) An interested party, a licensed physician, a peace officer or the head of an institution in which the individual may be hospitalized, or the Department may, by filing an application with a Commissioner, commence proceedings for the hospitalization of an individual by judicial commitment.

Sec. 6. Section 108 (b) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 108 (b) Upon receipt of an application, the Commissioner shall give notice thereof to the proposed patient, to his legal guardian, if any, and to one or more of the other interested parties, if any.

Sec. 7. Section 108 (c) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 108 (c) As soon as practicable after notice of the commencement of proceedings is given, the Commissioner shall appoint one or more designated examiners to examine the proposed patient and report within 48 hours to the Commissioner his or their findings as to the mental condition of the patient and his need for care or treatment in a hospital. The Commissioner may consider the choice of the patient in appointing an examiner. If the designated examiner reports that the

proposed patient refuses to submit to an examination, the Commissioner shall give notice to the proposed patient and order him to submit to such examination. Such an order may direct that the proposed patient be taken into custody and detained pending a hearing.

Sec. 8. Section 113 of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 113. **Transportation.** Whenever an individual is about to be hospitalized under the provisions of this Act, the Department shall arrange, upon the request of a person having a proper interest in the individual's hospitalization, and is authorized to pay for the individual's transportation to the designated hospital, with appropriate medical or nursing attendants and by such available means as may be appropriate and suitable. The Department is authorized to pay return transportation of an individual and appropriate medical and nursing attendants after a finding within the provisions of this Act that such individual is not mentally ill. Whenever practicable, the individual to be hospitalized shall be permitted to be accompanied by one or more of his relatives or friends, who shall travel at their own expense. When necessary, the Department shall arrange for a peace officer or other suitable person to accompany the individual.

Sec. 9. Section 115 (b) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 115 (b) Consent to surgery, such psychiatric therapies as the Department shall determine, and autopsies must be obtained for any patient prior to the undertaking of any such surgery, certain psychiatric therapies or autopsies from any one of the following persons: spouse, guardian, either parent or oldest adult child; provided, however, that if no such relative or guardian be found in Alaska within a reasonable time, or in the case of an emergency, the Commissioner of Health or his designee, upon being notified of all the pertinent facts pertaining to such medical action, may give such consent in lieu of any guard-

ian or relative; provided, further, that when the head of the hospital is of the opinion that the patient has insight or capacity to make a responsible decision that the patient's consent shall be secured prior to any such surgery or psychiatric therapies, and such consent shall be determinative, and no further consent or denial thereof from any guardian or relative shall be necessary, provided further, however, that in the case of a minor consent shall also be obtained from the parent or guardian. Any person giving such consent, or any person who acts after such consent has been given and is duly authorized to perform the act undertaken by him, shall not be liable civilly or criminally if said act was done by him in his official capacity or in the capacity set forth above.

Sec. 10. Section 118 (c) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 118 (c) Whenever a patient is moved from one hospital to another, written notice thereof shall be given to the appropriate Commissioner if the patient was originally hospitalized under Section 108, his legal guardian, if any, parent or parents, and spouse, or, if none be known to any other interested party.

Sec. 11. Section 119 of Chapter 87, SLA 1957 is hereby amended by adding a new sub-section (e) as follows:

Sec. 119 (e) The State of Alaska hereby ratifies and adopts by reference "The Interstate Compact On Mental Health" consisting of 14 articles approved on September 30, 1955 by the Northeast State Governments Conference On Mental Health. The Department is hereby designated as Compact Administrator with full power to effectuate the purpose of said Compact and to make all needful rules and regulations to implement the same.

Sec. 12. Section 123 of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 123. **Discharge Upon Medical Review.** The head of a designated hospital shall cause the condition of every patient to be reviewed as frequently as

is consistent with good medical practice, and whenever the head of a designated hospital determines that the conditions justifying hospitalization no longer exist, the patient shall be discharged, even if he was admitted on his own application and regardless of Section 106 subsection (a), clause (i), and the Department so notified immediately. If the patient was admitted on other than his own application, notice of such discharge shall also be given to any one of the following persons: the patient's legal guardian, parent or parents, spouse, or next-of-kin, if known, and, if the patient was hospitalized by judicial process, to the Commissioner who ordered him to be committed.

Sec. 13. Section 125 of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 125. Disposition of Personal Effects and Unclaimed Funds of Patients.

All articles of personal property remaining in the custody of the head of the designated hospital and belonging to a patient who has died prior to his release on convalescent status or discharge, or who has departed therefrom without authority, if unclaimed by such patient, or his legal heirs or representatives, within the period of one year after the decease of such patient or the date of his leaving the hospital, shall be disposed of in such manner as the Department may prescribe, and any proceeds resulting therefrom shall be covered into the Treasury of Alaska to the credit of the Department for expenditure by the Department for the administration of this Act without the necessity of legal action. Any monies remaining to the credit of such patient, if unclaimed by his legal heirs or representatives or by such patient within the period of one year after the decease of such patient or the date of his leaving the hospital, shall be covered into the Treasury of Alaska to the credit of the Department, for expenditure by the Department for the admini-

stration of this Act without the necessity of legal action.

Sec. 14. Section 127 (b) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 127 (b) Nothing in this section shall preclude disclosure, upon proper inquiry, of information concerning current medical condition to the members of the immediate family of a patient.

Sec. 15. Section 128 (c) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 128 (c) The Department is authorized to charge, or accept from any person any monies or property, for the care or treatment of any in-patient or out-patient or for other purposes, even if such payment is not required by an order of the Department, so long as the total payments received under this subsection do not exceed the actual cost of care or treatment.

Sec. 16. Section 128 (d) of Chapter 87, SLA 1957 is hereby amended to read as follows:

Sec. 128 (d) The amount of liability for care and treatment determined by the Department not paid for by the patient or by someone in his behalf, shall constitute a lien in favor of Alaska against all property of the patient. Said unpaid amount of liability shall also be an indebtedness owing Alaska by the patient and shall be a first, prior and preferred claim against the estate of such patient after death, and after expenses of administration and all just claims for medical care of last illness and burial expenses have been paid. Said claim based upon information submitted by the Department, shall be prepared and filed by the Attorney General's office.

Sec. 17. This Act shall take effect immediately upon its passage and approval or its becoming law without such approval.