

that part of the license tax herein mentioned. Payment of said one-half of revenues realized shall be made semi-annually, commencing on July 1, 1948. All other revenues derived under this Act shall be paid into the general fund of the Territory of Alaska.

No refund when
city levies tax.

Section 7. The Tax Commissioner shall have the power to issue all orders, rules and regulations necessary to carry out the provisions of this Act.

Authority of Tax
Commissioner.

Section 8. This Act shall not be construed in any way to legalize gambling.

Section 9. If any section or part of this Act shall be declared unconstitutional or invalid, such adjudication shall not affect the validity or force of any other section or part thereof.

Saving clause.

Section 10. Chapter 40, Session Laws of Alaska, 1946, is hereby repealed.

Repeal.

Section 11. The effective date of this Act shall be January 1, 1948.

Approved March 31, 1947.

CHAPTER 93

AN ACT

[S. B. 79]

To require the licensing, inspection and regulation of hospitals as herein defined; creating a hospital advisory council and prescribing its powers; providing for regulations, enforcement procedures, penalties and appropriation.

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

Section 1. DEFINITIONS. As used in this Act:

Hospital defined.

(a) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than 24 hours in any week of two or more non-related individuals suffering from illness, disease, injury, or deformity, or a place devoted primarily to providing for not less than 24 hours in any week of obstetrical or other medical or nursing care for two or more non-related individuals. The term hospital includes public health centers.

(b) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(c) "Governmental unit" means the Territory of Alaska, or any municipality, or other political subdivision, or any department, division, board or other agency of any of the foregoing.

(d) "Licensing Agency" means the Department of Health of the Territory of Alaska.

Purpose of the Act.

Section 2. PURPOSE. The purpose of this Act is to provide for the development, establishment and enforcement of standards (1) for the care and treatment of individuals in hospitals and (2) for the construction, maintenance and operation of hospitals, which, in the light of advancing knowledge, will promote safe and adequate treatment of such individuals in hospitals.

License required.

Section 3. LICENSURE. After September 1, 1947, no person or governmental unit, acting severally or jointly with any other person or governmental unit shall establish, conduct or maintain a hospital in the Territory of Alaska without a license under this law.

Section 4. APPLICATION FOR LICENSE. An application for a license shall be made to the Licensing Agency upon forms provided by it, and shall contain such information as the Licensing Agency requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application for license shall be accompanied by a license fee of ten dollars, and the Department of Health shall cover all fees received into the Territorial Treasury.

License requirements.

License fee.

Section 5. ISSUANCE AND RENEWAL OF LICENSE. Upon receipt of an application for license and the license fee, the Licensing Agency shall issue a license if the applicant and hospital facilities meet the requirements established under this law. A license, unless sooner suspended or revoked, shall be renewable annually without charge upon filing by the licensee, and approval by the Licensing Agency, of an annual report upon such uniform dates and containing such information in such form as the Licensing Agency prescribes by regulation. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except with the written approval of the Licensing Agency. Licenses shall be posted in a conspicuous place on the licensed premises.

Renewal without charge.

Section 6. DENIAL OR REVOCATION OF LICENSE; HEARINGS AND REVIEW. The Licensing Agency after notice and opportunity for hearing to the applicant or licensee is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this law. Such notice shall be effected by registered mail, or by personal service setting forth the particular reasons for the proposed action and fixing a date not less than 30 days from the date of such mailing or service, at which the applicant or licensee shall be given an opportunity for a prompt and fair hearing. On

Authority to deny license.

the basis of any such hearing, or upon default of the applicant or licensee the Licensing Agency shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision revoking, suspending or denying the license or application shall become final 30 days after it is so mailed or served, unless the applicant or licensee, within such 30 day period, appeals the decision to the court, pursuant to Section 13 hereof.

Appeal.

The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the Licensing Agency with the advice of the Advisory Hospital Council. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to Section 13 hereof. A copy or copies of the transcript may be obtained by any interested party on payment of the cost of preparing such copy or copies. Witnesses may be subpoenaed by either party.

Records to be kept.

Section 7. RULES, REGULATIONS AND ENFORCEMENT. The Licensing Agency with the advice of the Advisory Hospital Council, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare.

Adoption of rules and regulations.

Section 8. EFFECTIVE DATE OF REGULATIONS. Any hospital which is in operation at the time of promulgation of any applicable rules and regulations or minimum standards under this Act shall be given a reasonable time, under the particular circumstances not to exceed one year from the date of such promulgation,

within which to comply with such rules and regulations and minimum standards.

Section 9. INSPECTIONS AND CONSULTATIONS.

The Licensing Agency shall make or cause to be made such inspections and investigations as it deems necessary. The Licensing Agency may prescribe by regulations that any licensee or applicant desiring to make specified types of alteration or addition to its facilities or to construct new facilities shall before commencing such alteration, addition or new construction, submit plans and specifications therefor to the Licensing Agency for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized. Necessary conferences and consultations may be provided.

Submission of plans for alteration or addition.

Section 10. The Territorial Advisory Council provided by Section 3 of Chapter 11, Session Laws of Alaska, 1946 Ex., shall constitute the Advisory Hospital Council herein referred to and is further empowered (a) to consult and advise with the Licensing Agency in matters of policy affecting administration of this Act, and in the development of rules, regulations and standards provided for hereunder, and (b) to review and make regulations and standards authorized hereunder prior to their promulgation by the Licensing Agency as specified herein.

Duties of Advisory Hospital Council.

Section 11. INFORMATION CONFIDENTIAL. Information received by the Licensing Agency through filed reports, inspection, or as otherwise authorized under this law, shall not be disclosed publicly in such manner as to identify individuals or hospitals, except in a proceeding involving the question of licensure.

Information obtained is confidential.

Section 12. ANNUAL REPORT OF LICENSING AGENCY. The Licensing Agency shall prepare and publish an annual report of its activities and operations under this law.

Section 13. JUDICIAL REVIEW. Any applicant or licensee or other person aggrieved by the decision of the Licensing Agency after a hearing, may, within 30 days after the mailing or serving of notice of the decision as provided in Section 6, file a notice of appeal in the District Court, and serve a copy of the notice of appeal upon the Licensing Agency. Thereupon the Licensing Agency shall promptly certify and file with the court a copy of the record and decision, including the transcript of the hearings on which the decision is based. Findings of fact by the Licensing Agency shall be conclusive unless substantially contrary to the weight of the evidence, but upon good cause shown the court may remand the case to the Licensing Agency to take further evidence, and the Licensing Agency may thereupon affirm, reverse, or modify its decision. The court may affirm, modify or reverse the decision of the Licensing Agency and either the applicant or licensee or the Licensing Agency or the Territory may apply for such further review as is provided by law. Pending final disposition of the matter, the status quo of the applicant or licensee shall be preserved, except as the court otherwise orders in the public interest.

Appeal to
District Court.

Section 14. PENALTIES. Any person establishing, conducting, managing or operating any hospital without a license under this law shall be guilty of a misdemeanor, and upon conviction shall be fined not more than \$500.00.

Penalty.

Section 15. INJUNCTION. Notwithstanding the existence or pursuit of any other remedy, the Licensing Agency, may in the manner provided by law upon the advice of the Attorney General, who shall represent the Licensing Agency in the proceedings, maintain an action in the name of the Territory for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a hospital without a license under this law.

Injunction.

Section 16. APPROPRIATION. There is hereby appropriated the sum of \$1,000.00 out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act. Appropriation.

Section 17. SEVERABILITY. If any provision of this Act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of the Act are declared to be severable. Saving clause.

Approved March 31, 1947.

CHAPTER 94

AN ACT

[S. B. 117]

To amend Chapter 48, Session Laws of Alaska, 1947, relating to Unemployment Compensation; and declaring an emergency.

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

Section 1. That Chapter 48, Session Laws of Alaska, 1947, as approved by the Governor on March 20, 1947, is hereby amended by adding a new section thereto to be known as Section 3 (a) and reading as follows:

“That notwithstanding any other provision of this Act, no contributions shall be required on the earnings of fishermen, unless such earnings would be subject to the tax levied by the Internal Revenue Code of the United States (Sec. 1600, Title 26, USCA).”

Exception to coverage.