

Two mile
limit.

Bona fide
residents.

ated cities or towns unless a petition having signatures of a majority of the bona fide residents residing within two miles of the place where intoxicating liquor is to be sold, and over the age of twenty-one years, is filed with the Clerk of the District Court asking that licenses be issued within the said precinct. Only those persons shall be considered "bona fide residents" within the meaning of this sub-section who shall have been physically present, living and residing within the two mile area, for more than six out of the 12 months immediately preceding the filing of said petition; provided, that except as to new licenses, petitions shall not be circulated during the period between April 1 and October 15.

Approved March 15, 1951.

CHAPTER 17

AN ACT

[H. B. 46]

Relating to the licensing and supervision of boarding homes, foster homes, nurseries and institutions caring for children; prescribing duties; providing penalties and authorizing the Board of Public Welfare to establish standards concerning the operation thereof

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

Definitions

Section 1. Definitions: As used in this Act:

(a) "Welfare Department" means the Department of

Public Welfare created by Chapter 3, Extraordinary Session Laws, 1937.

(b) "Boarding home or foster home" means any establishment providing regular care for less than six children ^{Boarding home} not related by blood or marriage to the foster parents.

(c) "Nursery" means any establishment providing care and services for any part of the twenty-four hour day for ^{Nursery} any child not related by blood or marriage to the owners or operators.

(d) "Institution" means any establishment providing regular care and services for six or more children ^{Institution.} not related by blood or marriage to the owners or operators.

Section 2. Authority to License and Supervise. The Board of Public Welfare shall have authority to license ^{License authority} and supervise boarding homes, foster homes, nurseries, and institutions caring for children; to investigate and supervise all licensees; and to enforce the application of standards established by the Welfare Department.

Section 3. No person, association or corporation shall, ^{When to secure license} without first having obtained a written license or permit therefor from the Alaska Department of Public Welfare, maintain or conduct any boarding home, foster home, nursery, institution or other place for the regular reception or care of children under sixteen years of age, nor engage in the business of receiving or caring for such children, either with or without compensation, wherein any child or children, not related by blood or marriage, or by legal adoption, to the owner, operator or manager thereof, are lodged or boarded.

Section 4. The Board of Public Welfare shall have power to promulgate rules, regulations and standards ^{Board to promulgate rules} not inconsistent with other requirements of law, provided

that such authority shall not operate to deny any religious group from establishing and operating in any area any such institution defined in Section 1 solely because of the prior installation or operation of any other religious group in said area. Such authority shall be designed to insure compliance with the intents and purposes of this Act, covering the operation of any such boarding home, foster home, nursery, or institution, or for the performance of any service specified in Section 1 of this Act, and the Department of Public Welfare may, by a member or any duly authorized representative, inspect and examine any such institution, home or place, or the performance of any such service.

Board to
issue
license.

Section 5. A written license or permit to conduct such boarding home, foster home, nursery, or institution shall be issued by the Alaska Department of Public Welfare whenever it has determined that such boarding home, foster home, nursery or institution has met the standards for operation set by said Department.

Duration
of license.

Section 6. Such license or permit, when issued by the Department of Public Welfare, shall remain in full force and effect unless revoked for cause, and written notice shall be given ninety days prior to the effective date of such revocation.

Hearing
revocation.

Section 7. Any person, association or corporation whose application for license has been denied, or whose license has been revoked for cause, shall, within ninety days thereafter, upon written application, be entitled to a fair hearing before the Board of Public Welfare or before an agent of the Board duly appointed for that purpose. Where an agent is designated to conduct such hearing, such agent shall be governed by the rules and regulations prescribed for that purpose by the Board. The Board, following review, shall make its decision on said hearing. No revocation shall become final until such

Review.

determination of the hearing is given, or until the expiration of said ninety day appeal period. Such action shall in no way operate to deny the civil rights of any person or institution to an appeal and review by any court of competent jurisdiction.

Section 8. No license or permit shall be transferred.

Section 9. Each holder of a license or permit shall keep such records regarding each child in its control and care, or placed by it, as the Department of Public Welfare may prescribe, and shall report to said Department such facts as it may require with reference to such children. All records regarding children and their parents or relatives shall be deemed confidential and shall be properly safeguarded from improper disclosure by such agency or department. ^{Records of children.}

Section 10. Any person, association or corporation who, prior to the effective date of this Act, is operating or maintaining any boarding home, foster home, nursery, institution or other place for the purposes outlined in Section 1 of this Act, shall be granted an interim permit or license for a period of six months following such effective date. Such person, association, or corporation shall be certified by the Department of Public Welfare, and at any time within such period, if required standards are met, said interim permit or license shall be deemed a continuing license, subject to the general provisions of this Act. ^{Interim permit.}

Section 11. Any person, association or corporation who violates any provision of this Act or any rule or regulation promulgated thereunder, shall be adjudged guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$200.00. ^{Penalty.}

Approved March 15, 1951.