

recommendation of the keeper or person in charge of the penal or correctional institution in which the prisoner is incarcerated.

Sec. 7. Effective Date. This Act shall take effect on the day after its passage and approval or on the day it becomes law without approval.

Approved April 11, 1960

CHAPTER 108

AN ACT

Relating to the licensing and supervision of maternity homes.

(C.S.H.B. 309)

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

Section 1. Maternity homes shall be licensed and supervised in the same manner as boarding homes or foster homes, nurseries and other institutions caring for children as provided for in Ch. 17, SLA 1951. For the purposes of this Act

“maternity home” means any institution or place of residence the primary function of which is to give care to pregnant girls or women, regardless of age, before or during confinement, or which provides care, as needed, to mothers and their infants after confinement, with or without compensation.

Approved April 11, 1960

CHAPTER 109

AN ACT

Relating to recreational devices designed for conveyance or movement of persons.

(S.B. 244)

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

Section 1. Every owner or operator of any device which is designed and operated for the conveyance or movement of persons and which is used as a source of or aids in the promoting of entertainment, pleasure, play, relaxation or instruction, including but not limited to things such as ski tows, roller coasters, merry-go-rounds, and ferris wheels, shall construct, furnish, maintain and provide safe and adequate facilities and equipment with which to safely and properly receive and carry all persons offered to and received by the owner or operator of such device, and to promote the safety of such owner's or operator's patrons, employees and the public.

Act. As used in this Act “department” means the Department of Public Safety. The department shall have the following powers and duties:

(1) Whenever the department, after hearing called upon its own motion or upon complaint, finds that additional apparatus, equipment, facilities or devices for use or in connection with the devices set forth in Section 1 of this Act, ought reasonably to be provided, or any repairs or improvements to, or changes in, any theretofore in use ought reasonably to be made, or any additions or changes in construction should reasonably be made thereto, in order to promote the security and safety of the public or employees, it may make and serve an order directing such repairs, improvements, changes or additions to be made.

(2) If the department finds that the equipment, or appliances in connection therewith, or the apparatus, or other

structures of the recreational device set forth in Section 1 of this Act are defective, and that the operation thereof is dangerous to the employees of the owner or operator of such device or to the public, it shall immediately give notice to the owner or operator of such device of the repairs or reconstruction necessary to place the same in a safe condition, and may prescribe the time within which they shall be made. If, in its opinion, it is needful or proper, the department may forbid the operation of the device until it is repaired and placed in a safe condition.

Sec. 3. The department shall designate a person qualified in experience and training who shall be designated as the inspector of recreational devices, and may employ such additional employees as are necessary to properly administer this Act. The inspector and such additional employees may be hired on a temporary basis or borrowed from other state departments or political subdivisions of the state, or the department may contract with individuals or firms for such inspecting service on an independent basis. The department shall prescribe the salary or other remuneration for such service.

Sec. 4. The inspector of recreational devices and his assistants shall inspect all equipment and appliances connected with the recreational devices set forth in Section 1 of this Act and make such reports of his inspection to the department as may be required. He shall, on discovering any defective equipment, or appliances connected therewith, rendering the use of the equipment dangerous, immediately report the same to the owner or operator of the device on which it is found, and in addition report it to the department. If in the opinion of the inspector the continued operation of the defective equipment constitutes an immediate danger to the safety of the persons operating or being conveyed by such equipment, the inspector may condemn such equipment and shall immediately notify the department of his action in this respect; provided, that inspection required by this Act must be conducted at least once each year.

Sec. 5. The department is empowered to adopt reasonable rules, regulations and codes relating to public safety in the construction, operation and maintenance of the recreational devices provided for in this Act. The rules, regulations and codes authorized hereunder shall be in accordance with established standards, if any, and shall not be discriminatory in their application.

Sec. 6. Nothing contained in this Act shall in any way impair the authority or responsibility of political subdivisions of this state with regard to the local enforcement of licensing, safety, or police regulation authorized by local ordinance or state law provided that, upon determination by the department, the standards employed by such political subdivision are found to be at least equal to those promulgated by the department. The authority of any political subdivision of the state as to the licensing, safety or police regulation of devices within the scope of this Act shall extend to a point five miles outside the territorial limits of such political subdivision provided no other political subdivision of the state is exercising similar authority over such facilities.

Sec. 7. Inspections, rules and orders of the department resulting from the exercise of the provisions of this Act shall not in any manner be deemed to impose liability upon the state for any injury or damage resulting from the operation of the facilities regulated by this Act, and all actions of the department and its personnel shall be deemed to be an exercise of the police power of the state.

Sec. 8. The procedure for review of the orders or actions of the department, its agents or employees, shall be the same as that contained in the Administrative Procedure Act of 1959.

Sec. 9. Nothing in this Act shall be construed to extend to the department or to political subdivisions authority to prescribe regulations pertaining to any transportation facilities or devices subject to the regulatory jurisdiction of other state or local agencies.