

HB

94

STATE OF ALASKA  
THE LEGISLATURE

POUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HB 94

H. Trans.

2/9/89

H. Trans.

2/14/89

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
1000 EAST BROADWAY  
ANCHORAGE, ALASKA 99501  
407-265-3000

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 9, 1989

SUBJECT: Alternatives for CSHB 94(Trsp)

TO: Representative Bette Cato, Chair  
House Transportation Committee

FROM: Terri Lauterbach *TL*  
Legislative Counsel

Enclosed are two drafts of a committee substitute for HB 94. They both reflect the intent of the amendment suggested by the Department of Law.

The draft numbered 6-0528E in the upper righthand corner follows the AG's suggestion very closely. However, it would be more appropriate to amend the two laws referred to in section 1 of this draft than to refer to them in an amendment to AS 02.15.230(a). Persons interested in the applicability of AS 18.65.130 - 18.65.290 will consult the definition section in AS 18.65.290. Similarly, persons interested in the applicability of AS 23.10.037(b) will consult AS 23.10.037(b) itself. If the legislature enacts HB 94 in the AG's suggested form, the revisor would insert helpful footnotes near AS 18.65.290 and AS 23.10.037, but the better practice would be to amend the appropriate statutes and eliminate the need for the footnotes.

Therefore, I have prepared an alternative draft numbered 6-0528H in the upper righthand corner. This draft incorporates the substance of the AG's amendment in a form that will not require readers to notice footnotes.

I have one other comment that relates to both versions of the CS. Both versions make the amendments of the respective drafts inapplicable for a two-year period for employees who hold pertinent DOTPF positions on the effective date of the Act. There is no requirement that the employee remain with DOTPF for those two years in order to claim the exemption. In other words, if a DOTPF employee became a state or local police officer during the two-year period, that officer

Representative Bette Cato  
Page 2  
February 9, 1989

could, arguably, claim exemption from AS 18.65.130 -  
18.65.280 by virtue of having been a DOTPF airport guard on  
the effective date of the Act. Is that your intent?

Please let me know which draft you prefer or if I can be of  
other assistance.

TL:lmb:gc  
L7/010

Enclosure



**Dept. of Transportation & Public Facilities**

# POSITION PAPER

**BILL NO:** CSHB No. 94

**TITLE:** Airport Security Police

**APPROVED:** Mark S. Hickey <sup>MSH</sup>  
Commissioner  
**DATE:** February 14, 1989

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The Department of Transportation and Public Facilities (DOT&PF) supports House Bill No. 94 as amended.

Certification as a basic police officer is the accepted professional standard for most police agencies and their officers. Certification will mandate that all officers will meet and maintain a minimum level of professional training and expertise in their field. By assuring the proper training, liability limits may be lowered. Airport Safety Officers would be required to adhere to the law enforcement Code of Ethics, thus giving the Department a better means of discipline for noncompliance.

The acceptance of Airport Safety in the program will help management recruit candidates and employ officers who adhere to certain recognized professional standards. Certification is a recognition of professional achievement in the law enforcement career.

In summation, we believe the activities of the Airport Safety Officers are compatible with certification, and that certification will increase our ability to maintain a highly qualified professional staff. The establishment of minimum selection, training and retention requirements for Airport Safety Officers is vital to the International Airport System.

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: CS HB 94  
PUBLISH DATE: 2/14//89

REQUEST: **FISCAL NOTE**

Revision Date: 2/13/89  
Title: Extending the Jurisdiction of the  
Alaska Police Standards Council  
Sponsor: Boyer  
Requestor: House Transportation

Agency Affected: DOT&PF  
BRU: Anchorage and Fairbanks  
International Airports  
Components: Airport Safety

**EXPENDITURES/REVENUES:** (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	14.4	14.4	14.4	14.4	14.4	14.4
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	14.4	14.4	14.4	14.4	14.4	14.4
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REVENUE	0	0	0	0	0	0
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**FUNDING:** (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER*	14.4	14.4	14.4	14.4	14.4	14.4
TOTAL	14.4	14.4	14.4	14.4	14.4	14.4

\* International Airport Revenue Fund

**POSITIONS:**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: D. Randy Simmons, Deputy Commissioner  
Division: Budget & Finance

Phone: 465-3900  
Date: 02/13/89

Approved by Commissioner: Mark S. Hickey *MSH*  
Agency: Department of Transportation and Public Facilities

Date: 02/13/89

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

A review of the bill indicates the only additional cost would be in providing psychological testing and polygraph examination of new applicants. \*

ANCHORAGE INTERNATIONAL AIRPORT

For Anchorage International Airport, historical employee turnover is nine (9) employees per year. It is estimated that three (3) applicants would receive the tests before final selection for each position. The cost of the examination is \$400 (\$250 for psychological and \$150 for polygraph). The total cost would be nine (9) hires x three (3) applicants x \$400.00 = \$10,800.

FAIRBANKS INTERNATIONAL AIRPORT

For Fairbanks International Airport, historical employee turnover is three (3) employees per year. It is estimated that three (3) applicants would receive the tests before final selection for each position. The cost of the examination is \$400 (\$250 for psychological and \$150 for polygraph). The total cost would be nine (3) hires x three (3) applicants x \$400.00 = \$3,600.

\* A comment from the Department of Administration, Labor Relations, indicates that they see no immediate impact. However, they do feel that there may be long range impact, due to possible requests for salary increases due to the necessary certification.

DEPARTMENT OF LAW PROPOSED AMENDMENTS TO HB 94  
February 9, 1989

Page 1, lines 10 - 21

Delete all material and insert:

"Sec. 1. AS 02.15.230(a) is amended to read:

(a) The commissioner and those officers and employees of the department who the commissioner may designate have general police powers in aid of the enforcement of this chapter, and the regulations and orders issued under it and all other laws of the state relating to aeronautics. An officer or employee stationed at an international airport and designated by the commissioner to have the police powers authorized under this section:

(1) is a "police officer" subject to AS 18.65.130 - AS 18.65.280, and the regulations adopted under AS 18.65.130 - AS 18.65.280;

(2) is a "policeman" for purposes of AS 23.10.037(b)."

Page 1, lines 22 - 29 and Page 2, lines 1 - 5

Delete all material and insert:

"Sec. 2. Notwithstanding AS 02.15.230(a), as amended by sec. 1 of this Act, an employee of the Department of Transportation and Public Facilities who holds a position on the effective date of this Act that would be covered by the amendment made to AS 02.15.230(a) and who does not have a police officer certificate issued by the Alaska Police Standards Council, is not subject to AS 18.65.130 - AS 18.65.280 and the regulations adopted under AS 18.65.130 - 18.65.280 until two years from the effective date of this Act. During this two year period, the Department of Transportation and Public Facilities may not discriminate against a person described by this section, in any employment matter related to the person's wages and benefits payable, promotion and reassignment opportunities, or training necessary to attain certification, because the person does not have a certificate issued by the Alaska Police Standards Council."

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: Extending the jurisdiction of BRU: Alaska Police Standards Council  
the Alaska Police Standards Council...  
 Sponsor: Rep. Boyer, et al Component: \_\_\_\_\_  
 Requestor: House Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Approval of this bill will increase the certification responsibilities of the Alaska Police Standards Council by approximately 100 officers.

Administrative procedures for the processing of certification requests and for the maintenance of personnel and training records are in place for police officers. Therefore, the additional officers can be absorbed into the system with very little impact other than a slight increase in processing time during the initial implementation.

Costs associated with mandated entry level training will continue to be the responsibility of the Department of Transportation & Public Facilities.

Prepared by: Jack W. Wray Executive Director Phone: 465-4378  
 Division: Alaska Police Standards Council Date: 2/6/89

Approved by Commissioner: Arthur English Date: 2/6/89  
 Agency: Department of Public Safety

STATE OF ALASKA  
THE LEGISLATURE

OFFICE OF THE CLERK  
LEGISLATIVE COUNSEL  
202 455 1800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 8, 1989

SUBJECT: HB 94 - Airport Security Police  
(Work Order No. 6-0528A)

TO: Representative Bette Caro  
Attn: Wendy Mulder

FROM: Terri Lauterbach *Terri Lauterbach*  
Legislative Counsel

This memo contains information pertinent to my telephone conversation with Ms. Wendy Mulder earlier today. It discusses the police powers of airport security officers employed by DOTPF.

In my opinion, airport security officers who have been designated to have general police powers by the commissioner of DOTPF under AS 02.15.230 would have the powers listed in AS 18.65.290(5) while on airport property. They might also have some of those powers while off airport property, but the extent of their powers while off airport property is still an open question of law.

I base my opinion on a reading of AS 02.15.230 and Clark v. State, 738 P.2d 772 (Ct. App. 1987). In Clark, the Alaska Court of Appeals noted that the issue of whether airport police officers had police powers on airport property was not contested in that case and cited AS 02.15.230(a), which reads:

(a) The commissioner and those officers and employees of the department who the commissioner may designate have general police powers in aid of the enforcement of this chapter, and the regulations and orders issued under it and all other laws of the state relating to aeronautics. (Emphasis added.)

The court held in Clark that an airport police officer was a law enforcement officer for purposes of enforcing DWI laws even while off airport property. The court did not elabo-

rate on what "general police powers" are. It assumed, in the absence of argument on the issue by the parties, that the officer had the power of arrest while on airport property, along with other "general police powers."

Since the court was not squarely faced with the issue of what constitutes an airport police officer's "general police powers," it cannot be said that the issue has been decided. However, in my opinion, if squarely faced with the question, the court would look to the plain meaning of the words and conclude that an airport officer has the powers that the typical police officer has, at least while on airport property.

Of course, this interpretation relies on a factual assumption. The police power of airport personnel arises from their designation as having those powers under AS 02.15.230. The commissioner of DOTPF makes that designation. If the commissioner has made that designation with respect to "full-time employee(s) of the Department of Transportation and Public Facilities who (are) stationed at an airport," then I think the amendment in HB 94 refers to an actual group of persons who have the powers specified in AS 18.65.290(5). If the commissioner of DOTPF has not made such a designation, then the employees do not have the listed powers and HB 94 would not refer to any identifiable persons.

You may wish to consider alternative language for the amendment of AS 18.65.290(5) that would clarify the designation question and avoid the issue of deciding what constitutes "general police powers." That amendment would be the following:

(5) "police officer" means

(A) a full-time employee of the state or a local police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; carry a concealed weapon; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace; and

Representative Bette Cato  
Page 3  
February 8, 1989

(B) a full-time employee of the Department of Transportation and Public Facilities who is stationed at an airport and has been designated to have general police powers under AS 02.15.230(a);

This form of amendment would serve your purpose of having DOTPF airport security officers be subject to the council in the same way that police officers are subject to the council. You would be leaving to future court decisions the issue of exactly what "general police powers" are.

I hope you find this discussion helpful. Please let me know if I can be of further assistance.

TL:gc  
WKG6/114

# Alaska Statutes

## Title 18. Health and Safety.

### Chapter

- 06. Rights of Blind and Otherwise Physically Disabled Persons (Repealed)
- 20. Hospitals (§§ 18.20.050, 18.20.076)
- 23. Health Care Services Information (§§ 18.23.030, 18.23.070)
- 26. Alaska Medical Facility Authority (§ 18.26.170)
- 35. Public Accommodations and Facilities (§ 18.35.230)
- 55. Housing, Urban Renewal, and Planning Assistance (§§ 18.55.255, 18.55.375, 18.55.540, 18.55.570, 18.55.650, 18.55.997 — 18.55.998)
- 66. Alaska Housing Finance Corporation (§§ 18.56.090, 18.56.095, 18.56.096, 18.56.098, 18.56.101, 18.56.102, 18.56.104, 18.56.106, 18.56.110, 18.56.135, 18.56.210 — 18.56.900)
- 60. Safety (§§ 18.60.030, 18.60.066 — 18.60.070, 18.60.105, 18.60.170, 18.60.580, 18.60.590, 18.60.680, 18.60.705, 18.60.740)
- 63. Hazardous Painting Certification (§§ 18.63.010 — 18.63.100)
- 66. Police Protection (§§ 18.65.085, 18.65.130, 18.65.150, 18.65.160, 18.65.220, 18.65.230, 18.65.242 — 18.65.248, 18.65.285 — 18.65.290, 18.65.311, 18.65.600 — 18.65.660)
- 67. Violent Crimes Compensation Board (§ 18.67.101)
- 70. Fire Protection (§§ 18.70.075, 18.70.095, 18.70.310)
- 80. State Commission for Human Rights (§§ 18.80.050, 18.80.060, 18.80.200, 18.80.210, 18.80.220 — 18.80.255, 18.80.300)

### Chapter 06. Rights of Blind and Otherwise Physically Disabled Persons.

*[Repealed, § 16 ch 69 SLA 1987.]*

### Chapter 07. Comprehensive Health Planning.

#### Article 2. Certificate of Need Program.

Sec. 18.07.031. Certificate of need required.

#### NOTES TO DECISIONS

Cited in Department of Community & Regional Affairs v. Sisters of Providence, Sup. Ct. Op. No. 3293 (File No. S-2007), 752 P.2d 1012 (1988).

tionary basis may not exceed the period authorized for probationary employment determined by the council. (§ 6 ch 112 SLA 1988)

**Effective dates.** — Section 10, ch 112, SLA 1988 provides: "AS 18.65.248, added by sec. 6 of this Act, takes effect six months after the date on which the Alaska Police Standards Council adopts regulations establishing training programs for correctional, probation, and parole officers under AS 18.65.230, as amended by sec. 5 of this Act, and defining qualifications for employment as those officers under AS 18.65.242, added by sec. 6 of this Act."

Section 12, ch. 112, SLA 1988, provides: "Except for AS 18.65.248, added by sec. 6 of this Act, this Act takes effect July 1, 1988."

**Editor's notes.** — Section 9, ch. 112, SLA 1988 provides:

"(a) Notwithstanding AS 18.65.248, added by sec. 6 of this Act, a person employed by the state as a correctional, probation, or parole officer on the effective date of AS 18.65.248, may continue to be employed as an officer without a certi-

cate issued by the Alaska Police Standards Council. The Department of Corrections may not discriminate against a person employed as a correctional, probation, or parole officer under this subsection in any matter relating to the officer's employment status, wages and benefits payable, promotion and reassignment opportunities, or training necessary to attain certification because the officer does not have a certificate issued by the Alaska Police Standards Council.

"(b) A person continuing in employment under the exemption provided in (a) of this section who terminates that employment after the effective date of AS 18.65.248 may be reemployed by the state as a correctional, probation, or parole officer only if the person holds a valid certificate issued by the Alaska Police Standards Council."

For legislative letter of intent in connection with sec. 9(a), ch. 112, SLA 1988, see 1988 House Journal 2395.

**Sec. 18.65.285. Municipal correctional employees.** A municipality that employs persons in a municipal correctional facility may, by ordinance, require that those persons meet the requirements of AS 18.65.130 — 18.65.290 that are applicable to correctional officers. (§ 7 ch 112 SLA 1988)

**Revisor's notes.** — Enacted as AS 18.65.280(c). Renumbered in 1988.

**Effective dates.** — Section 12, ch. 112,

SLA 1988, provides: "Except for AS 18.65.248, added by sec. 6 of this Act, this Act takes effect July 1, 1988."

**Sec. 18.65.290. Definitions.** In AS 18.65.130 — 18.65.290

(1) "chief administrative officer" means a chief of police or other official who is head of a police department in a political subdivision;

(2) "correctional officer" means a person appointed by the commissioner of corrections whose primary duty under AS 33.30 is to provide custody, care, security, control, and discipline of persons charged or convicted of offenses against the state or held under authority of state law;

(3) "council" means the Alaska Police Standards Council;

(4) "parole officer" means a person appointed by the commissioner of corrections to perform the duties of supervising the parole of prisoners under AS 33.16;

(5) "police officer" means a full-time employee of the state or a local police department with the authority to arrest and issue citations;

detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; carry a concealed weapon; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace;

(6) "probation officer" means a person appointed by the commissioner of corrections to perform the duties of a probation officer under AS 33.05. (§ 1 ch 178 SLA 1972; am §§ 10, 11 ch 19 SLA 1981; am § 8 ch 112 SLA 1988)

**Revisor's notes.** — Reorganized in 1986 and 1988 to alphabetize the defined terms.

**Effect of amendments.** — The 1988

amendment, effective July 1, 1988, inserted paragraphs (2) and (4), and added paragraph (6).

#### NOTES TO DECISIONS

Applied in *Clark v State*, Ct. App. (Op. No. 716 (File No. A-1840), 738 P.2d 765 (1987)).

### Article 3. Identification Cards.

#### Section

#### 311 Anatomical gift document

**Sec. 18.65.311. Anatomical gift document.** (a) The department shall provide, at the time that an identification card is issued, a form for a document by which the card holder may make an anatomical gift under AS 13.50 (Uniform Anatomical Gifts Act). The document (1) may not be larger than an identification card, (2) must contain sufficient space for the signature of two witnesses to the donor's act of execution of the document, and (3) must provide a means by which the donor may cancel the gift. If the document making an anatomical gift is executed by the applicant, it shall be sealed in plastic and attached to the identification card. A symbol indicating the existence of the anatomical gift document must be displayed in the lower right-hand corner on the face of the identification card.

(b) An employee of the department who processes an identification card application, other than an application received by mail, shall ask the applicant orally whether the applicant wishes to execute an anatomical gift. The department shall, by placement of posters and brochures in the office where the application is taken, and by oral advice, if requested, make known to the applicant the procedure necessary to execute a gift under AS 13.50. (§ 7 ch 43 SLA 1988)

# STATE OF ALASKA

## ALASKA POLICE STANDARDS COUNCIL

STEVE COWPER, GOVERNOR

P.O. BOX N  
JUNEAU, ALASKA 99811-1200  
PHONE (907) 485-4378

January 13, 1989

The Honorable Arliss Sturgulewski  
Alaska State Senator  
P.O. Box V  
Juneau, AK 99811

Dear Senator Sturgulewski:

Senate Bill No. 110

The Alaska Police Standards Council discussed the matter of the certification of Airport Safety Officers at their meeting on September 15-16, 1988, and it was their belief that a statute change should be initiated if the Department of Transportation felt that the certification of Airport Safety Officers is appropriate.

The council instructed me to advise Commissioner Mark S. Hickey that should his agency decide to initiate the necessary action for a statute change that the council would not oppose the legislation, and if deemed necessary would provide staff assistance to support the change.

The council members discussed at length the many parallels between the Airport Safety Officer and Municipal Police Officer positions, noting that they are required to attend the same training programs, the duties and responsibilities are very similar, they are sworn to uphold the laws of the State of Alaska and they are required to carry firearms on duty. Bearing these similarities in mind the council agrees that it would be reasonable to require the Airport Safety Officers to meet the same standards now in effect for police officers.

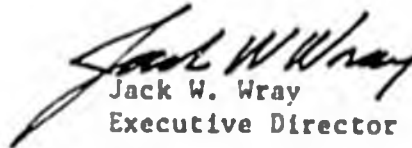
It should be noted that the council does not anticipate that this change in the statute would necessitate an expansion in the council's membership and they would not support legislation in this area.

January 13, 1989

In conclusion the council supports this bill and is in a position to assume the responsibility for the implementation of the certification of Airport Safety Officers with no increase in their FY 90 budget request.

Please contact me for further information.

Sincerely,

  
Jack W. Wray  
Executive Director

JWW/vlh

cc: Representative Bette M. Cato  
Richard Gressett, P.S.E.A.  
Commissioner Mark S. Hickey, D.O.T.



SERVING  
ANCHORAGE • FAIRBANKS  
• COLD BAY •

January 17, 1989

Representative Mark Boyer  
House of Representatives  
Alaska State Legislature  
Mail Stop 3100  
P.O. Box V  
Juneau, AK 99811

Dear Representative Boyer:

Federal Aviation Administration regulations require Airport Safety Officers, more commonly known as Airport Police, to meet the standards set forth by the Alaska Police Standards Council that governs certification of Police Officers. Although Airport Safety Officers already meet and exceed these requirements, they are not now certified. Commissioner Hickey of the Department of Transportation and respective Airport Management, "...believe certification will increase our ability to maintain a highly qualified staff... and provide them expanded training opportunities." The Alaska Police Standards Council is not opposed to certification of Airport Safety Officers, but believes a statute change is necessary due to outdated statutory definitions. It is thought such certification would be a matter of paperwork and of nominal expense.

Additionally, such overdue recognition not only will represent personal achievement and pride throughout the advanced levels of accreditation, but also dictate an exemplary degree of conduct for officers both on and off duty with punitive consequences if violated.

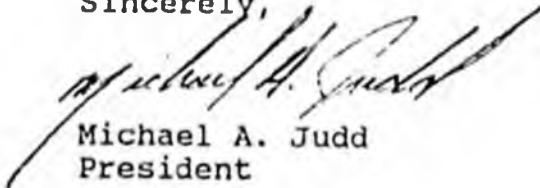
Airport Safety Officers have historically performed a "public safety" service utilizing their cross-training in the police and fire fields, as many certified municipal departments throughout the State now do. Airport Safety Officers' uniform patch and badge clearly identify, and in fact state, first and foremost that they are indeed a "Police Officer."

Page Two  
Representative Mark Boyer  
January 17, 1989

Senate Bill #110 legitimizes the authority long held by Airport Safety Officers and would ensure that the millions of traveling public are being provided the level of professional law enforcement service the citizens of Alaska expect and deserve.

Thank you for your support in this endeavor.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael A. Judd", written in a cursive style.

Michael A. Judd  
President

MAJ/cd

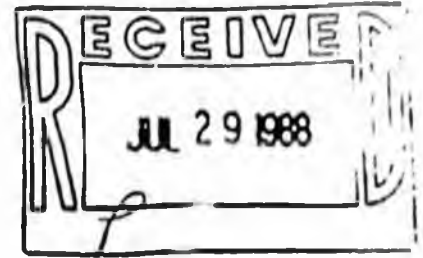
# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P O BOX 2  
JUNEAU, ALASKA 99811-2500  
PHONE (907) 485-3900



July 25, 1988

Sgt. Michael Judd, President  
Airport Safety Officers Chapter  
Public Safety Employees Association  
P. O. Box 92624  
Anchorage, AK 99509

Dear Officer Judd:

We have formally requested that the Policy Standards Council certify airport safety officers at the Anchorage International and Fairbanks International Airports. This action has my endorsement, as well as the endorsement of the Alaska International Airport System, and the managers and chief's of both airports.

We expect the Council to consider this issue at their September meeting.

Sincerely,

A handwritten signature in dark ink that reads "Mark S. Hickey".

Mark S. Hickey  
Commissioner

*Copy*  
*To Don*  
*+ Judd*  
*7/29/88* (circled)

# STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX C  
JUNEAU, ALASKA 99811-0200  
PHONE (907) 465-2200

February 3, 1989

The Honorable Sam Cotten  
Speaker of the House  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811-3100

Dear Mr. Speaker:

On January 19 I advised you of the monetary terms of four of the five collective bargaining agreements the State has entered into in the last year. Pursuant to AS 23.40.215(b), I am hereby submitting the monetary terms of the fifth agreement.

Public Safety Employees Association (PSEA)

There are two provisions in this agreement meeting the definition of monetary terms. First, the salaries of Airport Safety Officers I-IV and Court Services Officers are increased by 24.72%. This increase is the result of a three range increase in salary awarded by an interest arbitrator. The State viewed this question as beyond the authority of the arbitrator. Superior Court Judge Shortell issued a ruling upholding the award.

The second monetary term is a clothing maintenance allowance for Airport Safety Officers. This group of employees was moved from the General Government Bargaining Unit to the Public Safety Bargaining Unit during the last year. With the new agreement they will now receive the same allowance applied to this unit for many years.

The monetary terms requiring appropriation are summarized as follows:

	FY 88	FY 89	FY 90
<u>Salaries</u>			
DPS	\$109.0	\$ 342.2	\$ 391.3
DOT&PF		1,841.0	1,926.0

*Jan/kill file*  
*copy to*  
*for use*  
*Public Safety*  
*sub-committee*

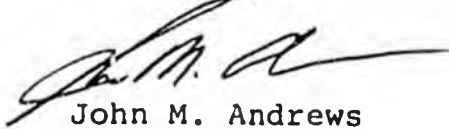
February 3, 1989

Clothing Allowance

DOT&PF	_____	<u>60.0</u>	<u>60.0</u>
Total	\$109.0	\$2,243.2	\$2,377.3

Enclosed is a copy of my memorandum to Alison Elgee, Director of Budget Review, which provides more detailed information regarding this agreement. Appropriations to fund this agreement will be requested through the Office of Management and Budget.

Sincerely,



John M. Andrews  
Commissioner

JMA/MPM/cjk  
4/8D1/012702-9/1  
Enclosure

cc: Alison Elgee  
Director  
Division of Budget Review  
Office of Management and Budget  
Office of the Governor

Bruce Cummings  
Director  
Division of Labor Relations  
Department of Administration

# MEMORANDUM

# State of Alaska

TO: Alison Elgee  
Director  
Division of Budget Review  
Office of the Management and Budget  
Office of the Governor

DATE: February 3, 1989

FILE NO:

TELEPHONE NO: 465-4404

THRU:

SUBJECT: Monetary Terms of Agreement  
With Public Safety  
Employees Association

FROM: Commissioner John M. Andrews,  
Department of Administration

On April 20, 1988, Arbitrator William Corbett rendered his Opinion and Award regarding contract terms between the State and the Public Safety Employees Association (PSEA). Most of the terms were implemented on July 16, 1988. We refused to implement Article 15, Section 1, Classification Plan, on the State's belief the arbitrator had no authority to rule on this issue. PSEA filed suit August 2, 1988. On December 20, 1988, Judge Shortell ruled in PSEA's favor. The State filed a request for reconsideration on December 23, 1988. The court affirmed its ruling on reconsideration on January 27, 1989. With this order of the Superior Court, I am advising you of the monetary terms of the agreement.

As you are aware, the Department of Administration must submit the monetary terms of an agreement to the legislature. I am doing so simultaneously with this memorandum to you. It has not yet been determined whether there will be an appeal. If there is an appeal, a stay of the Judge's order may be sought. The time limits for these decisions runs beyond the normal time limit for submission of monetary terms to the legislature. Consequently, we are reporting the apparent monetary terms of the agreement at this time.

### Monetary Terms

Monetary terms of an agreement are defined in AS 23.40.250(4) as changes that require an appropriation for their implementation, changes that will result in a change in State revenues, or changes that will result in a change in productive work hours for State employees.

#### A. Require Appropriation

Based on the court order and arbitrator's award, Airport Safety Officers I-IV in the Department of Transportation and Public Facilities and Court Services Officers in the Department of Public Safety will receive a pay increase of 24.72%, subject to legislative appropriation. The increase for Airport Safety Officers would be effective July 16, 1989. For Court Services Officers, the effective date would be January 16, 1988, the effective date of their placement

in this bargaining unit. By Letter of Agreement covering the transition period, the pay rate resulting from the agreement would apply back to this date.

The Departments of Public Safety (DPS) and Transportation and Public Facilities (DOT&PF) have estimated the Personal Services costs as follows (in thousands):

	FY 88	FY 89	FY 90
DPS	\$109.9	\$ 342.3	\$ 391.3
DOT&PF		1,841.0	1,926.0

The PSEA agreement has provided a clothing maintenance allowance for several years. Placement of the Airport Safety Officers in this bargaining unit, and therefore subject to this cost provision, also requires an appropriation for this purpose. Unadvertently, this provision has been implemented without the appropriation. The amounts required for the clothing maintenance allowance are:

	FY 89	FY 90
	\$60.0	\$60.0

Total required appropriations to implement the PSEA agreement are:

	FY 88	FY 89	FY 90
	\$109.0	\$2,243.3	\$2,377.3

Attached is a copy of the estimates prepared by the Department of Public Safety. A copy with all attachments has previously been to Traci Bills of your staff. Also attached is a copy of the estimates prepared by the Department of Transportation and Public Facilities. Please note that the clothing maintenance allowance (Uniform Allowance) for Anchorage International Airport contains a typographical error. The correct estimate is \$40.0. All totals are therefore off by \$20.0.

B. State Revenues

There are no provisions in this agreement that would change State revenues.

C. Productive Work Hours

There are no provisions in this agreement that would change productive work hours. Although Department of Public Safety employees covered by this agreement were placed on a 40 hour workweek, the additional time is the result of a paid lunch period of one-half hour per day.

Miscellaneous

The following changes in the agreement with PSEA that do not fall under the statutory definition of monetary terms may also be of interest to you.

1. The additional overtime liability imposed by the Fair Labor Standards Act in 1986 has been removed.
2. Meal allowances have been clarified to exclude single day trips starting and ending during the normal workday from the normal duty station.
3. Meal allowance instead of prorated per diem will apply on the final day of travel.
4. Geographic differentials for both salaries and rental housing were adjusted to closely parallel the differentials in other bargaining units. Increases were effective July 16, 1988. Decreases will occur over a period of time because current employees were "frozen" at former rates.
5. The Field Training Officer (FTO) differential of 3.75% now also applies to Airport Safety Officers. In addition, a Watch Commander differential of 3.75% has been added.

Legislation

Legislation is now necessary to fund these monetary terms; they require an appropriation for their implementation. Further details on this agreement can be obtained from Michael McMullen, Division of Labor Relations, at 465-4404.

JMA/MPM/cjk  
4/801/012701-9

Attachments

cc: Bruce Cummings  
Director  
Division of Labor Relations  
Department of Administration

bcc: Gretchen Pence  
Special Assistant  
Department of Public Safety

Janet Ignell  
Personnel Officer  
Department of Transportation and  
Public Safety

# MEMORANDUM

State of Alaska

Dept. of Administration

TO: Mike McMullen, Research Manager  
Division of Labor Relations  
Department of Administration

DATE January 23, 1989 JAN 24 1989

FILE NO jnr/279 Division of Labor Relations

TELEPHONE NO 465-4336

FROM *KLB*  
Kenneth Bischoff, Director  
Division of Administrative Svcs  
Department of Public Safety

SUBJECT Court Service Officers  
Range 71 to 74 Increase  
FY 88-89-90

In response to your telephone request of January 18, 1989, the Department of Public Safety assesses the supplemental impact of a pending salary range change of the classification "Court Services Officer" as follows, for the Fiscal Years 88, 89 and 90:

I. FY 88-90 Court Services Officers-\$ 109,915

Attached are copies of actual Payroll Account Registers which indicate that a total of \$444,638.42 was expended for these 30 authorized positions during the FY 88 reporting period January 16, 1988 through June 30, 1988. Per your suggestion, the department used 24.72 percent of this total for our estimated supplemental need. Health costs are not included in the total.

II. FY 89-90 Court Services Officers-\$ 342,338

Attached are copies of the departments FY 89 Position Authorization and Control Summary (PACS) Scenario #10 which compares all positions as 71's and 74's. The differences in full funding totals indicate the supplemental need. Positions adjusted for merit increases.

III. FY 90-92 Court Services Officers-\$ 391,344

Attached are copies of the departments FY 90 PACS Scenario #1 which compares all positions as 71's and 74's. The differences in full funding totals indicate the supplemental need. Positions adjusted for merit increases.

Should you have any other questions or concerns, please contact me. Your assistance in this matter is appreciated.

Attachments

CC: Colonel Robert Jent, Director  
Division of Alaska State Troopers

Traci Bills, Program Budget Analyst  
Office of Management & Budget

Budget Files

# MEMORANDUM

# State of Alaska

TO: Janet Ignell  
Personnel Officer

DATE: January 20, 1989  
FILE NO: 266-1643  
TELEPHONE NO:  
SUBJECT: Effect of PSEA  
Contract on FY89 and  
FY90 Budgets

THRU:  
FROM: John Ungar *JGU*  
Controller  
AIAS

Per your request, I asked AIA and FIA to compute the additional funds that would be required in FY89 and FY90 if the present changes to the PSEA contract are ratified. AIA and FIA would both need to request a supplemental in FY89 and amend their FY90 budgets for the following amounts:

	<u>AIA</u>	<u>FIA</u>	<u>Total</u>
<u>FY89</u>			
Pay Increase	\$1,067.0	\$774.0	\$1,841.0
Uniform Allowance	<u>60.0</u>	<u>20.0</u>	<u>80.0</u>
Total	\$1,127.0	\$794.0	\$1,921.0
<u>FY90</u>			
Pay Increase	\$1,133.0	\$793.0	\$1,926.0
Uniform Allowance	<u>60.0</u>	<u>20.0</u>	<u>80.0</u>
Total	\$1,193.0	\$813.0	\$2,006.0

If you need any additional information, please do not hesitate to contact me.

Cc. Paul Meyerhoff II

Division of Labor Relations

JAN 24 1989

Dept. of Administration

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Title 2

**Aeronautics**

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OCTOBER 1988

# Alaska Statutes

## Title 2. Aeronautics.

### Chapter

- 10. Alaska Aeronautics Act of 1937 (§§ 02.10.010 — 02.10.090)
- 15. Alaska Aeronautics Act of 1949 (§§ 02.15.010 — 02.15.270)
- 20. Registration, Flight Plans and Landing Field Obstructions (§§ 02.20.010 — 02.20.070)
- 25. Airport Zoning Act (§§ 02.25.010 — 02.25.120)
- 30. Operation of Aircraft (§§ 02.30.010 — 02.30.050)
- 35. Uniform Air Licensing Act (§§ 02.35.010 — 02.35.160)

*Revisor's notes.* — The provisions of this title were redrafted in 1988 to remove personal pronouns pursuant to § 4, ch. 58, S.L.A. 1982 and to make other minor word changes. In 1977, "Department of Transportation and Public Facilities" was substituted for "Department of Public Works" in several sections to implement E.O. No. 39 of 11-1977.

### Chapter 05. Alaska Air Commerce Act of 1960.

*(Repealed, 1983 Initiative Proposal No. 2, § 6.)*

### Chapter 10. Alaska Aeronautics Act of 1937.

Section	Section
10. Supervision over aeronautics and communication	40. Regulations governing radio ground stations
20. Investigations and hearings	60. Community and private cooperation
30. Use of reports of or testimony in investigations as evidence and department employees as witnesses	70. Penalties
	80. Department defined
	90. Short title

*Collateral references.* — 4 Am Jur 2d, Aviation, §§ 17-20. 2A CJS, Aeronautics and Aerospace, §§ 1-6.

**Sec. 02.10.010. Supervision over aeronautics and communication.** (a) The department shall supervise aeronautics and communications inside the state, and shall make recommendations for the establishment, location, maintenance, operation and use of airports, landing fields, air markings, air beacons, and other navigation facilities.

and for the establishment, operation, management, and equipment of all air schools, flying clubs, and other persons giving air instruction.

(b) The department shall, whenever it considers the action necessary in the interest of general safety or the safety of those engaged in aeronautics, adopt regulations establishing minimum standards with which all air navigation facilities, air schools and flying clubs shall comply, and shall adopt and enforce regulations to safeguard from accident and to protect the safety of persons operating or using aircraft and persons and property on the ground, and to develop and promote aeronautics and communications in the state. However, the regulations may not duplicate or conflict with the aeronautical and communications regulations in force by the Department of Commerce of the United States, the Federal Communications Commission or the provisions of the Federal Air Commerce Act of 1926. (S 32-3-3 ACLA 1949)

**Collateral references.** — 2 CJS Aerial Navigation 12

Liability for injury by airplane to patron of place of amusement 22 ALR 31; 98 ALR 565.

Regulation of air navigation, 69 ALR 322; 83 ALR 336; 99 ALR 176

Negligence in connection with aircraft and aviation, 69 ALR 326; 83 ALR 352; 99 ALR 184.

Duty and liability as to preflight inspection and maintenance of aircraft, 30 ALR2d 1172.

Public regulation requiring mufflers or similar noise-preventing devices on aircraft, 49 ALR2d 1202.

Public regulations as to duty of airplane owner or operator to furnish aircraft with navigational and flight safety devices 50 ALR2d 898.

Validity, construction, and application of state criminal statute prohibiting reckless operation of aircraft 59 ALR3d 893.

**Sec. 02.10.020. Investigations and hearings.** (a) The department may conduct investigations, inquiries and hearings concerning matters covered by the provisions of this chapter, and accidents or injuries incident to the operation of aircraft occurring within the state.

(b) The department may administer oaths and affirmations, certify to all official acts, issue subpoenas, compel the attendance and testimony of witnesses and the production of papers, books and documents.

(c) If a person fails to comply with a subpoena or order issued under this chapter, the department may invoke the aid of any court in this state. The court may order that person to comply with the requirements of the subpoena, or order of the department, or to give evidence upon the matter in question. Failure to obey the order of the court is punishable by the court as contempt. (S 32-3-4 ACLA 1949)

**Sec. 02.10.030. Use of reports of or testimony in investigations as evidence and department employees as witnesses.** The reports of or testimony given in investigations and hearings may not be admitted in evidence or used for any purpose in a suit, action, or proceeding growing out of a matter referred to in that investigation, hearing,

or report, except in criminal or other proceedings instituted under this chapter. The commissioner and employees of the department may not be required to testify to facts ascertained in or information gained by reason of their official capacity and they may not be required to testify as expert witnesses in a suit, action, or proceeding involving aircraft. (§ 32-3-5 ACLA 1949)

**Sec. 02.10.040. Regulations governing radio ground stations.**

The department shall adopt regulations governing the following:

(1) requirements governing the installation of two-way radio receivers and transmitters on all passenger-carrying airplanes operating 25 air miles or more from their immediate landing fields;

(2) the establishment of ground radio transmitters, adapted to the use of phone or code, of the power and on the frequencies needed, and for which permits can be obtained from the Federal Communications Commission, at or in the cities of Ketchikan, Juneau, Cordova, Anchorage, Fairbanks, and Nome, or as many of the cities as the department considers necessary for thorough communications coverage;

(3) the establishment of schedules for operation of the ground stations, together with the necessary arrangements for the stations to receive weather and other data available through other communication agencies;

(4) the use of the ground stations for commercial purposes, other than aviation, where no other communications service is available, provided that commercial use shall be limited to communications to the nearest United States Signal Corps station, or to its destination where no Signal Corps station is located;

(5) other uses to which the ground stations can be put, on the frequencies, and under the licenses, on which they are authorized to operate;

(6) the proper protection of the records of the proceedings of the department and the filing and publicizing of its regulations so that they are accessible to and generally known by the interested public;

(7) the fixing of tolls to be charged for use of ground stations for commercial purposes, and the manner and method of accounting for the tolls;

(8) the establishment of additional radio telephone stations, or the relocation of stations already established, which, in the opinion of the department are necessary, and from which the benefits and advantages expected to be derived, justify the cost of installation and maintenance. (§ 32-3-6 ACLA 1949)

*Sec. 02.10.050 Use of revenue. (Repealed. § 2 ch 8 SLA 1968.)*

**Sec. 02.10.069. Community and private cooperation.** It is the obligation of the aviation concerns that use the service provided for in AS 02.10.040, or the municipalities in which the radio telephone stations are located, to furnish suitable space without cost to the state, where the radio transmitting and receiving equipment may be installed and operated. A radio telephone station may not be established or operated at any place, except the six major stations provided for in AS 02.10.040, unless the inhabitants of the community in which it is to be established, or the community residing adjacent thereto, provide for as much operation and maintenance of the station as the department requires. (§ 32-3-12 ACLA 1949)

**Sec. 02.10.070. Penalties.** A person who fails to comply with the requirements, or who violates any of the provisions of this chapter, or the regulations adopted by the department is guilty of a misdemeanor, and punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both. (§ 32-3-13 ACLA 1949)

**Sec. 02.10.080. Department defined.** In this chapter "department" means the Department of Transportation and Public Facilities (§ 1 ch 1 SLA 1963)

**Revisor's notes.** — This section derives from the bulk formal revision of the laws of Alaska and was not a part of the law prior to the adoption and enactment of the revision, through the enactment of AS 02.05.006 in § 1, ch 1 SLA 1961.

**Sec. 02.10.090. Short title.** This chapter may be cited as the Alaska Aeronautics Act of 1937. (§ 32-3-1 ACLA 1949)

**Revisor's notes.** — Section 32-3-1 ACLA 1949 was called "The Alaska Aeronautics Act" The words "of 1937" were added by the revision to differentiate this act from The Alaska Aeronautics Act which was passed in the 1949 legislative session and is found in AS 02.15.

## Chapter 15. Alaska Aeronautics Act of 1949.

### Article

- 1 Aeronautics Functions (§§ 02.15.010 -- 02.15.050)
- 2 State Airports (§§ 02.15.060 -- 02.15.114)
- 3 Airport Assistance (§§ 02.15.120 -- 02.15.133)
- 4 Rural Airstrip and Seaplane Facilities (§ 02.15.160)
- 5 Aeronautics Training (§ 02.15.170)
- 6 General Provisions (§§ 02.15.190 -- 02.15.270)

**Collateral references.** — 5 Am. Air — 20 U.S. Aeronautics and Aerospace  
2d Aviation 13 17-20 13 1-6

### Article 1. Aeronautics Functions.

#### Section

- 10 Purpose
- 20 Powers of department
- 30 Conformity to federal law

#### Section

- 10 Cooperation with federal agencies
- 20 Miscellaneous powers and duties of department

**Sec. 02.15.010. Purpose.** The purpose of this chapter is to

(1) further the public interest in aeronautical progress by providing for the protection of persons and promotion of safety in aeronautics through appropriate measures consistent with and supplementary to but not duplicating federal aeronautics laws and regulations, with a view to the least possible interference with aviation activity compatible with the general welfare;

(2) encourage and develop aeronautics and the establishment and operation of a state system of airports through cooperation with municipalities, and otherwise, including cooperation with the federal government and acceptance and utilization of federal funds allotted for this purpose. (S 2 ch 123 SLA 1949)

**Collateral references.** — 20 U.S. Aerial Navigation 7-2

Prescriptive right of way for aircraft 89 ALR 116 81 ALR 341 89 ALR 171

Regulation of air navigation 89 ALR 122 81 ALR 346 89 ALR 176

Negligence in connection with aircraft and aviation 89 ALR 326 83 ALP 352 89 ALR 184

Duty and liability as to preflight inspec-

tion and maintenance of aircraft 89 ALR2d 1172

Public regulation requiring mufflers or similar noise-preventing devices on aircraft 49 ALR2d 1202

Public regulation as to duty of airplane owner or operator to furnish aircraft with navigational flight safety devices 89 ALR2d 898

**Sec. 02.15.020. Powers of department.** (a) The department may perform acts, issue and amend orders, and adopt reasonable general or special regulations and procedures, and establish minimum standards, consistent with the provisions of this chapter, as it considers necessary to carry out the provisions of this chapter.

(b) The department may enter into contracts necessary or advisable to the execution of the powers granted it by this chapter. Where the planning, acquisition, construction, improvement, maintenance, or operation of an airport or air navigation facility is financed wholly or partially with federal money, the department, as agent of the state, or of a municipality, or person, may let contracts in the manner prescribed by the federal authorities acting under the laws and rules and regulations of the United States.

(c) The department may accept federal money and money from other public or private sources to accomplish in whole or in part any of

the purposes of this chapter. All federal money accepted under this chapter shall be accepted and expended by the department upon the terms and conditions prescribed by the United States. (§ 4 A — C ch 123 SLA 1949; am § 1 ch 14 SLA 1968)

**Sec. 02.15.030. Conformity to federal law.** The department may not adopt a regulation, order or standard that is inconsistent or contrary to any act of the Congress of the United States or regulations promulgated or standards established. A regulation, order or standard may not be adopted that duplicates any current rules or regulations issued by a federal agency, or that applies to aircraft, airports or air navigation facilities owned or operated by the federal government. (§ 4 C, D ch 123 SLA 1949)

*Collateral references.* — 8 Am Jur. 2d. Aviation. §§ 9-13

**Sec. 02.15.040. Cooperation with federal agencies.** The department shall cooperate with the Federal Emergency Management Agency, the armed forces of the United States government and the Federal Aviation Agency for the purpose of coordinating aviation activities in carrying out the Civil Defense Program. (§ 4 E ch 123 SLA 1949; added by § 2 ch 76 SLA 1957)

*Revisor's notes.* — In 1988 "Federal Emergency Management Agency" was substituted for "Department of Civil De-

**Sec. 02.15.050. Miscellaneous powers and duties of department.** (a) The department may confer with and hold joint hearings with agencies of the United States in connection with matters arising under this chapter or relating to the sound development of aeronautics.

(b) The department may avail itself of the cooperation, services, records and facilities of the agencies of the United States as fully as may be practicable in the administration and enforcement of this chapter. The department shall, upon request, furnish to the agencies of the United States its cooperation, services, records and facilities, insofar as may be practicable.

(c) The department or a state or municipal police officer shall report to the appropriate agency of the United States all accidents in aeronautics in this state of which it or the police officer is informed, and shall, insofar as practicable, preserve, protect and prevent the removal of the component parts of an aircraft involved in an accident being investigated until the federal agency institutes an investigation.

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(d) An aircraft operator is not required to make periodic reports to the department but an additional copy of a report rendered to another governmental department or agency may be required of an operator.

(e) The department may report to the appropriate federal agencies and agencies of states proceedings instituted charging violation of any sections of this chapter and penalties, of which it has knowledge, imposed upon an airman or the owner or operator of an aircraft for violation of the law of this state relating to aeronautics, or for violation of the regulations or orders of the department. The department may receive reports of penalties and other data from agencies of the federal government and states and, when necessary, enter into agreements with federal agencies and the agencies of states governing the delivery, receipt, exchange and use of reports and data. The department may make the reports and data available to a court of this state and to a state or municipal officer authorized to enforce the aeronautics laws.

(f) The department may draft and recommend suitable legislation to advance the interests of the state in aeronautics; represent the state in aeronautical matters before the federal agencies and other state agencies; and participate as party plaintiff or defendant on behalf of the state or as intervenor in any controversy that involves the interests of the state in aeronautics.

(g) The department may acquire data on passenger enplanements from air carriers; however, the department may not obtain passenger manifests from air carriers except for matters concerning public safety. §§ 8 C 10 ch 123 SLA 1949; am § 1 ch 59 SLA 1987.

**Effect of amendments.** — The 1987 amendment added subsection (g).

## Article 2. State Airports.

Section	Section
60. Establishment, operation and maintenance	104. Relocation of utility facilities incident to airport projects
70. Acquisition and disposal of property	106. Encroachment permits
80. Joint operations	108. Relocation or removal of encroachment
90. Operation and use privileges	110. Unauthorized encroachments
91. Sale and delivery of in-bond merchandise at international airports	112. Notice of removal of unauthorized encroachment
95. Courtesy cars	114. Removal at owners expense after noncompliance, removal expense
100. Liens	
102. Use of airports for utilities	

**Collateral references.** — 8 Am Jur 2d, Aviation, ¶ 55-75

**Sec. 02.15.060. Establishment, operation and maintenance.** The department may plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police airports and air navigation facilities within the state. (§ 5 A ch 123 SLA 1949; am § 2 ch 68 SLA 1955)

#### NOTES TO DECISIONS

Applied in *Clark v. State*, Ct. App. Op. No. 716 (File No. A-1840), 738 P.2d 765 (1987).

**Collateral references.** — 8 Am. Jur. 2d, Aviation, §§ 17-19, 55 et seq.  
2A C.J.S., Aeronautics and Aerospace, § 57 et seq.  
Power to establish or maintain public airport, or to create separate airport au-

thority 161 ALR 733.  
Airport operations or flight of aircraft as nuisance 79 ALR3d 253.  
Airport operations liability insurance 92 ALR3d 1267.

**Sec. 02.15.070. Acquisition and disposal of property.** (a) For the purposes specified in AS 02.15.060 the department may, by purchase, gift, devise, lease, condemnation, or otherwise, acquire real or personal property, or any interest in the property including easements in airport hazards or land outside the boundaries of an airport or airport site, necessary to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. The department may acquire existing airports and air navigation facilities in the same manner except it may not acquire or take over an airport or air navigation facility owned or controlled by a municipality or person without the consent of the municipality or person.

(b) The department may, by sale, lease, or otherwise, dispose of all, a portion of, or an interest in a property, airport, or air navigation facility described in (a) of this section. The proceeds of any disposition shall be used for the purposes set out in this chapter. (§ 5 A, B ch 123 SLA 1949; am § 2 ch 68 SLA 1955)

**Collateral references.** — 8 Am. Jur. 2d, Aviation, §§ 9-19, 62, 67.  
2A C.J.S., Aeronautics and Aerospace, §§ 61, 65-67.  
Exercise of eminent domain for purposes of airport 135 ALR 755.  
Plotting or planning in anticipation of improvement as taking or damaging of property affected 37 ALR3d 127.  
Zoning regulations limiting use of prop-

erty near airport as taking of property 15 ALR4th 542.  
Operations or flight of aircraft as constituting taking or damaging of property 22 ALR4th 863.  
Damages resulting from temporary conditions incident to public improvements or repairs as compensable taking 23 ALR4th 674.

**Sec. 02.15.080. Joint operations.** The department may exercise the powers granted by AS 02.15.060 — 02.15.100 jointly with a person, municipality, or agency of the state, or with the United States. (§ 5 C ch 123 SLA 1949)

**Sec. 02.15.090. Operation and use privileges.** (a) In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements covering periods not exceeding 55 years with a person, municipality, or the United States, granting the privilege of using or improving an airport or air navigation facility or a portion of it or space in it for commercial or governmental purposes; or conferring the privilege of supplying goods, commodities, services or facilities at an airport or air navigation facility. The department may establish the terms and conditions and fix the charges, rentals, and fees for the privileges or services, that are reasonable and uniform for the same class of privilege or service. The terms, conditions, charges, rentals and fees shall be established with due regard to the property and improvements used and the expense of operation to the state. In no case may the public be deprived of its rightful, equal and uniform use of the airport, air navigation facility, or portion thereof.

(b) The department may by contract or other arrangement, upon a consideration fixed by it, grant to a qualified municipality or person for a reasonable period of time the privilege of operating, as agent of the state or otherwise, an airport owned or controlled by the state. A municipality or person granted that privilege may not operate the airport other than as a public airport or enter into any contract, lease or other arrangement in connection with the operation that the department may not have undertaken under (a) of this section. (§ 5 E ch 123 SLA 1949; added by § 1 ch 117 SLA 1959)

#### NOTES TO DECISIONS

**Legislative intent.** — By enacting AS 02.15.120, 02.15.160, and this section, the legislature intended to insure that airport facilities would be made available, on a priority basis, to that segment of society for which those facilities are designed.

Those persons operating aircraft or machinery used incidentally to the operation of aircraft. *Planch v. State*, Sup. Ct. Op. No. 2902 (File Nos. S-97, S-98), 693 P 2d 855 (1985).

**Collateral references.** — Airport operations or flight of aircraft as nuisance, 79 ALR3d 253.

**Sec. 02.15.091. Sale and delivery of in-bond merchandise at international airports.** (a) Under (b) and (c) of this section, the department shall allow the sale and delivery of in-bond merchandise at an international airport only by an exclusive contract.

(b) While the exclusive contracts for the sale and delivery of in-bond merchandise at international airports that exist on June 15, 1982 are in effect, the department may not permit or confer a right on any other person to offer to sell, sell, or deliver in-bond merchandise at an international airport.

(c) After the exclusive contracts existing on June 15, 1982 are no longer in effect, the department shall enter into one exclusive contract and, on its expiration, additional successive exclusive contracts for the sale and delivery of in-bond merchandise at each international airport. Except under the existing and future exclusive contracts described in this section, the department may not permit or confer a right upon any person to offer to sell, sell, or deliver in-bond merchandise at an international airport.

(d) The department shall offer the exclusive contracts required by this section by competitive bid or by competitive proposals. If the department offers the exclusive contracts by competitive bid, the department shall award the contracts after considering the generation of maximum revenue for the International Airports Revenue Fund established by AS 37.15.430. If the department offers the exclusive contracts by competitive proposals, the department shall award the contracts after considering factors that include depth of management, financial ability, demonstrated experience at other locations, quality of services and products, success in marketing programs, character and improvements of proposed facilities, and the generation of optimum revenue for the fund.

(e) The department shall actively supervise the operations under each exclusive contract for the sale and delivery of in-bond merchandise in order to ensure the effectiveness of the operations. To supervise contract operations under this section, the department shall develop and implement guidelines that provide for review of the reasonableness of price schedules, quality and assortment of merchandise, and customer service.

(f) Nothing in this section applies to deliveries of in-bond merchandise as cargo to airlines. (§ 2 ch 111 SLA 1982; am § 1 ch 21 SLA 1988)

**Cross references.** — For legislative findings, see § 1, ch 111, SLA 1982, in the 1982 Temporary and Special Acts and Resolves.

**Effect of amendments.** — The 1988 amendment, in subsection (d), added the last sentence and rewrote the first two sentences (formerly just one sentence).

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**Sec. 02.15.095. Courtesy cars.** Notwithstanding the provisions of AS 02.15.090(a), the department may not exclude from the streets, roads, highways, parking facilities, or other portions of a state-operated airport designated for operation or parking of ground transportation vehicles, nor may the department prohibit from picking up and discharging passengers, those motor vehicles commonly known as "courtesy cars" owned or operated by hotels, motels or other similar places of public accommodation for the transportation of their guests to and from the airport at the request of the guest and for which service no charge is made to the guest. (§ 1 ch 9 SLA 1974)

**Sec. 02.15.100. Liens.** The department may enforce the payment of any charges for repairs, improvements, storage, or care of personal property made or furnished by the department or its agents, in connection with the operation of an airport or air navigation facility owned or operated by the state. The state has those lien rights generally allowed by law to secure payment for those services. (§ 5 E ch 123 SLA 1949; added by § 1 ch 117 SLA 1959)

**Sec. 02.15.102. Use of airports for utilities.** A utility facility may be constructed, placed, or maintained across, along, over, under, or within a state airport only in accordance with regulations adopted or procedures prescribed by the department and only if authorized by a written permit issued by the department. (§ 1 ch 142 SLA 1986)

**Sec. 02.15.104. Relocation of utility facilities incident to airport projects.** (a) If, incident to the construction of an airport project, the department determines and orders that a utility facility located across, along, over, under, or within a state airport must be changed, relocated, or removed, the utility owning or maintaining the facility shall change, relocate, or remove it in accordance with the order, within a reasonable time set by the department in the order.

(b) If the utility facility is not changed, relocated, or removed in accordance with the order, any permit authorizing the facility issued by the department under AS 02.15.102 becomes invalid and the facility will be considered an unauthorized encroachment subject to the provisions of AS 02.15.114.

(c) The cost of change, relocation, or removal, as defined in AS 02.15.260, ordered under (a) of this section is to be paid as follows:

(1) by the department as a cost of airport construction, if the utility facility is installed or authorized after June 11, 1986 under a utility permit or a regulation and is installed in the location specified in the permit;

(2) by the department as a cost of airport construction, if the facility was installed before June 11, 1986 under a utility permit or utility easement and is in the location specified in the permit or easement;

(3) by the department as a cost of airport construction, if the utility facility was installed before the location became part of a state airport or before permits were required;

(4) by the department as a cost of airport construction, if the utility permit that requires the utility to pay the relocation cost was issued more than five years before the contract for the airport construction project was first advertised;

(5) by the utility in all other cases unless the commissioner finds it is in the public interest for the cost to be paid by the department. (§ 1 ch 142 SLA 1986)

**Sec. 02.15.106. Encroachment permits.** An encroachment may be constructed, placed, changed, or maintained across or within an airport, but only in accordance with regulations or procedures adopted by the department. An encroachment may not be constructed, placed, maintained, or changed until it is authorized by a written permit issued by the department, unless the department provides otherwise by regulation. (§ 1 ch 142 SLA 1986)

**Sec. 02.15.108. Relocation or removal of encroachment.** If, incidental to the construction or maintenance of a state airport the department determines and orders that an encroachment previously authorized by written permit must be changed, relocated, or removed, the owner of the encroachment shall change, relocate, or remove it within a reasonable time set by the department in the order. The cost of the change, relocation, or removal shall be paid as provided in AS 02.15.104(c). If the owner does not change, relocate, or remove an encroachment within the time set by the department, the encroachment will be considered an unauthorized encroachment subject to the provisions of AS 02.15.114. (§ 1 ch 142 SLA 1986)

**Sec. 02.15.110. Unauthorized encroachments.** If an unauthorized encroachment exists in, on, under, or over a state airport the department may require the removal of the encroachment, at the expense of the owner, in the manner provided in AS 02.15.112 — 02.15.114. (§ 1 ch 142 SLA 1986)

**Sec. 02.15.112. Notice of removal of unauthorized encroachment.** Notice shall be given the owner, occupant, or person in possession of an unauthorized encroachment, or to another person causing or permitting the encroachment to exist, by serving upon any of them a notice demanding the removal of the encroachment within a time limit set by the department. The notice must describe the encroachment with reasonable certainty as to its character and location. Service of the notice may be made by certified mail. (§ 1 ch 142 SLA 1986)

**Sec. 02.15.114. Removal at owner's expense after noncompliance; removal expense.** After a failure of the owner of an unauthorized encroachment to comply with a notice or order of the department under AS 02.15.104, 02.15.108, or 02.15.112, the department may remove the encroachment, or cause it to be removed. The owner of the unauthorized encroachment shall pay to the department

- (1) the expense of the removal of the encroachment;
- (2) all costs and expenses paid by the state as a result of a claim or claims filed against the state by third parties for damages due to delays because the encroachment was not changed, removed, or relocated according to the order of the department; and
- (3) costs and expense of suit. (§ 1 ch 142 SLA 1986)

### Article 3. Airport Assistance.

Section	Section
120. Assistance to construct, enlarge or improve air navigation facilities	140. State financial assistance
130. Assistance to the federal government, municipalities and other persons	150. Federal aid
	155. Project costs defined

**Collateral references.** — 8 Am. Jur. 2d, Aviation, §§ 63, 64

**Sec. 02.15.120. Assistance to construct, enlarge or improve air navigation facilities.** The department may match available funds with those of municipalities, federal agencies or other state agencies, for project costs relating to the construction, enlargement or improvement of airports. The department may assist persons in the construction, enlargement and improvement of airports and air navigation facilities. The airports and facilities, until they are abandoned as such, shall be at all times available for the use of and accessible to the general public, and maintained as public airports and facilities. (§ 5 A ch 123 SLA 1949; am § 2 ch 68 SLA 1955; am § 17 ch 168 SLA 1978)

#### NOTES TO DECISIONS

**Legislative intent.** — By enacting AS 02.15.090, 02.15.160, and this section, the legislature intended to insure that airport facilities would be made available, on a priority basis, to that segment of society for which those facilities are designed: Those persons operating aircraft or machinery used incidentally to the operation of aircraft. *Planch v. State*, Sup. Ct. Op. No. 2902 (File Nos. S-97, S-98), 693 P.2d 855 (1985)

**Duty of state, city, and city officials.** — Given the express requirements of this section, that airport facilities "shall be at all times available for the use of and accessible to the general public," interpreted to mean those persons operating aircraft or machinery used incidentally to the operation of aircraft, the state, the city and city officials were under a duty to take reasonable precautions to keep the seaplane dock available for the plaintiff air-

plane pilot-owners use, and to furnish them access to it. *Planch v State*, Sup. Ct. Op. No. 2902 (File Nos. S-97, S-98), 693 P.2d 855 (1985).

**Sec. 02.15.130. Assistance to the federal government, municipalities and other persons.** The department may make available its engineering, maintenance, and other services, with or without charge, to the federal government, or to a municipality or person in connection with the planning, acquisition, construction, improvement, maintenance, or operation of airports or air navigation facilities. The commissioner of administration shall separately account for money that is generated by the provision of services to nonstate entities under this section and that the department deposits in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the department to carry out the purposes of this section. (§ 9 A ch 123 SLA 1949; am § 2 ch 138 SLA 1986)

**Effect of amendments.** — The 1986 amendment inserted "the federal government" in the catchline, substituted "maintenance and other services" for "and other technical services" and "the federal government or to a municipality" for "any municipality" in the first sentence and added the second and third sentences.

**Sec. 02.15.140. State financial assistance.** The department may grant or lend money, subject to the provisions of AS 02.15.060, 02.15.070 and 02.15.120, to any person or municipality or to municipalities acting jointly for project costs relating to the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled or to be owned or controlled by the municipality or municipalities or person. Grants or loans may be furnished in connection with federal or other financial aid for the same purpose. (§ 9 B ch 123 SLA 1949; am § 18 ch 168 SLA 1978; am § 1 ch 59 SLA 1982)

**Sec. 02.15.150. Federal aid.** A municipality may not participate under the Federal Airport Act unless the department has approved its application. The department may approve, disapprove or modify a municipal application for direct participation under the Federal Airport Act. (§ 9 C ch 123 SLA 1949)

**Collateral references.** — 8 Am. Jur. 2d, Aviation, §§ 63, 64.

**Sec. 02.15.155. Project costs defined.** In AS 02.15.120 — 02.15.155 "project costs" includes, in addition to costs directly related to the project, the sum total of all costs of financing and carrying out the project including, but not limited to, the costs of all necessary studies, surveys, plans and specifications, architectural, engineering or other special services, acquisition of real property, site preparation

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and development, purchase, construction, reconstruction and improvement of real property and the acquisition of machinery and equipment as may be necessary in connection with the project; an allocable portion of the administrative and operating expenses of the grantee; the cost of financing the project, including interest on bonds issued to finance the project; and the cost of other items, including any indemnity and surety bonds and premiums on insurance, legal fees, fees and expenses of trustees, depositaries, financial advisors, and paying agents for the bonds issued as the issuer considers necessary. (§ 19 ch 168 SLA 1978)

#### Article 4. Rural Airstrip and Seaplane Facilities.

##### Section

160. Rural airstrip and seaplane facilities

**Sec. 02.15.160. Rural airstrip and seaplane facilities.** The department may construct, maintain or operate floats and seaplane ramp landing facilities, subject to the provisions of AS 02.15.060, 02.15.070 and 02.15.120. The department may construct, maintain or operate emergency landing fields, or rural airstrips adequate to meet rural needs with or without financial contribution by local interests. (§ 6 ch 123 SLA 1949)

#### NOTES TO DECISIONS

**Legislative intent.** -- By enacting AS 02.15.090, 02.15.120 and this section, the legislature intended to insure that airport facilities would be made available, on a priority basis, to that segment of society for which those facilities are designed.

Those persons operating aircraft or machinery used incidentally to the operation of aircraft. *Plancich v. State*, Sup. Ct. Op. No. 2902 (File Nos. S-97, S-98), 693 P.2d 855 (1985).

#### Article 5. Aeronautics Training.

##### Section

170. Duty of department

**Sec. 02.15.170. Duty of department.** The department shall assist and cooperate with the Department of Education, the University of Alaska, the Civil Air Patrol, the Federal Aviation Agency and other civic, state and federal agencies in the development of a sound aeronautical educational program in the state by providing financial and material aid within its means and the use of state aviation facilities and equipment whenever possible. (§ 11 A ch 123 SLA 1949)

**Collateral references.** — 5 Am. Jur. 2d, Aviation, ¶¶ 34-38 Relationship of operator of flight training school to injured trainee with respect to liability of the former, 17 ALR2d 557  
 2A C.J.S., Aeronautics and Aerospace, ¶¶ 118-123

*Sec. 02.15.180. Financial assistance. [Repealed, § 1 ch 94 SLA 1980.]*

**Article 6. General Provisions.**

<b>Section</b>	<b>Section</b>
190. Information for public	225. Accidents involving state or municipal aircraft
200. Public nature of department activities	230. Police powers vested
205. Approval required for airport construction	240. Penalties
210. Exclusive rights prohibited	260. Definitions
220. Enforcement of aeronautics laws	270. Short title

**Sec. 02.15.190. Information for public.** The department may collect, assemble and publish aeronautical data pertinent to the operation of aircraft within the state. This data is for the benefit of the aviation industry and the general public, and may not duplicate data published by any other governmental agency. (§ 7 ch 123 SLA 1949)

**Sec. 02.15.200. Public nature of department activities.** The acquisition of land or interests in land under this chapter, the planning, acquisition, establishment, construction, improvement, maintenance, equipment, and operation of airports and air navigation facilities, whether by the state separately or jointly with any person or municipality, and the exercise of any other powers granted under this chapter to the department are public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of the state in the manner and for the purposes enumerated in this chapter are acquired and used for public and governmental purposes and as a matter of public necessity. (§ 8 A ch 123 SLA 1949)

**Sec. 02.15.205. Approval required for airport construction.**  
 (a) A person may not construct, reconstruct, relocate, or extend an airport, airstrip, or private air facility within two miles of a federal-aid highway or proposed federal-aid highway without first obtaining the written approval of the commissioner, as provided by regulation.  
 (b) The commissioner may not approve the construction, reconstruction, relocation, or extension of an airport, airstrip, or private air facility if the construction would constitute a hazard to the traveling public or if the construction would otherwise not be in the public interest.

(c) The commissioner shall adopt regulations to effectuate the purpose of this section that are consistent with standards established by participating federal agencies. (§ 1 ch 90 SLA 1966)

**Sec. 02.15.210. Exclusive rights prohibited.** The department may not grant an exclusive right for the use of an airway, airport, or air navigation facility under its jurisdiction. This section does not prevent the making of contracts, leases and other arrangements under AS 02.15.060 — 02.15.100 and 02.15.120, including exclusive contracts for the sale and delivery of in-bond merchandise described in AS 02.15.091. (§ 8B ch 123 SLA 1949; am § 3 ch 111 SLA 1982)

**Collateral references.** — 4 Am. Jur. 2d. Aviation, §§ 66, 67.

**Sec. 02.15.220. Enforcement of aeronautics laws.** (a) The department and its officers and employees, and every state and municipal officer charged with the enforcement of state and municipal laws, shall enforce and assist in the enforcement of this chapter and of all regulations adopted and orders issued under it and any other state regulations or laws pertaining to the operation of aircraft.

(b) Any person mentioned in (a) of this section may inspect and examine, at reasonable hours, any aircraft, premises, and the buildings and other structures thereon, where airports, air navigation facilities, air schools, or other aeronautical activities are operated or conducted. (§ 13 ch 123 SLA 1949)

**Sec. 02.15.225. Accidents involving state or municipal aircraft.** (a) An aircraft accident involving an aircraft operated by the state or a municipality shall be reported by the person who caused or authorized the operation of the aircraft to the National Transportation Safety Board and the Department of Public Safety.

(b) The Department of Public Safety shall request the National Transportation Safety Board to investigate each aircraft accident reported under (a) of this section. The Department of Public Safety shall supply information regarding the aircraft accident requested by the National Transportation Safety Board if the information is available to the Department of Public Safety.

(c) In this section "aircraft accident" means

(1) an occurrence associated with the operation of an aircraft that takes place between the time a person boards the aircraft with the intention of flight until the time the person disembarks and in which

(A) a person suffers death or serious injury as a result of being in or on the aircraft, or by direct contact with the aircraft or an object attached to the aircraft; or

- (B) the aircraft receives substantial damage as defined under regulations of the National Transportation Safety Board;
- (2) flight control system malfunction or failure;
- (3) inability of a required flight crewmember to perform normal flight duties as a result of injury or illness;
- (4) failures of a turbine engine rotor, excluding compressor blades and turbine buckets;
- (5) in-flight fire;
- (6) aircraft collision in flight; or
- (7) disappearance of an aircraft believed to have been involved in an accident. (§ 1 ch 139 SLA 1984)

**Sec. 02.15.230. Police powers vested.** (a) The commissioner and those officers and employees of the department who the commissioner may designate have general police powers in aid of the enforcement of this chapter, and the regulations and orders issued under it and all other laws of the state relating to aeronautics.

(b) Upon bilateral agreement, the commissioner may designate individuals licensed under AS 18.65.400 — 18.65.490 and police officers employed by the state or its political subdivisions to be present during the final passenger screening process before the boarding of each flight required to be in compliance with passenger screening regulations of the Federal Aviation Administration. Persons designated under this section, while performing their duties under that agreement, have the general police powers set out in (a) of this section. (§ 13 B ch 123 SLA 1949; am § 2 ch 6 SLA 1978)

#### NOTES TO DECISIONS

Applied in *Clark v. State*, Ct. App. Op. No. 716 (File No. A-1840), 738 P.2d 765 (1987).

**Sec. 02.15.240. Penalties.** (a) A person violating a provision of this chapter, or a provision of a regulation adopted or order issued under this chapter is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$500, or by imprisonment of not more than 90 days, or by both.

(b) For a violation of any section of this chapter, in addition to or in lieu of the penalties provided by (a) of this section, or as a condition to the suspension of a sentence which may be imposed, the court may prohibit the violator from operating an aircraft within the state for a period it may determine but not more than one year. Violation of the prohibition of court may be treated as a separate offense under this section or as a contempt of court. Whenever a conviction is obtained, the prosecuting authority shall notify the department. (§ 12 ch 123 SLA 1949)

*Sec. 02.15.250. Aeronautical fund. (Repealed. § 2 ch 14 SLA 1968.)*

**Sec. 02.15.260. Definitions.** In this chapter

(1) "aeronautics" means the science and art of flight including but not limited to transportation by aircraft; the operation, construction, repair or maintenance of aircraft power plants and accessories, including the repair, packing and maintenance of parachutes; the design, establishment, construction, extension, operation, improvement, repair, or maintenance of airports or other air navigation facilities; and instruction in flying or related ground subjects;

(2) "aircraft" means a contrivance used or designed for navigation of flight in the air;

(3) "airman" means an individual engaging as the person in command or as pilot, mechanic, or member of the crew, in the navigation of aircraft while under way; an individual directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers, or appliances; and an individual serving in the capacity of aircraft dispatcher, or air-traffic control-tower operator; or an individual employed by a manufacturer of aircraft, aircraft engines, propellers, or appliances to perform duties as inspector or mechanic in that connection; or an individual performing inspection or mechanical duties in connection with aircraft owned or operated by the individual in the state of Alaska;

(4) "air navigation facility" means a facility used, available, or designed for use in aid of air navigation, including structures, mechanisms, lights, beacons, markers, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of the facilities;

(5) "airport" means an area of land or water which is used or intended for use for the landing and take-off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with airport buildings and facilities located thereon;

(6) "airport hazard" means a structure, object of natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to the landing or taking off;

(7) "cargo" means goods carried by an airline that are carried under an agreement between the shipper and the airline other than a passenger ticket, that are accepted, carried, and handled separately from passenger baggage, and that are delivered to a location other than a baggage claim area; "cargo" does not include goods carried by an airline as baggage, whether belly-loaded or hand-carried and whether accompanied or unaccompanied by a passenger;

(8) "civil aircraft" means any aircraft other than a public aircraft;

(9) "commissioner" means the commissioner of the Department of Transportation and Public Facilities of the state;

(10) "cost of change, relocation, or removal" means the entire cost incurred by the utility properly attributed to the change, relocation, or removal of a facility, less the costs for improvements or upgrading over and above the cost of a functionally equal facility; if a facility is to be relocated and replaced with new equipment, there shall also be subtracted from the entire cost the salvage value derived from the old facility;

(11) "department" means the Department of Transportation and Public Facilities;

(12) "encroachment" includes a tower, pole, poleline, pipe, pipeline, driveway, private road, fence, billboard, stand or building, or structure or object of any kind that is or has been placed in, on, under, or over a portion of an airport;

(13) "international airport" means an international airport owned and operated by the state;

(14) "municipality" means a political subdivision incorporated under the laws of the state that is a home rule or general law city, a home rule or general law borough, or a unified municipality;

(15) "operation of aircraft" means the use, navigation or piloting of aircraft in the airspace over this state or upon an airport inside this state; "operate aircraft" means to use, navigate or pilot aircraft in the airspace over this state or upon an airport inside this state;

(16) "public aircraft" means an aircraft used exclusively in the governmental service of the United States and the state government;

(17) "utility" includes a corporation, company, individual, or association of individuals, or a lessee, trustee, or court-appointed receiver, that owns, operates, manages, or controls a line, plant, pipeline, or system for furnishing, producing, generating, transmitting, or distributing power, electricity, communications, telecommunications, water, gas, oil, petroleum products, coal or other mineral slurry, steam, heat, light, chemicals, air, sewage, drainage not connected with airport drainage, irrigation, or similar products including publicly owned fire and police signal systems and street lighting systems that directly or indirectly serve the public or a segment of the public; "utility" also includes a corporation, company, individual, or association of individuals, or a lessee, trustee, or court-appointed receiver that owns, operates, manages, or controls a system for furnishing transportation of goods or persons by means of a railway, tramway, cableway, conveyor, flume, canal, tunnel, pipeline, or a similar means;

(18) "utility facility" includes poles, plants, lines, trenches, bridges, utilidors, tunnels, pipelines, and any other system for furnishing, producing, generating, transmitting, or distributing power, electricity, communications, telecommunications, water, gas, oil, petroleum prod-

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ucts, coal or other mineral slurry, steam, heat, light, chemicals, air, sewage, drainage not connected with an airport drainage system, irrigation, or another substance; "utility facility" also includes a system for furnishing transportation of goods or persons by means of a railway, tramway, cableway, conveyor, flume, canal, tunnel, pipeline, or a similar means. (§ 1 ch 123 SLA 1949; am § 53 ch 127 SLA 1974; am § 4 ch 111 SLA 1982; am § 4 ch 6 SLA 1984; am § 2 ch 142 SLA 1986)

**Revisor's notes.** — Reorganized in 1986 to alphabetize the defined terms. The 1986 amendment added paragraphs (10), (12), (17), and (18).

**Effect of amendments.** — The 1984 amendment rewrote paragraph (10).

**Sec. 02.15.270. Short title.** This chapter may be cited as the Alaska Aeronautics Act of 1949. (§ 17 ch 123 SLA 1949)

**Revisor's notes.** — The words "of Aeronautics Act of 1937" which is found in 1949" were added by the revisor to AS 02 10 010 — 02 10 090 differentiate this act from "The Alaska

## Chapter 20. Registration, Flight Plans and Landing Field Obstructions.

### Article

- 1. Registration and Flight Plans (§§ 02 20 010 — 02.20.040)
- 2. Landing Field Obstructions (§§ 02 20 050 — 02.20.060)
- 3. General Provisions (§ 02 20 070)

### Article 1. Registration and Flight Plans.

#### Section

- 10. Registration of aircraft
- 20. Registration of pilots

#### Section

- 30. Inspection of emergency equipment
- 40. Flight plans

**Sec. 02.20.010. Registration of aircraft.** (a) Every owner or operator of an aircraft that is based in the state shall register the aircraft with the department at those times designated by it when, in its judgment registration is necessary by reason of emergency or military necessity.

(b) Registration shall be made upon a form furnished by the department and shall set forth the following information:

- (1) name and address of owner;
- (2) make, type, model and license number of aircraft;
- (3) make, quantity and horsepower of engines;
- (4) seating capacity, cruising range and special utility of aircraft;
- (5) make, power, and frequencies of radio transmitter;
- (6) other radio equipment and flight instruments;
- (7) location of airport at which usually based;

(b) such further information as the department may require during a national emergency or if requested by the military authorities.

(c) Registration forms shall be available at the office of the department and at the manager's office at all major airports within the state. The registration fee is \$1 for each aircraft, and this fee, together with the completed registration form, shall be mailed or otherwise delivered to the office of the department. (§ 1 ch 43 SLA 1951; am § 1 ch 34 SLA 1955)

Collateral references. — 8 Am Jur 2d, Aviation, § 21-27. Registration, certificates of airworthiness and the like; permits, licenses, and license taxes. 83 ALR 336; 99 ALR 173; 155 ALR 1026. 2A C.J.S., Aeronautics and Aerospace, § 39-41.

**Sec. 02.20.020. Registration of pilots.** (a) Each airplane pilot within the state shall register with the department upon a form provided for that purpose at times designated by the department when, in its judgment, registration is necessary because of emergency or military necessity.

(b) Registration shall be made upon a form furnished by the department and shall set forth the pilot's name, sex, business, employer, mailing address, phone number, number and class of pilot's license together with all limitations and ratings, and expiration date of license.

(c) Registration forms shall be available at the office of the department and at the manager's office at all major airports within the state. The registration fee is \$1 for each pilot, and this fee, together with the completed registration form, shall be mailed or otherwise delivered to the office of the department. (§ 2 ch 43 SLA 1951; am § 2 ch 34 SLA 1955)

Collateral references. — 8 Am Jur 2d, Aviation, § 35. Validity of Federal Aviation Administration regulations (14 CFR §§ 67.13, 67.15, 67.17) prescribing standards for issuance of medical certificates to airmen. 59 ALR Fed 682. 2A C.J.S., Aeronautics and Aerospace, § 42 et seq. License or certificate of airman, revocation or suspension of. 78 ALR2d 1150.

**Sec. 02.20.030. Inspection of emergency equipment.** (a) The department shall furnish two types of colored adhesive labels or stickers, white and green, one of which shall be placed on the left side of an aircraft so that it may be easily visible to any passengers about to enter, and will certify that the aircraft has been inspected as to its emergency equipment, and that the necessary equipment required by law was aboard when inspected.

(b) The green sticker shall indicate that the equipment was inspected between April 1 and October 15, and that the equipment

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aboard complies with the law requiring emergency equipment for that period of the year.

(c) A white sticker shall indicate that the emergency equipment was inspected between October 15 and April 1, and that it complies with the law requiring emergency equipment during that period of the year.

(d) A federal, state or municipal law enforcement officer, or authorized member of the department is granted authority to enter aircraft within the state at any reasonable time for the purpose of making an inspection of emergency equipment.

(e) An authorized person making an inspection under (d) of this section shall, if the aircraft is found to be legally equipped, place the appropriate sticker in the proper place as specified in (a) of this section. If the aircraft is not legally equipped, that person shall notify the department which may, if action is warranted, file charges against the owner or operator as provided in AS 02.15.220 — 02.15.240.

(f) The department may issue waivers on the requirements for carrying certain items of emergency equipment if climatic conditions of certain areas or other considerations warrant exceptions. (§ 3 ch 43 SLA 1951)

**Collateral references.** — 5 Am. Jur. Duty of aeroplane owner or operator to furnish aircraft with navigational and flight safety devices. 50 ALR2d 898.  
 2d. Aviation, §§ 23, 85.  
 2A C.J.S. Aeronautics and Aerospace. §§ 43, 256.

**Sec. 02.20.040. Flight plans.** (a) During a national emergency, and if in the judgment of the department it is necessary for military security and the safety of the public, the department may issue and publish regulations requiring that flight plans be filed before each flight. Under those circumstances the department may issue regulations prohibiting flights over or adjacent to any area or military zone.

(b) Flight plans shall be filed by pilots of aircraft, both private and commercial, before or immediately after taking off on a flight which will take the aircraft more than 15 air miles distant from its point of departure. The flight plan shall be filed with a federal aviation agency communications station or control tower, if one can be contacted; otherwise all essential details of a flight plan shall be left with a responsible person at the point of departure. Each flight plan will be closed with the proper communicator or tower operator immediately upon completion of each flight, if possible.

(c) The department may adopt additional regulations concerning flight plans from time to time, if requested to do so by the proper military authorities, without further authority than that specified in this section. (§ 4 ch 43 SLA 1951)

**Collateral references.** — Validity of municipal regulation of aircraft flight paths or altitudes. 36 ALR3d 1314.

## Article 2. Landing Field Obstructions.

### Section

50. Obstructing airports and runways  
60. Enforcement and penalties

**Sec. 02.20.050. Obstructing airports and runways.** (a) A person may not place an object on the surface of a public or private airport that because of its nature or location might cause injury or damage to an aircraft or person riding in the aircraft.

b) A person may not dig a hole or make any kind of excavation, or have a sled, tractor, truck or any kind of vehicle upon the surface of an airport that might make ruts, or tracks, or add to an accumulation of tracks so as to cause sufficient roughness of the surface to endanger aircraft using the airport.

(c) All acts prohibited in (a) and (b) of this section also apply in their entirety to any temporary airport or runway that has been marked out on the frozen surface of a stream or lake for the use of aircraft. (§ 5 ch 43 SLA 1951)

### NOTES TO DECISIONS

Quoted in *McLemore v. Harris*, Sup. Ct. Op. No. 102 (File No. 197), 374 P.2d 410 (1962).

**Collateral references.** — 8 Am. Jur. 2d, Aviation, §§ 58, 59, 104  
2A C.J.S., Aeronautics and Aerospace, § 73.

Police power over air navigation. 69 ALR 316; 83 ALR 333; 99 ALR 173

Airplane carrier's duty as to landing field, etc. 69 ALR 327; 83 ALR 364; 99 ALR 190

Airport operator's remedies as to uses of adjoining land interfering with aircraft operation. 25 ALR2d 1454

Liability of owner of wires, poles, or structures struck by airplane for resulting injury or damage. 48 ALR2d 1462

**Sec. 02.20.060. Enforcement and penalties.** (a) Federal, state and municipal law enforcement officers may enforce the provisions of this chapter and regulations adopted under this chapter.

b) A person who violates this chapter, or a regulation adopted under this chapter, is punishable, upon conviction, for each offense by a fine of not more than \$500, or by imprisonment for not more than six months, or by both. (§ 6 ch 43 SLA 1951)

### Article 3. General Provisions.

#### Section

70 Department defined

**Sec. 02.20.070. Department defined.** In this chapter "department" means the Department of Transportation and Public Facilities. (§ 1 ch 1 SLA 1963)

**Revisor's notes.** — This section derives from the bulk formal revision of the laws of Alaska and was not a part of the law prior to the adoption and enactment of the revision, through the enactment of AS 01.05.006 in § 1, ch. 1, SLA 1963.

## Chapter 25. Airport Zoning Act.

#### Article

1. Airport Zoning Regulations (§§ 02.25.010 — 02.25.050)
2. Permits and Variances (§§ 02.25.060 — 02.25.080)
3. General Provisions (§§ 02.25.090 — 02.25.120)

### Article 1. Airport Zoning Regulations.

#### Section

- 10 Airport zoning regulations
- 20 Power to adopt regulations
- 30 Adoption of zoning regulations

#### Section

40. Publication of zoning plan
50. Pre-existing use not affected

**Sec. 02.25.010. Airport zoning regulations.** A person may not erect or permit to grow an airport hazard on land adjacent to the end of a runway of a public airport without a permit issued by the department. The area upon which these hazards are prohibited is the width of the runway, and extends from the airport boundary at the end of the runway, away from the runway in a direction parallel to its centerline for a distance equal to the length of the runway. An obstruction situated in an area not previously designated as an airport hazard area by the department is not a hazard if its height does not exceed five feet for each 200 feet distance from the boundary of the airport. The vertical measurement of the structure starts on the same plane as the surface of the runway. (§ 2(1) ch 12 SLA 1951)

**Collateral references.** — 8 Am. Jur. 2d, Aviation, §§ 58, 59, 104.

2A C.J.S., Aeronautics and Aerospace, § 73

Zoning regulations as affecting airports and airport sites, 161 ALR 1232.

Use of land adjoining an airport interfering with aircraft operation as a nuisance, 25 ALR2d 1454

Airport operations or flight of aircraft as nuisance, 79 ALR3d 253.

Construction of new building or structure devoted to nonconforming use as zoning violation, 10 ALR4th 1122.

Zoning regulations limiting use of property near airport as taking of property, 18 ALR4th 542.

**Sec. 02.25.020. Power to adopt regulations.** In addition to, or in place of, the airport hazard area described in AS 02.25.010, the department may adopt, administer, and enforce, under the police power and in the manner and upon the conditions prescribed in this chapter, airport zoning regulations for any airport within this state dividing the area surrounding the airport into zones. Within these zones, the department may specify the land uses permitted, and regulate and restrict the height to which structures and trees may be erected or allowed to grow, and require the abatement of lights, or electronic signals or emissions that may create a hazard to the operation of aircraft. In adopting or revising zoning regulations, the department shall consider, among other things, the character of the flying operations to be conducted at the airport, the nature of the terrain, the height of existing structures and trees above the level of the airport, the possibility of lowering or removing existing obstructions, and the views of the agency of the federal government charged with fostering civil aeronautics as to the aerial approaches necessary to safe flying operations at the airport. (§ 2(2) ch 12 SLA 1951)

**Sec. 02.25.030. Adoption of zoning regulations.** Airport zoning regulations may not be adopted or amended under this chapter except by action of the department after a public hearing at which parties in interest and citizens have an opportunity to be heard. At least 15 days' notice of the hearing shall be published in a paper of general circulation printed and published nearest the location of the airport concerned. (§ 4(1) ch 12 SLA 1951)

**Sec. 02.25.040. Publication of zoning plan.** Upon the adoption of an airport zoning plan, the department shall prepare at least two copies of the plan, showing the airport and the airport hazard area, together with the designated height limits of possible hazards. One copy of the zoning plan shall be posted conspicuously at the airport concerned, and the other copy shall be filed in the office of the department. (§ 2(3) ch 12 SLA 1951)

**Sec. 02.25.050. Pre-existing use not affected.** All airport zoning regulations adopted under this chapter shall be reasonable, and the department may not require the removal, lowering or other change or alteration of a structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use except under AS 02.25.060. (§ 2(4) ch 12 SLA 1951)

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## Article 2. Permits and Variances.

### Section

60 Permits for removal of nonconforming structures or trees

### Section

70 Variances  
80 Obstruction marking and lighting

**Sec. 02.25.060. Permits for removal of nonconforming structures or trees.** Where advisable to facilitate the enforcement of zoning regulations adopted under this chapter, permits may be granted to establish or construct new structures and other uses and to replace existing structures and other uses or make substantial changes or substantial repairs. Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the department authorizing the replacement, change or repair. A permit may not be granted allowing the structure or tree to be made higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted. If the department determines that a nonconforming structure or tree is abandoned or more than 80 per cent torn down, destroyed, deteriorated, or decayed, (1) a permit may not be granted allowing the structure or tree to exceed the applicable height limits or otherwise deviate from the zoning regulations; and (2) whether application is made for a permit under this section or not, the department may, by appropriate action, compel the owner of the nonconforming structure or tree, at the owner's own expense, to lower, remove, reconstruct, or equip the object to conform to the regulations. If the owner of the nonconforming structure or tree neglects or refuses to comply with the order within 10 days after notice, the department may proceed to have the object lowered, removed, reconstructed or equipped, and the cost and expense is a lien upon the object and the land on which it is located. Unless the account is paid within 90 days from the service of notice on the agent or owner of the object or land, the sum bears interest at the rate of eight per cent a year until paid, and shall be collected by foreclosure in the manner provided for the foreclosure of mortgages. (§ 3(1) ch 12 SLA 1951)

**Collateral references.** — 8 Am. Jur.  
2d, Aviation, §§ 58, 59.

**Sec. 02.25.070. Variances.** A person desiring to erect a structure, or increase the height of a structure, or permit the growth of a tree, or otherwise to use the person's property in violation of airport zoning regulations adopted under this chapter may apply to the department for a variance from the zoning regulations. Variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do

substantial justice and would be in accordance with the spirit of the regulations and this chapter. (§ 3(2) ch 12 SLA 1951)

**Revisor's notes.** — See Revisor's note to AS 02.25.080

**Sec. 02.25.080. Obstruction marking and lighting.** In granting a permit or variance, the department may, if it considers the action advisable to effectuate the purposes of this chapter and is reasonable in the circumstances, condition the permit or variance to require the owner of the structure or tree to maintain suitable obstruction lights or markers thereon at the owner's own expense, or to permit the state, at its own expense, to install, operate and maintain suitable obstruction markers and obstruction lights. (§ 3(3) ch 12 SLA 1951)

**Revisor's notes.** — Chapter 12 SLA 1951 originally vested functions in both the director of aeronautics and the Alaska Aeronautics and Communications Commission. The functions of both were transferred to the Department of Public Works by § 19, ch. 64, SLA 1959 (now the Department of Transportation and Public Facilities). Section 4(2) ch 12 SLA 1951 made provision for a board of appeals to be composed of members of the Aeronautics

and Communications Commission and §§ 4(3), 5 ch 12 SLA 1951 set out the procedure for appealing to the board from action of the director of aeronautics and appeal from a decision of the board.

All references to the board of appeals or procedure relating to that board were deleted in 1962 because the board was abolished in connection with the 1959 transfer of functions.

**Article 3. General Provisions.**

<b>Section</b>	<b>Section</b>
90. Action by department	110. Definitions
100. Criminal liability for violation	120. Short title

**Sec. 02.25.090. Action by department.** The department may institute an action in the superior court to prevent, restrain, correct or abate any violation of this chapter or of airport zoning regulations adopted under this chapter or of any order or ruling made in connection with their administration or enforcement, and the court shall give relief, by way of injunction or otherwise as may be proper, in order to fully effectuate the purposes of this chapter and of the regulations adopted and orders and rulings made under this chapter. (§ 6 ch 12 SLA 1951)

**Sec. 02.25.100. Criminal liability for violation.** Each violation of this chapter or of a regulation, order or ruling adopted or made under this chapter is a misdemeanor and is punishable by a fine of not more than \$500 or by imprisonment for not more than 90 days or by both. (§ 6 ch 12 SLA 1951)

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**Sec. 02.25.110. Definitions.** In this chapter, unless the context otherwise requires,

(1) "airport" means an area of land or water designed for the landing and taking-off of aircraft and used or to be used as a point of arrival or departure by air;

(2) "airport hazard" means anything that may obstruct or interfere with the navigation or operation of aircraft on or in the vicinity of an airport, including man-made structures of all kinds, trees and other natural growths, lights or beacons, and electrical or electronic devices emitting signals capable of disrupting radio communication;

(3) "airport hazard area" means an area in the vicinity of an airport in which a hazard to the operation of aircraft might be situated, and that may be designated as such by the department;

(4) "department" means the Department of Transportation and Public Facilities;

(5) "person" means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or similar representative;

(6) "structure" means an object constructed or installed by man, including buildings, towers, smokestacks and overhead transmission lines;

(7) "tree" means any object of natural growth. (§ 1 ch 12 SLA 1951)

#### NOTES TO DECISIONS

Meaning of "bush airfield". — See  
McLemore v. Harris, Sup Ct Op No. 102  
(File No. 197-174 P2d 410 (1962))

**Sec. 02.25.120. Short title.** This chapter may be cited as the Airport Zoning Act. (§ 7 ch 12 SLA 1951)

### Chapter 30. Operation of Aircraft.

Section	Section
10. Two-way radios required	40. Penalties
30. Reckless operation	50. Definition

**Sec. 02.30.010. Two-way radios required.** A person may not operate a commercial aircraft carrying passengers for a distance greater than 25 miles from an airport unless the aircraft is equipped with a two-way radio installation capable of transmitting and receiving for a distance of at least 50 miles under normal conditions. (§ 3 ch 128 SLA 1949)

*Sec. 02.30.020. Unauthorized operation. [Repealed. § 21 ch 166 SLA 1978. For current law, see AS 11.46.484.]*

**Sec. 02.30.030. Reckless operation.** (a) A person may not operate an aircraft in the air or on the ground or water in violation of AS 28.35.030, nor operate an aircraft in the air or on the ground or water in a careless or reckless manner so as to endanger the life or property of another. In a proceeding charging careless or reckless operation of aircraft in violation of this section, the court, in determining whether the operation was careless or reckless, shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

(b) A person may not operate an aircraft occupied by a crew member or passenger who is obviously under the influence of intoxicating liquor or habit-forming drugs.

(c) A person may not operate a single engine land plane over water at such an altitude as to make it impossible to effect a landing upon land or a beach in the event of a complete engine failure.

(d) The pilot of an aircraft carrying passengers may not attempt to take off if there is a coating of snow, frost or ice on the wings or control surfaces of the aircraft in an amount sufficient to reduce the performance of the aircraft and endanger the occupants. (§ 5 ch 128 SLA 1949; am § 1 ch 117 SLA 1982)

**Collateral references.** — 5 Am Jur 2d, Aviation, § 76 et seq

2A C.J.S., Aeronautics and Aerospace, § 136 et seq.

Negligence in connection with aircraft and aviation. 69 ALR 326, 83 ALR 352; 99 ALR 184.

Criminal offenses relating to aviation and aircraft. 69 ALR 337, 83 ALR 408; 99 ALR 209.

Take-off, negligence in operation of aircraft on 74 ALR2d 615.

Landing, negligence in operation of airplane in 74 ALR2d 628.

Validity, construction, and application of state criminal statute prohibiting reckless operation of aircraft. 89 ALR3d 893.

**Sec. 02.30.040. Penalties.** A person violating a provision of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500 unless that person is convicted of a violation of AS 28.35.030, in which case the sentence shall be in accordance with AS 28.35.030. (§ 7 ch 128 SLA 1949; am § 2 ch 117 SLA 1982)

**Sec. 02.30.050. Definition.** In this chapter "operate aircraft" means to use, navigate, pilot, or taxi an aircraft in the airspace over this state, or upon the land or water inside this state. (§ 6 ch 128 SLA 1949)

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## Chapter 35. Uniform Air Licensing Act.

### Section

- 10. Federal law followed
- 20. Aircraft license required
- 30. Airman license required
- 40. Registration of aircraft
- 50. Registration of airmen
- 60. Proper officer to make and certify copies of licenses
- 70. Receipts for certified copies
- 80. Exceptions to application of chapter
- 90. License and permit to be exhibited on request

### Section

- 100. Temporary permit
- 110. Emergency rations and equipment
- 115. Downed aircraft transmitting devices
- 120. Penalties for violation of chapter except AS 02.35.090 and 02.35.110
- 130. Penalty for violation of AS 02.35.090 and 02.35.110
- 140. Uniformity of interpretation
- 150. Definitions
- 160. Short title

**Sec. 02.35.010. Federal law followed.** It is declared that the policy, principles, and practices established by the United States Air Commerce Act of 1926, and all amendments to it are adopted and extended and made applicable to cover all air traffic in this state, so far as not covered by federal law. (§ 32-6-2 ACLA 1949)

**Collateral references.** — Registration, permits, licenses, and license taxes, §§ certificates of air worthiness and the like: ALR 336; 99 ALR 173; 155 ALR 1026

**Sec. 02.35.020. Aircraft license required.** A civil aircraft may not be flown in this state unless it has an appropriate existing license or permit under federal law. (§ 32-6-3 ACLA 1949)

**Sec. 02.35.030. Airman license required.** A person may not act as an airman of a civil aircraft when that aircraft is flown or operated in this state unless that person has an appropriate existing license or permit under federal law. (§ 32-6-4 ACLA 1949)

**Collateral references.** — 8 Am. Jur. 2A C.J.S., Aeronautics and Aerospace, 2d. Aviation, §§ 34-36. §§ 42-51

**Sec. 02.35.040. Registration of aircraft.** An aircraft may not be operated or be flown in this state until a certified copy of the federal license or permit required under AS 02.35.020 has been filed with the department. Persons operating aircraft in the state shall within 30 days after the first day of January of each year file a certified copy of the federal license or permit with the department. (§ 32-6-5 ACLA 1949; am § 16 ch 123 SLA 1949)

**Collateral references.** — 8 Am. Jur. 2A C.J.S., Aeronautics and Aerospace, 2d. Aviation, § 22. §§ 39-41.

**Sec. 02.35.050. Registration of airmen.** A person may not act as an airman of a civil aircraft when that aircraft is flown or operated in the state until a certified copy of that person's federal license or permit required under AS 02.35.030 has been filed with the department. Every airman of any civil aircraft in the state shall within 30 days after the first day of January of each year file a certified copy of the person's federal license or permit with the department. (§ 32-6-6 ACLA 1949; am § 16 ch 123 SLA 1949)

**Collateral references.** — 8 Am Jur 2d, Aviation, § 35. 2A U.S., Aeronautics and Aerospace, § 42 et seq.

**Sec. 02.35.060. Proper officer to make and certify copies of licenses.** The certified copies of licenses and permits required to be filed with the department under the provisions of this chapter may be made and certified by any officer authorized to administer oaths and having an official seal, inside or outside the state. A charge may not be made by the department for the filings required. (§ 32-6-7 ACLA 1949; am § 16 ch 123 SLA 1949)

**Sec. 02.35.070. Receipts for certified copies.** The department, upon receipt of certified copies as provided by AS 02.35.020 — 02.35.050, shall immediately issue to the proper party a receipt for the certified copy, which is prima facie evidence that the party has complied with the registration requirements of this chapter. (§ 32-6-8 ACLA 1949; am § 16 ch 123 SLA 1949)

**Revisor's notes.** — In 1988 the term "copy" was substituted for "certificate" in this section to be consistent with the terms used in AS 02.35.040 — 02.35.060

**NOTES TO DECISIONS**

**Probative value of receipt.** — The receipt for the certified certificate, which is made prima facie evidence by this section, would be better evidence of the issuance and registration and contents of a pilot's license than the testimony of a witness thereto. This receipt would be of equal probative value with the license itself, and cover the additional point of compliance with the law of Alaska. *Smith v. Pacific Alaska Airways, Inc.*, 9 Alaska 86, 89 F.2d 253 (9th Cir.), cert. denied, 9 Alaska 234, 302 U.S. 700, 58 S. Ct. 20, 82 L. Ed. 541 (1937).

**Sec. 02.35.080. Exceptions to application of chapter.** The provisions of this chapter do not apply to the first entry of a civil aircraft or airman while engaged exclusively in commercial flying, constituting an act of interstate or foreign commerce, nor does this chapter apply to a public aircraft. (§ 32-6-10 ACLA 1949)

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**Sec. 02.35.090. License and permit to be exhibited on request.** A certificate, permit, rating or license required for an airman by the federal government shall be kept in the person's personal possession when the person is operating in the state and shall be presented for inspection upon the demand of a peace officer or another officer of the state or of a municipality, or a member, official or employee of the department or an official, manager or person in charge of an airport upon which the airman lands, or upon the reasonable request of any other person. A certificate, permit or license required by the federal government for an aircraft shall be carried in the aircraft at all times while the aircraft is operating in the state. It shall be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors, and shall be presented for inspection upon the demand of a peace officer or another officer of the state or of a municipality, or a member, official or employee of the department, or an official, manager or person in charge of an airport upon which the aircraft lands, or upon the reasonable request of any person. (§ 32-6-11 ACLA 1949; am § 1 ch 128 SLA 1949)

**Sec. 02.35.100. Temporary permit.** In an extreme emergency where life or property may be involved, the department may issue a temporary permit to an airman or aircraft during the emergency. The permit shall be specific as to its purpose and may not extend beyond the emergency nor for a period of more than 30 days. (§ 32-6-12 ACLA 1949)

**Sec. 02.35.110. Emergency rations and equipment.** (a) An airman may not make a flight inside the state with an aircraft unless emergency equipment is carried as follows:

(1) the following minimum equipment must be carried during the summer months:

- (A) food for each occupant sufficient to sustain life for two weeks;
- (B) one axe or hatchet;
- (C) one first aid kit;
- (D) one pistol, revolver, shotgun or rifle, and ammunition for same;
- (E) one small gill net, and an assortment of tackle such as hooks, flies, lines, sinkers, etc.;
- (F) one knife;
- (G) two small boxes of matches;
- (H) one mosquito headnet for each occupant;
- (I) two small signaling devices such as colored smoke bombs, railroad fuses, or Very pistol shells, in sealed metal containers;

(2) in addition to the equipment required under (1) of this section, the following must be carried as minimum equipment from October 15 to April 1 of each year:

- (A) one pair of snowshoes;

(B) one sleeping bag;

(C) one wool blanket for each occupant over four.

(b) However, operators of multi-engine aircraft licensed to carry more than 15 passengers need carry only the food, mosquito nets and signalling equipment at all times other than the period from October 15 to April 1 of each year, when two sleeping bags, and one blanket for every two passengers shall also be carried. All of the above requirements as to emergency rations and equipment are considered to be minimum requirements which are to remain in full force and effect, except as further safety measures may be from time to time imposed by the department. (§ 32-6-13 ACLA 1949; am § 2 ch 128 SLA 1949)

**Sec. 02.35.115. Downed aircraft transmitting devices.** (a) An airman may not make a flight in the state with an aircraft unless the aircraft is equipped with an approved device capable of indicating by radio transmissions the position of the aircraft when grounded because of mechanical or other failure at a place other than an airport. The device shall be of sufficient durability to withstand the impact of a crash, and then be capable of being activated so as to transmit an effective signal on a preset emergency distress radio frequency to enable the location of the aircraft to be fixed.

(b) The department shall establish minimum standards for downed aircraft transmitting devices and shall examine any available device for effectiveness and reliability and approve for use units found to be effective and reliable within limits and standards established by the department.

(c) Upon petition by the owner of an aircraft, the department may exempt the aircraft from the requirements of this section upon a showing to the satisfaction of the department that a downed aircraft transmitting device would not significantly increase the safety of operations in a particular case. For the same reason, the department may exempt certain classes of aircraft.

(d) The department may, upon petition by the owner or operator, exempt a specific aircraft from the requirements of this section

(1) for the purpose of ferrying a newly acquired aircraft into the state;

(2) for moving an aircraft with a defective locator device to the nearest available location for repair; or

(3) for removal from the state of an aircraft not so equipped. (§ 1 ch 114 SLA 1972)

**Collateral references.** — Airplane flight recorders and related devices, 20 Am. Jur. POF, pp. 567-628

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**Sec. 02.35.120. Penalties for violation of chapter except AS 02.35.090 and 02.35.110.** A person who acts as an airman for a civil aircraft when flown or operated in this state, except as provided in AS 02.35.080 and 02.35.100, without holding an existing airman's license or permit issued in accordance with this chapter and federal law; or who flies or causes to be flown in this state any civil aircraft, except as provided in AS 02.35.080 and 02.35.100, without an existing license or permit for that aircraft issued in accordance with the provisions of this chapter and federal law; or who violates a provision of this chapter or a regulation adopted under this chapter, is punishable by a fine of not more than \$500 or by imprisonment for not more than six months or by both. (§ 32-6-14 ACLA 1949)

**Sec. 02.35.130. Penalty for violation of AS 02.35.090 and 02.35.110.** A person violating a provision of AS 02.35.090 and 02.35.110 is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500. (§ 7 ch 128 SLA 1949)

**Sec. 02.35.140. Uniformity of interpretation.** This chapter shall be interpreted and construed to effectuate its general purpose to make uniform the law of those states which enact it. (§ 32-6-15 ACLA 1949)

**Sec. 02.35.150. Definitions.** In this chapter

(1) "commissioner" means the commissioner of transportation and public facilities;

(2) "department" means the Department of Transportation and Public Facilities. (§ 1 ch 1 SLA 1963)

**Revisor's notes.** — This section derives from the bulk formal revision of the laws of Alaska and was not a part of the law prior to the adoption and enactment of the revision, through the enactment of AS 01.05.006 in § 1, ch. 1, SLA 1963.

**Sec. 02.35.160. Short title.** This chapter may be cited as the Uniform Air Licensing Act. (§ 32-6-16 ACLA 1949)

STATE OF ALASKA  
1989 LEGISLATIVE SESSION

BILL VERSION: CSHB 94 (TRSP)  
PUBLISH DATE: HOUSE 2/15/89

REQUEST: FISCAL NOTE

Revision Date: 2/13/89  
Title: Extending the Jurisdiction of the  
Alaska Police Standards Council  
Sponsor: Boyer  
Requestor: House Transportation

Agency Affected: DOT&PF  
BRU: Anchorage and Fairbanks  
International Airports  
Components: Airport Safety

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	14.4	14.4	14.4	14.4	14.4	14.4
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	14.4	14.4	14.4	14.4	14.4	14.4
REVENUE	0	0	0	0	0	0

FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER*	14.4	14.4	14.4	14.4	14.4	14.4
TOTAL	14.4	14.4	14.4	14.4	14.4	14.4

\* International Airport Revenue Fund

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: D. Randy Simmons, Deputy Commissioner  
Division: Budget & Finance

Phone: 465-3900  
Date: 02/13/89

Approved by Commissioner: Mark S. Hickey  
Agency: Department of Transportation and Public Facilities

Date: 02/13/89

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

(5)  
Date Referred: January 20, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 2/14/89

The TRANSPORTATION Committee recommends that:

HB 94

HOUSE BILL NO. 94

"An Act extending the jurisdiction of the Alaska Police Standards Council to include certain airport personnel."

[  ] be replaced with CS HB 94 Transportation [ ] the same title  
[ X ] a new title

[ ] have attached amendment(s)

- [  ] do pass
- [ ] do not pass
- [ ] no recommendation
- [ ] individual recommendations
- [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- [  ] fiscal impact DOTPF
- [ ] zero fiscal note
- [ ] zero with analysis

APPROVES PREVIOUS:

- [ ] fiscal note(s) published: \_\_\_\_\_
- [ ] zero fiscal notes(s) published: \_\_\_\_\_

SIGNING DO PASS:

Bill Hudson (Hudson)

Bette Cato (Cato)

Richard Sobel (Sobel)

Ben Schussman (Schussman)

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SIGNING OTHER THAN DO PASS:  
(Do Not Pass, No Recommendation, Amend)

Karen A. Swan (NR) hanson

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Bette Cato  
Chairman's signature



Official Business

# COMMITTEE:

HOUSE JUDICIARY

DATE: March 1, 1989

# SIGN-IN

## Subject of meeting:

HJR 1 Legislative Meetings open to public  
HB 120 Open Meeting Violations  
HB 94 Airport Security Police  
Unfinished Business, Attorney General's Confirmation

NAME

ADDRESS FULL ADDRESS PLEASE

PHONE

REPRESENTING

DO YOU WANT TO TESTIFY? WHICH BILL?

✓ Michael Judd	525 Florence Drive Anchorage, AK	488-6919	Dept of Airport Safety	
✓ Tim Tester	2130 Valley Forge Ln	225-1407	Dept of Airport Safety	
JACK WRAY	P.O. Box N, JUNEAU, AK 99811	465-4378	AFSC	IF REQUESTED
Nancy Groszek	Rep. Bay			✓
KATY McHugh	Dept of Transp / P.F.	465-3900	Commissioner's office	IF requested

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. Sup. Ct. Op. No. 749  
9 P.2d 1206 (1971).

Collateral references. — Liability of  
police or other peace officer or his bond for  
defamation. 13 ALR2d 897.

Civil liability of law enforcement offi-  
cers for malicious prosecution. 28 ALR2d  
666.

Personal liability of policeman, sheriff,  
or other peace officer, or bond, for negli-  
gently causing personal injury or death.  
60 ALR2d 873.

What constitutes police officer's offense  
of official oppression. 83 ALR2d 1009.

Article 2. Alaska Police Standards Council.

Section

- 130. Policy
- 140. Creation
- 150. Composition of council
- 160. Appointment
- 170. Chairman and vice chairman
- 180. Holding another office
- 190. Compensation and expenses
- 200. Meetings
- 220. Powers

Section

- 230. Police training programs
- 240. Standards
- 250. Financial assistance
- 260. Grants
- 270. Applicability of Administrative Pro-  
cedure Act
- 280. Exemptions
- 290. Definitions

Collateral references. — 70 Am. Jur.  
2d, Sheriffs, Police and Constables, §§ 4,  
5.

81A C.J.S., States, § 139.

Sec. 18.65.130. Policy. The admin- 'ration of criminal justice af-  
fects the health, safety and welfare of the people of this state, and  
requires education and training of a professional quality. It is a pri-  
mary public interest that applicants meet minimum standards for  
employment as police officers and that criminal justice education and  
training be made available to police officers serving in a probationary  
capacity and police officers already in regular service. It is of second-  
ary public interest to encourage the establishment of preliminary  
training programs for persons seeking to become police officers. (§ 1  
ch 178 SLA 1972; am § 1 ch 19 SLA 1981)

Opinions of attorney general. —  
There is no provision in the Alaska Stat-  
utes or the Alaska Constitution which  
would operate to deprive the commis-  
sioner of fish and game of his authority to  
deputize peace officers under AS  
16.05.150. However there is nothing to  
prevent the governor, as a matter of state

policy, from subjecting Department of  
Fish and Game personnel to the  
qualifications and standards adopted by  
the Alaska Police Standards Council un-  
der AS 18.65.130 — 18.65.290 or from oth-  
erwise limiting the commissioner's  
deputization power. March 29, 1977 Op.  
Att'y Gen.

**Sec. 18.65.140. Creation.** There is created in the Department of Public Safety the Alaska Police Standards Council. (§ 1 ch 178 SLA 1972; am E.O. No. 45 § 2 (1980))

**Sec. 18.65.150. Composition of council.** The council consists of the following persons:

(1) four chief administrative officers or chiefs of police of local governments;

(2) the commissioner of public safety or a designee of the commissioner;

(3) four members of the public at large with at least two from the communities of 2,500 population or less. (§ 1 ch 178 SLA 1972; am § 2 ch 19 SLA 1981)

**Sec. 18.65.160. Appointment.** The commissioner of public safety or a designee shall serve during the commissioner's continuance in office. Other members of the council shall be appointed by the governor for staggered terms of four years, except that a member may not serve beyond the time the member holds the office that established eligibility for appointment. A vacancy on the council shall be filled for the remainder of a member's unexpired term in the same manner as the original appointment. (§ 1 ch 178 SLA 1972; am § 3 ch 19 SLA 1981)

**Sec. 18.65.170. Chairman and vice chairman.** The council shall select its chairman and vice chairman annually. (§ 1 ch 178 SLA 1972)

**Sec. 18.65.180. Holding another office.** Membership on the council does not disqualify a member from holding any other public office or employment. (§ 1 ch 178 SLA 1972)

**Sec. 18.65.190. Compensation and expenses.** The members of the council receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards and commissions. (§ 1 ch 178 SLA 1972)

**Sec. 18.65.200. Meetings.** The council shall meet at least twice a year. The chairman shall set the time and place of the meeting, either on the chairman's own motion or on written request by any three members of the council. (§ 1 ch 178 SLA 1972)

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HEALTH AND SAFETY

§ 18.65.240

*Sec. 18.65.210. Reports. [Repealed, § 12 ch 19 SLA 1981.]*

**Sec. 18.65.220. Powers.** The council has the power to

(1) adopt regulations for the administration of AS 18.65.130 — 18.65.290;

(2) establish minimum standards for employment as a police officer in permanent or probationary positions and certify persons to be qualified as police officers under AS 18.65.130 — 18.65.290;

(3) establish minimum criminal justice curriculum requirements for basic, specialized and in-service courses and programs for schools operated by or for the state or a political subdivision of the state for the specific purpose of training police recruits or police officers;

(4) consult and cooperate with boroughs, municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police training schools and programs of criminal justice instruction;

(5) employ an administrator and other persons necessary to carry out its duties under AS 18.65.130 — 18.65.290;

(6) investigate when there is reason to believe that a police officer does not meet the minimum standards for employment; in connection with the investigation the council may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath to questions asked by the council or the administrator. (§ 1 ch 178 SLA 1972; am § 4 ch 19 SLA 1981; am § 1 ch 1 SLA 1984)

*Effect of amendments. — The 1984 amendment added paragraph (6).*

**Sec. 18.65.230. Police training programs.** The council shall establish and maintain police training programs through those agencies and institutions that the council considers appropriate. (§ 1 ch 178 SLA 1972)

**Sec. 18.65.240. Standards.** (a) A person may not be appointed as a police officer, except on a probationary basis, unless the person (1) has satisfactorily completed a basic program of police training approved by the council, and (2) possesses other qualifications the council has established for the employment of police officers, including but not limited to minimum age, education, physical and mental standards, citizenship, moral character, and experience. The council shall prescribe the means of presenting evidence of fulfillment of these requirements.

(b) The council shall issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who satisfies

those requirements or who satisfies the requirements of (a) (2) of this section and satisfactorily completes a program or course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved police education and training programs in this state.

(c) The council may deny or revoke the certificate of a police officer who does not meet the standards adopted under (a) (2) of this section. (§ 1 ch 178 SLA 1972; am §§ 5, 6 ch 19 SLA 1981)

**Sec. 18.65.250. Financial assistance.** (a) The Governor's Commission on the Administration of Justice has the authority to assist political subdivisions and police departments in meeting the costs involved by extending financial assistance for travel, per diem, tuition and other costs.

(b) Only those political subdivisions and police departments complying with AS 18.65.130 — 18.65.290 are eligible for financial assistance authorized under AS 44.19.116. This subsection applies only to those funds made available for providing minimum police standards. (§ 1 ch 178 SLA 1972; am § 7 ch 19 SLA 1981)

**Sec. 18.65.260. Grants.** (a) The council may accept donations of property, both real and personal, and grants of money from a governmental unit or public agency, or from an institution or person. An arrangement made under this section shall be detailed in the annual report of the council. The report must include the identity of the donor, the nature of the transaction, and the conditions of the grant, if any. All money received by the council under this section shall be deposited in the state treasury to the account of the council.

(b) The council shall provide for and administer a funding program authorized in (a) of this section. In the administration of the program the council shall promote the most efficient and economical program for police training, including the maximum utilization of existing facilities and programs to avoid duplication. (§ 1 ch 178 SLA 1972; am § 8 ch 19 SLA 1981)

**Sec. 18.65.270. Applicability of Administrative Procedure Act.** AS 18.65.150 — 18.65.290 shall be administered in compliance with the Administrative Procedure Act (AS 44.62). (§ 1 ch 178 SLA 1972)

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**Sec. 18.65.280. Exemptions.** (a) The commissioner and deputy commissioner of public safety and the chief administrative officers of local police departments are exempt from the requirements of AS 18.65.240. However, a person appointed chief of a local police department after July 1, 1981, who performs any operational duties, shall meet the requirements of AS 18.65.240(a)(1).

(b) A political subdivision with an established police training program meeting the requirements of AS 18.65.220(2) and (3) may exclude itself from the requirements of AS 18.65.240 by ordinance. The exclusion has no effect on eligibility to receive federal or state grants. (§ 1 ch 178 SLA 1972; am § 9 ch 19 SLA 1981)

Revisor's notes. — The words "a political subdivision" were substituted for "any local government" in subsection (b) by the revisor of statutes pursuant to AS 01.05.031.

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→ **Sec. 18.65.290. Definitions.** In AS 18.65.130 — 18.65.290

(1) "chief administrative officer" means a chief of police or other official who is head of a police department in a political subdivision;

(2) "council" means the Alaska Police Standards Council;

(3) "police officer" means a full-time employee of the state or a local police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; carry a concealed weapon; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace. (§ 1 ch 178 SLA 1972; am §§ 10, 11 ch 19 SLA 1981)

Revisor's notes. — Reorganized in 1986 to alphabetize the defined terms.

Opinion of attorney general. — To be a police officer within the meaning of this statute, an officer must be currently working full time for a police department, that is an organized civil force whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses. September 18, 1977 Op. Att'y Gen.

As applied to the coverage of AS 18.65.130 — 18.65.290, the term "police officer" is more restrictively defined than the definition in AS 01.10.060(7) to include all those full-time employees of police departments administered by the state or one of its political subdivisions, who have full police duties and the au-

thority to enforce all of the laws of the State of Alaska which carry a penalty for their violation. September 18, 1977 Op. Att'y Gen.

Comparing the classification of "peace officer" in AS 01.10.060(7) with that of "police officer," it is apparent that police officers, as defined in paragraph (3), are always peace officers since they have full police duties that are exercised on a full-time basis. However, the converse of this proposition can never be the case; that is, peace officer status does not automatically vest one with the status of a police officer since peace officers are not necessarily employees of a police department and do not necessarily have the power to enforce all the penal, traffic or highway laws of the state. September 18, 1977 Op. Att'y Gen.

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application which will not be processed, but will be returned to the claimant for completion, and the emergency award will not be considered until the completed application is returned to the board office. (Eff. 6/30/73, Register 46; am 12/20/75, Register 56)

Authority: AS 18.67.060  
AS 18.67.120

**13 AAC 80.100. RECOVERY FROM AN OFFENDER.** If the board, after having paid an award, recovers from the offender a sum of money greater than the award made, the board will send the resulting difference by registered mail to the claimant within 20 days after it receives the recovery. (Eff. 6/30/73, Register 46)

Authority: AS 18.67.060  
AS 18.67.140

**13 AAC 80.110. DEFINITIONS.** In this chapter  
(1) "board" means the Violent Crimes Compensation Board;  
(2) "claim" means the formal, completed application with all supportive documentation included as a part of the file in the board office;  
(3) "claimant" means the person in whose name the claim is filed; in a case of death, a claim may be filed by the dependents of the deceased or on behalf of the deceased;  
(4) "offender" means the person whose conduct resulted in the injury, illness or death of the victim;  
(5) "administrator" means the person appointed by the board to assist in carrying out its function under the statute. (Eff. 6/30/73, Register 46; am 12/20/75, Register 56)

Authority: AS 18.67.060

## PART 6. ALASKA POLICE STANDARDS COUNCIL

### Chapter

- 85. Minimum Standards for Police Officers (13 AAC 85.005 — 13 AAC 85.150)
- 87. Certification of Police Training Programs and Courses (13 AAC 87.010 — 13 AAC 87.090)
- 89. Minimum Standards for Village Police Officers and Village Public Safety Officers (13 AAC 89.010 — 13 AAC 89.150)

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(1) who has been convicted of a felony by a civilian court of this state; the United States; another state or territory, or by a military court;

(2) who has been convicted, during the 10 years immediately before application for hire as a police officer, of a misdemeanor crime of dishonesty or moral turpitude, or a misdemeanor crime which resulted in serious physical injury to another person, by a civilian court of this state; the United States; another state or territory, or by a military court;

(3) who has been denied certification or whose basic certificate has been revoked by the council, unless the denial or revocation has been rescinded by the council;

(4) who

(A) has illegally manufactured, transported, or sold a controlled substance;

(B) within the three years before application for hire, or repeatedly at any time before application for hire, has illegally used a controlled substance other than marijuana;

(C) within the three years before application for hire, has engaged in sustained regular use of marijuana;

(D) to any degree, has used marijuana within the six months before application for hire.

(c) A participating police department has 90 days after the date of hire to confirm that a person hired as a police officer meets the standards of (a) and (b) of this section. The council will, in its discretion, grant an extension of the 90-day period if the council determines that the person will probably be able to meet the standards by the end of the extension period. The chief administrative officer of the police department where the person is employed shall make a written request for the extension, and shall explain the reason the extension is necessary. If a police department concludes at the end of the investigation that the person does not meet the required standards, the department shall immediately discharge the person from employment as a police officer. When deciding whether a person meets the standards of (a) and (b) of this section, the department shall

(1) obtain proof of age, citizenship status, and education;

(2) obtain fingerprints on two copies of FBI Applicant Card FD-258; one card must be forwarded for permanent retention to the records and identification section of the division of state troopers of the Department of Public Safety; the other must be forwarded to the Federal Bureau of Investigation for a record check of the person;

(3) obtain a complete personal history of the person on a form supplied or approved by the council;

(4) conduct a thorough personal-history investigation of the person to determine character traits and habits indicative of moral character and fitness as a police officer;

## CHAPTER 85. MINIMUM STANDARDS FOR POLICE OFFICERS

Section	Section
05. Applicability of chapter	70. (Repealed)
10. Basic standards for police officers	80. (Repealed)
20. Permanent employment for police officers	90. Personnel reports and training records
30. (Repealed)	100. Denial of certificates
40. Basic, intermediate and advanced certificates	110. Revocation of certificates
50. Basic police training program	120. Lapse of certificates
60. Waiver and reciprocity	150. Definitions

**Editor's notes.** — As of Register 78, the material formerly located in 6 AAC 70 has been transferred to 13 AAC 85, in recognition of the relocation of the Alaska Police Standards Council by Executive

Order No. 45 (effective July 1, 1980). The history notes for the sections in this chapter continue the history of the provisions from their former location.

**13 AAC 85.005. APPLICABILITY OF CHAPTER.** The requirements of this chapter do not apply to village police officers or village public safety officers identified in 13 AAC 89, except as specifically provided in 13 AAC 89. (Eff. 10/18/81, Register 80)

**Authority:** AS 18.65.220

**13 AAC 85.010. BASIC STANDARDS FOR POLICE OFFICERS.** (a) A participating police department may not hire a person as a police officer unless the person meets the following qualifications:

- (1) is a citizen of the United States or a resident alien who has demonstrated an intent to become a citizen of the United States;
- (2) is 19 years of age or older;
- (3) is of good moral character;
- (4) has a high school diploma, or its equivalent, or has passed a General Educational Development (GED) test;
- (5) is, at the time of hire, certified by a licensed physician on a medical record form supplied by the council to
  - (A) be physically sound and free from physical defects which would adversely affect performance as a police officer;
  - (B) have normal color discrimination, normal binocular coordination, normal peripheral vision, and corrected visual acuity of 20/30 or better in each eye;
  - (C) have normal hearing or have no hearing defect which would adversely affect performance as a police officer;
- (6) is free from any mental or emotional disorder which may adversely affect performance as a police officer.

(b) A participating police department may not hire as a police officer a person

(5) obtain a complete medical history report of the person; the report must be given to a licensed physician to use as a basis in conducting a physical examination of the person;

(6) require the person to undergo an examination by a licensed psychiatrist or psychologist if there is an indication of past or present personality defect or mental problem;

(7) determine whether certification of the person as a police officer has ever been denied or revoked by the council, and if so, whether the denial or revocation has been rescinded by the council.

(d) All information, documents, and reports obtained by a participating police department under (c) of this section must be placed in the permanent files of the police department and must be available for examination at any reasonable time by representatives of the council. A copy of any criminal record discovered and of the following completed council forms must be sent to the council within 90 days after the date of each hire:

(1) the Medical Exam Form;

(2) the Health Questionnaire;

(3) the Personal History Statement; and

(4) the Psychological Examination Report, when the examination is mandatory.

(e) A police department shall begin field training with an officer, using the Field Training Manual, immediately after the officer is hired. If an officer attends an approved police academy within the first six months after employment as a police officer, or has been previously certified as a police officer, the Field Training Manual must be completed and sent to the council within the probationary period specified in 13 AAC 85.040(b)(3). In all other cases, the Field Training Manual must be completed and sent to the council within six months after the date the officer began work as a police officer with the department.

(f) The information in the council's files is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 — AS 18.65.290 and the regulations adopted under AS 18.65.130 — AS 18.65.290. However, a police officer or applicant may review his own training records and the documents listed in (d) and (e) of this section. Information which indicates that a person may not qualify for certification as a police officer, or which adversely reflects upon a person's ability to be a competent officer, will, in the council's discretion, be furnished by the council to a participating police department which has hired or is considering hiring the person. A police officer or applicant may not review information in the council's files which was supplied to the council with the understanding that the information or the source of the information would remain confidential, except that any information which serves as the basis for a deci-

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(g) If the signature of an officer or applicant is required on a council form, the signature must be under oath or affirmation and must be accompanied by a statement by the officer or applicant that the information supplied is true, to the best of the signer's knowledge.

(h) The council will, in its discretion, design and distribute forms to aid police departments in obtaining the information required in (c) of this section. (Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91)

Authority: AS 18.65.220  
AS 18.65.240  
Art. I, sec. 22, Ak. Const.

**13 AAC 85.020. PERMANENT EMPLOYMENT FOR POLICE OFFICERS.** (a) A participating police department may not grant a person permanent status as a police officer unless the person has a current basic certificate issued by the council under 13 AAC 85.040.

(b) A participating police department may not employ a person as a police officer for more than 14 consecutive months unless the person has a current basic certificate issued by the council under 13 AAC 85.040, or unless an extension is granted under (c) of this section.

(c) The council will, in its discretion, grant an extension for employment for longer than 14 months if the chief administrative officer of the participating police department makes a written request for extension and certifies that his department is temporarily understaffed. Additionally, an extension will, in the council's discretion, be granted to allow an officer to complete the necessary training if he is unable to do so in the first 14 months of his employment because of illness, injury, or family emergency. An extension will not exceed six months. (Eff. 8/19/73, Register 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 85.030. PERMANENT APPOINTMENT.** Repealed 8/10/80.

**13 AAC 85.040. BASIC, INTERMEDIATE, AND ADVANCED CERTIFICATES.** (a) The council will issue a basic, intermediate, or advanced certificate to a police officer meeting the standards set forth in (b), (c), or (d) of this section. No certificate will be issued unless documents required under 13 AAC 85.010(d) are submitted to the council.

(b) To be eligible for the award of a basic certificate, an applicant must

(1) be a full-time paid police officer of a police department in Alaska;

(2) meet the standards of 13 AAC 85.010(a) and (b);

(3) have worked 12 consecutive months on a probationary basis with the police department where he is employed at the time of his application;

(4) have successfully completed the basic police training program meeting the standards of 13 AAC 85.050 or 13 AAC 85.060;

(5) attest that he subscribes to the law enforcement Code of Ethics as follows:

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I will recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself (before God)\* to my chosen profession ... law enforcement.

\*The phrase in parentheses may be omitted.

(c) To be eligible for an intermediate certificate, an applicant must

(1) be a full-time paid police officer of a police department in Alaska;

(2) possess a basic certificate; and

(3) have acquired the following combination of experience, training, and education points:

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13 AAC 85.040

Minimum years as a police officer	2	4	4	5	6	7	8
Minimum training points	APSC basic police training program	45 (900)	38 (760)	30 (600)	23 (460)	15 (300)	
Minimum education points in college credits	BA or BS degree	AA or AS degree	45	38	30	23	15

(d) To be eligible for an advanced certificate, an applicant must  
(1) be a full-time paid police officer of a police department in Alaska;

(2) possess a basic certificate; and

(3) have acquired the following combination of experience, training, and education points:

Minimum years as a police officer	4	6	9	9	10	11	12
Minimum training points	APSC basic police training program			45 (900)	40 (800)	35 (700)	30 (600)
Minimum education points in college credits	Masters degree	BA or BS degree	AA or AS degree	45	40	35	30

(e) The council may award an advanced certificate to an applicant who meets the requirements of (d)(1) and (d)(2) of this section and has 12 combined training and education points and 20 years' experience as a police officer, or 30 combined training and education points and 15 years' experience as a police officer.

(f) College credits or degrees awarded by an institution of higher learning accredited by the National Association of Post-Secondary Education will be recognized by the council. College credits awarded for a basic police training program will not be recognized for education points toward an intermediate or advanced certificate. College credits awarded for advanced, supervisory, management, executive, or specialized law enforcement courses will, in the council's discretion, be recognized for either training or education points. Education points will be awarded on the following basis:

(1) one quarter college credit equals two-thirds of an education point;

(2) one semester college credit equals one education point.

(g) 20 hours of council-certified or recognized police officer training equals one training point toward an intermediate or advanced certificate. All training must be documented and the course must have been completed successfully by the applicant. (Eff. 8/10/73, Register 47; am

9/17/76, Register 59; am 5/8/77, Register 62; am 8/10/80, Register 75; am 9/23/84, Register 91; am 5/23/85, Register 94)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 35.050. BASIC POLICE TRAINING PROGRAM. (a)**

The basic police training program consists of 40 hours of supervised field training as prescribed in the Alaska Police Standards Council Field Training Manual and at least 230 hours of instruction in basic law enforcement subjects.

(b) The basic police training program must include

(1) 10 hours of first aid instruction sufficient to qualify students for a standard Red Cross First Aid Certificate or a council-approved equivalent; and

(2) instruction in criminal law, administration of justice, criminal investigation, offensive and defensive tactics, field techniques, traffic operations, precision driving, and firearms.

(c) To receive credit for the basic police training program, a person must attend all sessions of the course, except for absences approved by the school director or coordinator, and be awarded a certificate of graduation by the director or coordinator of the program. A person may not be certified for successful completion of the basic police training program if

(1) his excused absences exceed 10 percent of the total hours of instruction;

(2) he fails to achieve a passing grade of 70 percent or higher on each block of instruction;

(3) he fails to achieve a cumulative average of 70 percent or higher; or

(4) he fails to achieve a grade of 75 percent or higher on the firearms portion of the basic program.

(d) The council will, in its discretion, refuse to authorize admission to the Municipal Police Academy for applicants or persons employed as police officers who are not eligible for certification as a police officer under 13 AAC 85.005 — 13 AAC 85.150. (Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91)

Authority: AS 18.65.220  
AS 18.65.240

**Editor's notes.** — The APSC Field Training Manual for Police Recruits is on file in the Lieutenant Governor's Office together with this chapter of regulations.

Copies may also be obtained from the Alaska Police Standards Council, P.O. Box N, Juneau, Alaska 99811.

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**13 AAC 85.060. WAIVER AND RECIPROCITY.** (a) The council will, in its discretion, waive part or all of the basic police training requirements if an applicant furnishes satisfactory evidence that equivalent training was completed.

(b) The council may enter into reciprocity agreements with states which regulate or supervise the quality of police training and which require a minimum of 230 hours of classroom training for police officers. (Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 85.070. LAW ENFORCEMENT CODE OF ETHICS.** Repealed 8/10/80.

**13 AAC 85.080. DISCRIMINATION PROHIBITED.** Repealed 8/10/80.

**13 AAC 85.090. PERSONNEL REPORTS AND TRAINING RECORDS.** (a) A participating police department shall report to the council the name, address, and other pertinent information concerning each newly appointed police officer within 30 days after the police officer is appointed, except in those instances where a public record of the appointment would jeopardize the officer or the assignment.

(b) When a police officer resigns or is terminated from a participating police department, the department shall notify the council within 30 days after the resignation or termination, and shall state the reason for the resignation or termination.

(c) Forms for the notification required in (a) and (b) of this section will be supplied by the council. The council will keep the information, and will, in its discretion, furnish it to a police department that has hired or is considering the hire of a person who resigned or was terminated from employment as a police officer. (Eff. 8/10/73, Reg 47; am 9/17/76, Register 59; am 8/10/80, Register 75; am 9/23/84, Register 91)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 85.100. DENIAL OF CERTIFICATES.** (a) The council will, in its discretion, deny a basic certificate upon a finding that the applicant for the certificate

(1) falsified or omitted information required to be provided on the application for certification or on supporting documents;

(2) has been discharged or resigned under threat of discharge, for cause, from employment as a police officer in this state or any other state or territory; or

(3) does not meet the standards in 13 AAC 85.010(a) or (b).

(b) The council shall deny a basic certificate upon a finding that the applicant for the certificate

(1) has, after hire as a police officer, been convicted of a felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2); or

(2) has, after hire as a police officer, used marijuana; illegally used or possessed any other controlled substance; or illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance;

(c) If a basic certificate was denied under this section, the applicant may request reconsideration of the denial after one year following the date of the denial. The applicant shall state in writing the reasons why the denial should be reconsidered. A hearing must be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the denial, and will state on the record at the hearing, or in writing, the reasons for the decision. If the denial is rescinded, the applicant is eligible for hire by a participating police department, but must serve the full probationary period required under 13 AAC 85.040(b)(3) before he may apply for certification. (Eff. 8/10/80, Register 75; am 9/23/84, Register 91)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 85.110. REVOCATION OF CERTIFICATES.** (a) The council will, in its discretion, revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate

(1) falsified or omitted information required to be provided on an application for certification at any level, or in supporting documents;

(2) has been discharged or resigned under threat of discharge, for cause, from employment as a police officer in this state or any other state or territory; or

(3) does not meet the standards in 13 AAC 85.010(a) or (b).

(b) The council shall revoke a basic, intermediate, or advanced certificate upon a finding that the holder of the certificate

(1) has, after hire as a police officer, been convicted of a felony, or of a misdemeanor crime listed in 13 AAC 85.010(b)(2); or

(2) has, after hire as a police officer, used marijuana; illegally used or possessed any other controlled substance; or illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled substance.

(c) If a basic, intermediate, or advanced certificate was revoked under this section, the former police officer may petition the council for rescission of the revocation after one year following the date of the revocation. The petitioner must state in writing the reasons why the

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revocation should be rescinded. A hearing must be held before a hearing officer or the council. Following the hearing, the council will decide whether to rescind the revocation, and will state on the record at the hearing, or in writing, the reasons for the decision. If the revocation is rescinded, the petitioner is eligible for hire by a participating police department, but must serve a probationary period under 13 AAC 85.040(b)(3) before he may apply for reinstatement of his basic, intermediate, or advanced certificate. (Eff. 9/23/84, Register 91)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 85.120. LAPSE OF CERTIFICATES.** (a) A basic, intermediate, or advanced certificate lapses if the holder is not employed as a police officer with a police department in this or another state or territory for a period of 12 consecutive months.

(b) A person may request reinstatement of a lapsed certificate after serving an additional 12-month probationary period. The council will, in its discretion, require supplemental training as a condition of reinstatement. (Eff. 9/23/84, Register 91)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 85.150. DEFINITIONS.** In this chapter

(1) "council" means the Alaska Police Standards Council;

(2) "participating police department" includes the Alaska Department of Public Safety and a police department of any political subdivision of the state that has not excluded itself under the provisions of AS 18.65.280(b);

(3) "police department" means a civil force of police officers organized by the state or a political subdivision of the state whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses;

(4) "probationary period" means employment as a police officer for a period of 12 consecutive months with a single police department; separation of less than 91 consecutive days will be considered unbroken service;

(5) "controlled substance" means a controlled substance as defined in AS 11.71.900(4);

(6) "felony" means a crime classified as a felony in Alaska at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a felony conviction if the crime has elements similar to those of a felony under Alaska law at the time the offense was committed; a suspended imposition of sentence, expungement of record, or a pardon does not remove a felony conviction from a person's record;

(7) "for cause" means inefficiency, incompetency, dishonesty, misconduct, or some other reason which adversely affects the ability and fitness of the officer to perform his duties or which is detrimental to the reputation, integrity, or discipline of the department;

(8) "good moral character" means the absence of acts or conduct which would cause a reasonable person to have substantial doubts about an individual's honesty, fairness and respect for the rights of others and for the laws of the state and the nation; for purposes of this standard, a determination of lack of "good moral character" is not restricted to acts that reflect moral turpitude, but may be based upon a consideration of all aspects of a person's character; the following are indicia of a lack of good moral character:

(A) illegal conduct;

(B) conduct involving moral turpitude;

(C) conduct involving dishonesty, fraud, deceit, or misrepresentation;

(D) intentional deception or fraud or attempted deception or fraud in an application, examination, or other document for securing eligibility or certification;

(E) conduct that adversely reflects on a person's fitness to perform as a police officer; examples include intoxication while on duty, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which could affect the officer's performance on the job, such as excessive use of alcohol;

(F) illegal purchase, use, possession, transportation, distribution, cultivation, manufacture, or sale of any controlled substance or any imitation controlled substance;

(9) "imitation controlled substance" means an imitation controlled substance as defined in AS 11.73.099(3);

(10) "misdemeanor" means a crime classified as a misdemeanor in Alaska at the time the crime was committed; a conviction in another jurisdiction by a civilian or military court is a misdemeanor conviction if the crime has elements similar to those of a misdemeanor under Alaska law at the time the offense was committed; a suspended imposition of sentence, expungement of record, or a pardon does not remove a misdemeanor conviction from a person's record;

(11) "moral turpitude" means an act contrary to justice, honesty, principle, or good morals; an act which violates the private and social duties which a person owes to another or to society in general; or an act which is immoral in itself, regardless of illegality;

(12) "serious physical injury" means serious physical injury as defined in AS 11.81.900(b)(50). (Eff. 3/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91)

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Authority: AS 18.65.220  
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### CHAPTER 87. CERTIFICATION OF POLICE TRAINING PROGRAMS AND COURSES

Section	Section
10. Certification of basic police training programs	30. Financial assistance
20. Certification of other police training programs	40. Certification of police instructors
	90. Definitions

**Editor's notes.** — As of Register 78, the material formerly located in 6 AAC 75 has been transferred to 13 AAC 87, in recognition of the relocation of the Alaska Police Standards Council by Executive

Order No. 45 (effective July 1, 1980). The history notes for the sections in this chapter continue the history of these provisions from their former locations.

**13 AAC 87.010. CERTIFICATION OF BASIC POLICE TRAINING PROGRAMS.** (a) An institution which offers a program of instruction in basic law enforcement subjects which meets the requirements of the classroom phase of the basic program provided for in 13 AAC 85.050(a) and (b), 13 AAC 89.040, or 13 AAC 89.050, and to qualify students for a police officer basic certificate under 13 AAC 85.040(b) or a village police officer certificate or village public safety officer certificate under 13 AAC 89.030 shall apply for certification by the council and shall comply with the requirements of this chapter.

(b) An application for certification under this section shall be submitted on a form prescribed by the council and must be accompanied by the following information, where applicable:

- (1) the name of the institution, its governing body and its instructors;
- (2) institution policy and regulations with respect to leave, absences, class cuts, make-up work, tardiness and interruptions for unsatisfactory attendance;
- (3) institution policy and regulations with respect to standards of progress required of students, including the policy or regulation setting out the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, the probationary period, if any, allowed by the institution, and conditions of re-entrance for those students dismissed for unsatisfactory progress;
- (4) institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;
- (5) a detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, service charges, rentals, deposits and all other charges;

(6) a description of the available space, facilities and equipment; and

(7) an outline for each course which is part of the program, describing the content, skill to be achieved, and approximate classroom hours to be spent on each topic.

(c) The council will, in its discretion, approve the application of an institution for certification of a program of instruction as meeting the requirements of the classroom phase of the basic program provided for in 13 AAC 85.050(a) and (b), 13 AAC 89.040, or 13 AAC 89.050 if the institution and program meet the following criteria:

(1) the courses, curriculum and instruction are adequate in content, quality and length to provide students with the education and training necessary to become successful, knowledgeable and effective police officers;

(2) the program of instruction meets the requirements of 13 AAC 85.050(a) and (b), 13 AAC 89.040, or 13 AAC 89.050;

(3) the institution has adequate space, equipment, instructional materials and instructor personnel to provide training of good quality;

(4) the directors and administrators have adequate training and experience and the instructors are certified under 13 AAC 87.040;

(5) a copy of the program outline, schedule of tuition, fees and other charges, regulations pertaining to absences, grading policy and rules of operation and conduct are furnished to students upon enrollment;

(6) adequate records are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress and conduct are enforced;

(7) written examinations are required of each student in these courses for which written examinations are appropriate, and practical tests are required in those courses such as firearms training where practical tests are appropriate;

(8) the institution gives its students, upon successful completion of the program, a certificate indicating that the program of instruction was satisfactorily completed;

(9) a certificate of successful completion is not awarded by the institution except in compliance with 6 AAC 70.050(c);

(10) the institution is financially sound and capable of fulfilling its commitments for training;

(11) the institution furnishes the council within seven days after the completion of each program a roster of those students who attended at least 90 percent of the classes offered (in class-hours) and the roster must show the full name, rank, department and examination scores for each student completing the program and must be signed by the institution director or coordinator.

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(d) An institution is subject to periodic inspection by the council or its representatives to assure compliance with this section. (Eff. 8/10/73, Register 47; am. 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.240  
AS 18.65.260

**13 AAC 87.020. CERTIFICATION OF OTHER POLICE TRAINING PROGRAMS.**

(a) The council will, in its discretion, certify programs of instruction designed to provide police officers with continuing education and training in supervisory, mid-management, executive, specialized and in-service subjects.

(b) An application by an institution for certification of a program of instruction under this section must be submitted on a form prescribed by the council and must be accompanied by the information specified in 13 AAC 87.010(b)(1) — (7).

(c) The council will, in its discretion, approve the application of an agency or institution for certification of a program of instruction, if the program meets the following criteria:

(1) the courses, curriculum and instruction are adequate in content, quality and length to satisfy one or more of the purposes specified in (a) of this section;

(2) the agency or institution and program are in compliance with the requirements of 13 AAC 87.010.

(d) The institution shall be subject to periodic inspection by the council or its representatives to assure compliance with this section. (Eff. 8/10/73, Register 47; am 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.230  
AS 18.65.240

**13 AAC 87.030. FINANCIAL ASSISTANCE.** (a) No agency or institution will receive financial assistance from the council for a police training program unless the program is certified by the council under this chapter.

(b) No agency or institution will receive financial assistance from the council for a police training program unless it is made available to all qualified police officers, except that the agency or institution may limit class size. An agency or institution of the state or a municipality which maintains a police training program primarily for training its own police officers may give preference to its own officers in enrollment. (Eff. 8/10/73, Register 47; am 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.230  
AS 18.65.260

**13 AAC 87.040. CERTIFICATION OF POLICE INSTRUCTORS.** (a) The council will certify instructors considered qualified to teach in one or more of the prescribed training courses on the basis of the standards provided in this section.

(b) Instructors are eligible for certification if they meet the following minimum qualifications in the areas of education, training, and experience:

(1) A person applying for certification to teach police subjects, including patrol, investigation, or the use of firearms must have

(A) a high school diploma or its equivalent;

(B) three years' experience as a police officer;

(C) 40 hours of verified training in each subject to be taught;

(D) 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and

(E) a recommendation by the director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020, or by the applicant's police department head;

(2) A person applying for certification to teach general subjects, including management, human relations, or administration, must have

(A) a baccalaureate degree;

(B) three years' experience in the subject to be taught; and

(C) a recommendation by the director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020.

(c) The council will, in its discretion, waive any part of the requirements of (b) of this section if it finds that a person, although not meeting all of the eligibility requirements, is otherwise qualified to be an instructor.

(d) The director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020 must supervise all instructors to insure that instructional excellence is maintained.

(e) Instructor certification will, in the council's discretion, be revoked whenever an instructor is found by the council to be no longer qualified. Revocation of instructor certification will be considered by the council if

(1) an instructor is terminated or asked to resign, or resigns instead of discharge for cause by his employer;

(2) there is a recommendation to revoke certification by the director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020 or by the instructor's employer for failure to provide adequate instruction; or

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(3) the holder of the instructor certificate falsified or omitted in-  
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or on supporting documents.

(f) Repealed 10/18/81.

(g) A person who is currently certified or licensed by the State of  
Alaska or a nationally recognized certifying body need not be certified  
by the council to teach police officers in the subject for which the  
person is certified or licensed.

(h) The director of a training program certified by the council under  
13 AAC 87.010 or 13 AAC 87.020 must furnish the council documen-  
tary verification of the certification or licensure of a person specified  
in (g) of this section before council approval as an instructor will be  
considered.

(i) An instructor certificate becomes inactive if the holder of the  
certificate does not instruct at least one course certified by the council  
under 13 AAC 87.010 or 13 AAC 87.020 each calendar year.

(j) An inactive instructor certificate may be reactivated upon writ-  
ten request of the director of a training program certified under 13  
AAC 87.010 or 13 AAC 87.020, or of the applicant's police department  
head, following the applicant's instruction of at least one course certi-  
fied by the council under 13 AAC 87.010 or 13 AAC 87.020 under  
direct supervision of a currently certified instructor. (Eff. 11/25/77,  
Register 64; am 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.230  
AS 18.65.240

13 AAC 87.090. DEFINITIONS. In this chapter "council" means  
the Alaska Police Standards Council. (Eff. 8/10/73, Register 47)

Authority: AS 18.65.220  
AS 18.65.290

### CHAPTER 89. MINIMUM STANDARDS FOR VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS

Section	Section
10. Basic standards for village police of- ficers and village public safety offi- cers	50. Village public safety officer training program
20. Employment for village police offi- cers and village public safety offi- cers	60. Extension and reciprocity
30. Certification of village police officers and village public safety officers	70. Denial, revocation and lapse of cer- tificates
40. Village police officer basic training program	80. Personnel reports and training records
	140. Exemption
	150. Definitions

**13 AAC 89.010. BASIC STANDARDS FOR VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS.** (a) The basic standards for a village police officer or village public safety officer are

- (1) that the person is 19 years of age or older;
- (2) that the person is a citizen of the United States or a resident alien who has demonstrated an intent to become a citizen of the United States;
- (3) that the person is of good moral character; misdemeanor convictions, other than minor traffic offenses, during the 10 years before application will, in the council's discretion, be considered by the council in determining moral character;
- (4) that the person has not been convicted of a felony or been incarcerated, on probation, or on parole after conviction of a felony, by a court of the United States or of any state or territory during the 10 years before application; a felony conviction in another jurisdiction for an offense which is not a felony in Alaska does not necessarily bar certification unless the felony conviction was for a crime of dishonesty or a crime which resulted in serious physical injury or a threat of serious physical injury; and
- (5) that the person has no physical or mental condition that would adversely affect his performance as a police officer.

(b) Only a village may appoint a person as a village police officer or village public safety officer.

(c) A person whose certificate has been revoked by the council is not eligible for hire as a village police officer or village public safety officer by a village unless his certificate has been reinstated by the council. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 89.020. EMPLOYMENT FOR VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS.** (a) Before appointing an applicant to a permanent position as a village police officer or a village public safety officer, village shall

- (1) obtain proof of the applicant's age and citizenship;
- (2) review and evaluate the applicant's personal history and medical history statements; and
- (3) review and evaluate responses to fingerprint record checks by the Department of Public Safety and the Federal Bureau of Investigation.

(b) A village may not employ a village police officer or village public safety officer for a period of more than 12 consecutive months unless the officer has been certified under 13 AAC 89.030.

**S FOR VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS.** (a) A person who has been a police officer or village

or older;  
United States or a resident  
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**VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS.** (a) Be-  
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(c) Termination as a village police officer or village public safety officer for less than 90 consecutive days will be considered unbroken service for purposes of (b) of this section and 13 AAC 89.030(a)(1). (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 89.030. CERTIFICATION OF VILLAGE POLICE OFFICERS AND VILLAGE PUBLIC SAFETY OFFICERS.** (a) The council will issue a certificate as a village police officer to an applicant who

(1) is, at the time of application, a full-time paid village police officer employed by a village and has satisfactorily completed 12 consecutive months of probation as a village police officer with that village immediately before application;

(2) meets the requirements of 13 AAC 89.010;

(3) successfully completes a training program meeting the requirements of 13 AAC 89.040; and

(4) attests that he subscribes to the Law Enforcement Code of Ethics set out in 13 AAC 85.040(b)(5).

(b) The council will issue a certificate as a village public safety officer to an applicant who

(1) is, at the time of application, a full-time paid village public safety officer employed by a village and has satisfactorily completed 12 consecutive months of probation as a village public safety officer with that village immediately before application;

(2) meets the requirements of 13 AAC 89.010;

(3) successfully completes a training program meeting the requirements of 13 AAC 89.050; and

(4) attests that he subscribes to the Law Enforcement Code of Ethics set out in 13 AAC 85.040(b)(5). (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 89.040. VILLAGE POLICE OFFICER BASIC TRAINING PROGRAM.** (a) A village police officer basic training program must consist of at least 48 hours of instruction and include

(1) 10 hours of first aid instruction sufficient to qualify students for a standard Red Cross first aid certificate or the equivalent;

(2) instruction in the administration of justice, criminal law, fire fighting, crime scene investigation, arrest procedures, and, if the officer is to be armed while on duty, instruction on the use of fire-arms; and

(3) instruction concerning problems unique to the administration of justice in a rural community.

(b) A person shall attend all sessions of the training required in (a) of this section, except for absences approved by the director of the program. A person who is absent for over 10 percent of the total hours of instruction or who does not satisfactorily complete the first aid training or the firearms training, when required, will not be considered to have completed the training required by (a) of this section. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 89.050. VILLAGE PUBLIC SAFETY OFFICER TRAINING PROGRAM.** (a) A village public safety officer training program must meet the requirements of 13 AAC 89.040(a) and must, in addition, include

(1) at least 52 additional hours of instruction in criminal law, local ordinances, records systems, and problems unique to the administration of justice in a rural community;

(2) the minimum instruction necessary to qualify the student as a Rural Fire Fighter I established by the Alaska Department of Education; and

(3) an Emergency Trauma Training course taught by an instructor who is either a state certified Emergency Medical Technician instructor or an Emergency Trauma Training instructor certified by a Regional Emergency Medical Services Council; the course must consist of at least 30 hours of instruction in basic trauma-treatment techniques, including cardiopulmonary resuscitation (CPR), basic first aid, bandaging, lifting and moving injured persons, and assisting in childbirth; to complete the course satisfactorily, a student must receive a score of 70 percent or higher on both a written and practical examination which tests familiarity with the skills taught in the course.

(b) A person shall attend all sessions of the training required in (a) of this section, except for absences approved by the director of the program. A person who is absent for over 10 percent of the total hours of instruction or who does not satisfactorily complete the first aid training or the firearms training, when required, will not be considered to have completed the training required by (a) of this section. (Eff. 10/18/81, Register 80; am 3/28/84, Register 89)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 89.060. EXTENSION AND RECIPROCITY.** (a) The council will, in its discretion, upon written application from a village, grant an extension for obtaining certification to an officer if the officer is unable to complete the required training within the first 12 months

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**SAFETY OFFICER**

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of employment due to illness, injury, or other emergency, or if the officer is unable to complete training because of temporary understaffing in his department.

(b) The council will, in its discretion, accept other police officer training that equals or exceeds that required in 13 AAC 89.040 or 13 AAC 89.050 in partial or complete substitution for the training required in those regulations. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 89.070. DENIAL, REVOCATION, AND LAPSE OF CERTIFICATES.** (a) The council will, in its discretion, deny or revoke a village police officer or village public safety officer certificate upon a finding that

(1) the officer falsified or intentionally omitted information on an application or other document required to be filed for certification;

(2) the officer has been discharged, asked to resign or resigned in place of discharge from a police department; or

(3) the officer does not meet the requirements of 13 AAC 89.010(a).

(b) The holder of a certificate shall immediately return the certificate to the council upon notification of revocation.

(c) A certificate lapses if the holder is not employed as a full-time village police officer or village public safety officer for 12 consecutive months.

(d) A person may request reinstatement of a lapsed certificate after serving an additional probationary period as required by the council. The council will, in its discretion, require supplemental training as a condition of reinstatement. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 89.080. PERSONNEL REPORTS AND TRAINING RECORDS.** (a) Within 30 days of the date of hire of a village police officer or village public safety officer, the hiring authority shall notify the council on a form supplied by the council, except in those instances where a public record of the appointment would jeopardize the officer or the assignment. The employing agency shall notify the council within 30 days following termination of an officer for any reason.

(b) Before completion of the basic training program required in 13 AAC 89.030(a)(3) and 13 AAC 89.030(b)(3), each village police officer and village public safety officer must be fingerprinted on two Federal Bureau of Investigation applicant cards (FD-258) and shall, on a form supplied by the council

(1) complete a personal history statement;

(2) complete a medical history statement; and

(3) attest that he subscribes to the Law Enforcement Code of Ethics set out in 13 AAC 85.040(b)(5).

(c) The documents required by (b) of this section must be forwarded to the council. The fingerprint cards will be forwarded by the council to the Department of Public Safety and the Federal Bureau of Investigation for record checks. The documents required by this section, following evaluation by the council, will be forwarded to the officer's hiring authority for review, evaluation, and permanent retention.

(d) The information in the council's files is confidential, and available only for use by the council in carrying out the requirements of AS 18.65.130 — 18.65.290 and the regulations adopted under those statutes; however, a village police officer or village public safety officer may review his own records. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.240

**13 AAC 89.140. EXEMPTION.** The provisions of this chapter do not apply to a village which has enacted an ordinance which specifically excludes it from AS 18.65.130 — 18.65.290 if the village maintains a police training program which equals or exceeds the requirements of 13 AAC 89.040 or 13 AAC 89.050 and whose instructors are certified under 13 AAC 87.040. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220

**13 AAC 89.150. DEFINITIONS.** In this chapter

(1) "certificate" means a certificate described in 13 AAC 89.030;

(2) "council" means the Alaska Police Standards Council;

(3) "village" means a community off the interconnected Alaska road system, with a population of less than 1,000 persons based on the most recent federal census, which has been incorporated as provided in AS 29.18. (Eff. 10/18/81, Register 80)

Authority: AS 18.65.220  
AS 18.65.240

## **PART 7. COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

### **Chapter**

90. Domestic Violence and Sexual Assault Program Standards (13 AAC 90.010 — 13 AAC 90.190)

95. Grant Programs (13 AAC 95.010 — 13 AAC 95.900)