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**110**

**STATE OF ALASKA  
1989 LEGISLATIVE SESSION**

**BILL VERSION: SSSB 110  
PUBLISH DATE: 2/21/89**

**FISCAL NOTE**

Revision Date: 2/21/89  
Title: Airport Security Police

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

Sponsor: Sturgulewski  
Requestor: Senate Transportation

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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>	<b>14.4</b>	<b>14.4</b>	<b>14.4</b>	<b>14.4</b>	<b>14.4</b>	<b>14.4</b>
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<b>REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
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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
<b>TOTAL</b>	<b>14.4</b>	<b>14.4</b>	<b>14.4</b>	<b>14.4</b>	<b>14.4</b>	<b>14.4</b>

\* 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 and Finance

Phone: 465-3900  
Date: 03/01/89

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

Date: 03/01/89

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 Transportation & Public Facilities



# POSITION PAPER

**BILL NO:** SSSB 110

**APPROVED:** Mark S. Hickey  
Commissioner

**TITLE:** Airport Security Police

**DATE:** March 1, 1989

The Department of Transportation and Public Facilities (DOT&PF) supports Sponsor Substitute for Senate Bill No. 110 as amended.

Certification as a basic police office 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.

For further

*Position paper*

at 465-3900

*DOT/PE*

1 IN THE SENATE

BY STURGULEWSKI AND PEARCE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 110

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to certain officers and employees of  
7 the Department of Transportation and Public Facili-  
8 ties who are stationed at an international airport."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 18.65.290(5) is amended to read:

11 (5) "police officer" means

12 (A) a full-time employee of the state or a local  
13 police department with the authority to arrest and issue cita-  
14 tions; detain a person taken into custody until that person can  
15 be arraigned before a judge or magistrate; conduct investigations  
16 of violations of and enforce criminal laws, regulations and  
17 traffic laws; search with or without a warrant persons, dwell-  
18 ings, and other forms of property for evidence of a crime; carry  
19 a concealed weapon; and take other action consistent with exer-  
20 cise of these enumerated powers when necessary to maintain the  
21 public peace;

22 (B) an officer or employee of the Department of Trans-  
23 portation and Public Facilities who is stationed at an interna-  
24 tional airport and has been designated to have the general police  
25 powers authorized under AS 02.15.230(a);

26 \* Sec. 2. AS 23.10.037(b) is amended to read:

27 (b) The provisions of (a) of this section do not apply to the  
28 state or a political subdivision of the state when dealing with police  
29 officers [POLICEMEN] in its employ or with persons applying to be  
S

1 employed as police officers [POLICEMEN]. In this subsection, "police  
2 officers" includes officers and employees of the Department of Trans-  
3 portation and Public Facilities who are stationed at an international  
4 airport and have been designated to have the general police powers  
5 authorized under AS 02.15.230(a).

6 \* Sec. 3. Notwithstanding AS 18.65.290(5), as amended by sec. 1 of this  
7 Act, an employee of the Department of Transportation and Public Facilities  
8 who holds a position on the effective date of this Act that would be cover-  
9 ed by the amendment made to AS 18.65.290(5) by sec. 1 of this Act and who  
10 does not hold a police officer certificate issued by the Alaska Police  
11 Standards Council is not subject to AS 18.65.130 - 18.65.290 or the regu-  
12 lations adopted under AS 18.65.130 - 18.65.290 while employed by the  
13 Department of Transportation and Public Facilities until two years after  
14 the effective date of this Act. During this two-year period, the Depart-  
15 ment of Transportation and Public Facilities may not discriminate against a  
16 person described by this section in an employment matter related to the  
17 person's wages and benefits payable, promotion and reassignment opportuni-  
18 ties, or training necessary to attain certification because the person does  
19 not have a certificate issued by the Alaska Police Standards Council.  
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SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE Feb. 24, 1989  
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

\*\*FISCAL NOTE(S) MUST BE ATTACHED  
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE Mar 2, 1989

2/21/89  
Mr. President:

TRSP Committee considered SSSB 110

certain officers and employees of the Department of Transportation and Public Facilities who are stationed at an international airport

and recommended:

replace with CS \_\_\_\_\_  same title  
 new title

attached amendment(s) and

Trsp letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

FISCAL NOTE(S) attached  zero  
 appropriation no FN attached

fiscal impact  
 Gov. FN introduced w/ bill

MEMBERS SIGNING TO PASS

OTHER RECOMMENDATIONS

[Signature]  
[Signature]  
[Signature]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Chairman Signature and Recommendation

Committee backup attached

# ALASKA STATE LEGISLATURE

Sen. Lloyd Jones, Chairman  
Sen. Bettye Fahrenkamp, Vice Chairman  
Sen. John B. "Jack" Coghill  
Sen. Paul Fischer  
Sen. Pat Pourchot



P.O. Box V  
Juneau, AK 99811

907-465-4921

## Senate Transportation Committee

### LETTER OF INTENT SPONSOR SUBSTITUTE FOR SENATE BILL 110

It is the intent of the legislature that the Department of Transportation make every possible effort to ensure that persons currently employed as Airport Safety Officers are able to remain in state employment if found ineligible for certification by the Alaska Police Standards Council.

# ALASKA PEACE OFFICERS ASSOCIATION



Anchorage Chapter  
P. O. Box 103824  
Anchorage, AK 99510  
Phone 561-2878

Senator Arlyss Sturgulewski  
Pouch V  
Juneau, Alaska 99803

Re: Senate Bill No. 110

Dear Senator Sturgulewski,

The Alaska Peace Officers Association, Anchorage Chapter would like to thank you for your sponsorship of SB 110, an act relating to the jurisdiction of the Alaska Police Standards Council.

We have recognized for some time the expertise required and the danger present for the Department of Transportation and Public Facilities employees stationed at the airport. The men and women must be trained as firemen as well as police officers yet work without realizing the full benefit of either. This bill will correct that injustice.

Thank you again for sponsoring this important legislation. Please let us know if we can be of any assistance in securing passage of this bill.

Sincerely,

Dorothy P. Hansen  
Secretary, Anchorage Chapter

1527D  
DH

# Alaska State Legislature



2957 SHELDON JACKSON STREET  
ANCHORAGE, ALASKA 99508

While in Juneau  
P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-3818

SENATOR  
ARLISS STURGULEWSKI  
Senate President Pro Tempore  
Chairman, Senate Rules Committee

## Senate

M E M O R A N D U M

22 February 1989

TO: Senator Lloyd Jones  
FROM: Senator Arliss Sturgulewski  
RE: Senate Bill 110

Senate Bill 110 is designed to upgrade the professional standards which must be met by airport safety officers. Currently airport safety officers must meet training standards equivalent to those of police officers but they do not fall under the jurisdiction of the Alaska Police Standards Council.

This legislation adds a subsection to the statute defining who comes under the jurisdiction of the Alaska Police Standards Council. This new subsection adds certain airport security officers to the definition of police officer for the purposes of Alaska Police Standards Council jurisdiction.

The Alaska Police Standards Council and the Department of Transportation both support this legislation. Attached is the letter we received from the Alaska Airport Safety Officers Association requesting the bill and explaining the association's reasons for wanting professional certification. Also attached is a letter of support from the Alaska Police Standards Council.

I believe that increased standards for Airport Safety Officers can only be of benefit to the state. I would appreciate your scheduling this bill as soon as is possible.

SECTIONAL ANALYSIS  
SPONSOR SUBSTITUTE FOR SENATE BILL 110  
22 February 1989

SECTION 1:

Adds (B) "an officer of employee of the Department of Transportation and Public Facilities who is stationed at an international airport and has been designated to have the general police powers authorized under AS 02.15.230(a)" to the definition of a "police officer" for purposes of the Alaska Police Standards Council jurisdiction.

SECTION 2:

Adds to the definition of "police officer" for purposes of allowing the state or a political subdivision of the state to administer a polygraph to an employee or job applicant.

SECTION 3:

This section allows airport safety officers to take two years to achieve certification. This section also provides that the department may not discriminate against any employee during that time.

## Article 2. Alaska Police Standards Council.

### Section

- 130. Policy
- 150. Composition of council
- 160. Appointment
- 220. Powers
- 230. Training programs
- 242. Standards for correctional, probation, and parole officers

### Section

- 245. Denial or revocation of certificate
- 248. Employment of correctional, probation, and parole officers
- 285. Municipal correctional employees
- 290. Definitions

**Sec. 18.65.130. Policy.** The administration of criminal justice affects the health, safety and welfare of the people of this state, and requires education and training of a professional quality. It is a primary public interest that applicants meet minimum standards for employment as police officers, probation and parole officers, and correctional officers, and that criminal justice education and training be made available to police officers, probation and parole officers, and correctional officers serving in a probationary capacity and police officers, probation and parole officers, and correctional officers already in regular service. It is of secondary public interest to encourage the establishment of preliminary training programs for persons seeking to become police officers, probation and parole officers, and correctional officers. (§ 1 ch 178 SLA 1972; am § 1 ch 19 SLA 1981; am § 1 ch 112 SLA 1988)

**Effect of amendments.** — The 1988 amendment, effective July 1, 1988, inserted "probation and parole officers, and correctional officers" throughout the last two sentences.

**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) the commissioner of corrections or a designee of the commissioner;
- (4) one correctional administrative officer who is employed at the level of a deputy director or higher; and
- (5) 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; am § 2 ch 112 SLA 1988)

**Effect of amendments.** — The 1988 amendment, effective July 1, 1988, inserted present paragraphs (3) and (4) and redesignated former paragraph (3) as present paragraph (5).

**Sec. 18.65.160. Appointment.** The commissioner of public safety or a designee and the commissioner of corrections or a designee shall serve during each 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; am § 3 ch 112 SLA 1988)

Effect—  
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*Related statutes*

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**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)

**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, probation or parole officer, and correctional officer in a permanent or probationary position and certify persons to be qualified as police officers, probation or parole officers, and correctional 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, police officers, probation and parole officers, and correctional officers;

(4) consult and cooperate with municipalities, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of police, probation and parole officer, and correctional officer 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, probation or parole officer, or correctional 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; am § 4 ch 112 SLA 1988)

**Effect of amendments.** — The 1988 amendment, effective July 1, 1988, rewrote paragraph (2), which read "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"; in paragraph (3), made a minor punctuation change and substituted "recruits, police officers, probation and parole officers, and correctional officers" for "recruits or police officers"; in paragraph (4), deleted "boroughs" preceding "municipalities" and in-

serted "probation and parole officer, and correctional officer"; and inserted "probation or parole officer, or correctional officer" in paragraph (6).

**Editor's notes.** — Section 11, ch. 112, SLA 1988 requires the council to report to the legislature by February 15, 1989, regarding the administrative and policy changes that the council makes with respect to correctional, probation, and parole officers as a result of the inclusion of those officers within the authority of the council by ch. 112, SLA 1988.

**Sec. 18.65.230. Training programs.** The council shall establish and maintain police training programs, probation and parole officer training programs, and correctional training programs through those agencies and institutions that the council considers appropriate. (§ 1 ch 178 SLA 1972; am § 5 ch 112 SLA 1988)

**Effect of amendments.** — The 1988 amendment, effective July 1, 1988, deleted "Police" at the beginning of the catchline and inserted "probation and parole officer training programs, and correctional officer training programs."

**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. 18.65.242. Standards for correctional, probation, and parole officers.** (a) The council shall establish qualifications for employment of persons as correctional, probation, and parole officers, including

- (1) minimum age, physical and mental standards, citizenship, moral character, and experience; and
- (2) minimum education standards.

(b) The council shall

(1) prescribe the means of presenting evidence of fulfillment of the requirements set out in (a) of this section; and

(2) issue a certificate evidencing satisfaction of the requirements of (a) of this section to an applicant who

(A) satisfies the requirements of (a)(1) of this section; and

(B) meets the minimum education standards of (a)(2) of this section by satisfactorily completing a training program for correctional, probation, or parole officers established under AS 18.65.230 or a course of instruction in another jurisdiction equivalent in content and quality to that required by the council for approved correctional, probation, or parole officer education and training programs in this state.

(c) In the evaluation of applicants against the mental standards developed under (a)(1) of this section, the council shall use evaluation methods that do not discriminate against applicants of different ethnic origins. (§ 6 ch 112 SLA 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. 18.65.245. Denial or revocation of certificate.** The council may

(1) deny a certificate to an applicant for a correctional officer certificate or a probation or parole officer certificate if the applicant does not meet the standards adopted by the council under AS 18.65.242(a);

(2) revoke the certificate of a correctional officer or a probation or parole officer who, having been issued a certificate, fails to meet the standards adopted by the council under AS 18.65.242(a). (§ 6 ch 112 SLA 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. 18.65.248. Employment of correctional, probation, and parole officers.** (a) A person may not be appointed as a correctional officer or as a probation or parole officer unless the person has a valid certificate issued by the council under AS 18.65.242.

(b) The provisions of (a) of this section do not apply to a person employed on a probationary basis, except that employment on a probationary 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 certificate

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. 18.65.250. 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)

**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.

**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 SLA 1988, provides: "Except for AS 18.65.280(c). Renumbered in 1988 18.65.248, added by sec. 6 of this Act, this Effective dates. — Section 12, ch. 112, 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).

(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. — 8 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) failure 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)

## AIRPORT SECURITY

The following is an extract of Federal Aviation Regulations, Part 107, as amended.

### 107.15 Law enforcement support.

- (a) Each airport operator shall provide law enforcement officers in the number and in a manner adequate to support—
  - (1) Its security program; and
  - (2) Each passenger screening system required by Part 108 or Part 129.25 of this chapter.
  
- (b) For scheduled or public charter passenger operations with airplanes having a passenger seating configuration (as defined in Part 108.3 of this chapter) of more than 30 but less than 61 seats for which a passenger screening system is not required, each airport operator shall ensure that law enforcement officers are available and committed to respond to an incident at the request of a certificate holder or foreign air carrier and shall ensure that the request procedures are provided to the certificate holder or foreign air carrier.

### 107.17 Law enforcement officers

- (a) No airport operator may use or arrange for response by any person as a required law enforcement officer unless, while on duty at the airport, the officer—
  - (1) Has the arrest authority described in paragraph (b) of this section;
  - (2) Is readily identifiable by uniform and displays or carries a badge or other indicia of authority;

- (3) Is armed with a firearm and authorized to use it; and
- (4) Has completed a training program that meets the requirements in paragraph (c) of this section.
- (b) The law enforcement officer must, while on duty at the airport, have the authority to arrest, with or without a warrant, for the following violations of the criminal laws of the State and local jurisdictions in which the airport is located:
- (1) A crime committed in the officer's presence.
  - (2) A felony, when the officer has reason to believe that the suspect has committed it.
- (c) The training program required by paragraph (a)(4) of this section must provide training in the subjects specified in paragraph (d) of this section and either--
- (1) Meet the training standards, if any, prescribed by either the State or local jurisdiction in which the airport is located, for law enforcement officers performing comparable functions; or
  - (2) If the State and local jurisdictions in which the airport is located do not prescribe training standards for officers performing comparable functions, be acceptable to the Administrator.
- (d) The training program required by paragraph (a)(4) of this section must include training in--
- (1) The use of firearms;
  - (2) The courteous and efficient treatment of persons subject to inspection, detention, search, arrest, and other aviation security activities;

# STATE OF ALASKA

## ALASKA POLICE STANDARDS COUNCIL

STEVE COWPER, GOVERNOR

P.O. BOX N  
JUNEAU, ALASKA 99811-1200  
PHONE: (907) 465-4378

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 agreed that it would be reasonable to require the Airport Safety Officers to meet the same standards now in effect for police officers.

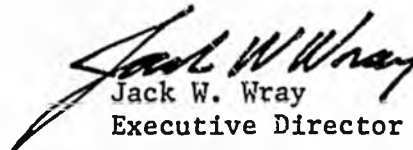
It should be noted that the council does not anticipate that this change in the statute would necessitate an expansion in the council's membership and they would not support legislation in this area.

Support  
Alaska Police Standards Council

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. Gato  
Richard Gressett, P.S.E.A.  
Commissioner Mark S. Hickey, D.O.T.



SERVING  
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January 17, 1989

Senator Arliss Sturgulewski  
Alaska State Senate  
Mail Stop 3100  
P.O. Box V  
Juneau, AK 99811

Dear Senator Sturgulewski:

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.

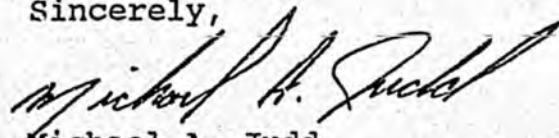
Airport Safety Officers have historically performed a "public safety" service utilizing their cross-training in the police and fire fields, as many certified municipal departments throughout the State now do. Airport Safety Officers' uniform patch and badge clearly identify, and in fact state, first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

Page Two  
Senator Arliss Sturgulewski  
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,



Michael A. Judd  
President

MAJ/cd