

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
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Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Robert Griffiths  
Department of Public Safety

**FROM:** April Simpson, Office of the Lieutenant Governor  
465.4081

**DATE:** December 11, 2020

**RE:** Filed Permanent Regulations: Alaska Police Standards Council

Alaska Police Standards Council – Making Emergency Regulations Permanent re: Hiring Qualifications (13 AAC 85, 89)

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|                        |                 |
|------------------------|-----------------|
| Attorney General File: | 2020200551      |
| Regulation Filed:      | 12/11/2020      |
| Effective Date:        | 08/28/2020      |
| Print:                 | 237, April 2021 |

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Robin Ramos, Regulations Specialist

### CERTIFICATION OF COMPLIANCE

I, Robert E Griffiths, Executive Director of the Alaska Police Standards Council, certify that, as required by AS 44.62.260 in order to make the attached two pages of regulations permanent, as of this date a legal opinion of the Department of Law has been requested under AS 44.62.060, a notice conforming to AS 44.62.200 was issued in compliance with AS 44.62.190, and an opportunity for public comment was provided under AS 44.62.210, for the following emergency regulation:

Department of Public Safety - Alaska Police Standards Council Emergency Regulations  
re: Hiring Qualifications (13 AAC 85.010; 13 AAC 85.210; 13 AAC 85.215; and  
13 AAC 89.010).

This regulation originally was filed as an emergency regulation on August 28, 2020.

This action is not expected to require an increased appropriation.

In considering the public comments, the Alaska Police Standards Council paid special attention to the cost to private persons of the regulatory action being taken before adopting the changes as permanent on December 1, 2020.

Date: December 3, 2020



Digitally signed by  
Robert E Griffiths  
Date: 2020.12.03  
10:51:24 -09'00'

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Robert E Griffiths, Executive Director

### FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on December 11  
2020, at 2:45 p.m., I filed the attached regulation according to the provisions of AS 44.62.



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Lieutenant Governor

Kevin Meyer

Register:

237, April 2021.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



*K-Meyer*  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

The emergency amendment of 13 AAC 85.010(a)(1) is made permanent to read:

~~(a) A participating police department may not hire a person as a police officer unless the person meets the following minimum qualifications at the time of hire:~~ *((Publisher: 13 AAC 85.010(a) is unchanged.)))*

(1) is a citizen of the United States or a United States National; *Φ*  
Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 3/16/89, Register 109; am 8/8/90, Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am 9/1/2017, Register 223; am 8 / 28 / 2020, Register 236)

*(( Bold ))*

Authority: AS 18.65.220 AS 18.65.240

The emergency amendment of 13 AAC 85.210(a)(1) is made permanent to read:

~~(a) A person may not be hired as a probation, parole, or correctional officer unless the person meets the following minimum qualifications at the time of hire:~~ *((Publisher: 13 AAC 85.210(a) is unchanged.)))*

(1) is a citizen of the United States or a United States National; *Φ*  
Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am 9/1/2017, Register 223; am 8 / 28 / 2020, Register 236)

*(( Bold ))*

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

Register 237, April 2021 ALASKA DEPARTMENT OF PUBLIC SAFETY

The emergency amendment of 13 AAC 85.215(a)(1) is made permanent to read:

~~(a) A Person may not be hired as a municipal correctional officer unless the person meets the following minimum qualifications at the time of hire:~~ *((Publisher: 13 AAC 85.215(a) is unchanged.))*

(1) is a citizen of the United States or a United States National; <sup>4</sup> (Eff. 4/12/2001, Register 158; am 6/13/2002, Register 162; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am 8 / 28 / 2020 , Register 236)  
*((Bold))*

Authority: AS 18.65.220 AS 18.65.248

AS 18.65.242 AS 18.65.285 

The emergency amendment of 13 AAC 89.010(a)(2) is made permanent to read:

(2) is a citizen of the United States or a United States National; <sup>4</sup> (Eff: 10/18/81, Register 80; am 1/15/95, Register 133; am 6/17/2020, Register 234; am 8 / 28 / 2020 , Register 236)

*((Bold))*

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

# MEMORANDUM

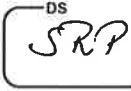
## State of Alaska Department of Law

To: The Honorable Kevin Meyer  
Lieutenant Governor

Date: December 7, 2020

File No.: 2020200551

Tel. No.: 465-3600

From: Susan R. Pollard   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

Re: Re: 13 AAC 85, 89 Making  
Emergency Regulations Permanent:  
Alaska Police Standards Council

The Department of Law has reviewed the attached regulations of the Alaska Police Standards Council against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations as permanent regulations, effective as of the date of the emergency regulation – August 28, 2020. The regulations were first adopted as emergency regulations by the Alaska Police Standards Council (filed August 28, 2020), and published for public comment on August 30, 2020 with the advisement that they were intended to be made permanent. The public comment period is now closed, and the emergency regulations expire December 25, 2020 unless made permanent. The December 3, 2020 Certification of Compliance adopts the regulations as permanent as of December 1, 2020. The regulations modify minimum eligibility requirements in order to allow United States Nationals--in addition to United States citizens--to serve as police, corrections, probation, parole, village public safety, and municipal corrections officers.

The August 27, 2020 public notice (published August 30, 2020) and the August 28, 2020 certification of adoption order both state that this action is not expected to require an increased appropriation. Likewise, the December 3, 2020 Certification of Compliance states that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made minor technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of regulations.

SRP:mmm

cc w/encl.

Hon. Amanda Price, Commissioner  
Department of Public Safety

R.E. "Bob" Griffiths, Executive Director  
Alaska Police Standards Council  
Department of Public Safety

Robyn Ramos, Regulations Specialist  
Department of Public Safety

Stephanie Galbraith-Moore, Assistant Attorney General  
Department of Law

NOTICE OF ADOPTION OF EMERGENCY REGULATION  
ON MINIMUM STANDARDS FOR POLICE, VILLAGE POLICE, CORRECTIONS,  
PROBATION & PAROLE, AND MUNICIPAL CORRECTIONAL OFFICERS OF ALASKA  
POLICE STANDARDS COUNCIL

On August 26, 2020 the Alaska Police Standards Council adopted, as an emergency regulation, changes in 13 AAC 85.010, 13 AAC 85.210, 13 AAC 85.215 and 13 AAC 89.010 of the Alaska Administrative Code dealing with the inclusion of United States Nationals in officer's eligibility standards, including the following:

- (1) 13 AAC 85.010 is proposed to be changed as follows: Include United States Nationals, in addition to United States Citizens, in standards for hiring of police officers;
- (2) 12 AAC 85.210 is proposed to be changed as follows: Include United States Nationals, in addition to United States Citizens, in standards for hiring of corrections and probation parole officers;
- (3) 13 AAC 85.215 is proposed to be changed as follows: Include United States Nationals, in addition to United States Citizens, in standards for hiring of municipal corrections officers;
- (4) 12 AAC 89.010 is proposed to be changed as follows: Include United States Nationals, in addition to United States Citizens, in standards for hiring of village police officers officers;

The emergency regulation took effect on August 28, 2020 and will expire December 26, 2020. The Alaska Police Standards Council intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Alaska Police Standards Council, PO Box 111200, Juneau, Alaska 99811-1200, or by dropping them of at 150 3<sup>rd</sup> Street, Juneau, Alaska. Additionally, the Alaska Police Standards Council will accept comments by facsimile at 907-456-3263 and by electronic mail at [wendy.menze@alaska.gov](mailto:wendy.menze@alaska.gov). Comments also may be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 PM on October 9, 2020.

You may submit written questions relevant to the proposed action to Alaska Police Standards Council, PO Box 111200, Juneau, Alaska 99811-1200, or by dropping them of at 150 3<sup>rd</sup> Street, Juneau, Alaska. The questions must be received at least 10 days before the end of the public comment period. The Alaska Police Standards Council will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website. The Alaska Police Standards Council may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation to participate in this



process, please contact Wendy Menze at 907-465-4378 or [wendy.menze@alaska.gov](mailto:wendy.menze@alaska.gov) not later than October 2, 2020 to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation is available on the Alaska Online Public Notice System and/or through the agency website at: <https://dps.alaska.gov/APSC/Regulations> and by contacting Wendy Menze at 907-465-4378 or [wendy.menze@alaska.gov](mailto:wendy.menze@alaska.gov).

The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 18.65.220; AS 18.65.240; AS 18.65.242

**Statutes being implemented, interpreted, or made specific:** AS 18.65.240; AS 18.65.242.

**Fiscal information:** The regulation is not expected to require an increased appropriation.

Date: August 27, 2020



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Robert E Griffiths  
Executive Director

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Alaska Police Standards Council
2. General subject of regulation: Basic Standards for APSC Certified officers
3. Citation of regulation: 13 AAC 85.010, .210, .215 and 13 AAC 89.010
4. Department of Law file number, if any: \_\_\_\_\_
5. Reason for the proposed action:  
  
☐ Compliance with federal law or action (identify): \_\_\_\_\_  
☐ Compliance with new or changed state statute  
☐ Compliance with federal or state court decision (identify): \_\_\_\_\_  
☐ Development of program standards  
☒ Other (identify): Emergency regulation
6. Appropriation/Allocation: Department of Public Safety/Alaska Police Standards Council
7. Estimated annual cost to comply with the proposed action to:  
  
A private person: None  
Another state agency: None  
A municipality: None
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

|                               | Initial Year<br>FY 2021 | Subsequent<br>Years |
|-------------------------------|-------------------------|---------------------|
| Operating Cost                | \$ <u>0</u>             | \$ <u>0</u>         |
| Capital Cost                  | \$ <u>0</u>             | \$ <u>0</u>         |
| 1002 Federal receipts         | \$ <u>0</u>             | \$ <u>0</u>         |
| 1003 General fund match       | \$ <u>0</u>             | \$ <u>0</u>         |
| 1004 General fund             | \$ <u>0</u>             | \$ <u>0</u>         |
| 1005 General fund/<br>program | \$ <u>0</u>             | \$ <u>0</u>         |
| Other (identify)              | \$ <u>0</u>             | \$ <u>0</u>         |

9. The name of the contact person for the regulation:

Name: Robert Griffiths

Title: Executive Director

Address: PO Box 111200, Juneau, AK 99811

Telephone: 907-465-5523

E-mail address: bob.griffiths@alaska.gov

10. The origin of the proposed action:

☒ Staff of state agency

☐ Federal government

☐ General public

☐ Petition for regulation change<sup>7</sup>

☐ Other (identify): \_\_\_\_\_

11. Date: August 28, 2020

Prepared by: 

Name: Robert Griffiths

Title: Executive Director

Telephone: 907-465-5523

AFFIDAVIT OF NOTICE OF ADOPTION  
OF EMERGENCY REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Robert Griffiths, Executive Director, of the Alaska Police Standards Council, under penalty of perjury, state the following:

As required by AS 44.62.250, notice of the August 26, 2020 emergency changes to 13 AAC 85.101, 210, 215 and 13 AAC 89.010, amending the basic standards for police, corrections, probation & parole, municipal corrections, and village police officers has been given under AS 44.62.190(a) by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the regulation;
- (6) electronically transmitted to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System: as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1)

As required by AS 44.62.190, additional regulation notice information regarding the August 26, 2020 emergency changes to the regulation described above has been furnished to interested persons and furnished to those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: September 3, 2020



Digitally signed by Robert E  
Griffiths  
Date: 2020.09.03 11:39:06 -08'00'

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Robert E Griffiths  
Executive Director

State of Alaska  
City and Borough of Juneau

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Robert E Griffiths, Executive Director for the Alaska Police Standards Council, under penalty of perjury, state the following:

In compliance with AS 44.62.215, the Alaska Police Standards Council has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Alaska Police Standards Council regulation on Department of Public Safety - Alaska Police Standards Council Emergency Regulations re: Hiring Qualifications (13 AAC 85.010; 13 AAC 85.210; 13 AAC 85.215; and 13 AAC 89.010).

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 16 October 2020



Digitally signed by Robert E  
Griffiths  
Date: 2020.10.16 09:57:24  
-08'00'

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Robert E Griffiths, Executive Director

State of Alaska  
City & Borough of Juneau

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 268351  
PO Box 111200, JUNEAU, AK 99811

Order #: W0017548

Cost: \$423.34

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

08/30/2020

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed \_\_\_\_\_

Subscribed and sworn to before me  
this 31st day of August 2020.

\_\_\_\_\_  
Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

4/14/21

ANGELA M SIMMONS  
NOTARY PUBLIC  
State of Alaska  
My Commission Expires Apr. 14, 2021

### NOTICE OF ADOPTION OF EMERGENCY REGULATION ON MINIMUM STANDARDS FOR POLICE, VILLAGE POLICE, CORRECTIONS, PROBATION & PAROLE, AND MUNICIPAL CORRECTIONAL OFFICERS OF ALASKA POLICE STANDARDS COUNCIL

On August 26, 2020 the Alaska Police Standards Council adopted, as an emergency regulation, changes in 13 AAC 85.010, 13 AAC 85.210, 13 AAC 85.215 and 13 AAC 89.010 of the Alaska Administrative Code dealing with the inclusion of United States Nationals in officer's eligibility standards, including the following:

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- (2) 13 AAC 85.210 is proposed to be changed as follows: Include United States Nationals, in addition to United States Citizens, in standards for hiring of corrections and probation parole officers;
- (3) 13 AAC 85.215 is proposed to be changed as follows: Include United States Nationals, in addition to United States Citizens, in standards for hiring of municipal corrections officers;
- (4) 13 AAC 89.010 is proposed to be changed as follows: Include United States Nationals, in addition to United States Citizens, in standards for hiring of village police officers officers;

The emergency regulation took effect on August 28, 2020 and will expire December 26, 2020. The Alaska Police Standards Council intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the changes, by submitting written comments to Alaska Police Standards Council, PO Box 111200, Juneau, Alaska 99811-1200, or by dropping them off at 150 3rd Street, Juneau, Alaska. Additionally, the Alaska Police Standards Council will accept comments by facsimile at 907-456 3263 and by electronic mail at [wendy.menze@alaska.gov](mailto:wendy.menze@alaska.gov). Comments also may be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 4:30 PM on October 9, 2020.

You may submit written questions relevant to the proposed action to Alaska Police Standards Council, PO Box 111200, Juneau, Alaska 99811-1200, or by dropping them off at 150 3rd Street, Juneau, Alaska. The questions must be received at least 10 days before the end of the public comment period. The Alaska Police Standards Council will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website. The Alaska Police Standards Council may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation to participate in this process, please contact Wendy Menze at 907-465-4378 or [wendy.menze@alaska.gov](mailto:wendy.menze@alaska.gov) not later than October 2, 2020 to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation is available on the Alaska Online Public Notice System and/or through the agency website at: <https://dps.alaska.gov/APSC/Regulations> and by contacting Wendy Menze at 907 465-4378 or [wendy.menze@alaska.gov](mailto:wendy.menze@alaska.gov).

The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 18.65.220; AS 18.65.240; AS 18.65.242

**Statutes being implemented, interpreted, or made specific:** AS 18.65.240; AS 18.65.242.

**Fiscal Information:** The regulation is not expected to require an increased appropriation.

**Date:** August 27, 2020

**By:** /s/ Robert E. Griffiths  
Executive Director

**Published:** August 30, 2020

**EXCERPT from DRAFT MINUTES OF  
THE ALASKA POLICE STANDARDS COUNCIL  
139<sup>TH</sup> PUBLIC MEETING  
Statewide Teleconference  
December 1, 2020**

8. Old Business:

a. Regulation Changes

1. Formal Adoption of Final Emergency Regulations:

**Jennifer Winkelman** moved that after consideration of public questions and comments received by the council, we adopt as permanent, without amendment, the emergency regulation changes adopted at our last council meeting.

**Chief Ed Mercer** seconded the motion.

**Discussion:** None

**Roll-call vote:** Unanimous; motion passed, and permanent regulations adopted.

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AFFIDAVIT OF ALASKA POLICE STANDARDS COUNCIL ACTION

I, Robert Griffiths, Executive Director for the Alaska Police Standards Council, under penalty of perjury, state the following:

The attached motion was addressed by the council in its public meeting on December 1, 2020, dealing with the permanent adoption of emergency regulations changes regarding basic standards for hiring police, village police, corrections, probation and parole, and municipal corrections officers passed originally by the Alaska Police Standards Council during its public meeting on August 26, 2020.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: December 3, 2020



Digitally signed by Robert E  
Griffiths  
Date: 2020.12.03 10:21:42 -09'00'

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Robert E Griffiths,  
Executive Director

State of Alaska  
City & Borough of Juneau