

IN THE SENATE -- State Affairs, Judiciary
and Finance

IN THE HOUSE -- Health, Education and Social
Services, State Affairs and
Finance

EXECUTIVE ORDER NO. 67

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2 Under the authority of art. III, sec. 23, of the Alaska Constitution,
3 and in accordance with AS 24.08.210, I order the following:

4 * Section 1. FINDINGS. As governor, I find that it would be in the
5 best interests of the state's efficient administration to transfer respon-
6 sibility for the alcohol breath and blood testing program from the Depart-
7 ment of Health and Social Services to the Department of Public Safety.
8 This will consolidate related functions, avoid confusion, save money, and
9 take advantage of the new crime laboratory administered by the Department
10 of Public Safety.

11 * Sec. 2. AS 28.35.033(d) is amended to read:

12 (d) To be considered valid under the provisions of this section,
13 the chemical analysis of the person's breath or blood shall have been
14 performed according to methods approved by the Department of Public
15 Safety [HEALTH AND SOCIAL SERVICES]. The Department of Public Safety
16 [HEALTH AND SOCIAL SERVICES] is authorized to approve satisfactory
17 techniques, methods, and standards of training necessary to ascertain
18 the qualifications of individuals to conduct the analysis. If it is
19 established at trial that a chemical analysis of breath or blood was
20 performed according to approved methods by a person trained according
21 to techniques, methods, and standards of training approved by the
22 Department of Public Safety [HEALTH AND SOCIAL SERVICES], there is a
23 presumption that the test results are valid and further foundation for
24 introduction of the evidence is unnecessary.

25 * Sec. 3. TRANSITION. Regulations adopted by the Department of Health
26 and Social Services under authority of AS 28.35.033(d) before the effective
27 date of this Order, remain in effect until regulations are adopted under
28 that subsection by the Department of Public Safety. The Department of
29 Public Safety shall administer those Department of Health and Social

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Services regulations until it adopts its own.

* Sec. 4. This Order takes effect July 1, 1987.

DATED:

~~June 14, 1987~~



Steve Cowper, Governor