

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

EO 63 thru EO 67-H 190 190



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Signature of Camera Operator

9/6/91
Date

EO

63



Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 19, 1987

MEMORANDUM

TO: Senator Bennett, Co-Chairman
Senator Binkley, Co-Chairman
Finance Committee

FROM: Peggy Mulligan *PM*
Secretary of the Senate

RE: Executive Order No. 63

The President has referred Executive Order No. 63 (transferring the Alaska Historical Commission from the Department of Education to the the Department of Natural Resources).

Attached is a copy of Section 23, Article III of the Constitution describing procedures for executive orders.

Enclosures

also to Resources

invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

**Martial
Law**

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

**Executive
Clemency**

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

**Executive
Branch**

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

Reorganization

SECTION 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

EXECUTIVE ORDER NO. 63

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

* Section 1. FINDINGS. As governor, I find that it would be in the best interest of efficient administration to transfer the Alaska Historical Commission from the Department of Education to the Department of Natural Resources. The functions of the commission are closely related to some of the functions of the Department of Natural Resources.

* Sec. 2. AS 41.35 is amended by adding new sections to read:

ARTICLE 2. ALASKA HISTORICAL COMMISSION.

Sec. 41.35.300. CREATION. There is created in the Department of Natural Resources the Alaska Historical Commission.

Sec. 41.35.310. COMPOSITION. The Alaska Historical Commission consists of four members appointed by the governor, ex officio the lieutenant governor, and ex officio the executive director who may not vote. The lieutenant governor shall serve as chairman.

Sec. 41.35.320. APPOINTMENT. The governor shall make appointments from a list of recommended nominees submitted to him each year by the Alaska Historical Society. In the first year of the commission the list of nominees shall contain at least eight names and in each subsequent year the list shall contain at least four names. A person who has served on the commission may be renominated.

Sec. 41.35.330. TERMS OF OFFICE. The term of office for each appointed member of the commission is two years; however, of the members first appointed, two shall serve for one year and two shall serve for two years. When a member's term has expired and a replacement has not been appointed, the member shall continue to serve until a replacement is appointed.

Sec. 41.35.340. COMPENSATION. The members of the commission are

1 not entitled to receive compensation for their services, but they are
2 entitled to receive the same travel pay and per diem as state offi-
3 cials and employees.

4 Sec. 41.35.350. DUTIES OF THE COMMISSION. The duties of the
5 commission are to

6 (1) survey, evaluate, and catalog Alaska prehistory and
7 history materials now in print;

8 (2) ascertain and register what Alaska prehistory and
9 history work is now in progress;

10 (3) identify the existing gaps in the coverage of Alaska's
11 past in presently available published works and establish priorities
12 for bridging them;

13 (4) prepare a thematic study of Alaska's history for his-
14 toric preservation;

15 (5) identify the sources of Alaska's history;

16 (6) coordinate the production and publication of works that
17 will adequately present all aspects of Alaska's past; and

18 (7) cooperate with the federal government in programs
19 relating to history and archaeology.

20 Sec. 41.35.360. REPORTS. The commission shall make an annual
21 report to the governor.

22 Sec. 41.35.370. EXECUTIVE DIRECTOR. The commission shall ap-
23 point, subject to approval by the governor, an executive director who
24 is to be in the partially exempt service as set out in AS 39.25.120.
25 The executive director shall serve as the executive officer of the
26 commission in the accomplishment of its functions. He serves at the
27 direction and at the pleasure of the governor.

28 Sec. 41.35.380. GIFTS AND INCOME. (a) There is established in
29 the state general fund a special Alaska Historical Commission receipts

1 account into which shall be paid:

2 (1) all monetary gifts, grants, and bequests received by
3 the commission;

4 (2) all royalties and other income which the commission
5 receives from its projects.

6 (b) The legislature may appropriate funds from this account for
7 commission projects.

8 * Sec. 3. AS 44.27.061 -- 44.27.076 are repealed.

9 * Sec. 4. The current membership of the commission, and contracts and
10 proceedings entered into by the commission, are not affected by the reloca-
11 tion made by this order.

12 * Sec. 5. This Order takes effect March 20, 1987.

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14 DATED: _____

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17 Steve Cowper
18 Governor
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STEVE COWPER
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

President

January 19, 1987

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting Executive Order No. 63, transferring the Alaska Historical Commission from the Department of Education to the Department of Natural Resources.

This Order is a major element in the integration of three state entities: the commission, the Alaska Archaeology Survey (now in the division of mining and geological survey, Department of Natural Resources), and the Office of History and Archaeology (State Historic Preservation Office, now in the division of parks and outdoor recreation). The wording of the new provisions in this Order is identical to current AS 44.27.061 -- 44.27.076 (which are being repealed in sec. 3). Integrating the three agencies, each of which, in different ways, works to preserve and further the understanding of Alaska history and pre-history, will have several benefits.

First, this integration will provide one cultural resource agency for the Alaska public to work with instead of three. While the three agencies do not at present duplicate efforts, members of the public are often unsure about which agency to contact about a cultural resource concern. The integration will make proper referrals an internal matter for the combined functions, rather than placing on the public the burden of finding out who to contact.

Second, this integration will focus management and implementation of closely related programs. Under one management, there should be economy of scale, increase in program activity at no increased cost, and better service to the public.

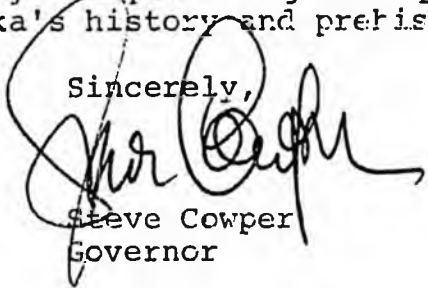
Third, this integration will enable better management of the resources Alaska allocates to its history and archaeology programs, and better evaluation of the effectiveness of those programs.

Fourth, this integration will provide staff support to the Alaska Historical Commission programs, which took a severe budget cut in FY 87. The Alaska Historical Commission programs provide an important element in the state's overall efforts in cultural resource programs.

Although there is substantial question as to the validity of the appointment section (AS 41.35.320), this new section is identical to the current AS 44.27.063, and it is not appropriate to make substantive statutory changes by means of an executive order that is only transferring an agency. The problem with this section is its restriction on the governor's appointment authority under art. III of the Alaska Constitution.

In summary, merging the Alaska Historical Commission with the Alaska Archaeological Survey and the Office of History and Archaeology will produce a single, more effective and economically sound way of promoting the preservation and understanding of Alaska's history and prehistory.

Sincerely,



Steve Cowper
Governor

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST

Bill/Resolution No. : 5063
 Title : Transfer Historical Commission

 Sponsor : Governor / Rules
 Requestor : DNK
 Date of Request : _____

FISCAL DETAIL

Agency Affected : _____
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-		

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The transfer of the Alaska Historical Commission from Education to Natural Resources will have net-zero fiscal impact: the FY87 Revised authorization of \$85.0 in Education is being RSA'ed to Natural Resources for FY87 and that same amount will be C4'ed to Natural Resources for FY88.

Prepared by: Hilton Wolfe Phone: 465-2424
 Division: Management Date: 10/7/86

Approved by Commissioner: Wm D. Jarvis Date: 10/8/86
 Agency: Natural Resources

Distribution (by Agency preparing fiscal note):

Legislative Finance
 Legislative Sponsor ¹ In consultation with Ray Jensen, Education's Budget
 Requestor Analyst (10/7/86).
 Office of Management and Budget
 Impacted Agency(ies)

Huso

REV 4

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From The
**SENATE
FINANCE COMMITTEE**

3/10/87

Retrieved by Nancy in
Sen. Secretary's office
for return to the
Governor per his request.

STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : Exec. Order 64 ;
 Title : Division of Mining and Geology

 Sponsor : _____
 Requestor : Governor
 Date of Request : _____

FISCAL DETAIL

Agency Affected : Natural Resources
 BRU : _____

 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

The Executive Order changes the name of a consolidated division to the Division of Mining and Geology. Approximately \$200,000 was saved in FY 87 by consolidating two divisions. If the consolidation is not allowed by the Legislature, approximately \$200,000 in additional funds would be needed to operate two separate divisions.

Prepared by : Carol Wilson Phone : 465-2400
 Division : Commissioner's Office Date : 11/18/86

Approved by Commissioner : *James J. Arnold* Date : 11/24/86
 Agency : Department of Natural Resources

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

IN THE SENATE -- Resources and Finance

IN THE HOUSE -- Resources

EXECUTIVE ORDER NO. 64

1
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 efficient administration and state efforts in the areas
6 of mining and geological surveys (1) to consolidate the functions of the
7 division of geological and geophysical surveys and the division of mining
8 in the Department of Natural Resources, and (2) to name the consolidated
9 unit the division of mining and geology.

10 * Sec. 2. AS 39.25.110(14) is amended to read:

11 (14) petroleum engineers and petroleum geologists employed
12 in a professional capacity by the Department of Natural Resources and
13 by the Oil and Gas Conservation Commission, except for those employed
14 in the division of mining and geology [GEOLOGICAL AND GEOPHYSICAL
15 SURVEYS] in the Department of Natural Resources;

16 * Sec. 3. AS 41.08.010 is amended to read:

17 Sec. 41.08.010. DIVISION OF MINING AND GEOLOGY [GEOLOGICAL AND
18 GEOPHYSICAL SURVEYS]. There is established in the Department of
19 Natural Resources a division of mining and geology [GEOLOGICAL AND
20 GEOPHYSICAL SURVEYS] under the direction of the state geologist.

21 * Sec. 4. AS 41.08.020(b) is amended to read:

22 (b) In addition, the division of mining and geology [GEOLOGICAL
23 AND GEOPHYSICAL SURVEYS] shall:

24 (1) collect, record, evaluate, and distribute data on the
25 quantity, quality and location of underground, surface and coastal
26 water of the state;

27 (2) publish or have published data on the water of the
28 state;

29 (3) require the filing with it of the results and findings

1 of surveys of water quality, quantity, and location;

2 (4) require of water well contractors, the filing with it
3 of basic water and aquifer data normally obtained, including but not
4 limited to well location, estimated elevation, well driller's logs,
5 pumping tests and flow measurements and water quality determinations;

6 (5) accept and spend funds for the purposes of this sec-
7 tion, AS 41.08.017 and 41.08.035 and enter into agreements with indi-
8 viduals, public or private agencies, communities, private industry,
9 state agencies and agencies of the federal government;


10 (6) collect, record, evaluate, archive and distribute data
11 on seismic events and engineering geology of the state;

12 (7) identify potential seismic hazards that might affect
13 development in the state;

14 (8) inform public officials and industry about potential
15 seismic hazards that might affect development in the state.

16 * Sec. 5. This Order takes effect March 21, 1987.

17 DATED: Jan. 14, 1987

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19 _____
20 Steve Cowper
21 Governor

EO

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Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 19, 1987

MEMORANDUM

TO: Senator Bennett, Co-Chairman
Senator Binkley, Co-Chairman
Finance Committee

FROM: Peggy Mulligan *PAM*
Secretary of the Senate

RE: Executive Order No. 65

The President has referred Executive Order No. 65 (moving the Alaska Foreign Office from the Department of Commerce and Economic Development to the Office of the Governor).

Attached is a copy of Section 23, Article III of the Constitution describing procedures for executive orders.

Enclosure

cc: Special Committee on International Trade

invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

Martial
Law

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Executive
Clemency

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

Executive
Branch

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

Reorganization

SECTION 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. ~~The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.~~

EXECUTIVE ORDER NO. 65

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

* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration to move the Alaska Foreign Offices from the Department of Commerce and Economic Development to the Office of the Governor, thus recognizing more fully the importance of their activities to the economic welfare of the state.

* Sec. 2. AS 44.19 is amended by adding a new section to read:

ARTICLE 5A. ALASKA FOREIGN OFFICES.

Sec. 44.19.675. ALASKA FOREIGN OFFICES ESTABLISHED. There are established in the Office of the Governor two Alaska Foreign Offices. The offices are to be located in Tokyo, Japan, and Seoul, Republic of Korea. The offices shall serve as outlets for information related to economic development, resources, and trade, and as contact points for government and private industry of Alaska and the Pacific Rim nations of Asia to promote and maintain trade between the state and those countries.

(b) The governor shall staff the offices with persons the governor selects based on their experience, training, and linguistic ability. The governor shall solicit ideas from the legislature regarding desirable staff qualifications and its recommendations of persons to staff the offices. The governor may hire additional personnel as necessary.

(c) The governor shall direct all state agencies, and request the federal government and private industry, to provide the foreign offices with necessary reports, brochures, and information requested by the staffs of the foreign offices.

(d) The governor shall report annually to the legislature on the

1 activities and accomplishments of the offices.

2 (e) The expenses of operating the offices shall be included in
3 appropriations made to the Office of the Governor.

4 * Sec. 3. AS 44.33.020(26) and 44.33.530 -- 44.33.550 are repealed.

5 * Sec. 4. TRANSITION. Contracts and proceedings entered into by the
6 Alaska Foreign Offices are not affected by the relocation made by this
7 Order. Records, equipment, and other property of the offices whose func-
8 tions are transferred under this Order must be transferred, consistent with
9 the provisions of this Order.

10 * Sec. 5. This Order takes effect July 1, 1987.

11 DATED: January 19, 1987

12 Juneau, Alaska

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16 Steve Cowper, Governor
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STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 19, 1987

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting Executive Order No. 65, to transfer the Alaska foreign offices from the Department of Commerce and Economic Development to the Office of the Governor. I believe that the activities of those offices are vital to the economy of the state, and I intend to become personally involved in their activities. This transfer will more fully recognize the value of those offices and will facilitate my supervision of them.

The Order consolidates into one statute the language presently in AS 44.33.530 -- 44.33.550, which sections are being repealed in sec. 3 of the Order. No substantive change is being made. This action reverses that taken in 1984 when Executive Order No. 57 renamed the old Alaska State Office and moved it from the Office of the Governor to the Department of Commerce and Economic Development. I am confident that you will agree with me that the importance of the Pacific Rim countries to Alaska's economic well-being justifies this return to the Governor's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name.

Steve Cowper
Governor

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: Executive Order #65

Publish Date: _____

Revision Date: _____

Title: Alaska Foreign Offices

Agency Affected: Comm. & Econ. Dev.

BRU: International Trade

Sponsor: Rules

Requestor: Steve Cowper, Governor

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
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						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Dan Dixon, Director
Division: Office of International Trade

Phone: 562-2728
Date: January 13, 1987

Approved by Commissioner: 
Agency: Commerce and Economic Development

Date: January 13, 1987

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

POD Stein
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STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

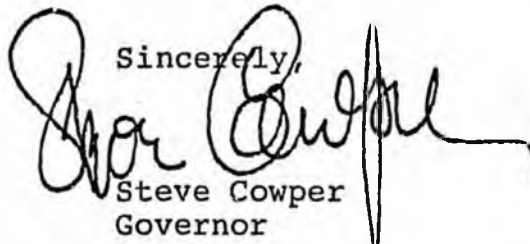
January 22, 1987

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

We have noted an error in Executive Order No. 66 concerning the telecommunications powers and duties of the Department of Administration. In sec. 5 of the Order, on line 28 of page 6, the cross reference to "f of this section" should be to "d of this section."

By copies of this letter, we are notifying the committees of first referral and asking the revisor of statutes to make this correction during the codification of this Executive Order, if it takes effect on March 20, 1987. This will ensure that there is no substantive change in the powers of the Department of Administration concerning telecommunications operations.

Sincerely,

Steve Cowper
Governor

cc: Hon. Mitch Abood, Chair
Senate State Affairs Committee

Hon. Red Boucher, Chair
Special Committee on Telecommunications

David Dierdorff, Revisor of Statutes
Legislative Affairs Agency



Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 19, 1987

MEMORANDUM

TO: Senator Bennett, Co-Chairman
Senator Binkley, Co-Chairman
Finance Committee Committee

FROM: Peggy Mulligan *PJM*
Secretary of the Senate

RE: Executive Order No. 66

The President has referred Executive Order No. 66
(merging the statutory responsibilities of the Review Board
on Alcoholism and the Advisory Board on Drug Abuse).

Attached is a copy of Section 23, Article III of the
Constitution describing procedures for executive orders.

Enclosure

cc: State Affairs Committee

invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

Martial Law

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Executive Clemency

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

Executive Branch

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

Reorganization

SECTION 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

*9 PM
W analysis
Pms*

EXECUTIVE ORDER NO. 66

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

* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration to eliminate the statutory requirements for two separate divisions and a deputy commissioner in the Department of Administration with telecommunications powers and duties. These powers and duties will be more efficiently exercised with greater flexibility given to the department.

* Sec. 2 AS 44.21.305 is amended to read:

Sec. 44.21.305. COMMISSIONER'S RESPONSIBILITY [DEPUTY COMMISSIONER]. [(a) THE TELECOMMUNICATIONS DIVISIONS SHALL BE ADMINISTERED BY A DEPUTY COMMISSIONER OF THE DEPARTMENT APPOINTED BY THE COMMISSIONER.

(b) The [DEPUTY] commissioner shall

(1) provide executive direction for the activities of the department related to telecommunications [DIVISIONS]; and

(2) assure that department [DIVISION] activities in no way constitute an influence on the content or airing of programming, and report to the governor[, THE COMMISSIONER,] and the Alaska Public Broadcasting Commission any request or attempt by an employee of the state to influence the content or airing of program material.

* Sec. 3. AS 44.21.310 is amended to read:

Sec. 44.21.310. TELECOMMUNICATIONS POWERS AND DUTIES [OF THE TELECOMMUNICATIONS DIVISIONS]. (a) The department [TELECOMMUNICATIONS DIVISIONS, AS DIRECTED BY THE DEPUTY COMMISSIONER,] shall

(1) advise the governor on matters of policy and comprehensive state planning for telecommunications services;

(2) make an annual report to the governor and to the

1 legislature on the activities of the department [TELECOMMUNICATIONS
2 DIVISIONS];

3 (3) coordinate, manage, and supervise state programs in
4 telecommunications, including the management of those telecommunica-
5 tion services for the state obtained from common carriers and from the
6 communications industry;

7 (4) when requested, provide technical and consulting assis-
8 tance to the executive, judicial, and legislative branches of state
9 government, to the University of Alaska, and to private noncommercial
10 entities which request that assistance in facility procurement and
11 leasing and in identifying long-range goals and objectives for the
12 state and its political subdivisions in all aspects of telecommunica-
13 tions, including public, educational, and instructional telecommunica-
14 tions;

15 (5) prepare and maintain a state comprehensive telecommu-
16 nications development plan to further state telecommunications devel-
17 opment and to meet state telecommunications needs and prepare and
18 maintain a comprehensive inventory of all state communications facil-
19 ities;

20 (6) whenever feasible, procure services from private enter-
21 prise or certified and franchised utilities and contract for the
22 construction, management, operation and maintenance of telecommunica-
23 tions systems, and develop a procurement policy consistent with AS
24 36.30 (State Procurement Code); the procurement policy must seek to
25 achieve the maximum benefit to the public, and methods of procurement,
26 including lease, purchase, rental, or combinations of lease, purchase,
27 and rental, must be selected on the basis of factors such as the ratio
28 of long-range costs versus benefits, life cycle costing, and the costs
29 to the communications industry to the extent that these costs may

1 affect local and long distance basic telephone rates; procurement,
2 contracting, construction, and maintenance under this paragraph is
3 governed by AS 36.30;

4 (7) provide information and assistance to state agencies to
5 promote governmental coordination and unity in the preparation of
6 agency plans and programs involving the use of telecommunications;

7 (8) apply for and accept federal and private money, proper-
8 ty, or assistance, that may be appropriated, granted, or otherwise
9 made available to the department [TELECOMMUNICATIONS DIVISIONS] and
10 use and disburse money and property for purposes consistent with AS
11 44.21.300 -- 44.21.330 and AS 44.21.256 -- 44.21.290, subject to
12 reasonable limitations imposed by the grantor;

13 (9) participate with other governmental units in planning,
14 and assist local governments and governmental conferences and councils
15 in the state in planning and coordinating their activities relating to
16 telecommunications;

17 (10) provide for the orderly transition to new telecommu-
18 nications services and systems by state agencies;

19 (11) serve as a clearinghouse for information, data, and
20 other materials which may be necessary or helpful to federal, state,
21 or local governmental agencies in the development of telecommunication
22 systems;

23 (12) coordinate department [THEIR] services and activities
24 with those of other state departments and agencies to the fullest
25 extent possible to avoid unnecessary duplication; and

26 (13) provide that all activities of the department [TELE-
27 COMMUNICATIONS DIVISIONS] are responsive to state statutes and regu-
28 lations, and to the regulations and rulings of the Federal Communica-
29 tions Commission.

1 (b) The department [TELECOMMUNICATIONS DIVISIONS, AS DIRECTED BY
2 THE DEPUTY COMMISSIONER,] may

3 (1) coordinate its [THEIR] functions with local, regional,
4 state, and federal officials, private groups and individuals, and with
5 officials of other countries, provinces, and states;

6 (2) enter into contracts and subcontracts on behalf of the
7 state to carry out the provisions of AS 44.21.300 -- AS 44.21.330;

8 (3) act for the state in the initiation, investigation, and
9 evaluation of, or participation in, programs related to the purposes
10 of the department [TELECOMMUNICATIONS DIVISIONS] which involve more
11 than one government or governmental unit;

12 (4) on behalf of the state, apply for, accept, and expend
13 gifts or grants made to the state if the gifts or grants are for the
14 purposes of furthering the objectives of the department [TELECOMMU-
15 NICATIONS DIVISIONS]; and

16 (5) hold public hearings to obtain information for the
17 purpose of carrying out the provisions of AS 44.21.300 -- 44.21.330.

18 (c) The department [TELECOMMUNICATIONS DIVISIONS] may not at-
19 tempt to influence or affect the content or airing of program materi-
20 al.

21 * Sec. 4. AS 44.21.315 is amended to read:

22 Sec. 44.21.315. [DIVISION OF] TELECOMMUNICATIONS SERVICES. (a)
23 [THE DIVISION OF TELECOMMUNICATIONS SERVICES SHALL BE ADMINISTERED BY
24 A DIRECTOR APPOINTED BY THE COMMISSIONER.

25 (b)] The department [DIVISION OF THE TELECOMMUNICATIONS SER-
26 VICES] shall provide

27 (1) technical consultation to educational and public tele-
28 communications users;

29 (2) coordination and support to telecommunications services

1 for instruction, including technical assistance and assistance in
2 preparation of applications for grants related to program development
3 as may be requested by

4 (A) public school districts and the Department of
5 Education;

6 (B) the University of Alaska; and

7 (C) other state agencies as approved by the [DEPUTY]
8 commissioner;

9 (3) coordination and support for health and safety-related
10 functions, including the administrative and client services provided
11 by state, federal, and private agencies;

12 (4) coordination and support to telecommunications services
13 for public participation in state-financed services, including the
14 public hearing process, as may be statutorily required or otherwise
15 appropriate;

16 (5) assistance, through design, development, and promotion,
17 to local school districts or other local and regional education
18 agencies for the regionalization of instructional telecommunications
19 services;

20 (6) establishment of operational policies for public tele-
21 communications services other than public broadcasting; and

22 (7) assistance to the Alaska Public Broadcasting Commission
23 and any commission-designated subcommittees, as necessary to perform
24 assigned department [DIVISION] functions; the department [DIVISION]
25 shall cooperate with the commission and subcommittees in order to
26 develop policies which are responsive to the user groups which are
27 represented on the commission.

28 (b) [(c)] Subject to available funding, the department [DIVISION
29 OF TELECOMMUNICATIONS SERVICES] may make grants to educational and

1 public telecommunication users except grants for public broadcasting
2 purposes.

3 (c) [(d)] The department [DIVISION OF TELECOMMUNICATIONS SER-
4 VICES] shall study, plan, and develop integrated instructional tele-
5 communications services for all residents of the state, and shall
6 annually report on current fiscal year instructional telecommunica-
7 tions activities and, after public hearings, submit to the governor
8 and the legislature an annually updated long-term development plan
9 prepared in consultation with the Department of Education, the Univer-
10 sity of Alaska, local school districts, and other local and regional
11 education areas.

12 (d) [(e)] The department [DIVISION OF TELECOMMUNICATIONS SER-
13 VICES] shall, after public hearings, submit to the governor an annual-
14 ly updated long-term development plan for teleconferencing facilities
15 and services, including facilities and services used both by state
16 agencies and groups other than state agencies.

17 (e) [(f)] The department [DIVISION OF TELECOMMUNICATIONS SER-
18 VICES] may not own, operate, or be the licensee of a public noncommer-
19 cial broadcast station or production center.

20 (f) [(g)] Nothing in this section implies department [DIVISION]
21 responsibility for programming content. Program design, production,
22 and use are the responsibility of the program-sponsoring agency or
23 other entity, not the department [DIVISION].

24 * Sec. 5. AS 44.21.320 is amended to read:

25 Sec. 44.21.320. [DIVISION OF] TELECOMMUNICATIONS OPERATIONS.

26 (a) [THE DIVISION OF TELECOMMUNICATIONS OPERATIONS SHALL BE ADMINIS-
27 TERED BY A DIRECTOR APPOINTED BY THE COMMISSIONER.

28 (b) Except as provided in (f) [(e)] of this section, the de-
29 partment [DIVISION OF TELECOMMUNICATIONS OPERATIONS] may, consistent

1 with the provisions of AS 44.21.310(a)(6)

2 (1) plan, design, construct, manage, and operate all tele-
3 communications systems owned or leased by state agencies;

4 (2) manage centrex and other telephone-related services of
5 state agencies;

6 (3) be responsible generally for telecommunications systems
7 and design for state agencies; and

8 (4) coordinate with state agencies in performing their data
9 and word processing tasks.

10 (b) [(c)] Within the limits of available financing, the depart-
11 ment [DIVISION OF TELECOMMUNICATIONS OPERATIONS] shall administer and
12 operate the satellite television project, by

13 (1) coordinating with the satellite television user groups
14 and entities; and

15 (2) providing liaison, management support, and technical
16 assistance for the satellite television project.

17 (c) [(d)] Decisions and policies relating to programming under
18 the satellite television project, including scheduling and allocation
19 policies, may not be made by the [DIVISIONS OF TELECOMMUNICATIONS OR
20 THE] department, but may only be made by a network that is representa-
21 tive of participating rural television users, by commercial broadcast
22 users or by other affected participating user groups and entities
23 under procedures provided by statute or, if no statute applies, then
24 by agreement of the affected user networks or groups. The department
25 shall assist users in preparing agreements that may be required under
26 this subsection.

27 (d) [(e)] The [DIVISIONS OF TELECOMMUNICATIONS AND THE] depart-
28 ment may not engage in any activity which interferes with a contract
29 or program right relating to commercial television programming,

1 including but not limited to any right protected by copyright.

2 (e) [(f)] Nothing in AS 44.21.300 -- 44.21.330 prohibits a state
3 agency from developing telecommunications systems within its own
4 agency if the commissioner gives written authorization for the agency
5 to engage in its own design, development, management, or operation.
6 The commissioner may authorize independent development only upon a
7 showing of necessity. A description of all authorization under this
8 subsection must be included in the annual report required under AS
9 44.21.310(a)(2).

10 (f) [(g)] A state agency authorized to develop an internal
11 telecommunications system shall, whenever feasible, coordinate its
12 design development, management, and operation with the department
13 [DIVISION OF TELECOMMUNICATIONS OPERATIONS].

14 * Sec. 6. AS 44.21.300 and AS 44.21.330(3) are repealed.

15 * Sec. 7. This Order takes effect March 20, 1987.

16 DATED: January 19, 1987

17
18 Steve Cowper, Governor

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

E066

January 19, 1987

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that eliminates the statutory requirements for two separate divisions and a deputy commissioner with telecommunications powers and duties in the Department of Administration.

The Order will enhance the efficiency and flexibility of the department as it continues to carry out its telecommunications powers and duties.

No substantive change in those powers and duties is intended by the amendments or repealers in this Order. In fact, the Order merely authorizes and ratifies a reorganization already underway to help absorb the budget cuts of the past fiscal year. The two existing telecommunications divisions are currently supervised by the same director. The greater efficiency and flexibility resulting from this Order should help us realize additional savings and effectiveness.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name.

Steve Cowper
Governor

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

Bill Version: Executive Order 66
Publish Date: _____

REQUEST _____

Revision Date: _____
Title: EO 66

Agency Affected: Department of Administration
BRU: Telecommunications Operations
and Telecommunications Services

Sponsor: _____
Requestor: _____

Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
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	0	0	0	0	0	0
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	0	0	0	0	0	0
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

Two positions were deleted from the FY 88 Telecommunications Services budget prior to submittal; therefore Executive Order 68 has zero fiscal impact.

Prepared By: John J. Cameron
Division: Telecommunications Services

Phone: 465-2041
Date: January 12, 1987

Approved by Commissioner: Garrey Peska
Agency: Department of Administration

Date: 1/13/87

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)
Senate Secretary

C&C TADP ^{Interim}
ED RM

EO

67-5



Alaska State Legislature

Senate

Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

January 19, 1987

MEMORANDUM

TO: Senator Bennett, Co-Chairman
Senator Binkely, Co-Chairman
Finance Committee

FROM: Peggy Mulligan *PM*
Secretary of the Senate

RE: Executive Order No. 67

The President has referred Executive Order No. 67 (transferring the responsibility for the alcohol breath and blood testing program from the Department of Health and Social Services to the Department of Public Safety).

Attached is a copy of Section 23, Article III of the Constitution describing procedures for executive orders.

Thank you.

Enclosure

cc: State Affairs Committee
and Judiciary Committee

invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

Martial Law

SECTION 20. The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

Executive Clemency

SECTION 21. Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

Executive Branch

SECTION 22. All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

Reorganization

SECTION 23. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. ~~The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.~~

EXECUTIVE ORDER NO. 67

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

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

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

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

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

1 Services regulations until it adopts its own.

2 * Sec. 4. This Order takes effect July 1, 1937.

3 DATED: _____

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6 Steve Cowper, Governor
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STEVE COWPER
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 19, 1987

The Honorable Jan Faiks
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that will transfer administrative and regulatory authority for the state's alcohol breath and blood testing program from the Department of Health and Social Services to the Department of Public Safety. This transfer is necessary to improve the administration of Alaska's alcohol breath and blood testing program and to ensure that the program is conducted in the most efficient and legally defensible manner.

Under AS 28.35.033(d), amended in sec. 2 of this order, the Department of Health and Social Services (DHSS) currently possesses regulatory authority for the state's breath test program. Much of the responsibility for the actual administration and day-to-day functioning of the program rests with the Department of Public Safety (DPS), however. DPS purchases and distributes the breath test instruments, repairs the instruments, purchases and distributes necessary supplies, and conducts the training of breath test operators and supervisor-instructors. The present division of functions between the two departments has led to difficulties in the administration of the present program. Since there is no one office or agency with clear administrative authority over the breath test program, some uncertainty about areas of responsibility and lines of authority has developed. Occasionally some necessary duties have "fallen between the cracks." As a direct result of this lack of a centralized oversight authority, state prosecutors have sometimes had to dismiss DWI prosecutions, and have had to defend scores of DWI cases on appeal.

Alaska has had criminal laws prohibiting drunken driving since territorial days. See ch. 49, SLA 1947. In ch. 83, SLA 1969, Alaska adopted an "implied consent" statute, AS 28.35.031, requiring a person suspected of drunken driving to submit to a breath test to determine blood alco-

hol content. AS 28.35.033(d), also enacted in ch. 83, SLA 1969, made the Department of Health and Social Services (at that time called the Department of Health and Welfare) responsible for approving "satisfactory techniques, methods, and standards of training" for analysis of the alcohol content of a DWI arrestee's breath or blood sample. At the time that this responsibility was given to DHSS there was no other state agency that had either the facilities or the technical expertise to perform this function.

In 1978 a state forensic crime laboratory was established in the Department of Public Safety to provide essential scientific support services to local law enforcement officers and state troopers throughout the state. Since that time the state crime laboratory has performed a steadily increasing array of scientific functions and analyses. The laboratory now employs 14 persons full-time, including four forensic chemists who routinely analyze blood samples and suspected controlled substances and have testified in countless misdemeanor and felony trials. In recent years, laboratory personnel have begun conducting analyses of diverse crime scene evidence, including physical evidence in arson cases, urine testing, footprint comparisons, and some limited fiber, trace, and serological analyses.

In 1983 and 1984, the legislature appropriated five and one-half million dollars to the Department of Public Safety to build and equip a sophisticated new crime laboratory facility in Anchorage. The new laboratory, which opened in January of 1986, contains some of the most modern and sophisticated scientific equipment available anywhere in the country. The new laboratory provides expanded testing capabilities in the areas of forensic chemistry, serology, toxicology, firearms identification, and trace evidence identification.

At this point in the state's history, it makes administrative and public policy sense to transfer the responsibility for administration of Alaska's alcohol breath and blood testing program to DPS's new "state-of-the-art" laboratory. Transfer of this function to the DPS laboratory would be consistent with the national trend in DWI law enforcement and alcohol breath testing. Currently, over half of the states in the country have placed full administrative responsibility for their alcohol breath test programs with their departments of public safety. Several of these states, such as Texas, Minnesota, New York, New Jersey, and Michigan, have sophisticated programs that serve as models for other states. Only about one-fourth of the states con-

tinue to place administrative oversight authority for the state's breath test program in their departments of public health. Although alcohol blood tests are administered only in limited circumstances under AS 28.35.033(c) and 28.35.035, responsibility for those tests should also rest with DPS.

Alaska's vast size and unique geographic characteristics present tremendous practical problems in the administration of the state's alcohol breath test program. The state owns approximately 70 Intoximeter 3000 breath test instruments located in 45 different communities in the state. These instruments require routine maintenance, and the calibration of the instrument must be verified every 60 days. There are approximately 1,000 certified breath test operators, 30 supervisor-instructors, and six instrument technicians in the state. All breath test operators and supervisor-instructors are police officers, either state troopers or members of local police departments.

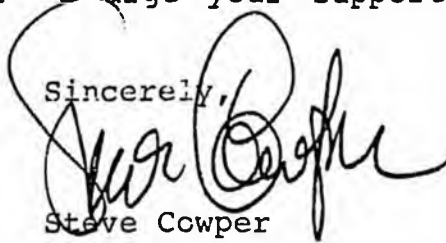
Since the effective enforcement of the DWI laws is such an integral part of the law enforcement duties of these agencies, the DPS laboratory should assume responsibility for a unified system, rather than one administered piecemeal without clear lines of authority or defined duties. This change would eliminate unnecessary confusion, expense, and duplication of effort, and reduce the potential for legal challenges to the system.

Section 3 of the Order provides that existing regulations regarding the administration of the program will remain in effect until new regulations are adopted by the Department of Public Safety. Section 4 establishes an effective date of July 1, 1987. This date has been chosen because it will be necessary to transfer some resources from the Department of Health and Social Services to the Department of Public Safety when the Order takes effect. July 1st is the beginning of the new fiscal year, and a convenient point at which to transfer positions.

Although not dealt with in this Order, the section heading of AS 29.35.033 should be modified so that it also refers to chemical analysis of breath. The existing title refers only to chemical analysis of blood, and therefore does not accurately reflect that both types of analyses are currently dealt with in that section. This change should be made by the revisor of statutes under AS 01.05.031(b)(2).

Drunken drivers maim and kill numerous innocent people every year, and cause significant property damage and economic loss. The just and efficient administration of our alcohol breath and blood testing program is a primary concern for all of us. Transfer of the administrative authority for the state's breath and blood testing program from the Department of Health and Social Services to the Department of Public Safety will improve our ability to effectively enforce our laws against drunk driving. I urge your support of this Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written in a cursive style. The signature is positioned over the typed name and title.

Steve Cowper
Governor

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date : _____

REQUEST Edw
 Bill/Resolution No. : 773-87-0061
 Title : Alcohol Breath & Blood Testing

 Sponsor : Governor
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL
 Agency Affected : Health & Social Services
 BRU : State Health Services

 Components : Lab Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		(42.0)				
TRAVEL		-0-				
CONTRACTUAL		(11.4)				
SUPPLIES		(4.0)				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		(57.4)	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		(57.4)				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		(57.4)	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME		(1)				
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

SEE ATTACHED PAGE

Prepared by : Elizabeth Ward, Director *E. Ward* Phone : 465-3090
 Division : Public Health Date : November 20, 1986

Approved by Commissioner : *J. R. P.* Date : 11/27/86
 Agency : Health & Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE ANALYSIS

With the transfer of the DWI regulatory authority to the Department of Public Safety it is assumed that there will be a transfer of the Chemist III and supporting funds from the Department of Health & Social Services. The original amount for the position was authorized in SB 611, CH 139 SLA 82 p. 12. This amount has been adjusted to reflect subsequent legislative appropriations, and is based on the FY 87 revised budget. \$42,000 is allocated for personal services. Other funds include \$11,400 for associated contractual costs and \$4,000 for supplies. The total transfer (\$57,400) will be from the General Fund.

The impact of this transfer on the Division of Public Health will be to eliminate the ability of the laboratory system to perform any public health toxicology activities. It will also entail the transfer of an employee from Juneau to Anchorage.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 12/8/86

REQUEST

EDW

Bill/Resolution No.: 773-87-0061
 Title: An Act relating to chemical analysis of breath and blood; & providing for effective date
 Sponsor: _____
 Requestor: _____
 Date of Request: 11-15-86

FISCAL DETAIL

Agency Affected: Dept of Public Safety
 BRU: DPS Administration
 Components: Laboratory Services

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		63.9	63.9	63.9	63.9	63.9
TRAVEL		2.4	2.4	2.4	2.4	2.4
CONTRACTUAL		11.5	11.5	11.5	11.5	11.5
SUPPLIES		3.0	3.0	3.0	3.0	3.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		80.8	80.8	80.8	80.8	80.8

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND		80.8	80.8	80.8	80.8	80.8
FEDERAL FUNDS						
OTHER						
TOTAL		80.8	80.8	80.8	80.8	80.8

POSITIONS :

FULL-TIME		1	1	1	1	1
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

All costs are to be transferred from the Department of Health and Social Services to the Department of Public Safety. See attached details.

Prepared by: George M. Taft, Jr.
 Division: Laboratory Services

Phone: 269-5687
 Date: 12/8/86

Approved by Commissioner: [Signature]
 Agency: Department of Public Safety

Date: 12/11/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

*JNR
12/11/86*

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Law Log # 773-87-0061

LABORATORY SERVICES

COSTS RELATED TO THE TRANSFER OF THE ALCOHOL
BREATH TESTING PROGRAM FROM D.H.S.S. TO D.P.S.

Personal Services

PCN-1558, Chemist III, Range 18B, 12 months			
Salary	\$38,712		
Benefits	<u>12,280</u>		
Subtotal		\$50,992	
PCN-1316, Clerk-Typist III, Range 8A, 6 months			
Salary	9,786		
Benefits	<u>3,096</u>		
Subtotal		12,882	
Total Personal Services			<u>\$63,874</u>

Travel

72240 Field Travel -	1,000		
72300 Conference & Meetings	400		
72500 Per Diem	<u>1,000</u>		
Total Travel			<u>2,400</u>

Contractual

73100 Professional Services	5,000		
73300 Communications	2,500		
73500 Printing	1,000		
73700 Repair & Maintenance	<u>3,000</u>		
Total Contractual			<u>11,500</u>

Supplies

74220 Office Supplies	500		
74520 Scientific Supplies	2,000		
74650 Repair & Maintenance Supplies	<u>500</u>		
Total Supplies			<u>3,000</u>

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. Law Log # 773-87-0061

Equipment

The following equipment is transferred. No purchasing costs are involved.

1. Perkin Elmer gas chromatograph sigma 2000 with 3600 Data Station and automated head space.
2. IBM PC XT with Intoximeter modems.
3. Spare Intoximeters (2).
4. Nalco tank jig for mixing gases.
5. Expendible supplies, tanks, line conditioner, etc.

TOTAL COST

\$80,774

RES
AIR

O.C. + Bradley

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: Executive Order No. 67 **Bill Version:** Executive Order No. 57
Publish Date: _____

Revision Date: 2/9/87
Title: Alcohol Breath & Blood Testing

Agency Affected: Public Safety
BRU: DPS Administration

Sponsor: Governor
Requestor: _____

Components: Laboratory Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		51.0				
TRAVEL		2.4				
CONTRACTUAL		11.4				
SUPPLIES		4.0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		68.8				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		68.8				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		68.8				

POSITIONS:

FULL-TIME		1				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Funds to be transferred from the Department of Health and Social Services to the Department of Public Safety

Prepared by: Jos Mapranath Phone: 465-4336
 Division: Administrative Services Date: 2/9/87

Approved by Commissioner: [Signature] Date: 2/9/87
 Agency: Public Safety

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

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: Executive Order No. 67 **Bill Version:** Executive Order No. 67
Revision Date: 2/9/87 **Publish Date:** _____
Title: Alcohol Breath & Blood Testing **Agency Affected:** Health & Social Services
Sponsor: Governor **BRU:** State Health Services
Requestor: _____ **Components:** Lab Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		(51.0)				
TRAVEL		(2.4)				
CONTRACTUAL		(11.4)				
SUPPLIES		(4.0)				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		(68.8)	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(68.8)				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		(68.8)				

POSITIONS:

FULL-TIME		(1)				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

SEE ATTACHED PAGE

Prepared by: Elizabeth Ward, Director *E.W.* Phone: 465-3090
Division: Public Health Date: 2/9/87

Approved by Commissioner: *Maria M. Munson* Date: 2/9/87
Agency: Health and Social Services

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

FISCAL NOTE ANALYSIS

With the transfer of the DWI regulatory authority to the Department of Public Safety it is assumed that there will be a transfer of the Chemist III and supporting funds from the Department of Health & Social Services. The original amount for the position was authorized in SB 611, CH 139 SLA 82 p. 12. This amount has been adjusted to reflect subsequent legislative appropriations, and is based on the FY 87 revised budget. \$51,000 is allocated for personal services. Other funds include \$11,400 for associated contractual costs and \$4,000 for supplies. The total transfer (\$66,400) will be from the General Fund.

The impact of this transfer on the Division of Public Health will be to eliminate the ability of the laboratory system to perform any public health toxicology activities. It will also entail the transfer of an employee from Juneau to Anchorage.

EO

67-A

Date referred: 2/18/87

FURTHER REFERRALS:

DATE: 3/3/87

The Finance Committee has considered EO 67

Transferring responsibility for the alcohol breath and blood testing program from the Department of Health & Social Services to the Department of Public Safety.

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- 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
- zero fiscal note
- zero with analysis
- same as previous fiscal note(s) published 2/18/87 (HESS), (DOFPS)
- same as previous zero fiscal note published _____

SIGNING DO PASS:

ADAMS Lee Adams

POURCHOT Pat Pourchot

GOLL Kelly Goll

WALK-HARTMAN W. Walk-Hartman

BOYER Mark Boyer

LARSON Ronald J. Larson

RIEGER Alan A. Rieger

FRANK J. Frank

BROWN Tan Brown

DAVIS Mike Davis

SIGNING OTHER RECOMMENDATIONS:

Lee Adams
Chairman's signature

IN THE SENATE -- State Affairs, Judiciary
and Finance

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

EXECUTIVE ORDER NO. 67

1
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:

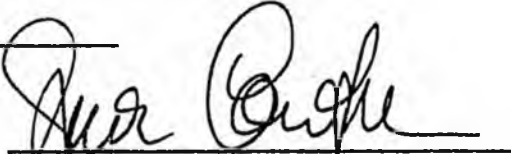
12 (d) To be considered valid under the provisions of this section,
13 the chemical analysis of the person's breath or blood shall have been
14 performed according to methods approved by the Department of Public
15 Safety [HEALTH AND SOCIAL SERVICES]. The Department of Public Safety
16 [HEALTH AND SOCIAL 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

1 Services regulations until it adopts its own.

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

3 DATED: ~~Jan. 14, 1987~~

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5 Steve Cowper, Governor

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STATE OF ALASKA 1987 LEGISLATIVE SESSION No. 3
FISCAL NOTE

REQUEST: Executive Order No. 67

Bill Version: EO 67
Publish Date: HOUSE 2/18/87

Revision Date: 2/9/87
Title: Alcohol Breath & Blood Testing

Agency Affected: Health & Social Services
BRU: State Health Services

Sponsor: GOVERNOR
Requestor: _____

Components: Lab Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		(51.0)				
TRAVEL		(2.4)				
CONTRACTUAL		(11.4)				
SUPPLIES		(4.0)				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		(68.8)	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		(68.8)				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		(68.8)				

POSITIONS:

FULL-TIME		(1)				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

SEE ATTACHED PAGE

Prepared by: Elizabeth Ward, Director *E.W.* Phone: 465-3090
Division: Public Health Date: 2/5/87

Approved by Commissioner: *Michael R. Munson* Date: 2/9/87
Agency: Health and Social Services

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

With the transfer of the DWI regulatory authority to the Department of Public Safety it is assumed that there will be a transfer of the Chemist III and supporting funds from the Department of Health & Social Services. The original amount for the position was authorized in SB 611, CH 139 SLA 82 p. 12. This amount has been adjusted to reflect subsequent legislative appropriations, and is based on the FY 87 revised budget. \$51,000 is allocated for personal services. Other funds include \$11,400 for associated contractual costs and \$4,000 for supplies. The total transfer (\$66,400) will be from the General Fund.

The impact of this transfer on the Division of Public Health will be to eliminate the ability of the laboratory system to perform any public health toxicology activities. It will also entail the transfer of an employee from Juneau to Anchorage.

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Executive Order No. 67

Bill Version: EO 67
Publish Date: HOUSE 2/18/87

Revision Date: 2/9/87

Agency Affected: Public Safety

Title: Alcohol Breath & Blood Testing

BRU: DPS Administration

Sponsor: Governor

Components: Laboratory Services

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		51.0				
TRAVEL		2.4				
CONTRACTUAL		11.4				
SUPPLIES		4.0				
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		68.8				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		68.8				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		68.8				

POSITIONS:

FULL-TIME		1				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Funds to be transferred from the Department of Health and Social Services to the Department of Public Safety

Prepared by: Jos Manranath
Division: Administrative Services

Phone: 465-4336
Date: 2/9/87

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 2/9/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Executive Order No. 67

Bill Version: EO 67
Publish Date: HOUSE 2/18/87

Revision Date: 2/9/87

Title: Alcohol Breath & Blood Testin

Agency Affected: Public Safety
BRU: DPS Administration

Sponsor: Governor

Requestor: _____

Components: Laboratory Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		51.0				
TRAVEL		2.4				
CONTRACTUAL		11.4				
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GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		68.8				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		68.8				
FEDERAL FUNDS		-0-				
OTHER		-0-				
TOTAL		68.8				

POSITIONS:

FULL-TIME		1				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Funds to be transferred from the Department of Health and Social Services to the Department of Public Safety

Prepared by: Jos Manranath
Division: Administrative Services

Phone: 465-4336
Date: 2/9/87

Approved by Commissioner: [Signature]
Agency: Public Safety

Date: 2/9/87

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

STEVE COWPER
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 19, 1987

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that will transfer administrative and regulatory authority for the state's alcohol breath and blood testing program from the Department of Health and Social Services to the Department of Public Safety. This transfer is necessary to improve the administration of Alaska's alcohol breath and blood testing program and to ensure that the program is conducted in the most efficient and legally defensible manner.

Under AS 29.35.033(d), amended in sec. 2 of this order, the Department of Health and Social Services (DHSS) currently possesses regulatory authority for the state's breath test program. Much of the responsibility for the actual administration and day-to-day functioning of the program rests with the Department of Public Safety (DPS), however. DPS purchases and distributes the breath test instruments, repairs the instruments, purchases and distributes necessary supplies, and conducts the training of breath test operators and supervisor-instructors. The present division of functions between the two departments has led to difficulties in the administration of the present program. Since there is no one office or agency with clear administrative authority over the breath test program, some uncertainty about areas of responsibility and lines of authority has developed. Occasionally some necessary duties have "fallen between the cracks." As a direct result of this lack of a centralized oversight authority, state prosecutors have sometimes had to dismiss DWI prosecutions, and have had to defend scores of DWI cases on appeal.

Alaska has had criminal laws prohibiting drunken driving since territorial days. See ch. 49, SLA 1947. In ch. 83, SLA 1969,

Alaska adopted an "implied consent" statute, AS 28.35.031, requiring a person suspected of drunken driving to submit to a breath test to determine blood alcohol content. AS 28.35.033(d), also enacted in ch. 93, SLA 1969, made the Department of Health and Social Services (at that time called the Department of Health and Welfare) responsible for approving "satisfactory techniques, methods, and standards of training" for analysis of the alcohol content of a DWI arrestee's breath or blood sample. At the time that this responsibility was given to DHSS there was no other state agency that had either the facilities or the technical expertise to perform this function.

In 1978 a state forensic crime laboratory was established in the Department of Public Safety to provide essential scientific support services to local law enforcement officers and state troopers throughout the state. Since that time the state crime laboratory has performed a steadily increasing array of scientific functions and analyses. The laboratory now employs 14 persons full-time, including four forensic chemists who routinely analyze blood samples and suspected controlled substances and have testified in countless misdemeanor and felony trials. In recent years, laboratory personnel have begun conducting analyses of diverse crime scene evidence, including physical evidence in arson cases, urine testing, footprint comparisons, and some limited fiber, trace, and serological analyses.

In 1983 and 1984, the Legislature appropriated five and one-half million dollars to the Department of Public Safety to build and equip a sophisticated new crime laboratory facility in Anchorage. The new laboratory, which opened in January of 1986, contains some of the most modern and sophisticated scientific equipment available anywhere in the country. The new laboratory provides expanded testing capabilities in the areas of forensic chemistry, serology, toxicology, firearms identification, and trace evidence identification.

At this point in the state's history, it makes administrative and public policy sense to transfer the responsibility for administration of Alaska's alcohol breath and blood testing program to DPS's new "state-of-the-art" laboratory. Transfer of this function to the DPS laboratory would be consistent with the national trend in DWI law enforcement and alcohol breath testing. Currently, over half of the states in the country have placed full administrative responsibility for their alcohol breath test programs with their departments of public safety. Several of these states, such as Texas, Minnesota, New York, New Jersey, and Michigan, have sophisticated programs that serve as models for

other states. Only about one-fourth of the states continue to place administrative oversight authority for the state's breath test program in their departments of public health. Although alcohol blood tests are administered only in limited circumstances under AS 28.35.033(a) and 28.35.025, responsibility for those tests should also rest with DPS. Alaska's vast size and unique geographic characteristics present tremendous practical problems in the administration of the state's alcohol breath test program. The state owns approximately 70 Intoximeter 3000 breath test instruments located in 45 different communities in the state. These instruments require routine maintenance, and the calibration of the instrument must be verified every 60 days. There are approximately 1,000 certified breath test operators, 30 supervisor-instructors, and six instrument technicians in the state. All breath test operators and supervisor-instructors are police officers, either state troopers or members of local police departments.

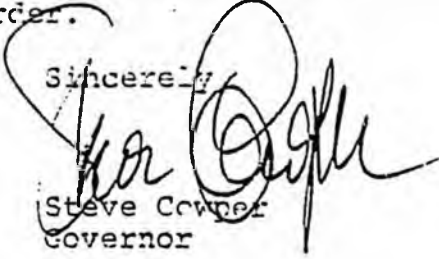
Since the effective enforcement of the DWI laws is such an integral part of the law enforcement duties of these agencies, the DPS laboratory should assume responsibility for a unified system, rather than one administered piecemeal without clear lines of authority or defined duties. This change would eliminate unnecessary confusion, expense, and duplication of effort, and reduce the potential for legal challenges to the system.

Section 3 of the Order provides that existing regulations regarding the administration of the program will remain in effect until new regulations are adopted by the Department of Public Safety. Section 4 establishes an effective date of July 1, 1987. This date has been chosen because it will be necessary to transfer some resources from the Department of Health and Social Services to the Department of Public Safety when the Order takes effect. July 1st is the beginning of the new fiscal year, and a convenient point at which to transfer positions.

Although not dealt with in this Order, the section heading of AS 29.35.033 should be modified so that it also refers to chemical analysis of breath. The existing title refers only to chemical analysis of blood, and therefore does not accurately reflect that both types of analyses are currently dealt with in that section. This change should be made by the revisor of statutes under AS 01.05.031(b)(2).

Drunken drivers maim and kill numerous innocent people every year, and cause significant property damage and economic loss. The just and efficient administration of our alcohol breath and blood testing program is a primary concern for all of us. Transfer of the administrative authority for the state's breath and blood testing program from the Department of Health and Social Services to the Department of ~~of~~ Safety will improve our ability to effectively enforce our laws against drunk driving. I urge your support of this Order.

Sincerely,



Steve Cowper
Governor

BILL NO: EO 67

DATE: 2/13/87

6

TITLE: Alcohol Breath Test Program CONTACT: George Taft
Laboratory Services

DEPARTMENT OF
PUBLIC SAFETY

The Department of Public Safety supports passage of the bill transferring responsibility for the Alcohol Breath Testing Program from the Department of Health and Social Services to the Department of Public Safety.

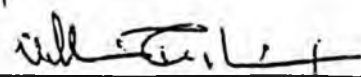
Several problems related to the administration of the program have existed since its inception in 1964. Their difficulties can largely be traced to the multi-agency management of the program. The Department of Public Safety presently provides the instruments and training to both Troopers and local Police Departments. The Department of Health and Social Services provides program administration, instrument certification and officer certification. However, as with the training, most instruments are certified by police officers trained as technicians.

When problems occur, the agencies charged with operation are not always advised. This is also true of the Department of Law. If everyone was current, possibly appeals and adverse decisions by the Court could be avoided through a change in procedures, training or expert forensic testimony.

The Attorney General and Commissioners of Health and Social Services and Public Safety have agreed in the past this program could best be administered by Public Safety. The Department of Public Safety proposes to administer the program from the Scientific Crime Detection Laboratory in Anchorage. The Laboratory Supervisor and his staff can augment the expertise that would be provided by the transfer of a Chemist III from the Juneau H. & S.S. lab.

Most importantly, through the transfer there will be a one window concept for maintenance, training, certification and procedures that comply with the court's requirements for introduction of intoximeter results into evidence. The Department of Public Safety and the Department of Law have an excellent line of communications which will keep both agencies and users current in regard to operational changes or training needs.

The relationship between local police and Troopers will insure that instruments which are not currently certified will not be used and that training will be delivered as needed. This program will be a priority of the Department of Public Safety.



WILLIAM R. NIX
Acting Commissioner

IN THE SENATE -- State Affairs, Judiciary
and Finance

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

EXECUTIVE ORDER NO. 67

1
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
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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.

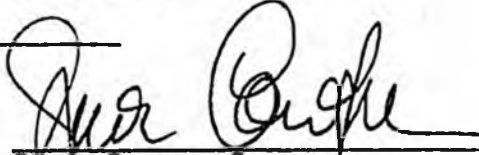
25 * Sec. 3. TRANSITION. Regulations adopted by the Department of Health
26 and Social Services under authority of AS 28.35.033(d) before the effective
27 date of this Order, remain in effect until regulations are adopted under
28 that subsection by the Department of Public Safety. The Department of
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: Jan 14, 1987



Steve Cowper, Governor