

ALABAMA LEGISLATIVE COMMISSION ON JUDICIAL BRANCH

2537

SJ

HB

17

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HB

79

TREATMENT SERVICES  
URBAN

Anchorage

- Inpatient (Alcoholism and Drug Abuse) 100 Beds
- Emergency Services/ Detoxification 22 Beds
- Outpatient (Alcoholism and Drug Abuse)
- Special Services (e.g. special women's treatment center; prison counselors)
- Methadone Maintenance/ Detox and Drug Free Counseling
- Intermediate Care 20 Beds

Ketchikan

- Intermediate care 8 Beds
- Outpatient
- Emergency/ Detoxification Services

Kodiak

- Intermediate care 12 Beds
- Outpatient
- Emergency/ Detoxification Services

Sitka

- Inpatient (PHS Hospital) 16 Beds
- Emergency Services/ Detoxification
- Intermediate care 12 Beds
- Outpatient (Alcoholism and Drug Abuse)

Wasilla

Long term care 48 Beds

Fairbanks

- Inpatient 20 Beds
- Emergency Services/ Detoxification 10 Beds
- Intermediate Care 21 Beds
- Outpatient (Alcoholism and Drug Abuse)
- Methadone Maintenance/ Detox and Drug Free Counseling

Juneau

- Inpatient 15 Beds
- Emergency Services/ Detoxification
- Intermediate Care 21 Beds
- Outpatient (Alcoholism and Drug Abuse)

Bethel

- Emergency Services/ Detoxification 8 Beds
- Intermediate Care 8 Beds
- Outpatient
- Rural Village Counselors

Nome

- Emergency Services/ Detoxification
- Intermediate Care 12 Beds
- Outpatient
- Rural Village Counselors

Kotzebue

- Emergency Services/ Detoxification
- Intermediate Care 8 Beds
- Outpatient
- Rural Village Counselors

URBAN SERVICES

Combinations of outreach, public education, outpatient diagnosis and treatment, and aftercare are available in all large urban areas of the State. These same services are also found in all rural hub centers and through those programs to the surrounding villages.

TREATMENT SERVICES  
RURAL

Subregional/Rural Hub Centers/Village Programs

- Norton Sound (Nome)
- Mauneluk (Kotzebue)
- Bristol Bay Area Health Corporation
- Mat-Su Council on Alcoholism
- Seward
- Cook Inlet Council on Alcoholism
- Cook Inlet Native Association
- Copper River Native Association
- McGrath
- Petersburg
- Wrangell
- Upper Tanana Council on Alcoholism
- Cordova
- Yakutat
- South Kachemak
- North Slope (Barrow)
- Rural Cap/I.H.S. (Village Counselors- Illiana, Aleutian-Pribilof Islands, St. Paul)
- Ft. Yukon/TCC
- Valdez
- Kuskokwim N. A. (Aniak)
- Minto
- Galena
- SEARHC
- Haines
- Klukwan
- Hoonah
- Angoon
- Hydaburg
- Craig/Klawock
- Kake
- Yukon-Kuskokwim HC (Bethel)
- Mountain Village
- Hooper Bay
- Mekoryuk
- Toksook Bay
- Nunapitchuk
- Napaskiak
- Akiachak
- Akiak
- Quinhagak
- Togiak
- Manokotak
- Koliganek
- New Stuyahok
- Levelock
- King Salmon
- Nondalton
- Newhalen
- Port Heiden
- Chevak

Rural Services

Each community listed here has at least 1 full time alcohol/drug abuse worker. Many of the above grantees offer services in areas surrounding their specific locations and some of these programs have letters of agreement with Regional Center programs for services not provided by them.

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FEB 3 1983

FISCAL NOTE

LEGISLATIVE FINANCE

I. REQUEST

Bill/Resolution No. HB 17  
Title "An Act relating to age limits under Title IV, Alcoholic Beverages."  
Requested by House Judiciary Committee Date 1/26/83

II. FISCAL DETAIL

Agency Affected Department of Law  
Program Category Affected Administration of Justice  
BRU, Program, Or Subprogram Affected Prosecution  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		150.2	161.1	170.8		

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		150.2	161.1	170.8		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section II)

This bill raises the age at which a person is legally allowed to consume alcoholic beverages from 19 to 21. It does not change the current penalty provisions under Title 4; most violations of Title 4 are class A misdemeanors. It is anticipated that passage of the bill would result in 250 to 300 additional criminal prosecutions per year statewide, especially during the first 1 or 2 years after passage. Those persons now aged 19 and 20 are used to being able to legally consume alcoholic beverages, it is expected that many would resist efforts to enforce a law which takes away this privilege.

Prosecution of consumers of alcoholic beverages under 21 years of age would be for relatively minor violations; however, the total anticipated number of such violations represents an appreciable increase in overall prosecutor workload.

IV. DATE February 1, 1983

PREPARED BY Richard I. Pegues, Dir. Adm. Svcs.

AGENCY Department of Law

Original: Legislative Finance

PHONE 465-3672

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/82)

OMB Reviewed by: Guy Bell

Fiscal Analysis

HB 17

Page 2

Additionally, it is anticipated that 50 to 100 prosecutions of the more serious offence of furnishing alcohol to a minor will also occur. These offences, committed by bars, liquor stores, bootleggers, and older friends, will require vigorous prosecution by the state if the change in the drinking age is to succeed. Consequently, prosecutor resources must be increased to handle the increased workload that will result from enactment of this bill.

TO: Senator Ray

FROM: Paula Scavera

DATE: May 19, 1983

RE: Sectional Analysis of CSHB 17 (Judiciary) am

Background:

When this bill got on the House Floor they had two committee substitutes to choose from, one Judiciary and one Finance. They took the Judiciary CS as their vehicle, but they pulled a lot out of the Finance version. Consequently they ended up with a version very similar to the Finance version with some technical mistakes. This same version was the one that Senate State Affairs passed out of their committee.

Attached is a copy of the bill with the technical amendments to make it internally correct according to Russ Josephson in Mr. Berrier's office.

Section 1:

Changes the age reference in the statutes pertaining to bowling alleys, from 19 to 21.

Section 2:

Changes the age reference in the statutes pertaining to access to clubs during times when alcoholic beverages are sold, from 19 to 21

Section 3:

Changes the age reference in the statutes pertaining to prior public approval of new or transferred liquor licenses from 19 to 21.

Section 4:

Allows an underaged (under 21) person access to licensed premises in three ways;

1. If with a parent, guardian or spouse at least 21 years of age,
2. If a person is at least 16 years of age they may enter a licensed premise designated as a restaurant for purposes of dining only,
3. If accompanied by a person at least 21 years of age and with consent of the parent or guardian, if the premise is designated as a restaurant and the person dines only.

Section 5:

Clarifies that the employee referred to in the provision that allows refusal of entry to underaged persons is the employee of the licensee, and makes the age change.

Section 6:

Pertains to the access of underaged persons to licensed premises, to coincide with the rest of the bill.

Section 7:

Adds a new subsection to allow a person 19 years of age or older to be employed in a licensed premise and to "serve, deliver or dispense alcoholic beverages."

Section 8:

Changes the age pertaining to possession or consumption from 19 to 21.

Section 9

Changes the age pertaining to furnishing alcoholic beverages to underaged persons from 19 to 21.

Section 10:

Changes the age pertaining to furnishing alcoholic beverages to underaged persons by licensees from 19 to 21

Section 11:

Changes the age pertaining to the purchase of alcoholic beverages by an underaged person from 19 to 21.

Section 12 and 13:

Changes the age pertaining to unlicensed persons from 19 to 21.

Section 14:

Changes the age in the section pertaining to civil liability for persons providing alcoholic beverages to another, from 19 to 21.

Section 15 and 16:

Changes the statute pertaining to proof of age from 19 to 21, by making references to the new provisions in this bill. These sections also provide the ABC Board with the authority to determine the form of proof of consent that the license may require from the questioned individual.

Section 17:

Changes the age pertaining to employment of underaged persons to sell or serve alcoholic beverages or to work on a licensed premise from 19 to 21-(Conforming amendment in Title 23-Labor and Workers Comp)

Section 18:

Calls for advisory vote at the next statewide election for a preference of drinking age, 19 or 21.

There is no effective date clause in this bill.

*H. Sub.*

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 17  
Title An act relating to age limits under Title 4, Alcoholic Beverages  
Requested by Martin Date 1/17/83

II. FISCAL DETAIL

Agency Affected Division of Insurance  
Program Category Affected Public Protection  
BRU, Program, Or Subprogram(s) Affected Division of Insurance  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0	0	0		

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

RECEIVED

FEB 3 1983

LEGISLATIVE FINANCE

IV. DATE January 25, 1983

PREPARED BY Kenneth C. Moore, Div of Insurance  
AGENCY Commerce & Economic Development  
PHONE 465-2515

Original: Legislative Finance  
cc: Budget and Management  
Prime Sponsor (First Legislator Named)

33-001 (Rev. )

OMB Reviewed by: Guy Bell

*B*

*G*

*V*

- ANS -

Box 1210 602 Railroad Avenue  
Cordova, Alaska 99571  
Phone: (907) 424-3237  
or 424-3238

"The Friendly City"



March 23, 1983

James A. Poor  
Mayor

Perry D. Lovett,  
Manager

Donna M. Sherby,  
Clerk / Treasurer

Council Members  
Richard Croff  
R. J. Popchuk  
Garry Purvis  
Joe Gunderson  
Phyllis Day  
Oliver Osborn

Senator Bill Ray  
Chairman of the Senate Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Dear Senator Ray:

At it's regular meeting held March 21, 1983, the Cordova City Council unanimously went on record to support the State Legislature's efforts to raise the minimum age for consumption of alcoholic beverages to 21.

Please keep us informed of any developments and advise if there is any testimony or information we can supply to assure passage of this legislation.

Sincerely,

Perry D. Lovett  
City Manager

COMMITTEE REPORT

SENATE

3/17/83

FURTHER: JUDICIARY

Date: 5/18/83

Mr. President:

The Committee on STATE AFFAIRS has had CSHB 17 (Jud) am  
Authorizing an advisory vote on the drinking age; raising the drinking  
age to 21; allowing employment of certain minors in licensed premises;  
and amending other provisions of law relating to the drinking age

under consideration and (a majority of the committee) (the committee)  
reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s),  same title
- replace with CS for \_\_\_\_\_  new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  <sup>zero</sup> New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

Tom Kelly  
Carlisle Stampoulis  
\_\_\_\_\_  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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

V. Kinchen ~~DO NOT PA~~  
CHAIRMAN

HOUSE FINANCE COMMITTEE  
LETTER OF INTENT  
FOR  
CSHB 17 (FINANCE)

The House Finance Committee has considered HB 17, and has made certain amendments to the bill. CSHB 17 (Finance) raises the age at which a person may legally consume alcoholic beverages from 19 to 21. Section 7 of the bill adds a new subsection (d) to AS 04.16.049. The new subsection allows 19 and 20 year olds to be employed in hotels and restaurants and to serve alcoholic beverages, despite the fact that they may not legally consume these beverages. Subsection (d) would not allow these 19 and 20 year old employees to mix alcoholic beverages. However, while they may serve alcoholic beverages and dispense beer and wine, employment as a bartender serving mixed drinks is prohibited. Subsection (d) has been added because the committee is aware that 19 and 20 year olds are often employed in hotels and restaurants on a part time or seasonal basis, especially while attending school. These establishments represent a major source of income for young people in this age range, and the committee does not intend to prevent this employment.

Section 18 of CSHB 17 (Finance) adds a temporary law which allows persons who reach the age of 19 on or before January 1, 1984 to continue to legally consume alcoholic beverages. This allows those persons who are now 19 and 20, and who can now legally consume alcoholic beverages, to continue to do so. The bill thus does not take away the privilege to drink from those to whom it has already been granted as of the effective date of the bill. The bill raises the drinking age from 19 to 21 for all persons born after December 31, 1964; these persons have not yet been granted the privilege to legally consume alcoholic beverages.

The committee recognizes that AS 04.16.065 will allow some 19 and 20 year old persons to legally consume alcoholic beverages, while others who are only slightly younger may not. After careful thought and discussion the committee concluded that this distinction is a reasonable one which does not unfairly discriminate against persons born after December 31, 1964. The committee is convinced that the statistics on alcohol related traffic fatalities, criminal offenses and alcoholism among the youth in this state and the nation dictate that the drinking age be raised from 19 to 21. This is a sound public policy decision which will have long term future benefits for the citizens of the state.

The committee is also cognizant, however, of the problems of effectively and fairly enforcing the new age limitation upon those persons who are now 19 and 20 years of age, and who have been legally consuming alcoholic beverages. Some of these persons can be expected to resist the withdrawal of a privilege which they are already enjoying, as contrasted to the postponement of a privilege which younger persons have not yet received. Thus a decision was made to choose an easily determinable date, January 1, 1984, and to allow all those who have reached 19 years of age by that date to continue to legally consume alcoholic beverages. The higher drinking age will apply to all persons who reach the age of 19 on or after that date.

The committee recognizes that, to a certain extent, any lines which it draws as to age limits will be arbitrary. The drinking age could have been set at 20 1/2 or 22, for example. But the arbitrary lumping of all 19 or 20 year olds into one category, without considering whether or not some individuals had previously been accorded the privilege to consume alcoholic beverages, is a less defensible classification than one which draws a distinction between two classes of persons: those who have previously been able to drink and those who have not.

RESPECTFULLY SUBMITTED,



Al Adams, Chairman  
House Finance Committee

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# COMMITTEE REPORT

## SENATE

FURTHER: SENATE

Date: \_\_\_\_\_

Mr. President:

The Committee on BUDGETARY has had CS 8347 (716)

Special appropriation to the Department of Transportation and Public Facilities for the construction of a state-wide drive in (anchorage) L.P. garage.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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CHAIRMAN

FILE WITH HB33

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

LABOR AND COMMERCE COMMITTEE, CHAIRMAN  
RESOURCES COMMITTEE  
JUDICIARY COMMITTEE  
FISHERIES SUB-COMMITTEE



P.O. BOX 143  
SITKA, ALASKA 99835  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4916

MEMORANDUM

TO: Sen. Bill Ray, Chair  
Senate Judiciary Committee

FROM: Sen. Dick Eliason *Dick*

DATE: May 11, 1983

RE: CSSSHB 33(Fin)---"An Act making a special appropriation to the Department of Transportation and Public Facilities for design of a statewide crime lab facility in Anchorage."

As requested I reviewed the above-referenced legislation and I am now reporting my findings to you.

HB 33, introduced by Representative Furnace, appropriates \$402,000 for design of a state-wide crime lab facility in Anchorage. The Department of Public Safety emphasizes the importance of physical evidence in criminal investigation and the subsequent need to have that evidence analyzed in a timely manner. Currently Alaska depends upon the FBI lab to perform criminalistics tests. While this dependence upon the FBI has worked reasonably well in the past, according to the Department of Public Safety, the FBI has recently suffered budget cuts. As a result, some test information may not be received for three to six months. Since the Speedy Trial Rule in Alaska requires trial within 120 days of the arrest, test results may not be available by the time of a trial; an argument which has been presented in support of establishing a crime lab.

After reviewing the documents presented in support of this legislation, however, I have some reservations regarding the cost-effectiveness of Alaska maintaining and staffing a state-wide crime lab. I question whether it is a worthwhile investment to establish our own crime lab just because it may be inconvenient to rely on the FBI and other outside crime labs. In addition, the House Research Agency Report prepared for Rep. Walt Furnace on the the subject (Research Request 83-11, Jan. 24, 1983) states that "there is little evidence of the FBI's laboratory analysis failing to arrive in time for a trial". I

recommend that the Judiciary Committee carefully reflect on the material presented as well as the public testimony offered at the public hearing on HB 33.

If it can be demonstrated that a state-wide crime lab is indeed a very necessary and vital asset to help curb the escalating crime wave, I would recommend serious consideration be given to constructing this lab adjacent to the State Trooper Academy in Sitka. Currently all state troopers, municipal police (with the exception of the Anchorage police) and village public safety officers are trained at this facility in Sitka. As part of the scheduled training, candidates learn how to properly investigate a crime scene and how to effectively search and identify physical evidence involved in a crime. It seems only logical that this aspect of the training would be enhanced by the close proximity of the state-wide crime lab. As it does not necessarily follow that a state-wide facility needs to be located in a concentrated population area, the benefits of locating this facility near the place where training for our law enforcement personnel is being conducted certainly merit careful consideration.

HB 358

HOUSE BILL NO. 358 by the House Special Committee on State Loans, by request, entitled:

"An Act relating to eligibility for veterans' interest rates under the special mortgage loan purchase program and extending eligibility to certain members of the armed forces."

was read the first time and referred to the House Special Committee on Loans and the Finance Committee.

CONSIDERATION OF THE DAILY CALENDARSECOND READING OF HOUSE BILLSSSHB 51

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 33 (making a special appropriation to the Department of Public Safety for a state trooper facility in Anchorage; effective date) was read the second time with the State Affairs Committee report (page 127 of the journal) and the Finance Committee report (page 839 of the journal).

Representative Barnes moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 33 (Finance) (making a special appropriation to the Department of Transportation and Public Facilities for design of a statewide crime lab facility in Anchorage; effective date) be adopted in lieu of the original bill. There being no objection, it was so ordered.

CSSHB 33(Fin)

Representative Barnes moved and asked unanimous consent that CSSHB 33(Fin) be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

CSSHB 33(Fin) was read the third time.

CSSHB 33(Fin)

The question being: "Shall CSSHB 33(Fin) pass the House?"  
The roll was taken with the following result:

CSSHB 33(FIN)

Yeas:	39	Abood, Adams, Barnes, Bettisworth, Russell, Clocksin, Cowdery, Davis, Duncan, Flood, Fritz, Fuller, Furnace, Goll, Grussendorf, Mayea, Herrmann, Hurlbert, Koponen, Lacher, Larson, Lindauer, Liska, Malone, Martin, McBride, Miller, M.M., Miller, M.W., Pestinger, Phillips, Ringstad, Shultz, Szymanski, Tischer, Uehling, Vaska, Ward, Wendte, Zharoff
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Nays:	0	
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Excused:	1	Cato
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Absent:	0	
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And so, CSSHB 33(Fin) passed the House.

Representative Barnes moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSSHB 33(Fin) was referred to the Chief Clerk for engrossment.

SSHR 28

SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 28 (relating to the processing of Native allotments) was read the second time with the Resources Committee report (page 653 of the journal).

Representative Barnes moved and asked unanimous consent that COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE JOINT RESOLUTION NO. 28 (Resources) (same title) be adopted in lieu of the original resolution. There being no objection, it was so ordered.

# THE DEVELOPMENT OF A FORENSIC LABORATORY IN ALASKA

## EXECUTIVE SUMMARY

Within the last decade or so, a series of Supreme Court decisions relative to search and seizure, interrogation, and confessions have had the effect of limiting the scope of permissible investigative activities by law enforcement agencies nationwide. This situation has resulted in the increased attention to the use of physical evidence in criminal investigations, and the subsequent development of state and regional crime laboratories throughout the country to analyze this evidence.

The application of the natural and physical sciences to items of evidence found at a crime scene is an increasing part of modern investigations and courtroom trials, and often becomes a crucial part of judicial proceedings. The increased reliance upon analysis of physical evidence also confers upon crime laboratories the responsibility for the highest degree of professionalism in their work.

The role of the forensic laboratory is to assist both the investigator and the prosecutor in their efforts to reconstruct and explain the crime, the crime scene and information about the possible offender. The results

\* This paper summarizes the more extensive report issued by the Department of Public Safety in September 1982 entitled "The Development of a Full Service Forensic Laboratory for Law Enforcement in Alaska."

of crime lab tests provide facts contributing to the exoneration of the innocent and the establishment of proof of the guilty. The modern lab requires highly trained scientists and technicians who use costly materials and sophisticated instrumentation in an expensive environment, for there can be no compromise in the quality of the work they perform.

A modern, full-service Crime Lab presents a wide array of expertise. Some of these are:

- \* Toxicology A Toxicologist detects and identifies the presence of drugs or poisons in body tissues, fluids and organs.
- \* Firearms and Tool Marks Examination The Examiner can, for example, match a spent bullet to the gun that fired it by examination of the microscopic markings on the bullet caused by the irregularities on the inner surface of the gun barrel, among other capabilities. As a Tool Marks Specialist, he can identify the tire iron or other implement found in the suspect's car as the one that pried open the window or door of the victim's home by comparing and matching the microscopic nicks on the blade of the tire iron to the impressions left in the wooden window sill.
- \* Forensic Serology The Forensic Serologist, through analyses of body fluids, semen, and saliva found at the crime scene, can limit the population group of the assailant to those within certain blood groups, thus eliminating persons with other blood groups and characteristics as suspects in a given crime.
- \* Questioned Documents Examination The Questioned Documents Examiner can ascertain the source or authenticity of a document through the many characteristics of an individual's handwriting, as well as through the variations in typewriter letters as a function of the use and wear to the machine's moving parts, and through the analyses of inks and different types of paper.
- \* Forensic Chemistry The Forensic Chemist tests and analyzes unknown substances. By testing substances thought to be illegal drugs, he can determine the type drug, its relative purity and the substances that may be mixed with the drug. He can also identify small amounts of accelerants from a suspected arson fire by testing charred and burned materials

found at the fire, as well as numerous other related tasks requiring chemical analysis.

- \* Trace Evidence Examination The Trace Evidence Examiner can narrow the origin of minute bits of evidence such as human hair and fibers, that are exchanged during a violent confrontation, to a group that includes (or excludes) the suspect. The brown head hair found on the shirt of the suspect can be shown to match the hair of the victim of the assault.
- \* Fingerprint Examination The Fingerprint Examiner can match fingerprints found on a gun or some other surface to those of the suspect based upon the matching of the characteristics of the fingerprint ridges that are unique to each individual. (The Automated Fingerprint Identification System, funded during the 1982 session of the legislature, and now being developed, will be placed within the Crime Laboratory.)

It is the use of carefully gathered evidence, analyzed by the latest scientific methodologies of the numerous forensic disciplines that builds both a strong case against the accused, while eliminating other persons as suspects.

Unfortunately, state and local law enforcement agencies in Alaska do not have a laboratory with such capabilities. In fact, Alaska is the only State without a statewide crime lab. The rudimentary laboratory in the Troopers building in Anchorage is limited by space, personnel and budget to only narcotics testing, fingerprint identification and crime photography. These very limited services are performed at no cost to all law enforcement agencies in Alaska.

Historically Alaska has depended upon the FBI lab to perform criminalistics tests and has done so to a greater degree than any other state. While this dependence upon the FBI has worked reasonably well in the past, the FBI has recently suffered budget cuts as a result of the general decrease

in federal government services and the widespread economic malaise throughout the Nation. As a result, some test results may not be received for three to six months. Since the Speedy Trial Rule in Alaska requires trial within 120 days of the arrest, test results may not be available by the time of trial, nor can additional investigation occur as a result of the outcome of the tests. Complete investigation and prosecution is therefore adversely affected.

However, the FBI's continuing role of providing crime laboratory services may be changing. A 1980 report by the General Accounting Office charges that the Bureau's policy of providing free criminalistics services has acted to inhibit the growth of regional and state wide crime laboratories. The effect of this report creates doubt that Alaska, and the other states, can rely upon FBI lab testing to the extent they have in the past. Decreased availability of FBI laboratory services has already begun with a fee now being charged for certain services and a much closer screening of requests. Most recently the FBI questioned the need for tests in a case that involved a double Homicide. Any further curtailment of service will be even more serious since Alaska is both increasing its population and experiencing a general crime increase while crime is generally decreasing nationwide.

While Alaska has, and continues to have some of its forensic tests performed by private laboratories elsewhere, this is not a good alternative for several reasons. Alaskan law enforcement agencies have no control over the scheduling, priorities of the methodologies and techniques used by external facilities, nor is there any control over the caliber of personnel

performing the tests. Additionally, such tests are usually expensive, since a profit is being made. Finally, the state has to pay a fee for all tests performed plus the travel and expenses of the technicians from the "lower 48" states who testify during trial.

That crime is increasing in Alaska appears obvious to the public. A few statistics show the extent of increase of crime:

- \* Forcible rape increased from 51 cases per 100,000 population in 1978 to 88 cases per 100,000 population in 1982;
- \* Robbery increased from 87 cases per 100,000 population in 1978 to 110 cases per 100,000 population in 1982.
- \* Total violent crime increased from 399 cases per 100,000 population in 1978 to 556 cases per 100,000 population in 1982.

Public attitudes as measured by recent public opinion surveys seem to reflect the growing crime statistics. Survey conclusions were that: most people in Alaska believe crime is increasing faster than the population. The public further believes a basic cause of crime in Alaska is the failure of the justice system to punish criminals. A statewide forensics lab would aid the justice system in better investigation and more effective prosecution.

Perhaps the most compelling reason for a full services crime lab is the high evidentiary value of the crime scene evidence that has been analyzed and tested, for the test results provide irrefutable information about the suspect to either link him to a crime, or to eliminate him from any further investigation. Laboratory test results can thus provide a high degree of proof of guilt.

Passage of legislation aimed at increasing interdiction of illicit drugs throws a further burden upon the existing, very limited laboratory at the Troopers headquarters. The addition of five more drug investigators funded by the legislature for 1982 has caused an increasing backlog of drug related tests to perform, while the number of forensic chemists remains the same.

The continuing lack of a crime lab to service Alaska's law enforcement efforts is affecting the decisions and perceptions of some police officers. Knowing there is no facility to perform certain tests and analyses in a timely and affordable manner, some officers place a decreasing value upon physical evidence found at the crime scene and therefore tend to rely upon other means to develop their case. Therefore their case will lack the high evidentiary value that often results from forensic examinations. Any future, long term lack of a statewide lab, in the face of reduced services from the FBI, will probably result in the emergence of several small efforts by local enforcement agencies to provide their own testing facilities. These will likely be of limited scope, overlapping, and fragmented efforts of unknown value. The smaller police departments, unable to afford their own limited facilities, and unable to pay the high costs charged by private labs elsewhere will simply do without forensic tests.

If the above reasons argue forcefully for the development of a statewide crime lab to provide services for all law enforcement agencies in Alaska, the next questions are how big a facility is needed, what services need to be provided and what are the costs involved?

The term full-services lab as proposed here means the hiring of scientific personnel to the extent that the level of need in Alaska justifies a given discipline. For example, a forensic chemist could be hired immediately on the basis that the present drug-testing workload, and that of the immediate future justifies another full time forensic chemist. By contrast, a Questioned Documents Examiner would not be hired now because the workload is not sufficient to support a full-time Examiner. Each of the other forensic disciplines would be similarly evaluated. Those forensic services of an infrequent nature, or that require sophisticated instrumentation that cannot be justified in Alaska would be referred by Alaska's lab to another facility in the "Lower 48 states." To avoid the problems associated with the use of other labs, these external resource agencies would be carefully screened, evaluated, and their proficiency periodically tested, to ensure that personnel, procedures and equipment utilized are the best possible. Sufficient workload exists now, and in the in the future, for the hiring of the following forensic scientists and support personnel:

1. An additional Forensic Chemist
2. Serologist
3. Trace Evidence Technician
4. Firearms and Tool Marks Examiner
5. Administrative Assistant
6. Laboratory Director

In short, the proposed Crime Lab would hire its scientific and support personnel when the existing and forecasted workload makes such action

cost-effective while contracting with other forensic facilities to perform the balance of the work.

The lab would honor all requests by law enforcement agencies, by either performing the work in house or through contract elsewhere. This central facility would be managed by the State Troopers, as the statewide law enforcement agency, for the benefit of the entire law enforcement community in the state. Tests and related services would continue to be provided by the lab at no cost to the requesting agencies.

The proposed lab would be constructed adjacent to the Troopers Headquarters in Anchorage, on state-owned land. Substantial assistance has been obtained from the FBI Forensic Research Laboratory in Quantico, Virginia, during an intensive on-site visit to obtain their recommendations for construction requirements, space needs for scientific personnel and instrumentation, and the factors that should be used in calculating overall construction costs. (These are presented in detail in the main lab report).

Using data recommended by the FBI to provide a Crime Lab with the above professional staff, plus the staff of the existing facility of the Troopers, necessary instrumentation and the numerous support requirements, plus some space for expansion in the years ahead will require a structure of about 17,000 square feet. FBI data indicates that cost per square foot is about 180% of the cost of commercial construction (\$110/sq ft, according to the Department of Transportation and Public Facilities) due to the unique plumbing, heating, ventilation and construction aspects required by a forensic laboratory. Construction would total about \$3.366 million, with

another \$1.1 million, representing 30% of construction cost required by the State for building State buildings. Scientific instruments, furnishing and commodities will total another \$930 million, for a total of \$5.396 million. A 12% inflation factor for construction in 1983 and 1984 brings the grand total to \$6.043 million.\*

\* The lab constitutes about 75% of the total cost of the FY'84 Public Safety Anchorage Combined Facility Capital Improvement Project request that has been under development through the normal budgeting process over the last four years, totaling \$8.1 million and 30,000 square feet.



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y. State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

March 15, 1983

MEMORANDUM

To: Representative Bob Bettisworth  
From: Leonard Steinberg, Research Staff *L.S.*  
Re: Organizational Location of Crime Lab  
Research Request 83-101

Ralph Bennett of your office requested information on where within the governmental structure of other states criminalistics laboratories are located. He also asked us how other states protect the independence of the laboratories. Several states, national criminalistics organizations, and academic experts were contacted; our findings are summarized below.

Findings

While most states have criminalistics laboratories, there is considerable diversity in the location of these institutions within the structure of state governments. Many labs are part of state police organizations. In other states, the labs are in a separate division but still within the same department as the state police. Labs have also commonly been located under the auspices of the Attorney General. Though more unusual, some labs have been incorporated into state health departments, and at least one state has consolidated all state laboratories in one division within their Department of General Services. In addition, at least one state has a crime lab system completely independent from any other state agency.

In our interviews three primary arguments were made for not placing a laboratory under the auspices of a state police organization. First, charges of laboratory bias and insufficient credibility appear to diminish with greater laboratory independence. Some states allow criminal defendants access to state crime labs, in part, to prove the objectivity of the labs. Second, laboratories within police organizations sometimes have failed to effectively compete for limited government funding. Third, laboratories within police organizations may fail to attract and retain high quality personnel because: a) pay and benefits are generally lower than the uniformed officers they work under; b) lab employees lack promotional opportunities as only sworn officers are usually admitted into the leadership ranks of police organizations; and c) lab employees consider themselves scientists and prefer a less structured and more academic environment than is usually found within police organizations.

Representative Bob Bettisworth  
March 15, 1983  
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The primary argument in favor of locating crime labs in a police unit is increased responsiveness to law enforcement needs. Additionally, some experts feel that there are fewer problems with the security and confidentiality of criminal evidence when crime labs are within police organizations. Last, some experts feel that being in a police department will allow better working relationships to be built between scientists and police officers

#### Alaska

Anchorage District Attorney Victor Krumm did not think that placing the lab within the State Trooper's organization would create a credibility problem. Mr. Krumm pointed out that many states have labs associated with their law enforcement organizations. He added that the nation's most respected lab is part of the Federal Bureau of Investigation (FBI).

#### American Academy of Forensic Sciences

Ken Field is the Executive Director of the American Academy of Forensic Sciences (303/596-6006), a professional organization of forensic scientists. According to Mr. Field, the credibility of criminalistics labs increases as the labs become more independent of law enforcement organizations. Field said that police labs in general have a poor reputation; too often, according to Field, non-scientists are placed in charge of police labs resulting in inappropriate management decisions and the closing off of promotional opportunities for lab employees.

Mr. Field stated that the ideal structure would be to have labs as part of the court system. At the very least, Field suggested setting up the crime lab as a division separate from the State Troopers within the Department of Public Safety.

#### American Society of Crime Laboratory Directors (ASCLD)

Jerry Chisum (209/576-6215), is the current president of ASCLD, acknowledged that police labs are often accused of bias. According to Chisum, the desires of a police captain or lieutenant too often take precedence over the judgment of a civilian laboratory director.

In California, where Mr. Chisum is employed, there are many crime labs which are part of local county sheriff's offices. Additionally, there is a state wide system of 15 crime labs that are part of the California Department of Justice. Mr. Chisum has worked in both systems and stated a strong preference for working under the Attorney General.

Representative Bob Bettisworth  
March 15, 1983  
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He also pointed out that some states have crime labs within their health departments. This practice apparently began with the need to perform certain homicide related medical examinations. However, Mr. Chisum noted that health department labs are almost invariably run by medical doctors and are generally poorly equipped and staffed to deal with non-medical procedures.

#### Southwestern Institute of Forensic Sciences

The Southwestern Institute of Forensic Sciences, a criminalistics laboratory in Dallas Texas, is an independent Dallas County agency. Mr. Irving Stone, Chief of the Physical Evidence Section (214/638-9982), stated that while the Institute performs work for all city and county police in their area, it is not under the supervision of any law enforcement unit. The Institute reports directly to the elected county commissioners.

According to Mr. Stone, the benefits of being an independent agency are less competition for funds and better credibility in court. Stone suggested placing the crime lab under the authority of the Attorney General.

#### California State Crime Labs

Mr. Al Biasotti, (916/739-5484) a manager of the California Department of Justice's Bureau of Forensic Sciences, stated that labs attached to police organizations always have problems of bias. According to Biasotti, independent labs can attract better personnel because the "forensic scientist" strongly prefers being independent of a law enforcement agency.

The California Department of Justice has had a state crime lab since the 1930s, and in the early 1970s, the system was expanded to 15 facilities. Attached as Appendix A are standards and other information California has used to establish its state crime labs.

#### Illinois State Crime Labs

Mr. Bruce Van der Kolk, (217/782-4975) is Director of the Bureau of Scientific Services, Illinois Department of Law Enforcement. The Department of Law Enforcement was created through governmental reorganization in 1977. The Law Enforcement Department also includes the bureaus for the state police, state investigators, internal investigators, and administration. The crime labs in Illinois, therefore, are in the same governmental unit as the police, but are not part of the police organization.

Representative Bob Bettisworth  
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Page Four

Prior to the 1977 reorganization, Illinois' crime labs independently defended their own budget before the Illinois legislature. According to Mr. Van der Kolk, the crime labs were not successful competitors with other state organizations for budget dollars. Since the 1977 reorganization, the Department of Law Enforcement has been more successful in getting state funding for the crime labs.

Mr. Van der Kolk argued that credibility is not the primary reason for maintaining the independence of crime labs. He maintained that the real reason is that scientists and police officers have difficulty understanding each others needs. Illinois has tried to have a sworn liaison police officer attached to every lab, but Mr. Van der Kolk is not convinced that this program has been successful. Mr. Van der Kolk explained that differences between sworn police officers and civilian lab employees in pay structure, benefits, and promotional opportunities exacerbates their differences.

#### Wisconsin State Crime Lab

According to Crime Laboratory Bureau Director Dan Dowd (608/266-2031), about 15 years ago Wisconsin's crime lab was transferred from the University of Wisconsin to the Law Enforcement Services Division of the Wisconsin's Department of Justice. Other Law Enforcement Services Division sections include a crime information group (records and statistics) and the training and standards section.

Mr. Dowd supports the location of the crime lab within the Attorney General's office; none of the other employees there are sworn officers nor has there been competition for funds. He speculated that the crime lab has fared better as an arm of the Attorney General than it would have on its own.

According to Mr. Dowd, crime labs have more in common with academic than with police institutions. He perceives the lab more as a friend of the court than as an advocate. In fact, Wisconsin statute allows defendants access to the lab and Mr. Dowd feels this helps the lab avoid charges of bias. Dowd says the lab is well respected by defense counsel even though less than 5 percent of its work is for defendants. The Wisconsin crime lab statutes are attached as Appendix B.

#### Arizona Crime Lab

The state crime lab in Arizona is part of the Criminal Justice Support Bureau of the Department of Public Safety. The Department of Public Safety was created in 1969 by merging many existing agencies including the highway patrol, narcotics and investigations, and operations bureaus. Cliff Van der Ark with the Arizona crime lab (602/262-8305) stated

Representative Bob Bettisworth  
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that his lab has not experienced credibility problems. One advantage of being part of a police organization, according to Mr. Van der Ark, is maintaining security. However, he mentioned that the same respect for the security of criminal evidence is likely to exist in an Attorney General's office.

#### Alabama Crime Lab

The crime lab system in Alabama (10 labs) is a completely independent state agency. Taylor Noggle (205/857-7001) stated that in 1935 the legislature created a full service crime lab that also handles all autopsy functions traditionally performed by medical examiners. The crime labs in Alabama are not connected to their state police nor their attorney general's office. The Director of the Alabama crime lab is appointed by the Attorney General, but cannot be removed except by impeachment; since 1935, the crime lab has had only three directors.

According to Mr. Noggle, the credibility of Alabama's labs can be traced to the high quality of lab staff. Mr. Noggle said that Alabama has been able to retain qualified personnel due to a relatively high pay scale and promotional opportunities.

Alabama's lab analyzes evidence for both prosecutors and defendants. However, Mr. Noggle estimated that less than 1 percent of the lab's work was performed for defendants.

#### Virginia Crime Lab

Warren Johnson, Director of Virginia's crime lab, stated that Virginia is the only state that has consolidated all state laboratories into a single government unit. The crime lab, together with the health, environmental, and consumer protection labs, make up the Division of Consolidated Laboratory Services within the Department of General Services. This organizational structure was created in 1972 to reduce costs (shared equipment and space) and increase effectiveness (sharing expertise).

Despite these theoretical gains, Mr. Johnson feels that the consolidation approach has been unsatisfactory. In fact, little equipment or space is shared because of the crime lab's need to insure the security of criminal evidence. Mr. Johnson said that there is only one piece of equipment that is regularly shared with other labs. Additionally, he expressed concern that the crime lab is left out of all planning for the criminal justice system because all other law enforcement agencies are in a different department. However, Mr. Johnson did acknowledge the usefulness of having easy access to the scientific experts associated with the other laboratories. In conclusion, he does not recommend the consolidated laboratory approach, but does recommend crime labs be independent from police organizations.

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Academic Experts

Dr. Joe Peterson (312/996-8585), is with the Center for Research in Law and Justice at the Chicago campus of the University of Illinois. Dr. Peterson's professional research interests are in how science is used in the legal system and he is particularly knowledgeable about crime laboratories. According to Dr. Peterson, there is consensus among criminalist professionals that it is undesirable to place a crime lab within a police organization. Dr. Peterson stated that statistically, the labs located in law enforcement agencies often are unable to compete with the police organizations for money and are not as well respected by crime lab professionals as are labs independent of law enforcement agencies.

Though the issue of credibility is often raised when a lab is associated with a police unit, Dr. Peterson stated that there has never been a quantitative study of the problem. Though Dr. Peterson prefers labs that are completely independent of police organizations, at the very least, he suggests giving the lab the same status in government as other law enforcement units such as the Troopers. Dr. Peterson also suggested that the lab's credibility would be aided by allowing defendants equal access to the lab's procedures.

Dr. John Thornton (415/642-1605), University of California, Berkeley, assisted the State of California in developing its state crime lab system in the early 1970s. Dr. Thornton agreed that credibility is a serious issue and noted that charges of bias and perjury do affect the outcomes of criminal cases. For these reasons, Dr. Thornton feels it is essential that labs have an independent reputation. He said that the management of crime labs by the California Attorney General has worked out well.

Dr. Thornton feels that if a lab is placed within a police organization, it is essential that the lab director be a scientist and not a police officer. Dr. Thornton noted that scientists and police officers have different approaches to proof. Police officers generally have very different backgrounds from the lab scientists and often do not fully understand the equipment and procedures used in crime labs.

\* \* \* \* \*

We hope this information is helpful to you. Many of the experts we spoke with promised to send us additional information in the mail and we will forward these materials to you as soon as we receive them. Please let us know if we can provide you with any additional assistance.

LS/sj

Attachments

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

March 7, 1983

POUCH N  
JUNEAU, ALASKA 99811  
PHONE:  
465-4322

The Honorable Al Adams  
Chairman, House Finance Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Representative Adams:

To follow-up on the information provided to you Tuesday, February 22, 1983 concerning House Bill 33, additional research has been done and hopefully this information will assist you in your decision making process.

The FY 83 Capital Budget request included monies to build a Crime Laboratory. The total square footage in the FY 83 request was 20,000. 10,000 square feet for the Crime Lab, and 10,000 square feet for Alaska State Troopers, Fish & Wildlife Protection, Metro Unit, firing range, exercise area, and warm storage garage. Governor Hammond's priorities moved this FY 83 request to FY 84. Because of the additional time to fully research the Crime Lab needs, a more intensive study by Mr. Jim Messick identified a more exacting space need for the Crime Lab, which is now requested at 17,000 square feet.

House Bill 33 is referred to as the Crime Lab Bill and proposes funding of \$8.1 million, of which approximately \$6.2 million is proposed for the laboratory and the balance for operational space for the Metro Unit, Fish & Wildlife Protection, and Anchorage Trooper Post along with space to accommodate the physical fitness area, warm storage area for emergency response team van, proficiency range, and evidence storage for Fish & Wildlife Protection.

With regard to the Lab, all space and construction costs we have used were obtained from the FBI, based upon their experience in completing their new forensic science laboratory in Quantico, Virginia. Mr. Jim Messick spent an intensive three days at the FBI Lab with its Director reviewing their costs. Their information indicated that:

- 1 The total costs of a forensic lab building will be about 120% of the costs of commercial building construction due to the unusual and very intensive electrical requirements, air exchange to carry away noxious chemical fumes, extensive plumbing to support laboratory functions, etc.

The Honorable Al Adams  
March 7, 1983  
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2. Half of the total lab space should be for operational purposes; the other half for non-operational purposes (hallways, stairs, storage, etc.).
3. Each lab analyst requires approximately 150 square feet of work space, tables, etc. with slightly less for clerical.
4. Additionally, the FBI strongly recommends that new construction include space for expansion (their Quantico Lab utilizes their expansion area for training of Law Enforcement Officers).

Based upon these conclusions by the FBI, the space requirements for the proposed lab are:

Existing staff of 12, including clerical and photographic functions requires:	1,700 sq. ft.
Proposed new hires (11) based upon existing level of need for lab services required:	1,700 sq. ft.
Common operational areas for equipment requires:	2,350 sq. ft.
Total operational area:	5,750 sq. ft.
Approximately same area for non-operational purposes:	5,500 sq. ft.
Expansion (to be used as classrooms):	<u>5,500 sq. ft.</u>
TOTAL	17,000 sq. ft.

Costs of construction using the above data yield:

17,000 sq. ft. X \$110 per sq. ft. (commercial space cost in Anchorage X 180% = \$3,366,000.

Cost of instrumentation needs:

Although the FBI said their equipment cost about 75% of the building cost, we have calculated equipment required beyond that already on hand = \$602,000 (or substantially less than 75%).

Cost of furnishings:

Although the FBI said their furnishings amounted to about 15% of their building costs, we have used a lesser figure of \$250,000.

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The enclosed attachment furnished by DOT/PF gives a detailed breakdown of the total project cost of \$5,197,700 for the Lab only.

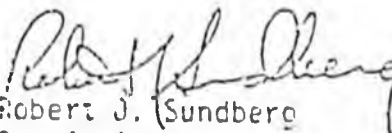
Because of the need for the Crime Lab by law enforcement in Alaska, the Directors of both the Alaska State Troopers and the Fish and Wildlife Protection have agreed, with my concurrence, to eliminate the space requested for those agencies.

The following recap comparison of the original budget request and the revised estimate from DOT/PF indicates that the DOT/PF overhead has been reduced, while the inflation estimate has been increased.

	Original Request	Revised DOT/PF Estimate
Construction Costs	\$ 3,366.0	\$ 3,366.0
DOT/PF Planning, Contingency & Overhead	1,009.8	
DOT/PF Service Cost		180.3
Consultant Costs		373.2
Change Order Reserve		234.8
Art Work		37.8
Subtotal	\$ 4,375.8	\$ 4,192.1
Equipment	859.0	859.0
Commodities	71.0	71.0
Subtotal	\$ 5,305.8	\$ 5,122.1
Construction Inflation	636.7	1,075.6
TOTAL	\$ 5,942.5	\$ 6,197.7

Please call me if further information is required.

Sincerely,

  
Robert J. Sundberg  
Commissioner

Enclosures

cc: Emil Notti, Legislative Assistant to the Governor  
Kevin Bruce, Special Assistant to the Governor  
Representative Walt Furnace

DETAILED ESTIMATE  
for the  
FORENSIC LAB.

NOTE: estimates are based on January, 1983 cost factors.

		% of total costs
I. <u>DOT/PF Service Costs:</u>		
- Design administration by direct project employees.	\$54,500	
- Construction administration by direct project employees.	<u>\$125,800</u>	
Total DOT/PF service	\$180,300	3.5%
II. <u>CONSULTANT COSTS:</u>		
- Design & site investigations.	\$335,400	
- Design reviews.	<u>\$ 37,800</u>	
Total consultant costs	\$373,200	7.3%
III. <u>CONSTRUCTION COSTS:</u>		
- Construction costs.	\$3,366,000	
- Change order reserves.	\$ 234,800	
- Instrumentation.	\$ 609,000	
- Furnishings.	<u>\$ 250,000</u>	
Total construction costs	\$4,459,800	37.1%
IV. <u>MISC. COSTS:</u>		
- Work of Art requirement.	\$ 37,800	
- Commodities.	<u>\$ 71,000</u>	
Total misc. costs	\$ 108,800	2.1%

TOTAL PROJECT COST SUMMARY

1. DOT/PF service costs	\$ 180,300
2. Consultant costs	\$ 373,200
3. Construction costs	\$4,459,800
4. Misc. costs	<u>\$ 108,800</u>

Total Project costs \$5,122,100

Construction inflation added to the midpoint of construction at the rate of 1 percent per month ( 12% annual rate). Midpoint of construction is assume to be 10/1/84.

\$1,075,600

Grand total project costs including inflation.

\$6,197,700



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y. State Capitol  
Juneau, Alaska 9811  
(907) 465-3991

January 26, 1983

MEMORANDUM

To: Representative Walt Furnace

From: Leonard Steinberg, Research Staff *LS*

Re: Criminalistics Analysis--Additional Information On Costs  
Research Request 83-11

Steve Levi of your office requested additional information on the costs of criminalistic analysis performed by both public and private institutions. Also included is an update on the FBI crime lab's involvement in court proceedings in Alaska and the specific analytical techniques used by the FBI.

Criminalistics Analysis Costs--Findings

Many different rate structures are used to establish the prices of criminalistics analysis services. Most prices are based on hourly rates, though some labs charge a flat fee for each individual service. In general, labs are reluctant to charge flat fees because there is considerable variability in the amount of time required to analyze different pieces of evidence. Apparently some tests, such as toxicology, are very routine and their costs are affected by economies of scale. Other examinations, however, such as firearm and toolmark identification, vary greatly in the amount of time required for each examination.

Hourly rates vary from twenty-three to one hundred dollars per hour with the public and non-profit facilities providing the lowest hourly rates. Most private criminalistics analysis organizations provide only limited services, primarily for defense counsel's rebuttal of a prosecutor's evidence. In fact, there are very few private laboratories; most of the private sector activity in criminalistics is from individuals formerly associated with a criminalistics lab who are experts in interpreting the laboratory data. The private laboratories which do exist are small and their costs are high, in part, due to their low volume.

Five public, one private non-profit, and three private for-profit criminalistics laboratories were sampled for the cost of their services. The results are listed below by each organization.

Contra Costa County Sheriff's Crime Lab

Like most counties in California, the Contra Costa County Sheriff's Crime Lab provides criminalistics analysis for all law enforcement agencies, municipal, county, state and federal, located in that county for no charge. The lab occasionally contracts to provide its services to public agencies outside the county, and charges only the additional costs it incurs in making these services available. In general, its extra costs are only labor; their labor rate has been estimated at \$23 per hour.

According to Gerald Mitosinko, the lab's director (415 372-2466), the Contra Costa County Crime Lab has calculated the amount of time it has spent on various criminalistics procedures during the last several years. The average amounts of time required are listed below by different types of examinations. In parentheses is a rough approximation of the costs of these examinations, calculated on the basis of the time shown multiplied by the labor cost of \$23 per hour.

Amphetamines	.7 hours (\$16)	Heroin	1.36 hours (\$31)
Cocaine	.5 hours (\$12)	Marijuana	.39 hours (\$9)
Explosives	4.83 hours (\$111)	Document	2.24 hours (\$65)
Shoe/Tire Prints	4.17 hours (\$96)	Firearms ID	11.91 hours (\$274)
Fiber & Hair	5.18 hours (\$119)	Toolmarks ID	7.13 hours (\$164)

Dallas County -- Southwestern Institute of Forensic Sciences

The Southwestern Institute of Forensic Sciences is a Dallas County agency. According to Director Irving Stone (214 638-9980), the Institute charges a fixed rate by the type of service performed. The rates have been set on the assumption that labor rates are approximately \$50 per hour. In addition, the Institute charges a flat \$200 fee for testimony and travel. The Institute's fee schedule and background information is being sent in the mail, but examples of their charges are listed below.

Documents Exam .....	\$50	Fingerprint Exam .....	\$50
Bullet Exam .....	\$35	Typewriter Comparison .....	\$50
Serial Number Restoration .....	\$50	Search for Spermatzoa .....	\$15

Representative Walt Furnace  
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Tool Mark Comparison .....	\$50	Search for Blood or Seminal Stains .....	\$15
Hair & Fiber Analysis .....	\$30	Analysis of ABO/RH From Dried Stains .....	\$40

#### Connecticut State Police Forensic Sciences Laboratory

Dr. Henry Lee, is the Chief of the Forensic Sciences Laboratory in the state of Connecticut (203 238-6324). Dr. Lee explained that in addition to providing criminalistic analysis services for law enforcement authorities throughout Connecticut for no charge, his lab charges law enforcement authorities in surrounding states only for the cost of materials used in criminalistic analysis and for the time required for testimony.

Dr. Lee said that his lab has twenty-six employees and an annual budget of approximately \$500,000.

#### Washington State Police Crime Lab

George Ishi is the Director of the Washington State Police Crime Lab (206 464-7073). According to Mr. Ishi, the Washington State Police Crime Lab does provide criminalistics analysis services to other public agencies under contract. The lab charges \$60 per hour plus any unusual expenses such as for special chemicals, special instruments, or testimony. Mr. Ishi is sending an analysis of the time spent by his lab on different types of criminalistic procedures.

#### Kansas City, MO, Regional Criminalistics Laboratory

According to Gary Howell of the Regional Criminalistics Laboratory in Kansas City, MO (816 234-5000), public sector laboratory that charges \$30 per hour to all public agencies within a surrounding five county region and \$45 per hour to other public agencies outside that five county region. Howell was careful to say that it is impossible to predict how much time any particular examination will require.

Howell said that time spent by his staff testifying is billed at the same rate as laboratory time. Howell calculated that his lab spends about 20,000 hours examining evidence each year. Howell is sending additional information in the mail.

#### Northern Illinois Police Crime Lab

The Northern Illinois Police Crime Lab is a private non-profit membership agency organized to provide criminalistics services to municipal

police departments throughout Northern Illinois, an area with a population of approximately 500,000. The lab's Director, Andrew Principe (312 432-8160), explained that each member municipality pays an annual assessment based on its population as illustrated in the table below.

<u>Population of City</u>	<u>Annual Fee</u>
1000	\$1500
3500	\$3100
20,000	\$11,500
50,000	\$25,800
70,000	\$29,800
100,000	\$35,800

The Northern Illinois Police Crime Lab also provides criminalistic analysis for non-member public organizations at a cost of \$75 per hour, with a one-hour minimum charge. In addition, when the lab's staff is required to testify, the charge for that service is \$200 for the first hour and \$50 per hour thereafter.

According to Mr. Principe, the lab's annual budget of about \$300,000, is primarily from the annual membership fees. The lab employs a staff of ten and the lab has \$500-600,000 worth of equipment.

#### Forensic Science Associates

Forensic Science Associates is a private for-profit criminalistics laboratory located in the San Francisco area that does not provide routine types of analysis; Forensic Science Associates does not do toxicology, blood alcohol analysis, or drug identification. Peter Barnett (415 653-3530) said that his firm's fee is \$70 per hour and the amount of time he spends on any one procedure varies considerably. Most of this firm's work is for private defense counsel.

#### Criminalistic Laboratory

Criminalistic Laboratory is also a private for-profit small volume lab in the San Francisco area. According to the lab's Chuck Morton (415 451-0767), some of their work is performed for public agencies, but most of their work is also for private defense counsel. Criminalistic Laboratory charges \$75-100 per hour depending on the analysis being conducted. In addition, Criminalistic Laboratory also has some

Representative Walt Furnace  
January 26, 1983  
Page Five

fixed fees for standard procedures, such as paternity testing (\$70-80 per sample), blood grouping (\$75 per sample), saliva analysis (\$50 per sample) and others.

#### Western Laboratories

Western Laboratories, also in the San Francisco area, is primarily a private for-profit medical laboratory. However, Western Labs does perform toxicology, forensic alcohol, and autopsy service under contract to Alameda County. Dr. Paul Herman, head of the lab, said that fixed fees are charged for these services and is sending a fee schedule by mail. Dr. Herman warned, however, that Western's fees are expected to rise by about 20% in the near future.

#### FBI Crime Lab Update

According to Larry Nelson, the FBI's agent in charge in Alaska, in federal FY 82, FBI examiners made fifty-one trips to Alaska to testify in court. In forty-seven cases, testimony was actually given in court and four cases were resolved prior to the FBI examiner's scheduled court appearance.

The fifty-one trips made by FBI examiners to Alaska in FY 82 were to present testimony about the following analytical procedures.

<u>Type of Examination</u>	<u>Number of Examinations</u>
Firearm and Toolmark Identification .....	17
Hair and Fiber Analysis .....	15
Serology and Blood Type Examinations .....	13
Neutron Activation Tests .....	3
Paint Analysis .....	1
Metallurgy Analysis .....	1
Document Examination .....	1



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
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Pouch Y. State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

January 24, 1983

MEMORANDUM

To: Representative Walt Furnace  
From: Leonard Steinberg, Research Staff *L.S.*  
Re: FBI Examination of Legal Evidence  
Research Request 83-11

Steve Levi of your office requested the following information:

- 1) The number of Alaska criminal cases which made use of the FBI crime lab in Washington D.C.;
- 2) How many legal cases went to court with FBI assistance;
- 3) How often the FBI's time for analysis exceeded Alaska's 120 day limitation for court appearances; and
- 4) What specific evidence has been sent to the FBI for analysis.

Our attempts to answer these questions involved contacting: the Federal Bureau of Investigation in Anchorage and in Washington D.C.; the State of Alaska's Chief Prosecutor and the Anchorage District Attorney; the Alaska State Troopers; and the municipal police in Anchorage and Fairbanks.

Number of Alaska Criminal Cases Involving the FBI's Crime Lab

The table below lists the number of Alaska cases and the number of different examinations of Alaska evidence that were performed by the FBI's crime lab in federal fiscal years 1980, 1981, and 1982. (The federal fiscal year runs from October 1 to September 30; FY 80, for example began October 1, 1979 and ended September 30, 1980.) This information was obtained from Manuel Marquez, of the Federal Bureau of Investigation in Washington D.C.

The number of examinations performed is many times larger than the number of cases because each case often includes many different items and each item may undergo numerous different examinations.

<u>Year</u>	<u>Number of Cases</u>	<u>Number of Examinations</u>
1980	181	10,744
1981	209	13,531
1982	236	19,510

Number of Legal Cases Which Went to Court With FBI Assistance

There are no records of the number of times the FBI's crime lab analysis has actually been used in court. Though FBI crime lab examiners frequently travel to Alaska to testify in criminal proceedings, only rough estimates of the number of visits are available.

According to Larry Nelson, the FBI's chief agent in Alaska, not a month goes by without one of the FBI's crime lab examiners traveling to Alaska to make a court appearance. Captain Smith, of the Anchorage Police Department, said he knew of at least 6 FBI crime lab examiners that visited Alaska during the last year.

The FBI in Washington D.C. may maintain records on number of visits examiners make to testify in Alaska courts, but the FBI declined to make that information available to us. The use of FBI examiners or laboratory analysis could be reconstructed by reviewing all the criminal files of the District Attorneys in Alaska, but doing so would require a substantial amount of time.

Excessive Time Required For FBI Analysis

Law enforcement authorities in Alaska are concerned that the FBI's crime lab will not analyze and return the evidence to Alaska in time to meet the requirement, unless waived by the defendant, that criminal trials take place within 120 days of an arrest.

There is little evidence of the FBI's laboratory analysis failing to arrive in time for a trial. The State Troopers have described one case (Alaska vs. Lewis, 1981) in which the trial court suppressed use of the FBI's lab report received the morning of the trial, but that case was complicated by other factors and the suppression was overturned on appeal.<sup>1</sup>

No other specific cases of laboratory analysis too late for use in court have been cited. However, Fairbanks Police Chief Matthew Kiernan estimated that perhaps in one percent of his cases he was unable to use the

<sup>1</sup> Department of Public Safety. The Development of a Full Service Forensic Laboratory for Law Enforcement in Alaska. September 1982. Page 11.

FBI's laboratory analysis in court because of delays. Other Alaska law enforcement authorities indicated that, to their knowledge, evidence has always arrived in time, but not without the use of personal contacts between the law enforcement authorities in Alaska and FBI examiners in Washington D.C. Estimates of amount of time normally required for an FBI analysis ranged from two to six months.<sup>2</sup>

#### Specific Evidence Sent To The FBI For Analysis

It was not possible to obtain a list of the specific legal evidence which has been sent from Alaska to the FBI for analysis in the time available to complete this research request. All law enforcement authorities were contacted but regular records of what has been submitted for analysis have not been maintained.

The FBI crime lab in Washington D.C. may maintain records of what it has analyzed for Alaska, but this information was not made available to us. A list of the specific evidence sent to the FBI for analysis could be reconstructed by going through all the criminal files of the law enforcement authorities in Alaska, but doing so would require a substantial amount of time.

The FBI's crime lab conducts all known types of criminal analysis. Examples of Alaskan criminal evidence currently analyzed by the FBI include: questioned documents, body fluids, firearms, trace metals, voice prints, hair, fibers, and fingerprints.

#### Additional Information

Currently, all FBI service (analysis and expert witnesses) are available free of charge. The FBI crime lab's work is well respected and the examiners make excellent witnesses. However, many of Alaska's law enforcement officials spoke of the federal government's intention to cease providing lab services for state and local police.

The FBI, while supporting the development of regional criminal analysis laboratories, denies any intention of reducing services to state and local law enforcement authorities.

\* \* \* \* \*

We hope this information is useful to you. Please let us know if we can be of any further assistance.

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<sup>2</sup> Captain Smith of the Anchorage Police Department estimated normal FBI turnaround time at two months while Major Korhonen of the Alaska State Troopers estimated normal turnaround times of five to six months.

To: Representative Mitch Abood, Chairman  
House Committee on State Affairs

Through: Representative Walt Furnace

From: Steven C. Levi, Staff

Date: 1/20/83

RE: HB 33

At the present time, law enforcement agencies across Alaska are facing a crisis. First, there is the 120 day rule. Upon the arrest of a suspect, the police have 120 days to build and develop a case. If they cannot build the case and take it court, within that time frame, the suspect must be freed. This is in line with the constitutional guarantee of a speedy trial.

Second, since many of the cases involved have evidence which is sent to the FBI, prosecution depends not only on the quality of evidence gathered, but on the timeliness of the FBI.

Third, over the years the FBI has expanded its crime lab facilities and services and, as a result, more and more law enforcement agencies have taken advantage of the FBI's services. At this point the FBI is so overloaded that the agency cannot assure Alaskan law enforcement agencies that the FBI can consistently provide an analysis of evidence within the 120 day time frame.

Additionally, the FBI is also facing a manpower crunch. As the volume of evidence increases and the number of manhours necessary to be in court grows, FBI specialists are spending more and more time on-the-road and in court and less and less time in the laboratory. Unfortunately, many of the matters upon which the FBI testifies are those which could reasonably be handled by local laboratories.

Alaska is thus faced with a dilemma. Alaska may 1) continue to depend on the FBI and expect to lose cases because of the time factor, 2) pay a private firm or firms to analyze evidence or 3) the State can build, maintain and run a crime lab that will handle many of the basic functions of evidence analysis.

The crime lab dilemma is made even more complicated by the fact that whichever way the State turns it is going to be expensive. It is simply a matter of spending money or losing cases. The FBI provides its analysis for free; it cannot be guaranteed that cases will not fall out of the judicial process simply because the evidence could not get back to Alaska on time.

The proposed crime lab facility, as expressed by Representative Furnace in HB 33, will contain facilities for serology, fingerprinting, trace evidence, forensic sciences, firearms and tool marks as well as basic

Furnace to Abood  
Page 2 of 2  
January 18, 1983

chemical analysis of unknown substances. The facility will also house an expanded evidence storage facility. The crime lab will not handle such specialized services as ballistics and paint samples.

Additionally, staff notes the following.

1) Since many law enforcement agencies across the state use the FBI lab for a variety of functions, an actual assessment of the evidence sent to the lab on an annual basis is not available. There is no central clearinghouse for evidence. The Alaska State Troopers, the Anchorage Police Department and the Fairbanks City Police all use the FBI but do not inform one another of that fact.

2) Estimated costs of private labs are speculative. Many labs do not want to examine sample piecemeal. Long term contracts with private labs are both reasonable and prudent. But they will also be expensive. And, since Alaska may not have many of the necessary facilities instate, there is a great likelihood that evidence will have to be sent out of state for analysis. There has been comment that this would force Alaskan dollars to be spent out-of-state on services Alaska should be developing instate.

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: CS SS HB 33 (FIN)  
 Title: Crime Lab  
 Sponsor: Furnace  
 Requestor: Senate Judiciary

II. FISCAL DETAIL

Agency Affected: Dept. of Public Safety  
 Program Category Affected: Crime ID& Appre.  
 BRU, Program of Subprogram(s) Affected: AST Support and Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES			360.1	381.7	404.6	428.9
200 TRAVEL			10.0	10.6	11.2	11.9
300 CONTRACTUAL			30.0	31.8	33.7	35.7
400 COMMODITIES			18.7	19.8	21.0	22.3
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING			418.8	443.9	470.5	498.8
CAPITAL			5641.0			
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			6059.8	443.9	470.5	498.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME			7.1	7.1	7.1	7.1
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Francis C. Allan *F.C.A.* Phone: 269-5691  
 Division: Alaska State Troopers Date: 4-18-83  
 Approved by Commissioner: R.J. Sundberg *R.J.S.* Date: 4/24/83  
 Department: Public Safety

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

CS SS HB 33 FISCAL NOTE  
Section IV Analysis

This legislation provides design and engineering funds for the construction of a 17,000 square foot Statewide Crime Laboratory in Anchorage. The attached Schedule 1 details the Capital Cost and Schedule 2 details the Operating Costs. The vast majority of the Operating Costs represent a shift in direction for the Crime Lab from a limited service A.S.T. facility to becoming a full-service operation designed to meet the needs of all law enforcement agencies in the state. Operating costs after FY'85 reflect an annual 6% inflation rate estimate.

An additional capital appropriation will be needed for the actual construction, equipment, and commodities costs as detailed on Schedule 1.

ANCHORAGE COMBINED FACILITY

CAPITAL COSTS

Schedule 1

1)	<u>Construction Costs</u>		
	Crime Lab - 17,000 sq. ft.	\$3,366.0	
	DOT/PF Overhead, Architect, Planning Contingency, etc.	\$1,100.0	
	CS SS HB 33	<u>(402.0)</u>	698.0
	Subtotal		\$4,064.0
2)	<u>Equipment</u>		859.0
3)	<u>Commodities</u> - Initial stock		71.0
4)	<u>Inflation</u> - Through construction		<u>647.0</u>
	TOTAL		<u>\$5,641.0</u>

ANCHORAGE COMBINED FACILITY

FY'85 OPERATING COSTS

Schedule 2

100 Personnel Services

Serologist - Range 19	\$ 38,124	
Trace Evidence Specialist - Range 19	38,124	
Fingerprint I.D. Specialist - Range 18	35,580	
Fingerprint I.D. Specialist - Range 18	35,580	
Firearms & Tool Marks Specialist - Range 19	38,124	
Forensic Chemist/Dep. Director - Range 21	44,508	
Administrative Ass't II - Range 14 & O.T.	29,133	
Subtotal	<u>259,173</u>	
Benefits for above	80,588	
Subtotal	<u>339,761</u>	

Subtotal - Above at 106% to reflect inflation through FY'85 \$360,147

200 Travel

In-state & out-of-state travel needed to attain and maintain professional expertise	10,000
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300 Contractual Services

Telephone	\$ 12,500	
Electricity	9,100	
Other Utilities	3,500	
Building Repairs & Maintenance	<u>4,900</u>	
Subtotal		30,000

400 Commodities

Heating Fuel	\$ 17,600	
Miscellaneous	<u>1,100</u>	
Subtotal		18,700
TOTAL		<u>\$418,847</u>

FILE WITH HB 33

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: CS SS HB 33 (FIN)  
Title: Crime Lab  
Sponsor: Furnace  
Requestor: Senate Judiciary

II. FISCAL DETAIL

Agency Affected: Dept. of Public Safety  
Program Category Affected: Crime ID & Appr.  
BRU, Program of Subprogram(s) Affected: AST Support and Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES			360.1	381.7	404.6	428.9
200 TRAVEL			10.0	10.6	11.2	11.9
300 CONTRACTUAL			30.0	31.8	33.7	35.7
400 COMMODITIES			18.7	19.8	21.0	22.3
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING			418.8	443.9	470.5	498.8
CAPITAL			5641.0			
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND			6059.8	443.9	470.5	498.8
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME			7.1	7.1	7.1	7.1
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not identified.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Francis C. Allan <sup>A.C.A.</sup> Phone: 269-5691  
 Division: Alaska State Troopers Date: 4-18-83  
 Approved by Commissioner: R.J. Sundberg Date: 4/26/83  
 Department: Public Safety

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3/8/83

CS SS HB 33 FISCAL NOTE  
Section IV Analysis

This legislation provides design and engineering funds for the construction of a 17,000 square foot Statewide Crime Laboratory in Anchorage. The attached Schedule 1 details the Capital Cost and Schedule 2 details the Operating Costs. The vast majority of the Operating Costs represent a shift in direction for the Crime Lab from a limited service A.S.T. facility fo becoming a full-service operation designed to meet the needs of all law enforcement agencies in the state. Operating costs after FY'85 reflect an annual 6% inflation rate estimate.

An additional capital appropriation will be needed for the actual construction, equipment, and commodities costs as detailed on Schedule 1.

ANCHORAGE COMBINED FACILITY

CAPITAL COSTS

Schedule 1

1)	<u>Construction Costs</u>		
	Crime Lab - 17,000 sq. ft.	\$3,366.0	
	DOT/PF Overhead, Architect, Planning Contingency, etc.	\$1,100.0	
	CS SS HB 33	<u>(402.0)</u>	698.0
	Subtotal		\$4,064.0
2)	<u>Equipment</u>		859.0
3)	<u>Commodities</u> - Initial stock		71.0
4)	<u>Inflation</u> - Through construction		<u>647.0</u>
	TOTAL		<u>\$5,641.0</u>

ANCHORAGE COMBINED FACILITY

FY'85 OPERATING COSTS

Schedule 2

100 Personnel Services

Serologist - Range 19	\$ 38,124	
Trace Evidence Specialist - Range 19	38,124	
Fingerprint I.D. Specialist - Range 18	35,580	
Fingerprint I.D. Specialist - Range 18	35,580	
Firearms & Tool Marks Specialist - Range 19	38,124	
Forensic Chemist/Dep. Director - Range 21	44,508	
Administrative Ass't II - Range 14 & O.T.	29,133	
Subtotal	<u>259,173</u>	
Benefits for above	80,588	
Subtotal	<u>339,761</u>	

Subtotal - Above at 106% to reflect inflation through FY'85 \$360,147

200 Travel

In-state & out-of-state travel needed to attain and maintain professional expertise	10,000
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300 Contractual Services

Telephone	\$ 12,500	
Electricity	9,100	
Other Utilities	3,500	
Building Repairs & Maintenance	<u>4,900</u>	
Subtotal		30,000

400 Commodities

Heating Fuel	\$ 17,600	
Miscellaneous	<u>1,100</u>	
Subtotal		18,700
TOTAL		<u>\$418,847</u>

FISCAL NOTE

Expenditure Type  
 Revenue Type

I. REQUEST  
 Bill/Resolution No. House Bill No. 33  
 Title "An Act...for a State Trooper Facility"  
 Requested by House Senate Affairs Date 01/25/83

II. FISCAL DETAIL  
 Agency Affected Department of Public Safety  
 Program Category Affected Administration of Justice  
 BRU, Program, Or Subprogram(s) Affected AST Support & Services/Laboratory  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		-0-	484.9	514.0		

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		-0-	484.9	514.0		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This legislation provides funds for the construction of a 30,000 sq. ft. public safety facility in Anchorage to house an expanded Statewide Crime Laboratory, the Anchorage Metropolitan Drug Enforcement Unit, and the local Alaska State Troopers and Fish & Wildlife Protection Detachments. This represents a shift in direction for the Crime Lab from being a limited service AST facility to becoming a full-service operation designed to meet the needs of all local law enforcement agencies in the State.

IV. DATE January 25, 1983 PREPARED BY Frank Allan Phone 269-5691

Original: Legislative Finance DIVISION AST Initials  
 cc: Budget and Management DEPARTMENT OF PUBLIC SAFETY (Mike) Initials T  
 Prime Sponsor (First Legislator Named)

33-001: (Rev. 12/82)

DETAIL OF FISCAL DATA

		<u>FY 84</u>	<u>FY 85</u>	<u>FY 86</u>
100	Personal Services		416.6	441.6
200	Travel		10.0	10.6
300	Contractual		30.0	31.8
400	Commodities		28.3	30.0
500	Equipment			
600	Land & Structures			
700	Grants, Claims, etc.			
<hr/>				
	TOTAL	-0-	484.9	514.0

POSITIONS

PFT			9	9
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ANCHORAGE COMBINED FACILITY  
CAPITAL COSTS

Schedule 1

1) Construction Costs

Crime Lab - 17,000 sq. ft.	\$3,366.0	
A.S.T. & F.W.P. Posts - 11,000 sq. ft.	1,210.0	
Metro - 2,000 sq. ft.	220.0	
DOT/PF Overhead, Architect, Planning Contingency, etc.	<u>1,472.2</u>	
Subtotal		\$6,268.2

2) Equipment

Crime Lab	859.0	
A.S.T. & F.W.P. Posts	<u>37.5</u>	
Subtotal		896.5

3) Commodities

Crime Lab - Initial stock		71.0
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4) Inflation - Through construction, start 864.3

TOTAL \$8,100.0

ANCHORAGE COMBINED FACILITY  
FY'85 OPERATING COSTS

Schedule 2

100 Personnel Services

Serologist - Range 19	\$38,124	
Trace Evidence Specialist - Range 19	38,124	
Fingerprint I.D. Specialist - Range 18	35,580	
Fingerprint I.D. Specialist - Range 18	35,580	
Firearms & Tool Marks Specialist - Range 19	38,124	
Forensic Chemist/Dep. Director - Range 21	44,508	
Administrative Ass't II - Range 14 & O.T.	29,133	
Maintenance Worker - Range 54	22,380	
Janitor - Range 59	16,776	
	Subtotal	\$298,329
Benefits for above	94,662	
	Subtotal	\$392,991
Subtotal - Above at 106% to reflect inflation through FY'85		\$416,570

200 Travel

In-state & out-of-state travel needed to attain and maintain professional expertise	10,000
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300 Contractual Services

Telephone	\$12,500	
Electricity	9,100	
Other Utilities	3,500	
Building Repairs & Maintenance	4,900	
	Subtotal	30,000

400 Commodities

Heating Fuel	\$26,700	
Miscellaneous	1,600	
	Subtotal	28,300
	TOTAL	<u>\$484,870</u>

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To: Representative Mitch Abood, Chairman  
House Committee on State Affairs

Through: Walt Furnace, Representative (S)

From: Steven C. Levi, Staff

Date: January 20, 1983

RE: HB 34

At the present time, the line of succession to the Governor's chair is limited to two (2) individuals: the elected Lt. Governor and the Governor's hand-picked, legislatively confirmed successor. Should the Governor's chair fall empty when there is no Lt. Governor, for whatever reason, the hand-picked, legislatively confirmed successor is only an acting governor and will hold this position only until a special election may be held to fill the office with an elected governor.

There is, however, a gap in the succession process. Should the Governor and the Lt. Governor be unable to fill the chair and there is no hand-picked, legislatively confirmed successor, there is no procedure for succession.

Representative Furnace recommends, through HB 34, that in the hopefully unlikely case that the Governor's chair is vacant and there is no Lt. Governor or hand-picked, legislatively confirmed successor, that the President of the Senate and thereafter the Speaker of the House shall succeed to the chair of governor.

Legislative Counsel has assured Representative Furnace that the succession to the chair of Governor by the President of the Senate or the Speaker of the House is only in the capacity of Acting-Governor and only until such time as a special election may be held. Legislative intent is that the President or the Speaker shall be Acting-Governor only.

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ES  
Manned with own  
for confirmation  
special election for  
90 days -

Furnace

1/27



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 455-3991

April 12, 1983

MEMORANDUM

TO: Representative Walt Furnace

FROM: Deb Pomeroy, Research Aide *Deb*

RE: Succession to the Offices of Governor and Lt. Governor  
Research Request 83-119

Steve Levi of your office called requesting the following information regarding succession to the offices of Governor and Lt. Governor in other states:

- 1) What is the line of succession in other states?
- 2) Is succession decided constitutionally or by statute?
- 3) What is the term of the successor?
- 4) Is the successor appointed Acting Governor or Governor?
- 5) Does the Acting Governor have the same powers as the Governor?
- 6) Are there any states where Supreme Court Justices succeed to Governor?

As you are aware, Alaska does not have a constitutional line of succession after the Lt. Governor. AS 44.19 states that after the start of the initial term of office, the Governor appoints, and the Legislature confirms in a joint session, a person from a principal department of state government as the successor to the Lt. Governor. If the Lt. Governor succeeds to the Governor's office, the appointee becomes Lt. Governor and serves for the remainder of the term. If, however, the appointed successor succeeds to the Governor's office, (s)he serves only until a special election is held.

Thirty-six states decide the succession to the Governor's office by constitution; thirteen states either decide the succession or add to the line of succession by statute. In all of the states, the successor has the duties and powers of the Governor. In all states except Hawaii,

Representative Furnace  
April 12, 1983  
Page 2

the successor is appointed Governor; in Hawaii, only the Governor and Lt. Governor may have the title of Governor, with other successors known as "Acting" Governor.

The majority of the states have direct succession to Governor. That is, if the Lt. Governor becomes Governor, his office remains vacant until the next election. Connecticut, Hawaii, Minnesota and Pennsylvania are the only states which have a successor to the office of Lt. Governor.

In 31 states, either the Senate President or House Speaker is next in line after the Lt. Governor to become Governor. Of the remaining 18 states, all but Delaware have an elected administrative official next in line for succession. Delaware has an appointed secretary of state in line after the Lt. Governor, although the next official for succession is elected. Nebraska is the only state in which the entire line of succession consists of legislative committee chairmen.

In reference to the term of the successor, most of the states have the successor serving for the remainder of the Governor's term, or until the next general election at which time a successor is elected for the unexpired portion of the term. A few states' constitutions or statutes vaguely state that the successor will serve "until the vacancy is filled."

I have prepared the attached chart listing the following information for each state:

- 1) the order of succession to either the Governor's or Lt. Governor's office and whether or not it is decided by statute or constitutionally;
- 2) whether the person in the line of succession is elected, appointed, or a legislative official; and
- 3) the length of the term the successor holds and any conditions which apply.

I hope this information is useful. If you have any questions, please call.

DP

Attachment

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Alabama	Governor	Cons. Art.V	Lt. Governor Sen. Pres. pro tem House Speaker Attorney General State Auditor Secretary of State State Treasurer	Elected Sen. Elected Hse. Elected Elected Elected Elected Elected	If the Gov. & Lt. Gov. seats become vacant more than 60 days before a General Election, these seats are filled at that election for the unexpired term; otherwise successor serves for the remainder of the term.
Alaska	Governor Lt. Governor	Cons. Art. III AS 44.10	Lt. Governor Gov. appointee	Elected Appointed	Elected Lt. Gov. serves for remainder of term. Legislature confirms Gov. appointee as successor to Lt. Gov. If (s)he succeeds to Gov., (s)he serves only until a special election is held.
Arizona	Governor	Cons. Art.V	Sec. of State Attorney General State Treasurer Supt. of Pub. Instr.	Elected Elected Elected Elected	Successor holds office until a Governor is duly elected and qualified. Only elected officials may succeed, not those who have been appointed to fill a vacancy
Arkansas	Governor	Cons. Art. 6	Lt. Governor Senate President Assembly Speaker	Elected Sen. Elected Assm. Elected	The Governor's term is two years. Successor holds office until the vacancy has been filled.
California	Governor	Cons. Art. VI Govt 12058	Lt. Governor Sen. Pres. pro tem Assembly Speaker Sec. of State Attorney General Controller	Elected Sen. Elected Assm. Elected Elected Elected Elected	Successor serves full term.
Colorado	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Successor holds office until the vacancy has been filled.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Connecticut	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem	Sen. Elected	Office is held until the next gen. election. When the Lt. Gov. succeeds to Gov., the Senate Pres. becomes Lt. Gov. Within 15 days of the Lt. Gov. taking his oath, the Sen. must select a new Pres. pro tem. If during an interim, a successor is required & there is no Pres. pro tem, the Sec. of State will convene Senate to elect one.
Delaware	Governor	Con. Art. III	Lt. Governor Sec. of State Attorney General Sen. Pres. pro tem House Speaker	Elected Appointed Elected Sen. Elected Hse. Elected	Successor holds office until a Governor is duly elected and qualified.
Florida	Governor	Cons. Art. IV FS 14.55	Lt. Governor Sec. of State Attorney General State Comptroller State Treasurer Comm. of Education Comm. of Agriculture	Elected Elected Elected Elected Elected Elected Elected	Successor serves for the remainder of the term.
Georgia	Governor	Cons. Art. V	Lt. Governor House Speaker	Elected Hse. Elected	Lt. Governor serves until next general election, at which time a Governor is elected for the unexpired term. If the House Speaker succeeds to Gov., a special election must be held to elect a Gov. within 60 days of the Speaker taking office.
Hawaii	Governor	Cons. Art. V HS 26-2	Lt. Governor Senate President House Speaker Attorney General Director of Finance Comptroller Dir. of Taxation Dir. of Pers. Svces	Elected Sen. Elected Hse. Elected Appointed Appointed Appointed Appointed Appointed	Successor serves for the remainder of the term. When the Lt. Gov. succeeds to Gov., the Sen. Pres. becomes Lt. Gov. After that, succession leaves the Lt. Gov. office vacant. Only the Governor and Lt. Governor can hold the title of Governor; the others are known as Acting Governor. Although known as "Acting" Governor, the successor has all powers given to the Gov.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Idaho	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Lt. Gov. holds office for the remainder of the term; Sen. Pres. pro tem and House Speaker serve "until the vacancy is filled."
Illinois	Governor	Cons. Art. V IS127163b122	Lt. Governor. Attorney General Secretary of State Comptroller Treasurer Senate President House Speaker	Elected Elected Elected Elected Elected Sen. Elected Hse. Elected	Holds office for the remainder of the term. Elected officials only are eligible to succeed.
Indiana	Governor	Cons. Art. V	Lt. Governor	Elected	Serves until Governor is elected. Constitution states that further succession will be determined by law; however, no statutes were found.
Iowa	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Lt. Gov. serves remainder of term; Sen. Pres. and House Speaker serve "until the vacancy is filled."
Kansas	Governor	Cons. Art. 1 KS 48-12-4	Lt. Governor Senate President House Speaker Secretary of State Attorney General Chancellor, U. of K. Pres, Kansas State Univ. of Ag. and Applied Science	Elected Sen. Elected Hse. Elected Elected Elected	Serves until next election.
Kentucky	Governor	Cons. Art. 84	Lt. Governor Sen. Pres. pro tem	Elected Sen. Elected	Lt. Governor serves until a Gov. is duly elected and qualified; if the Sen. Pres. pro tem succeeds, and vacates office before the first two years are over, a new election is held. If there is no Pres. pro tem, the Secretary of State, then Attorney General hold office until a President pro tem has been elected.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Louisiana	Governor	Cons. Art. IV	Lt. Governor Secretary of State Attorney General Treasurer Presiding Sen. Off. House Speaker	Elected Elected Elected Elected Sen. Elected Hse. Elected	Successor serves for the remainder of the term. The governor appoints and the legislature confirms a new Lt. Governor. He is not eligible to succeed however, to the Governor's position. The constitution states further succession may be determined by law; however no statute was found.
Maine	Governor	Cons. Art. V	Senate President	Sen. Elected	If the office becomes vacant more than 90 days before primary election for a biennial election, a Governor is elected at that biennial election and serves for the remainder of the term.
Maryland	Governor	Cons. Art. II	Lt. Governor	Elected	A Lt. Governor is appointed by the Governor and confirmed by the majority of a joint session. If both seats become empty, the assembly elects a new Governor. The Senate President serves as Acting Governor until that time.
Massachusetts	Governor	Cons. Ch. 2	Lt. Governor	Elected	Serves for remainder of the term.
Michigan	Governor	Cons. Art. V	Lt. Governor Sec. of State Attorney General	Elected Elected Elected	Successor serves for remainder of the term. Order of succession pertains to elected officials only, not those appointed to fill a vacancy. The constitution states that further succession may be determined by law; however, no statute was found.
Minnesota	Governor	Cons. Art. V MS 4.06	Lt. Governor Senate President House Speaker Secretary of State State Auditor State Treasurer Attorney General	Election Sen. Elected Hse. Elected Elected Elected Elected Elected	Successor serves for remainder of term. The Senate President succeeds to the Lt. Gov. office. After the Senate President, all successors are for the governor's office. If the Senate President succeeds to governor, the Lt. Governor office remains vacant.
Mississippi	Governor	Cons. Art. V	Lt. Governor Sen. Pres pro tem House Speaker	Elected Sen. Elected Hse. Elected	Successor serves for the remainder of the term. If all three mentioned seats are vacant, the Sec. of State convenes Senate to elect a Pres. pro tem.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Missouri	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem House Speaker Sec. of State State Auditor State Treasurer Attorney General	Elected Sen. Elected Hse. Elected Elected Elected Elected Elected	Successor serves for the remainder of the term.
Montana	Governor	Cons. Art. VI MS 2-16-514	Lt. Governor Senate President House Speaker	Elected Sen. Elected Hse. Elected	Successor serves for the remainder of the term. If the Lt. Gov. or Sen. President succeeds to Gov., they appoint a Lt. Gov.; if the House Speaker succeeds, the legislature elects a Lt. Governor in joint session.
Nebraska	Governor	Cons. Art. IV NS 84-120	Lt. Governor Speaker of the Leg. Chair, Exec. Board of Leg. Council, Chair, Comm. on Comm. Chair, Judiciary Chair, Government Chair, Military & Veterans Affairs Chair, Approp. Chair, Revenue Chair, Education Chair, Banking, Com- merce & Insurance Chair, Public Work Chair, Ag. & Envir. Chair, Health & Welfare Chair, Misc. Subjects Chair, Urban Affairs Chair, Labor Chair, Const. Rev.	Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected	Successor serves until vacancy is filled.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Nevada	Governor	Cons. Art. V	Lt. Governor	Elected	Serves for the remainder of the term.
New Hampshire	Governor	Cons. Art. 49	Senate President House Speaker Secretary of State State Treasurer	Elected Elected Leg. Elected Leg. Elected	Successor serves for the remainder of the term. The Secretary of State and State Auditor are entitled to serve only until the Senate or House elects a President or Speaker.
New Jersey	Governor	Cons. Art. V	Senate President Assembly Speaker	Sen. Elected Assem. Elected	Successor serves until the next general election at which time a Governor is elected for the unexpired portion of the term. The constitution states further succession may be determined by statute; however, no statute was found.
New Mexico	Governor	Cons. Art. V	Lt. Governor Secretary of State Sen. Pres. pro tem House Speaker	Elected Elected Sen. Elected Use. Elected	Serves for the remainder of the term.
New York	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem Assembly Speaker	Elected Sen. Elected Assem. Elected	Lt. Governor serves for remainder of the term. Sen. Pres. and Assembly Speaker serve until next general election to be held not more than 3 mo. after both Gov. & Lt. Gov. seats become vacant.
S. Carolina	Governor	NCS 174.11	Lt. Governor Sen. President House Speaker Secretary of State State Auditor State Treasurer Supt. of Pub. Inst. Attorney General Agriculture Comm. Labor Comm. Insurance Comm.	Elected Sen. Elected Use. Elected Elected Elected Elected Elected Elected Elected Elected Elected	Holds office for remainder of term.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
N. Dakota	Governor	NDS 44.2.3 NDS 54.47.3	Lt. Governor Secretary of State House Speaker Sen. Pres. pro tem Attorney General	Elected Elected Hse. Elected Sen. Elected Elected	Successor serves for remainder of term. Only elected officials are eligible for succession, not those appointed to fill a vacancy. If none of the listed officials may serve, line of succession moves to the ex-Governors, the most recent one serving first.
Ohio	Governor	Cons. Art. III	Lt. Governor Senate President House Speaker	Elected Sen. Elected Hse. Elected	Serves for the remainder of the term. When both Gov. & Lt. Gov. seats are vacant prior to the expiration of the the first 20 months of the term, the Gov. and Lt. Gov. are elected at the next gen. election held in an even numbered year.
Oklahoma	Governor	Cons. Art. VI	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Lt. Governor serves for the remainder of the term. Sen. Pres. and House Speaker serves "until the vacancy is filled."
Oregon	Governor	Cons. Art. V	Secretary of State Treasurer Sen. Pres. pro tem House Speaker	Elected Elected Sen. Elected Sen. Elected	Serves until the next election. An appointed official may not succeed to office.
Pennsylvania	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem	Elected Sen. Elected	Serves for the remainder of the term. The Sen. Pres. succeeds to Lt. Gov. office when the Lt. Gov. succeeds to Gov.
Rhode Island	Governor	Cons. Art. 7	Lt. Governor Presiding Sen. Off.	Elected Sen. Elected	Holds office until the next annual election.
S. Carolina	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. Pro tem	Elected Sen. Elected	Holds office until the next general election. Constitution states that further succession may be determined by law; no statute was found.
S. Dakota	Governor	Cons. Art. 10 SDS 1-7-4.1	Lt. Governor Hse. Speaker Sen. Pres. pro tem Hse. Spkr. pro tem Secretary of State	Elected Hse. Elected Sen. Elected Hse. Elected Sen. Elected	Successor serves for remainder of term. Governor appoints new Lt. Governor who is confirmed by the legislature, and is not eligible for succession.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Tennessee	Governor	Cons. Art. III	Senate Speaker House Speaker	Sen. Elected Hse. Elected	The Senate Speaker is by statute Lt. Governor. If succession occurs within the first 18 months, successor holds office until the next general election; after the 1st 18 mo. of the term, the successor serves for the remainder of the term.
Texas	Governor	Cons. Art. IV	Lt. Governor Senate President	Elected Sen. Elected	Holds office for the remainder of the term.
Utah	Governor	Cons. Art. VII	Secretary of State Sen. Pres. pro tem	Appointed Sen. Elected	Holds office until the next general election.
Vermont	Governor	VS 3.4	Lt. Governor House Speaker	Elected Hse. Elected	Holds office for the remainder of the term.
Virginia	Governor	Cons. Art. V	Lt. Governor Attorney General House Speaker	Elected Elected Hse. Elected	Holds office for the remainder of the term.
Washington	Governor	Cons. Ch. III	Lt. Governor Secretary of State State Treasurer State Auditor Attorney General Supt. of Pub. Inst. Comm. of Pub. Lands	Elected Elected Elected Elected Elected Elected Elected	If the vacancy occurs more than 30 days before a general election, then a new Governor is elected at that election.
W. Virginia	Governor	Cons. Art. VII	Senate President House Speaker	Sen. Elected Hse. Elected	If vacancy occurs before the first 3 years of term a new election must be held.
Wisconsin	Governor	Cons. Art. V	Lt. Governor Secretary of State	Elected Elected	Holds office for the remainder of the term.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Wyoming	Governor	WS 9-1-211 9-1-212	Secretary of State Senate President House Speaker State Auditor State Treasurer Supt. of Pub. Inst. Senate Vice-Pres H. Speaker pro tem	Elected Sen. Elected Hse. Elected Elected Elected Elected Sen. Elected Hse. Elected	Serves until the end of the term if vacancy occurs less than 60 days before a general election. If it occurs more than 60 days before a general election, a Governor is elected for the unexpired term at that election.

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# COMMITTEE REPORT

## SENATE

FURTHER:

Date: 1974 12 19

Mr. President:

The Committee on Education and the Arts has had 10/28

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)  same title
- replace with CS for \_\_\_\_\_  new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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\_\_\_\_\_  
CHAIRMAN



FILE WITH HB 48

ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

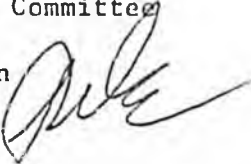
LABOR AND COMMERCE COMMITTEE, CHAIRMAN  
RESOURCES COMMITTEE  
JUDICIARY COMMITTEE  
FISHERIES SUB-COMMITTEE



P. O. BOX 143  
SITKA, ALASKA 99833  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-4916

MEMORANDUM

TO: Sen. Bill Ray, Chair  
Senate Judiciary Committee

FROM: Sen. Dick Eliason 

DATE: May 27, 1983

RE: HB 48 --- "An Act repealing certain insurance laws."

As requested, I reviewed the above-referenced bill and I am now reporting my findings to you.

House Bill 48, introduced by Rep. Terry Martin, repeals the countersignature law which requires that an insurer policy issued for delivery in Alaska or covering a subject in Alaska be signed by a licensed resident Alaska insurance agent. The law was originally intended as a protective measure for Alaska insurance agents and brokers, to give them an advantage over their nonresident counterparts.

However, the law has not worked as expected. It tends to impede the orderly flow of business and delays delivery to the policyholder of those policies affected. Some nonresident agents and brokers legally circumvent the law through the use of a contract with a resident agent, a power of attorney and a facsimile signature. Repeal of this law will not reduce protection of the public.

HB 48: An Act repealing certain insurance laws.

The Administration supports this bill. This bill repeals the countersignature law which requires that an insurance policy issued for delivery in Alaska or covering a subject in Alaska be signed by a licensed resident Alaska insurance agent. The law was originally intended as a protective measure for Alaska insurance agents and brokers, to give them an advantage over their nonresident counterparts. The law has not worked as expected. It tends to impede the orderly flow of business and delays delivery to the policyholder of those policies affected. Some nonresident agents and brokers legally circumvent the law through the use of a contract with a resident agent, a power of attorney and a facsimile signature. Repeal of this law will not reduce protection of the public.



Richard A. Lyon, Commissioner

DATE: \_\_\_\_\_

5/16/83

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SECTION = 21.09.220  
TITLE = 21

SINGS TITLE 21.  
INSURANCE.  
CHAPTER 09.  
AUTHORIZATION OF INSURERS AND GENERAL REQUIREMENTS.  
SECTION SEC. 21.09.220.  
CH LINE

COUNTER SIGNATURE BY RESIDENT AGENT - APPLICATION OF TITLE.  
NO COMPANY, ASSOCIATION, RECIPROCAL EXCHANGE, PERSON OR PERSONS  
AUTHORIZED TO TRANSACT INSURANCE OR OFFER INDEMNITY CONTRACTS IN  
THIS STATE EXCEPTING RECIPROCAL MUTUALS ORGANIZED UNDER THE LAWS  
OF THIS STATE AND LIFE INSURANCE COMPANIES OR LIFE INSURANCE  
CONTRACTS AND HEALTH AND ACCIDENT CONTRACTS AND ANNUITY CONTRACTS  
WRITTEN THEREIN, MAY MAKE, WRITE, PLACE OR CAUSE TO BE MADE,  
WRITTEN OR PLACED, A POLICY OR CONTRACT OF INSURANCE OR INDEMNITY  
OF ANY KIND OR CHARACTER, OR A GENERAL OR FLOATING POLICY  
COVERING RISKS ON PROPERTY LOCATED IN THE STATE, LIABILITY  
CREATED BY OR ACCRUING UNDER THE LAWS OF THIS STATE, OR  
UNDERTAKINGS TO BE PERFORMED IN THIS STATE, EXCEPT THROUGH THEIR  
LICENSED RESIDENT INSURANCE AGENTS, WHO SHALL COUNTERSIGN ALL  
POLICIES, RIDERS AND ENDORSEMENTS OR INDEMNITY CONTRACTS SO  
ISSUED AND COLLECT THE PREMIUMS, OR SEE TO THEIR COLLECTION IN  
DUE COURSE, AND WHO SHALL KEEP A RECORD OF THE SAME. THE RECORD  
SHALL CONTAIN THE USUAL AND CUSTOMARY INFORMATION CONCERNING THE  
RISK UNDERTAKEN, INCLUDING THE FULL PREMIUM PAID OR TO BE PAID,  
TO THE END THAT THE STATE MAY RECEIVE THE TAXES REQUIRED BY LAW

21.09.220 DOCUMENT= 1 OF 1 PAGE = 2 OF 2  
TO BE PAID ON PREMIUMS COLLECTED FOR INSURANCE ON PROPERTY OR  
UNDERTAKINGS LOCATED IN THIS STATE. NO AGENT SHALL PAY OR  
FORWARD A PREMIUM OR APPLICATION FOR INSURANCE OR IN ANY MANNER  
SECURE, HELP OR AID IN THE PLACING OF INSURANCE, OR EFFECT A  
CONTRACT OF INSURANCE OR INDEMNITY UPON PROPERTY, LIABILITY OR  
UNDERTAKINGS LOCATED IN THIS STATE WITH AN INSURER WHICH IS NOT  
AUTHORIZED TO TRANSACT ITS BUSINESS IN THIS STATE; EXCEPT THAT IF  
TWO OR MORE INSURERS ISSUE A SINGLE POLICY OF INSURANCE, THE  
POLICY MAY BE COUNTERSIGNED ON BEHALF OF ALL INSURERS APPEARING  
ON IT BY A LICENSED AGENT, RESIDENT OF THE STATE, OR ANY ONE OF  
THE INSURERS. THE PRACTICE OF SIGNING POLICIES IN BLANK IS  
LIKEWISE PROHIBITED.  
TORY (SEC. 1 CH 120 SLA 1966)

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SECTION = 21.09.230  
TITLE = 21

INGS TITLE 21.  
INSURANCE.  
CHAPTER 09.  
AUTHORIZATION OF INSURERS AND GENERAL REQUIREMENTS.  
TION SEC. 21.09.230.

CH LINE

EXCEPTION.

NOTHING CONTAINED IN SEC. 220 OF THIS CHAPTER SHALL BE CONSTRUED AS PREVENTING THE FREE AND UNLIMITED RIGHT TO NEGOTIATE WHOLLY OUTSIDE THIS STATE CONTRACTS OF INSURANCE BY LICENSED NONRESIDENT AGENTS AND BROKERS, PROVIDED THE POLICIES, DAILIES, ENDORSEMENTS OR EVIDENCE OF THE CONTRACTS COVERING PROPERTIES OR INSURABLE INTERESTS IN THIS STATE ARE COUNTERSIGNED BY THE RESIDENT AGENT OF THIS STATE, IN WHICH EVENT THE COUNTERSIGNING AGENT SHALL RECEIVE A COMMISSION OF NOT LESS THAN FIVE PER CENT OF THE PREMIUM PAID; PROVIDED, HOWEVER, THAT THE COUNTERSIGNING COMMISSION MAY NOT EXCEED ONE-HALF OF THE TOTAL COMMISSION AND PROVIDED FURTHER THAT FOR COUNTERSIGNING THESE INSURANCE POLICIES THE RESIDENT AGENT SHALL NOT BE PAID MORE THAN \$50 NOR LESS THAN \$1 FOR COUNTERSIGNING A POLICY OR BOND; AND PROVIDED FURTHER, THAT IF THE LICENSED NONRESIDENT AGENT OR BROKER OR THE INSURER ASSUMING THE RISK DESIRES THE RESIDENT AGENT TO RENDER ADDITIONAL SERVICES DURING THE LIFE OF A POLICY THE COMPENSATION TO BE PAID TO THE COUNTERSIGNING AGENT SHALL BE A MATTER OF CONTRACT BETWEEN THE PARTIES IN INTEREST. SECTIONS 220 - 250 OF THIS CHAPTER DO

.09.230 DOCUMENT= 1 OF 1 PAGE = 2 OF 2  
NOT APPLY TO THE FOLLOWING CONTRACTS:

(1) POLICIES COVERING PROPERTY RECEIVED FOR SHIPMENT OR DELIVERY, OR IN TRANSIT WHILE IN POSSESSION OR CUSTODY OF A COMMON CARRIER, OR THE ROLLING STOCK, VESSELS, AIRCRAFT, OR OTHER PROPERTY OF A COMMON CARRIER USED AND EMPLOYED BY IT IN INTERSTATE OR FOREIGN COMMERCE, OR INSURANCE OF AIRCRAFT OWNED OR OPERATED BY MANUFACTURERS OF AIRCRAFT;

(2) POLICIES ISSUED BY INSURERS NOT USING AGENTS IN THE GENERAL SOLICITATION OF BUSINESS;

(3) CONTRACTS OF REINSURANCE OR RETROCESSIONS MADE BY AND FOR ADMITTED COMPANIES;

(4) CONTRACTS OF LIFE AND DISABILITY INSURANCE AND ANNUITY CONTRACTS;

(5) CONTRACTS OF TITLE INSURANCE;

(6) BID BONDS ISSUED IN CONNECTION WITH A PUBLIC OR PRIVATE CONTRACT;

(7) WET MARINE AND TRANSPORTATION INSURANCES.

FOR (SEC. 1 CH 120 SLA 1966)

01 \* END OF DOCUMENTS IN LIST - ENTER RETURN OR ANOTHER COMMAND.

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INSURANCE.  
CHAPTER 09.  
AUTHORIZATION OF INSURERS AND GENERAL REQUIREMENTS.  
ATION SEC. 21.09.240.

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AFFIDAVIT ATTACHED TO ANNUAL STATEMENT.

AT THE TIME THE ANNUAL STATEMENT OF EVERY SUCH COMPANY IS FILED WITH THE DIRECTOR THERE SHALL BE ATTACHED TO IT AN AFFIDAVIT OF THE PRESIDENT, MANAGER OR CHIEF EXECUTIVE OFFICER IN THE UNITED STATES STATING THAT SECS. 220 - 250 OF THIS CHAPTER HAVE NOT BEEN VIOLATED.

1200 (SEC. 1 CH 120 SLA 1966)

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HR 48  
Title An act repealing certain insurance laws  
Requested by Martin Date 1/16/83

II. FISCAL DETAIL

Agency Affected Division of Insurance  
Program Category Affected PUBLIC PROTECTION  
ERU, Program, Or Subprogram(s) Affected DIVISION OF INSURANCE  
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER (Specify Source)	0					

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE January 25, 1983 PREPARED BY Kenneth E. Moore, Div of Insurance

AGENCY Commerce & Economic Development

Original: Legislative Finance PHONE 465-2515

cc: Budget and Management

Prime Sponsor (First Legislator Named)

32-001 (Rev. )

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**COMMITTEE REPORT**  
**SENATE**

FURTHER:

Date: \_\_\_\_\_

Mr. President:

The Committee on \_\_\_\_\_ has had \_\_\_\_\_

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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\_\_\_\_\_  
CHAIRMAN

O. NELSON PARRISH  
JAMES A. PARRISH  
LANCE C. PARRISH  
  
ROBERT A. PARRISH  
OF COUNSEL

PARRISH LAW OFFICE  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
536 FOURTH AVENUE  
FAIRBANKS, ALASKA 99701

TELEPHONE  
(907) 456-4070

March 10, 1983

Representative Anthony Vaska  
Capitol Office Building  
Pouch V  
Juneau, Alaska 99811

Dear Representative Vaska:

I am writing regarding House Bill 79 which has apparently been introduced in the First Session of the 13th Legislature. This bill provides that the current Alaska Statute 22.20.022 providing for peremptory disqualification of judges be repealed. I wish to express my most sincere opinion that the passage of this bill would constitute a giant leap backward in the struggle for a fair and impartial judiciary in Alaska.

I take a particular interest in this bill because my father, Robert A. Parrish, strongly supported it when it was originally passed. I have paid special attention to the effect which it has had upon the judiciary and justice in individual cases. I have consulted with numerous other lawyers whose opinions I respect. Among those, the near unanimous consensus is that the peremptory disqualification procedure has been of great benefit to the state and should not be abandoned.

The peremptory disqualification procedure operates on two independent levels. Each is basic to fair adjudication of both civil and criminal controversies in this state.

On the first level, the disqualification procedure helps insure that a party or his counsel will not be required to participate in litigation before a judge who is consciously or unconsciously biased against him. Despite its rapid growth and large size, Alaska is a small state in terms of its citizens inter-relationships and their relationship with the judiciary. Lawyers especially have the occasion to go before the same judge time and time again during the course of the average year. Trial judges wield substantial power well beyond that which can be controlled by appellate review. The potential is always present that a judge will for non-judicial reasons act in a biased manner against a given attorney or party. The availability of a peremptory challenge effectively precludes a judge from at least repeatedly acting in a biased manner against a lawyer or party.

Representative Vaska  
March 10, 1983  
Page 2

Additionally, despite the high quality of the Alaskan judiciary, lawyers are often correct in the belief that a certain judge may not be properly suited to the trial of a certain type of case. Again, the peremptory challenge procedure helps insure that such a lawyer or his client will not be bound to accept a given judge to try any given type of case.

At the second level, the peremptory challenge procedure promotes and assures that the judiciary will in general operate in a completely unbiased manner and will strive to provide justice uniformly.

It is easy to say at this stage of the judiciary's development that we do not need a peremptory challenge law because there is no evidence that any judge has been acting in a biased manner toward any particular attorneys or any particular type of cases. But, this has not always been the case. There have in the past been strong inter-personal conflicts between lawyers and judges which have resulted in biased decisions. Likewise, before the peremptory challenge law there was much less uniformity in judicial application of the law. It is my strong belief that the peremptory challenge law has contributed substantially to the improved judicial situation in this state.

The exercise of a peremptory challenge in any given case is of little significance to a judge. However, if a pattern develops whereby a certain attorney is repeatedly challenging the same judge, it becomes apparent to the bar in general that that attorney does not believe he can get a fair trial in front of that judge. No judge wishes to be subject to such public opinion and therefore each strives to avoid bias in his attitude towards attorneys and/or parties and their cases. This office has not had occasion to peremptorily challenge a judge for many years. Nevertheless, we consider the right to a peremptory challenge a fundamental guarantee of the high quality and unbiased judiciary that we have.

Likewise, if any judge develops a pattern of bias in a given type of case, that pattern will soon become evident through the use of peremptory challenges. Again, since such a pattern is indicative of bias, no judge would want it to continue. Therefore, he will be spurred to closely evaluate his rulings in light of those of other judges and conform to them. In this way, the judiciary acts in a more uniform manner. Uniform application of laws is desirable. Aside from equality of treatment, it speeds the revision process if the people or the lawmakers disagree with the manner of application.