

**Introduced in the House: January 10, 2005**  
**Referred: State Affairs**

**Introduced in the Senate: January 10, 2005**  
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### EXECUTIVE ORDER NO. 113

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

3 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
 4 to read:

5 FINDINGS. As governor, I find that the transfer of certain functions relating to the  
 6 development and implementation of state telecommunications policy from the  
 7 Telecommunications Information Council to the Department of Administration and the  
 8 governor would be in the best interests of efficient administration. Additionally, I find that  
 9 with the transfer of these functions there is no longer a need for the Telecommunications  
 10 Information Council and its elimination would be in the best interests of efficient  
 11 administration. These actions will encourage the development of expertise, eliminate  
 12 duplication of function, and provide a single point of responsibility for state  
 13 telecommunications policy, resulting in increased performance and accountability.

14 \* **Sec. 2.** AS 44.21 is amended by adding a new section to read:

#### Article 4A. Telecommunications Information.

15 **Sec. 44.21.350. Powers and duties.** (a) The commissioner shall

16 (1) establish guidelines and prepare a state short-range and long-range  
 17 information systems plan to meet state needs;

18 (2) in accordance with the state information systems plan, establish  
 19 guidelines and direct state agencies to prepare agency information systems plans;

20 (3) in accordance with statutes governing the availability and  
 21 confidentiality of information, establish guidelines for the accessing of information by  
 22 the public.  
 23

24 (b) In addition to the commissioner's duties under (a) of this section, the

1 commissioner may establish information-related policies and engage in information-  
2 related activities the commissioner considers necessary or appropriate.

3 (c) This section does not grant the commissioner responsibility for broadcast  
4 programming content. Program design, production, and use are the responsibility of  
5 the program-sponsoring agency or other entity.

6 (d) This section does not prohibit a state agency from developing information  
7 systems that are inconsistent with the guidelines established in (a) of this section if the  
8 commissioner gives written authorization for the user agency to engage in the  
9 independent design, development, management, or operation. The commissioner may  
10 authorize independent development only upon a showing of necessity. A description  
11 of authorization under this subsection shall be included in the annual report required  
12 under this section. Written authorization under this subsection is not required for  
13 intra-agency use of microcomputers.

14 (e) A state agency, including an agency authorized to develop an independent  
15 system under (d) of this section, shall coordinate the design, development,  
16 management, and operation of its information systems with the commissioner.

17 **Sec. 44.21.360. Court system.** The administrative director of courts shall  
18 establish information systems guidelines and prepare a short-range and long-range  
19 information systems plan for the court system. The guidelines and plan must be  
20 consistent with the telecommunications information guidelines and plan adopted by  
21 the commissioner under AS 44.21.350 - 44.21.390 and must be adapted to the special  
22 needs of the judicial branch as determined by the administrator of courts.

23 **Sec. 44.21.390. Definitions.** In AS 44.21.350 - 44.21.390,

24 (1) "commissioner" means the commissioner of administration;

25 (2) "state agencies" means all departments, divisions, and offices in the  
26 executive and legislative branches of state government and the University of Alaska; it  
27 does not mean the Alaska Railroad Corporation or an agency of the judicial branch of  
28 government.

29 \* **Sec. 3.** AS 14.40.095(b) is amended to read:

30 (b) The center may

31 (1) provide support for education, training, and research in information

1 technologies to students, professionals, and the general public;

2 (2) support research on the applications, effects, and management of  
3 information technologies and provide research results to the general public;

4 (3) maintain an inventory of telecommunication research in the state;

5 (4) develop and maintain a collection that includes state documents,  
6 research reports, and other telecommunication applications materials including  
7 videotapes, software, lesson plans, and scripts;

8 (5) support the development and expansion of the geographic  
9 information system curriculum of the University of Alaska, including the possible  
10 establishment of undergraduate and masters programs;

11 (6) develop and sponsor land record and geographic information  
12 system training workshops and continuing education seminars in cooperation with the  
13 appropriate departments of the university;

14 (7) support or undertake research projects that apply geographic  
15 information technology to state issues and problems;

16 (8) provide information on the availability of federal, state, municipal,  
17 and other sources of geographic information, including aerial photography and digital  
18 data bases related to surveying and land records, natural resource inventories, and  
19 related data;

20 (9) prepare and publish on a regular basis research findings and  
21 periodicals relating to the center's activities;

22 (10) assist state agencies and municipalities in the development of  
23 policies, procedures, and capabilities for public access to automated geographic  
24 information;

25 (11) recommend, in consultation with the **commissioner of**  
26 **administration** [TELECOMMUNICATIONS INFORMATION COUNCIL] and  
27 affected state and local agencies and advisory boards, model standards and strategies  
28 relating to the implementation, indexing, documentation, mapping, data exchange, and  
29 other aspects of land records management and geographic information system  
30 development.

31 \* **Sec. 4.** AS 40.25.115(g) is amended to read:

1 (g) Each public agency shall establish the fees for the electronic services and  
 2 products provided under this section. The **governor** [TELECOMMUNICATIONS  
 3 INFORMATION COUNCIL] may cancel the fees established by a public agency in  
 4 the executive branch, except the fees of the University of Alaska and the Alaska  
 5 Railroad Corporation, if the **governor** [COUNCIL] determines that the fees are  
 6 unreasonably high.

7 \* **Sec. 5.** AS 40.25.123(a) is amended to read:

8 (a) The **Department of Administration** [TELECOMMUNICATIONS  
 9 INFORMATION COUNCIL] shall supervise and adopt regulations for the operation  
 10 and implementation of AS 40.25.110 - 40.25.140 by public agencies in the executive  
 11 branch, except the Alaska Railroad Corporation.

12 \* **Sec. 6.** AS 44.21.045(c) is amended to read:

13 (c) Except as provided in (b) of this section, money in the fund established  
 14 under (a) of this section may be expended only in accordance with legislative  
 15 appropriations. Money appropriated to the fund may be used for

16 (1) the costs of the **commissioner in carrying out the**  
 17 **commissioner's duties under AS 44.21.350 - 44.21.390**  
 18 [TELECOMMUNICATIONS INFORMATION COUNCIL], including **the** [ITS]  
 19 costs of performing reviews and studies considered necessary by the **commissioner**  
 20 **under AS 44.21.350** [COUNCIL];

21 (2) necessary expenses of providing information services to political  
 22 subdivisions and state agencies;

23 (3) additions, replacements, or improvement of capital equipment for  
 24 information services; requests by the department for capital equipment expenditures  
 25 shall be included in the budget submitted by the governor to the legislature under  
 26 AS 37.07; and

27 (4) other purposes as specified in an appropriation to the fund.

28 \* **Sec. 7.** AS 44.21.045(f) is amended to read:

29 (f) Fees and surcharges for information services of the department are subject  
 30 to annual review and approval by the **commissioner of the department**  
 31 [TELECOMMUNICATIONS INFORMATION COUNCIL].

1 \* **Sec. 8.** AS 44.21.150 is amended to read:

2           **Sec. 44.21.150 Declaration of purpose.** It is the purpose of AS 44.21.150 -  
 3 44.21.170 to designate the Department of Administration as the department  
 4 responsible for the operation and management of automatic data processing resources  
 5 and activities of the executive and legislative branches of state government and the  
 6 judicial branch to the extent requested by that branch [, TO PROVIDE FOR  
 7 COOPERATION BETWEEN THE DEPARTMENT AND THE  
 8 TELECOMMUNICATIONS INFORMATION COUNCIL IN THE OFFICE OF THE  
 9 GOVERNOR,] and to provide for periodic review of state automatic data processing  
 10 procedures and mechanisms. It is further the purpose of these sections to encourage  
 11 cooperation between the state government and local governments in the use of  
 12 automatic data processing systems.

13 \* **Sec. 9.** AS 44.21.160(a) is amended to read:

14           (a) Except as otherwise provided in (g) of this section, the department shall  
 15 comply with the state information systems plan adopted by the **commissioner**  
 16 [TELECOMMUNICATIONS INFORMATION COUNCIL IN THE OFFICE OF  
 17 THE GOVERNOR] in providing automatic data processing services responsive to the  
 18 needs of state government.

19 \* **Sec. 10.** AS 44.21.160(b) is amended to read:

20           (b) To carry out (a) of this section the department may, consistent with the  
 21 state information systems plan adopted by the **commissioner**  
 22 [TELECOMMUNICATIONS INFORMATION COUNCIL] and with the  
 23 departmental information systems plan,

24           (1) maintain a central staff of systems analysts, computer  
 25 programmers, and other staff members sufficient to provide systems analysis and  
 26 computer programming support required by the executive and legislative branches of  
 27 state government;

28           (2) develop and maintain both short-range and long-range data  
 29 processing plans for state government and provide managerial leadership in the use of  
 30 automatic data processing;

31           (3) review all budget requests for automatic data processing services

1 and recommend to the **commissioner** [TELECOMMUNICATIONS INFORMATION  
2 COUNCIL] and the governor approval, modification, or disapproval;

3 (4) recommend implementation priorities of requested data processing  
4 systems;

5 (5) determine and satisfy the data processing equipment and supply  
6 requirements of the executive and legislative branches, departments, and agencies of  
7 state government;

8 (6) provide all facilities, equipment, and staff required to convert data  
9 to a form suitable for processing on automatic data processing equipment;

10 (7) develop and publish systems analysis, computer programming and  
11 computer operations standards;

12 (8) review state automatic data processing systems to encourage  
13 effectiveness, measure performance, and assure adherence to the standards developed  
14 under AS 44.21.150 - 44.21.170;

15 (9) develop and conduct an automatic data processing training program  
16 designed to serve the technical and managerial needs of state government;

17 (10) charge a state agency or other governmental agency for the cost of  
18 the automatic data processing services provided or procured by the department for the  
19 agency.

20 \* **Sec. 11.** AS 44.21.160(d) is amended to read:

21 (d) In accordance with the state information systems plan adopted by the  
22 **commissioner** [TELECOMMUNICATIONS INFORMATION COUNCIL], the  
23 department and the University of Alaska may develop and implement a plan for the  
24 integration of automatic data processing facilities of the university with the state  
25 facilities.

26 \* **Sec. 12.** AS 44.21.160(e) is amended to read:

27 (e) If the action is not contrary to the state information systems plan adopted  
28 by the **commissioner** [TELECOMMUNICATIONS INFORMATION COUNCIL],  
29 this section does not prohibit

30 (1) the department from obtaining necessary contractual assistance for  
31 automatic data processing activities;

1 (2) the legislature from recruiting and employing data processing  
 2 personnel or from obtaining necessary contractual assistance for automatic data  
 3 processing activities;

4 (3) the judicial branch from establishing independent data processing  
 5 policies and implementation procedures; however, the policies and procedures must  
 6 permit information exchange and implementation procedures compatible with other  
 7 branches of government whenever practical.

8 \* **Sec. 13.** AS 44.21.266 is amended to read:

9 **Sec. 44.21.266. Duties of the commission.** The commission shall

10 (1) apply for federal and private funds for public broadcasting  
 11 purposes and receive all federal, state, or private funds, property, or assistance that  
 12 may be appropriated, granted, or otherwise made available to the commission for  
 13 public broadcasting purposes, and use and disburse funds and property for purposes  
 14 consistent with the terms of AS 44.21.256 - 44.21.290, subject to reasonable  
 15 limitations imposed by the grantor;

16 (2) provide consultative services in all aspects of public broadcasting  
 17 to all public or private agencies in the state that request them;

18 (3) serve as a library and clearinghouse for public broadcasting  
 19 information;

20 (4) through grants to qualified entities, develop an integrated public  
 21 broadcasting network for the state;

22 (5) through grants to qualified entities, develop and distribute public  
 23 broadcasting programming in the state;

24 (6) prepare and submit to the governor and the legislature, in  
 25 compliance with the state information systems plan adopted by the **commissioner of**  
 26 **administration** [TELECOMMUNICATIONS INFORMATION COUNCIL IN THE  
 27 OFFICE OF THE GOVERNOR], a long-term plan for the development of public  
 28 broadcasting stations and systems in the state, and biennially update the plan; and

29 (7) perform all other functions necessary to ensure the orderly and  
 30 coordinated development of public broadcasting in the state.

31 \* **Sec. 14.** AS 44.21.310(a) is amended to read:

1 (a) In accordance with the state information systems plan adopted by the  
2 **commissioner** [TELECOMMUNICATIONS INFORMATION COUNCIL] and with  
3 the departmental information systems plan, the department shall

4 (1) advise the **commissioner** [COUNCIL] and the governor on matters  
5 of policy and comprehensive state planning for telecommunications services;

6 (2) [REPEALED

7 (3)] coordinate, manage, and supervise state programs in  
8 telecommunications, including the management of those telecommunication services  
9 for the state obtained from common carriers and from the communications industry;

10 **(3)** [(4)] when requested, provide technical and consulting assistance to  
11 the executive, judicial, and legislative branches of state government, to the University  
12 of Alaska, and to private noncommercial entities which request that assistance in  
13 facility procurement and leasing and in identifying long-range goals and objectives for  
14 the state and its political subdivisions in all aspects of telecommunications, including  
15 public, educational, and instructional telecommunications;

16 **(4)** [(5)] prepare and maintain a state comprehensive  
17 telecommunications development plan to further state telecommunications  
18 development and to meet state telecommunications needs and prepare and maintain a  
19 comprehensive inventory of all state communications facilities;

20 **(5)** [(6)] whenever feasible, procure services from private enterprise or  
21 certified and franchised utilities and contract for the construction, management,  
22 operation, and maintenance of telecommunications systems, and develop a  
23 procurement policy consistent with AS 36.30 (State Procurement Code); the  
24 procurement policy must seek to achieve the maximum benefit to the public, and  
25 methods of procurement, including lease, purchase, rental, or combinations of lease,  
26 purchase, and rental, must be selected on the basis of factors such as the ratio of long-  
27 range costs versus benefits, life cycle costing, and the costs to the communications  
28 industry to the extent that these costs may affect local and long distance basic  
29 telephone rates; procurement, contracting, construction, and maintenance under this  
30 paragraph is governed by AS 36.30;

31 **(6)** [(7)] provide information and assistance to state agencies to

1 promote governmental coordination and unity in the preparation of agency plans and  
2 programs involving the use of telecommunications;

3 (7) [(8)] apply for and accept federal and private money, property, or  
4 assistance, that may be appropriated, granted, or otherwise made available to the  
5 department and use and disburse money and property for purposes consistent with  
6 AS 44.21.305 - 44.21.330 and AS 44.21.256 - 44.21.290, subject to reasonable  
7 limitations imposed by the grantor;

8 (8) [(9)] participate with other governmental units in planning, and  
9 assist local governments and governmental conferences and councils in the state in  
10 planning and coordinating their activities relating to telecommunications;

11 (9) [(10)] provide for the orderly transition to new telecommunications  
12 services and systems by state agencies;

13 (10) [(11)] serve as a clearinghouse for information, data, and other  
14 materials that may be necessary or helpful to federal, state, or local governmental  
15 agencies in the development of telecommunication systems;

16 (11) [(12)] coordinate department services and activities with those of  
17 other state departments and agencies to the fullest extent possible to avoid unnecessary  
18 duplication; and

19 (12) [(13)] provide that all activities of the department are responsive  
20 to state statutes and regulations, and to the regulations and rulings of the Federal  
21 Communications Commission.

22 \* **Sec. 15.** AS 44.21.315(a) is amended to read:

23 (a) In accordance with the state information systems plan adopted by the  
24 commissioner [TELECOMMUNICATIONS INFORMATION COUNCIL] and with  
25 the departmental information systems plan, the department shall provide

26 (1) technical consultation to educational and public  
27 telecommunications users;

28 (2) coordination and support to telecommunications services for  
29 instruction, including technical assistance and assistance in preparation of applications  
30 for grants related to program development as may be requested by

31 (A) public school districts and the Department of Education

1 and Early Development;

2 (B) the University of Alaska; and

3 (C) other state agencies as approved by the commissioner;

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

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

10 (5) assistance, through design, development, and promotion, to local  
11 school districts or other local and regional education agencies for the regionalization  
12 of instructional telecommunications services;

13 (6) establishment of operational policies for public  
14 telecommunications services other than public broadcasting; and

15 (7) assistance to the Alaska Public Broadcasting Commission and any  
16 commission-designated subcommittees, as necessary to perform assigned department  
17 functions; the department shall cooperate with the commission and subcommittees in  
18 order to develop policies which are responsive to the user groups which are  
19 represented on the commission.

20 \* **Sec. 16.** AS 44.21.320(a) is amended to read:

21 (a) Except as provided in (d) of this section, the department may, consistent  
22 with the provisions of AS 44.21.310(a)(5) [AS 44.21.310(a)(6)]

23 (1) plan, design, construct, manage, and operate all  
24 telecommunications systems owned or leased by state agencies;

25 (2) manage centrex and other telephone-related services of state  
26 agencies;

27 (3) be responsible generally for telecommunications systems and  
28 design for state agencies; and

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

31 \* **Sec. 17.** AS 44.21.320(e) is amended to read:

1 (e) Nothing in AS 44.21.305 - 44.21.330 prohibits a state agency from  
2 developing telecommunications systems within its own agency if the agency is in  
3 compliance with the state information systems plan adopted by the **commissioner**  
4 [TELECOMMUNICATIONS INFORMATION COUNCIL] and with the agency's  
5 own information systems plan and if the commissioner gives written authorization for  
6 the agency to engage in its own design, development, management, or operation. The  
7 commissioner may authorize independent development only upon a showing of  
8 necessity.

9 \* **Sec. 18.** AS 40.25.220(4); AS 44.19.502, 44.19.504, 44.19.506, and 44.19.519 are  
10 repealed.

11 \* **Sec. 19.** The uncodified law of the State of Alaska is amended by adding a new section to  
12 read:

13 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the  
14 heading of existing article 4 of AS 44.21 from "Article 4. Telecommunications" to "Article 4.  
15 Telecommunications Services and Operations."

16 \* **Sec. 20.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 TRANSITION. (a) Litigation, hearings, investigations, and other proceedings  
19 pending under a law repealed or amended by this Order, or in connection with functions  
20 transferred this Order, continue in effect and may be continued and completed  
21 notwithstanding a transfer, repeal, or amendment provided for in this Order.

22 (b) Regulations adopted by the former Telecommunications Information Council  
23 under authority of AS 40.25.123, as that statute existed on the day before the effective date of  
24 this Order, remain in effect, and may be implemented and enforced by the Department of  
25 Administration, until regulations are adopted by the Department of Administration under  
26 AS 40.25.123, as amended by this Order, and take effect.

27 (c) Contracts, rights, liabilities, and obligations created by or under a law repealed or  
28 affected by this Executive Order, and in effect on the effective date of this Order, remain in  
29 effect notwithstanding this Order's taking effect. Records, equipment, appropriates, and other  
30 property of an agency of the state whose functions are transferred under this Order shall be  
31 transferred to implement the provisions of this Order.

1 \* **Sec. 21.** This Order takes effect March 14, 2005.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Frank H. Murkowski  
Governor