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Referred: Finance

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 SENATE BILL NO. 509

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing telecommunications divisions in
7 the Department of Commerce and Economic Development;
8 transferring telecommunications and data processing
9 functions to those divisions; and changing the name of
10 the department to the Department of Commerce, Economic
11 Development, and Telecommunications; and providing for
12 an effective date."

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

14 * Section 1. INTENT AND PURPOSE. The legislature finds and declares that

15 (1) adequate telecommunications facilities and services available
16 at reasonable and affordable rates are essential to the conduct of govern-
17 ment, commerce and private life and that these facilities and services should
18 be available, to the extent possible, to all agencies and citizens of the
19 state regardless of location;

20 (2) the generation, processing, exchange and use of information
21 have become increasingly vital elements of social, economic, political and
22 government processes, and constitute both an integral part of and an essen-
23 tial element in support of those processes;

24 (3) telecommunications may often offer the only effective alter-
25 native to time-consuming and increasingly expensive transportation of persons
26 and the information they possess;

27 (4) current and projected public, business and government needs
28 for additional and enhanced telecommunications and information services and
29 equipment are highly diverse, reflecting the increasingly complex and inter-

1 active character of the social and economic systems and institutions of the
2 state, and the increasingly important and diversified roles of information
3 processing and transfer in these systems and institutions;

4 (5) the future development of the state's public and private
5 sectors will depend greatly on the innovative use of new telecommunications
6 services and techniques now becoming available;

7 (6) telecommunications can help reduce the isolation of Alaskans
8 within the state and from the remainder of the states of the United States
9 and the countries of the world;

10 (7) improved and more widely available educational opportunities
11 for all Alaskans can be greatly facilitated by exploiting the ability of
12 telecommunications technologies to make available the highest quality
13 education and instruction in all parts of the state;

14 (8) it is in the interest of all citizens of the state for the
15 state to facilitate the development of both basic and advanced telecommuni-
16 cations services and facilities to be available to all its citizens for their
17 individual and mutual benefit; and

18 (9) these goals can be best accomplished by aggregating all of the
19 state telecommunications activities in one department with the benefits of
20 increased efficiency and accountability and better public understanding of
21 the state's policies and programs.

22 * Sec. 2. AS 44.33 is amended by adding new sections to read:

23 ARTICLE 11. TELECOMMUNICATIONS.

24 Sec. 44.33.501. TELECOMMUNICATIONS DIVISIONS. There is estab-
25 lished in the department

26 (1) a division of public telecommunications services; and

27 (2) a division of telecommunications, data processing and
28 information systems.

29 Sec. 44.33.503. DEPUTY COMMISSIONER. The telecommunications

1 divisions shall be administered by a deputy commissioner of the depart-
2 ment appointed by the commissioner.

3 Sec. 44.33.505. POWERS AND DUTIES OF THE DEPUTY COMMISSIONER. (a)
4 The deputy commissioner shall

5 (1) supervise and administer the activities of the telecom-
6 munications divisions;

7 (2) advise the governor on matters of policy and comprehen-
8 sive state planning for telecommunications services;

9 (3) make an annual report to the governor and to the legis-
10 lature on the activities of the telecommunications divisions.

11 (b) The deputy commissioner may

12 (1) enter into contracts and subcontracts on behalf of the
13 state to carry out the provisions of AS 44.33.501 - 44.33.517;

14 (2) act for the state in the initiation, investigation,
15 evaluation of or participation in programs related to the purposes of
16 the telecommunications divisions which involve more than one government
17 or governmental unit;

18 (3) on behalf of the state, apply for, accept and expend
19 gifts or grants made to the state if the gifts or grants are for the
20 purposes of furthering the objectives of the telecommunications divi-
21 sions.

22 Sec. 44.33.507. FUNCTIONS AND DUTIES OF THE TELECOMMUNICATIONS
23 DIVISIONS. (a) The telecommunications divisions shall

24 (1) advocate the public interest in matters pertaining to the
25 availability, adequacy, cost and design of telecommunications services
26 and facilities before state and federal legal and regulatory forums;

27 (2) coordinate, manage, and supervise existing state programs
28 in telecommunications, including the management of those telecommuni-
29 cation services for the state obtained from common carriers and from the

1 communications industry;

2 (3) provide technical and consulting assistance to the
3 executive, judicial, and legislative branches of state government and to
4 private noncommercial agencies which request such assistance in facility
5 procurement and leasing and in identifying long-range goals and object-
6 ives for the state and its political subdivisions in all aspects of
7 telecommunications, including public, educational, and instructional
8 telecommunications;

9 (4) prepare and maintain a state comprehensive telecommuni-
10 cations development plan to further state telecommunications development
11 and to meet state telecommunications needs;

12 (5) plan, design, manage and operate telecommunication
13 systems owned or leased by state agencies;

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

17 (7) apply for and accept federal and private money, property,
18 or assistance, that may be appropriated, granted or otherwise made
19 available to the division of public telecommunications and use and
20 disperse money and property for purposes consistent with the terms of
21 AS 44.33.501 - 44.33.517 subject to reasonable limitations imposed by
22 the grantor;

23 (8) participate with other countries, provinces, states or
24 governmental units in international or interstate planning, and assist
25 Alaska's local governments, governmental conferences and councils, in
26 planning and coordinating their activities relating to telecommuni-
27 cations;

28 (9) provide for the orderly transition to new telecommuni-
29 cations services and facilities by state agencies; and

1 (10) serve as a clearinghouse for information, data, and other
2 materials which may be necessary or helpful to federal, state or local
3 governmental agencies in the development of telecommunication systems;

4 (11) coordinate their services and activities with those of
5 other state departments and agencies to the fullest extent possible to
6 avoid unnecessary duplication;

7 (12) contract with common carriers and private enterprise,
8 when feasible, to achieve their purposes.

9 (b) The telecommunications divisions may coordinate their func-
10 tions with local, regional, state and federal officials, private groups
11 and individuals, and with officials, of other countries, provinces and
12 states, and may hold public hearings to obtain information for the
13 purpose of carrying out the provisions of AS 44.33.501 - 44.33.517.

14 Sec. 44.33.509. DIVISION OF PUBLIC TELECOMMUNICATIONS SERVICES.

15 (a) The division of public telecommunications services shall be
16 administered by a director appointed by the deputy commissioner.

17 (b) The division of public telecommunications services shall

18 (1) provide technical assistance and direction in the
19 development and production of all educational and public telecommuni-
20 cations materials without responsibility for the content of the
21 programming;

22 (2) be responsible for the coordination and support of all
23 public broadcasting functions in the state including, but not limited
24 to, financing and engineering;

25 (3) design, develop, provide, and manage all public service
26 telecommunications in the state and study the application of telecom-
27 munications technology and delivery systems to assist state agencies in
28 providing services which will be readily accessible to the public; and

29 (4) receive and review reports and recommendations from the

1 Public Telecommunications Advisory Board.

2 Sec. 44.33.511. PUBLIC TELECOMMUNICATIONS ADVISORY BOARD. (a)
3 There is the Public Telecommunications Advisory Board in the department.
4 The board shall advise the division of public telecommunications
5 services with regard to the planning and implementation of educational
6 and health-related telecommunications systems.

7 (b) The board consists of nine members appointed by the governor
8 as follows:

9 (1) one member from the state Board of Education (AS 14.07.-
10 080) from a list of nominees provided by the Board of Education;

11 (2) one member from the Board of Regents of the University of
12 Alaska (AS 14.40.120) from a list of nominees provided by the Board of
13 Regents;

14 (3) one member from the Advisory Council on Emergency Medical
15 Services (AS 18.08.020) from a list of nominees provided by the Advisory
16 Council on Emergency Medical Services;

17 (4) two members who are members of local school boards;

18 (5) three members who are employees, officers, or directors
19 of public nonprofit broadcasting stations; and

20 (6) one member who is an employee, officer, or director of a
21 commercial broadcasting station.

22 (c) Members of the board shall be appointed to overlapping terms
23 of four years. Three of the first appointments to the board shall be
24 for two-year terms, three for three-year terms and three for four-year
25 terms.

26 (d) The board may hold public hearings and other meetings as
27 necessary throughout the state and shall determine an appropriate quorum
28 for conducting business.

29 (e) Members of the Board serve without compensation, but are

1 entitled to per diem and travel expenses authorized under AS 39.20.180.

2 Sec. 44.33.513. DIVISION OF TELECOMMUNICATIONS, DATA PROCESSING
3 AND INFORMATION SYSTEMS. (a) The division of telecommunications, data
4 processing and information systems shall be administered by a director
5 appointed by the deputy commissioner.

6 (b) The division of telecommunications, data processing and
7 information systems shall

8 (1) design, develop, manage and operate all telecommuni-
9 cations, data processing and data communications systems owned or leased
10 by the state;

11 (2) manage centrex and other telephone-related services of
12 the state; and

13 (3) be responsible for state facilities and telecommunica-
14 tions design generally.

15 Sec. 44.33.517. DEFINITIONS. In AS 44.33.501 - 44.33.517,

16 (1) "board" means the Public Telecommunications Advisory
17 Board;

18 (2) "commissioner" means the commissioner of the Department
19 of Commerce, Economic Development, and Telecommunications;

20 (3) "department" means the Department of Commerce, Economic
21 Development, and Telecommunications;

22 (4) "deputy commissioner" means the deputy commissioner of
23 telecommunications in the department who administers the telecommuni-
24 cations divisions;

25 (5) "public service telecommunications" means telecommuni-
26 cations which serve public broadcasting, educational, medical, safety,
27 or emergency functions;

28 (6) "telecommunications" means the transmission and reception
29 of messages, impressions, pictures and signals by means of electro-

1 magnetic transmission with or without benefit of a closed transmission
2 medium including all instrumentalities, facilities, apparatus, and
3 services, whether conveyed by cable, wire, radiated through space, or
4 transmitted through other media within a specified area or between
5 designated points;

6 (7) "telecommunications divisions" means the division of
7 public telecommunications services and the division of telecommuni-
8 cations, data processing and information systems.

9 * Sec. 3. AS 44.15.010(8) is amended to read:

10 (8) Department of Commerce, [AND] Economic Development,
11 and Telecommunications

12 * Sec. 4. AS 44.33.020 is amended by adding a new paragraph to read:

13 (24) study, design, implement, and manage the telecommunica-
14 tions systems and services of the state under AS 44.33.501 - 44.33.517.

15 * Sec. 5. AS 44.42.020 is amended to read:

16 Sec. 44.42.020. POWERS AND DUTIES. (a) The department shall

17 (1) plan, design, construct and maintain all state modes of
18 transportation and transportation facilities [, COMMUNICATION FACILITIES,
19 and all docks, floats, breakwaters, buildings and similar facilities;

20 (2) study existing transportation modes and facilities [AND
21 COMMUNICATION FACILITIES] in the state to determine how they might be
22 improved or whether they should continue to be maintained;

23 (3) study alternative means of improving transportation [AND
24 COMMUNICATION] in the state with regard to the economic costs of each
25 alternative and its environmental and social effects;

26 (4) develop a comprehensive, long-range intermodal trans-
27 portation plan for the state;

28 (5) study alternatives to existing modes of transportation in
29 urban areas and develop plans to improve urban transportation;

1 (6) cooperate and coordinate with and enter into agreements
2 with federal, state and local government agencies and private organiza-
3 tions and persons in exercising its powers and duties;

4 (7) manage, operate, and maintain state transportation
5 facilities [, COMMUNICATION FACILITIES,] and all docks, floats, break-
6 waters and buildings, including all state highways, vessels, railroads,
7 pipelines, airports, and aviation facilities;

8 (8) study alternative means of transportation in the state,
9 considering the economic, social, and environmental impacts of each
10 alternative;

11 (9) coordinate and develop state and regional transportation
12 systems, considering deletions, additions, and the absence of altera-
13 tions;

14 (10) develop facility program plans for transportation [AND
15 COMMUNICATION FACILITIES] and state buildings, docks and breakwaters
16 required to implement the duties set out in this section, including but
17 not limited to (A) functional performance criteria; and (B) schedules
18 for completion;

19 (11) supervise and maintain all state automotive and mechan-
20 ical equipment, aircraft, and vessels, except vessels and aircraft used
21 by the Department of Fish and Game or the Department of Public Safety;
22 [AND]

23 (12) supervise aeronautics [AND COMMUNICATIONS] inside the
24 state, under AS 02.10; and [.]

25 (13) complete and maintain a current inventory of public
26 facilities, including a projection of the serviceability of the facili-
27 ties and projections of replacements and additions to facilities needed
28 to provide the level of services programmed by the various user
29 agencies, for municipalities with populations of less than 12,000 and

1 for unincorporated communities, and perform those duties on a coopera-
2 tive basis with larger municipalities;

3 (14) construct and maintain all communications facilities
4 and systems in the state.

5 (b) The department may

6 (1) engage in experimental projects relating to available or
7 future modes of transportation and any means of improving existing
8 transportation facilities and service [AND COMMUNICATION];

9 (2) exercise the power of eminent domain, including the
10 declaration of taking as provided in AS 09.55.

11 * Sec. 6. AS 44.42.055(b)(3)(F) is amended to read:

12 (F) [COMMUNICATIONS FACILITIES AND] transportation
13 facilities;

14 * Sec. 7. All references to the Department of Commerce and Economic
15 Development and to the commissioner of commerce and economic development in
16 the Alaska Statutes shall be read as the Department of Commerce, Economic
17 Development, and Telecommunications and the commissioner of commerce,
18 economic development, and telecommunications, respectively, in order to carry
19 out the intent and purpose of this Act.

20 * Sec. 8. The balance of the appropriation to the Department of Trans-
21 portation and Public Facilities found in sec. 23, page 48, lines 15 - 37,
22 ch. 80, SLA 1979, is transferred to the Department of Commerce, Economic
23 Development, and Telecommunications.

24 * Sec. 9. The balances of the appropriations to the Department of Admin-
25 istration found in sec. 23, page 45, line 9, and sec. 25, page 78, line 31,
26 ch. 80, SLA 1979, are transferred to the Department of Commerce, Economic
27 Development, and Telecommunications.

28 * Sec. 10. The balance of the appropriation to the Alaska Public Broad-
29 casting Commission found in sec. 23, page 9, line 23, ch. 80, SLA 1979, is

1 transferred to the Department of Commerce, Economic Development, and Telecom-
2 munications.

3 * Sec. 11. The balances of the appropriations for capital projects made
4 to the Alaska Public Broadcasting Commission in sec. 25, page 55, lines 28 -
5 36, and page 56, lines 4 - 12, ch. 80, SLA 1979, are transferred to the
6 Department of Transportation and Public Facilities.

7 * Sec. 12. AS 44.58, AS 44.21.020(11), and 44.21.150 - 44.21.170 are
8 repealed.

9 * Sec. 13. This Act takes effect immediately in accordance with AS 01.10.-
10 070(c).

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