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1 IN THE SENATE

BY THE COMMERCE COMMITTEE

2

HOUSE CS FOR CS FOR 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 functions to those
9 divisions; and changing the name of the department to
10 the Department of Commerce, Economic Development, and
11 Telecommunications; and providing for an effective
12 date."

13

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

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

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(1) adequate telecommunications facilities and services available

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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;

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(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;

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(3) telecommunications may often offer the only effective alter-

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native to time-consuming and increasingly expensive transportation of persons
26 and the information they possess;

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(4) current and projected public, business and government needs

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for additional and enhanced telecommunications and information transfer

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services and equipment are highly diverse, reflecting the increasingly com-

1 plex and interactive character of the social and economic systems and in-
2 stitutions of the state, and the increasingly important and diversified role
3 of information 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) the existing, locally controlled and operated public noncommer-
11 cial radio and television system must continue to be encouraged and supported
12 by the state, and, in order to provide this service to all of Alaska's citi-
13 zens, planned growth of the system must be supervised and coordinated by the
14 state;

15 (8) improved and more widely available educational opportunities
16 for all Alaskans can be greatly facilitated by exploiting the ability of
17 telecommunications technologies to make available the highest quality edu-
18 cation and instruction in all parts of the state;

19 (9) it is in the interest of all citizens of the state for the
20 state to facilitate the development of both basic and advanced telecommuni-
21 cations services and facilities to be available to all its citizens for their
22 individual and mutual benefit; and

23 (10) these goals can be best accomplished by coordinating all of
24 the state telecommunications activities through one department, to assure
25 increased efficiency in providing the public benefits of

26 (A) comprehensive telecommunications planning for the state;

27 (B) increased accountability for adequate, reliable, and
28 cost-effective telecommunications system development;

29 (C) increased effectiveness in coordinating and assisting

1 public service telecommunications users;

2 (D) the establishment of consistent public policy for the
3 state related to telecommunications systems and services, and better
4 public understanding of the state's policies and programs.

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

6 ARTICLE 11. TELECOMMUNICATIONS.

7 Sec. 44.33.501. TELECOMMUNICATIONS DIVISIONS. There is estab-
8 lished in the department

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

10 (2) a division of telecommunications systems.

11 Sec. 44.33.503. DEPUTY COMMISSIONER. (a) The telecommunications
12 divisions shall be administered by a deputy commissioner of the depart-
13 ment appointed by the commissioner.

14 (b) The deputy commissioner shall

15 (1) provide executive direction for the activities of the
16 telecommunications divisions;

17 (2) assure that division activities in no way constitute an
18 influence on the content or airing of programming and report to the
19 governor, the commissioner, and the Public Broadcasting Commission or
20 the Instructional Telecommunications Commission any request or attempt
21 to influence the content or airing of program material.

22 Sec. 44.33.507. POWERS AND DUTIES OF THE TELECOMMUNICATIONS DIVI-
23 SIONS. (a) The telecommunications divisions shall

24 (1) advise the governor on matters of policy and comprehen-
25 sive state planning for telecommunications services;

26 (2) make an annual report to the governor and to the legis-
27 lature on the activities of the telecommunications divisions;

28 (3) coordinate with the Department of Law to insure the
29 representation of the public interest in matters pertaining to the

1 availability, adequacy, cost and design of telecommunications services
2 and facilities before state and federal legal and regulatory forums;

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

7 (5) when requested provide technical and consulting assist-
8 ance to the executive, judicial, and legislative branches of state
9 government, to the University of Alaska, and to private noncommercial
10 agencies which request such assistance in facility procurement and
11 leasing and in identifying long-range goals and objectives for the state
12 and its political subdivisions in all aspects of telecommunications,
13 including public, educational, and instructional telecommunications;

14 (6) prepare and maintain a state comprehensive telecommuni-
15 cations development plan to further state telecommunications development
16 and to meet state telecommunications needs and prepare and maintain a
17 comprehensive inventory of all state communications facilities;

18 (7) procure services from private enterprise or certified and
19 franchised utilities whenever feasible; contract for the construction,
20 management, operation and maintenance of telecommunications systems and
21 develop a procurement policy under AS 37.05; the procurement policy will
22 account for all factors when deciding the method of procurement, includ-
23 ing lease, purchase, rental, or combinations of lease, purchase and
24 rental; the factors include but are not limited to life cycle costing,
25 direct or secondary impacts which may reasonably be expected in long
26 distance or local telephone rates, and realizeable improvements and cost
27 factors in both state government and the affected portions of the com-
28 munications industry;

29 (8) provide information and assistance to state agencies to

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

3 (9) apply for and accept federal and private money, property,
4 or assistance, that may be appropriated, granted or otherwise made
5 available to the telecommunications divisions and use and disperse money
6 and property for purposes consistent with the terms of AS 44.33.501 -
7 44.33.517 subject to reasonable limitations imposed by the grantor;

8 (10) participate with other governmental units in planning,
9 and assist Alaska's local governments, governmental conferences and
10 councils, in planning and coordinating their activities relating to
11 telecommunications;

12 (11) provide for the orderly transition to new telecommuni-
13 cations services and systems by state agencies;

14 (12) serve as a clearinghouse for information, data, and other
15 materials which may be necessary or helpful to federal, state or local
16 governmental agencies in the development of telecommunication systems;
17 and

18 (13) coordinate their services and activities with those of
19 other state departments and agencies to the fullest extent possible to
20 avoid unnecessary duplication;

21 (14) provide that all activities of the telecommunications
22 divisions are responsive to existing state statutes and regulations, and
23 to the regulations and rulings of the Federal Communications Commis-
24 sion.

25 (b) The telecommunications divisions may

26 (1) coordinate their functions with local, regional, state
27 and federal officials, private groups and individuals, and with offi-
28 cials, of other countries, provinces and states;

29 (2) enter into contracts and subcontracts on behalf of the

1 state to carry out the provisions of AS 44.33.501 - 44.33.517;

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

6 (4) on behalf of the state, apply for, accept and expend
7 gifts or grants made to the state if the gifts or grants are for the
8 purposes of furthering the objectives of the telecommunications divi-
9 sions;

10 (5) hold public hearings to obtain information for the pur-
11 pose of carrying out the provisions of AS 44.33.501 - 44.33.517.

12 (c) The telecommunications divisions may not attempt to influence
13 or affect the content or airing of program material other than by those
14 procedures specifically provided for by statute.

15 (d) In proceedings before the Alaska Public Utilities Commission
16 the department shall reimburse the Alaska Public Utilities Commission
17 for the reasonable costs of obtaining outside counsel under AS 42.05.-
18 111(b) if the attorney general elects to represent the telecommuni-
19 cations divisions.

20 Sec. 44.33.509. DIVISION OF PUBLIC TELECOMMUNICATIONS SERVICES.

21 (a) The division of public telecommunications services shall be ad-
22 ministered by a director appointed by the commissioner.

23 (b) The division of public telecommunications services shall pro-
24 vide technical consultation and grants to educational and public tele-
25 communications users in order to assist in the comprehensive development
26 of telecommunications services for all specialized public purposes. The
27 division shall provide

28 (1) coordination and support to telecommunications services
29 for instruction, including technical assistance and assistance in pre-

1 paration of applications for grants related to program development as
2 may be requested by

3 (A) public school districts and the Department of Edu-
4 cation;

5 (B) the University of Alaska; and

6 (C) other state agencies as approved by the deputy
7 commissioner;

8 (2) coordination and support for all public broadcasting
9 functions in the state as follows:

10 (A) the division shall encourage responsible local
11 control of all public broadcast entities in the state;

12 (B) the division shall receive and review requests for
13 operating and capital support from public broadcasting entities,
14 and may award grants to those entities subject to the dispute reso-
15 lution powers of the Public Broadcasting Commission under AS 44.-
16 33.511(b)(3);

17 (C) the division shall pursue the development of public
18 broadcast services to all residents of the state, and, in consulta-
19 tion with the Public Broadcasting Commission, develop and submit to
20 the governor and legislature, with the approval of the Public
21 Broadcasting Commission, a two-year development plan of public
22 broadcasting in the state;

23 (D) the division may not control or be responsible for
24 the program content or policy of public broadcasters except that
25 grants or technical assistance may not be given to a broadcaster
26 who is in violation of federal or state laws;

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

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

5 (5) assistance to the regionalization of instructional tele-
6 communications services by local school districts or other local and
7 regional education agencies, through design, development, and promotion
8 by the division of public telecommunications services;

9 (6) establishment of operational policies by the division of
10 public telecommunications services upon review and approval by the
11 appropriate telecommunications commissions;

12 (7) assistance to the Public Broadcasting Commission and the
13 Instructional Telecommunications Commission, and any commission-design-
14 nated subcommittees, as necessary to perform assigned division functions;
15 the division shall cooperate with these commissions and subcommittees in
16 order to develop policies which are responsive to the user groups which
17 are represented on the commissions.

18 (c) The division of public telecommunications services shall
19 study, plan and develop integrated instructional telecommunications
20 services for all residents of the state, and shall annually report on
21 current fiscal year instructional telecommunications activities and,
22 with the approval of the Instructional Telecommunications Commission,
23 submit to the governor and the legislature an updated two year develop-
24 ment plan prepared in consultation with education agencies and the
25 Instructional Telecommunications Commission.

26 (d) The division of public telecommunications services may not
27 own, operate, or be the licensee of a public noncommercial broadcast
28 station or production center.

29 (e) Nothing in this section is intended to imply division re-

1 responsibility for programming content. Program design, production, and
2 use remain the responsibility of the program-sponsoring agency, not the
3 division.

4 Sec. 44.33.511. PUBLIC BROADCASTING COMMISSION. (a) The Public
5 Broadcasting Commission is established in the division of public tele-
6 communications services. The Public Broadcasting Commission consists of
7 the following nine members:

8 (1) four members representing the public radio stations in
9 the state each of whom shall be a member of the governing board of a
10 public radio licensee; each governing board of a public radio licensee
11 shall propose a nominee and the four nominees receiving the most votes
12 of the public broadcast licensees in the state shall be elected to the
13 commission;

14 (2) one member representing the public television stations in
15 the state who is a member of the governing board of a public television
16 station; each governing board of a public television licensee shall
17 propose a nominee and the nominee receiving the most votes of the public
18 broadcast licensees shall be elected to the commission;

19 (3) three members of the general public appointed by the
20 governor, one of whom shall be a resident of a municipality or village
21 with a population of 2,000 or less, one of whom shall be a resident of a
22 municipality with a population of more than 2,000 but less than 20,000,
23 and one of whom shall be a resident of a municipality with a population
24 of more than 20,000;

25 (4) one member who is an employee, manager, or holder of an
26 ownership interest in a commercial broadcasting station to be appointed
27 by the governor from a list of nominees provided by a recognized commer-
28 cial broadcasting trade organization;

29 (5) in the case of public broadcast licenses held by the

1 University of Alaska the applicable policy advisory council established
2 by the Board of Regents shall be the governing board under (1) and (2)
3 of this subsection.

4 (b) The duties of the Public Broadcasting Commission include

5 (1) the review of policies of the division of public telecom-
6 munications services relating to public broadcasting;

7 (2) the review and approval of regulations relating to public
8 broadcasting before their adoption by the division of public telecom-
9 munications services;

10 (3) the resolution of any dispute involving the grant award
11 process;

12 (4) the review of grant requests for public broadcasting
13 stations proposed to the division of public telecommunications services;
14 the recommendations of the commission together with the original
15 requests of the public broadcasting stations, shall be forwarded to the
16 governor and the legislature;

17 (5) the approval of the appointment of the division staff
18 member who will directly supervise the public broadcasting activities of
19 the division of public telecommunications services;

20 (6) cooperation with the division of public telecommunications
21 services in developing policies responsive to the user groups represented
22 on the commission;

23 (7) the review and approval of the policies and guidelines
24 for the preparation by the division of public telecommunications services
25 of a continuing two-year statewide plan of public broadcast development,
26 including the approval of the plan before its submission to the governor
27 and the legislature;

28 (8) the reporting of any other recommendations for public
29 broadcasting directly to the division of public telecommunications

1 services, the deputy commissioner, the governor and the legislature; and

2 (9) the recommendation to the legislature, no later than
3 February 1, 1981, of an equitable state foundation program and formula
4 for disbursing basic public broadcasting entity grants.

5 (c) Members of the Public Broadcasting Commission serve overlap-
6 ping terms of four years. Four of the first members of the Public
7 Broadcasting Commission shall serve two-year terms and the remaining
8 five members shall serve four-year terms, to be determined by lot.
9 Terms of Public Broadcasting Commission members expire on June 30.
10 Before the expiration of the term of a member or upon the creation of a
11 vacancy other than by expiration, the division of public telecommunica-
12 tions services shall conduct an election to secure a successor or the
13 appointing authority shall appoint a successor to succeed the member
14 whose term is expiring or for the unexpired term. A person appointed or
15 elected to the Public Broadcasting Commission may not serve more than
16 two consecutive terms, or a maximum of eight years, whichever is shorter.

17 (d) The Public Broadcasting Commission shall meet at least once
18 every two months and may hold public hearings and other meetings as
19 necessary throughout the state. Meetings and hearings may be conducted
20 with the use of available teleconferencing facilities, including, if
21 available, leased broadcast lines. Substantive actions or determinations
22 of the Public Broadcasting Commission must be agreed to by a majority of
23 the the members of the commission. At least one meeting each year shall
24 be conducted with a quorum of the Public Broadcasting Commission physic-
25 ally present.

26 (e) Members of the Public Broadcasting Commission serve without
27 compensation but are entitled to per diem and travel expenses authorized
28 under AS 39.20.180.

29 Sec. 44.33.512. INSTRUCTIONAL TELECOMMUNICATIONS COMMISSION. (a)

1 The Instructional Telecommunications Commission is established in the
2 division of public telecommunications services. The Instructional
3 Telecommunications Commission consists of nine members appointed as
4 follows:

5 (1) one classroom teacher from the state public school system
6 appointed by the governor;

7 (2) one member appointed by the state Board of Education;

8 (3) one member appointed by the Board of Regents of the
9 University of Alaska;

10 (4) one member appointed by the Alaska Library Association;

11 (5) one member appointed by the Human Resources Committee of
12 the Alaska Federation of Natives;

13 (6) one member appointed by the Alaska Adult Education Asso-
14 ciation;

15 (7) one member with experience in the use of telecommunica-
16 tions for life support systems and care in rural areas, appointed by the
17 commissioner of health and social services; an

18 (8) two members of the general public appointed by the gover-
19 nor with due regard for geographical representation and the relative
20 need or use of instructional telecommunication services.

21 (b) The duties of the Instructional Telecommunications Commission
22 include

23 (1) the review of policies of the division of public tele-
24 communications services relating to instructional applications of tele-
25 communications;

26 (2) the review of regulations relating to instructional
27 telecommunications before their adoption by the division of public
28 telecommunications services;

29 (3) the establishment of educational priorities and the

1 review of division procedures relating to project grant awards made by
2 the division to educational agencies;

3 (4) the approval of the appointment of the division staff
4 member who will directly supervise the instructional telecommunications
5 activities of the division of public telecommunications services;

6 (5) cooperation with the division of public telecommunica-
7 tions services in developing policies responsive to the user groups
8 represented on the commission;

9 (6) the annual review and approval of the instructional
10 telecommunications current fiscal year activities report and two-year
11 development plan before submission of the report and plan to the governor
12 and to the legislature;

13 (7) serving as the user entity to coordinate educational
14 television program material provided by sponsor agencies with the
15 satellite television project under AS 44.33.514(b)(2);

16 (8) the communication of any other recommendations for in-
17 structional telecommunications directly to the division of public tele-
18 communications services, the deputy commissioner, the governor and the
19 legislature.

20 (c) The Instructional Telecommunications Commission may seat
21 additional ex officio members on the commission, or form special working
22 subcommittees, as appropriate or necessary to accomplish the objectives
23 of telecommunications applications for specialized public purposes.

24 (d) Members of the Instructional Telecommunications Commission
25 serve overlapping terms of four years. Five of the first members of the
26 Instructional Telecommunications Commission serve two-year terms and the
27 remaining four serve four-year terms, to be determined by lot. Terms of
28 Instructional Telecommunications Commission members expire on June 30.
29 Before the expiration of the term of a member or upon the creation of a

1 vacancy other than by expiration, the appointing authority shall appoint
2 a successor to succeed the member whose term is expiring or for the
3 unexpired term. A person appointed to the Instructional Telecommunica-
4 tions Commission may not serve more than two consecutive terms, or a
5 maximum of eight years, whichever is shorter.

6 (e) The Instructional Telecommunications Commission shall meet at
7 least quarterly and may hold public hearings and other meetings as
8 necessary throughout the state. Meetings and hearings may be conducted
9 with the use of available teleconferencing facilities. Substantive
10 actions or determinations of the Instructional Telecommunications Commis-
11 sion must be agreed to by a majority of the members of the commission.
12 At least one meeting each year will be conducted with a quorum of the
13 Instructional Telecommunications Commission physically present.

14 (f) Members of the Instructional Telecommunications Commission
15 serve without compensation but are entitled to per diem and travel
16 expenses authorized under AS 39.20.180.

17 Sec. 44.33.513. DIVISION OF TELECOMMUNICATIONS SYSTEMS. (a) The
18 division of telecommunications systems shall be administered by a direc-
19 tor appointed by the commissioner.

20 (b) Except as provided in (c) of this section, the division of
21 telecommunications systems shall

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

24 (2) manage centrex and other telephone-related services of
25 the state;

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

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

1 (c) Nothing in AS 44.33.501 - 44.33.517 prohibits a state agency
2 from developing telecommunications systems within its own agency if the
3 commissioner gives written authorization for the agency to engage in its
4 own design, development, management, or operation. The commissioner may
5 authorize independent development only upon a showing of necessity. A
6 description of all authorization under this subsection shall be included
7 in the annual report required under AS 44.33.507(a)(2).

8 (d) A state agency authorized to develop an internal telecom-
9 munications system shall, whenever feasible, coordinate its design,
10 development, management, and operation with the division of telecommuni-
11 cations systems.

12 Sec. 44.33.514. SATELLITE TELEVISION PROJECT. (a) Within the
13 limits of available financing, the division of telecommunications systems
14 shall administer the satellite television project by

15 (1) contracting for services in a manner consistent with
16 state procurement policies and with this chapter for the operation of a
17 satellite videotape delay center;

18 (2) coordinating with the satellite television user groups
19 and entities identified in this chapter for the provision of intrastate
20 and interstate satellite television services; and

21 (3) provide liason, management support, and technical assist-
22 ance for the satellite television project.

23 (b) Programming decisions and policies relating to the satellite
24 television project may not be made by the division of telecommunications
25 systems, but shall be made by the following user groups and entities in
26 the following manner:

27 (1) Representatives of each Alaska commercial television
28 network affiliated station shall select programs from their respective
29 network for use in a manner determined by them that is consistent with

1 existing program rights and other relevant contract rights.

2 (2) The Instructional Telecommunications Commission shall
3 provide time allocations for the various sponsoring educational agencies.
4 The program content of educational material within these allocations
5 shall be determined by the educational agency sponsoring that material.

6 (3) The Rural Alaska Television Network (RATNet) shall select
7 programs for scheduled intrastate evening programming intended for use
8 by rural Alaskan communities participating in the satellite television
9 project in a manner consistent with the provisions of this chapter and
10 procedures established by the RATNet. The Rural Alaska Television
11 Network is an unincorporated association with an existence separate from
12 the state but affiliated with the division of telecommunications systems,
13 which shall conduct its business in a manner consistent with bylaws
14 established by it and which are not inconsistent with this chapter.
15 RATNet shall conduct its business through a council, composed of seven
16 persons nominated by the participating communities in a procedure estab-
17 lished by the bylaws of the Rural Alaska Television Network. An execu-
18 tive committee of RATNet may represent the council to the extent author-
19 ized by the council and bylaws. The council shall be convened at least
20 once every two months, and meetings may be held by teleconference to the
21 extent that these facilities are available. At least one meeting each
22 year shall be conducted with a quorum of the council physically present.
23 Members of the council of the Rural Alaska Television Network serve
24 without compensation but are entitled to per diem and travel expenses
25 authorized under AS 39.20.180 to compensate them for costs incurred in
26 the services to the state under this section.

27 (4) The Legislative Affairs Agency, as directed by the Legis-
28 lative Council, shall determine programming uses by the legislature.

29 (5) Other agencies may request available satellite time for

1 specialized program uses. The requesting agency shall determine the
2 program content.

3 (c) Each satellite television user group identified in (b) of this
4 section shall select a representative to serve on an executive users'
5 committee for the purpose of facilitating cooperation among the users.
6 Scheduling conflicts shall be resolved by the user groups and entities
7 informally among themselves whenever possible. The executive users'
8 committee shall resolve scheduling conflicts referred to it in a manner
9 consistent with this chapter.

10 (d) The commissioner shall take appropriate action to assure the
11 continued operation of the present services of the satellite television
12 project, and to preserve existing time allocations until the implementa-
13 tion of this section has been accomplished.

14 (e) The division of telecommunications systems, a contractor, and
15 a user group or entity described in (b) of this section may not engage
16 in any activity which interferes with a contract or program right relat-
17 ing to commercial television programming, including but not limited to
18 any right protected by copyright.

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

20 (1) "basic public broadcasting entity grants" means those
21 grants administered by the state to the various classes of public radio
22 and television broadcasters which provide a minimum stipend for the
23 capital and operating expenses of those broadcasters;

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

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

28 (4) "deputy commissioner" means the deputy commissioner of
29 telecommunications in the department who administers the telecommuni-

1 cations divisions;

2 (5) "public broadcasting" means the delivery of radio or
3 television noncommercial programming intended for the general public by
4 any method of telecommunications;

5 (6) "public service telecommunications" means telecommuni-
6 cations which serve public broadcasting, general educational, instruc-
7 tional, medical, safety, emergency, or public participation functions;

8 (7) "state agencies" means all departments, divisions and
9 offices in the executive branch of state government but does not mean an
10 agency of the legislative or judicial branch of government or the Uni-
11 versity of Alaska;

12 (8) "telecommunications" means the transmission and reception
13 of messages, impressions, pictures and signals by means of electro-
14 magnetic transmission with or without benefit of a closed transmission
15 medium including all instrumentalities, facilities, apparatus, and
16 services, whether conveyed by cable, wire, radiated through space, or
17 transmitted through other media within a specified area or between
18 designated points;

19 (9) "telecommunications divisions" means the division of
20 public telecommunications services and the division of telecommuni-
21 cations systems;

22 (10) "telecommunications systems" means those systems in which
23 the principal service and functions are telecommunications.

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

25 (8) Department of Commerce, [AND] Economic Development, and
26 Telecommunications

27 * Sec. 4. AS 44.21.160 is amended by adding a new subsection to read:

28 (f) The department and its division of data processing shall
29 coordinate with the divisions of telecommunications of the Department of

1 Commerce, Economic Development, and Telecommunications in providing for
2 the effective transfer of information by telecommunications through the
3 establishment of compatible systems and common standards.

4 * Sec. 5. AS 44.33.020 is amended by adding a new paragraph to read:

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

7 * Sec. 6. AS 44.42.020 is amended to read:

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

9 (1) plan, design, construct and maintain all state modes of
10 transportation and transportation facilities [, COMMUNICATION FACILI-
11 TIES,] and all docks, floats, breakwaters, buildings and similar faci-
12 lities;

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

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

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

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

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

26 (7) manage, operate, and maintain state transportation faci-
27 lities [, COMMUNICATION FACILITIES,] and all docks, floats, breakwaters
28 and buildings, including all state highways, vessels, railroads, pipe-
29 lines, airports, and aviation facilities;

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

4 (9) coordinate and develop state and regional transportation
5 systems, considering deletions, additions, and the absence of altera-
6 tions;

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

12 (11) supervise and maintain all state automotive and mechan-
13 ical equipment, aircraft, and vessels, except vessels and aircraft used
14 by the Department of Fish and Game or the Department of Public Safety;
15 [AND]

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

18 (13) complete and maintain a current inventory of public
19 facilities, including a projection of the serviceability of the facili-
20 ties and projections of replacements and additions to facilities needed
21 to provide the level of services programmed by the various user agencies,
22 for municipalities with populations of less than 12,000 and for unincor-
23 porated communities, and perform those duties on a cooperative basis
24 with larger municipalities.

25 (b) The department may

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

29 (2) exercise the power of eminent domain, including the

1 declaration of taking as provided in AS 09.55.

2 * Sec. 7. AS 44.42.055(b)(3)(F) is amended to read:

3 (F) [COMMUNICATIONS FACILITIES AND] transportation
4 facilities;

5 * Sec. 8. All references to the Department of Commerce and Economic
6 Development and to the commissioner of commerce and economic development in
7 the Alaska Statutes shall be read as the Department of Commerce, Economic
8 Development, and Telecommunications and the commissioner of commerce, eco-
9 nomic development, and telecommunications, respectively, in order to carry
10 out the intent and purpose of this Act.

11 * Sec. 9. The balance of the appropriation to the Department of Trans-
12 portation and Public Facilities found in sec. 23, page 48, lines 15 - 37, and
13 sec. 25, page 79, lines 31 - 36, and page 80, lines 1 - 22, ch. 80, SLA 1979,
14 are transferred to the Department of Commerce, Economic Development, and
15 Telecommunications.

16 * Sec. 10. The balance of the appropriation to the Alaska Public Broad-
17 casting Commission found in sec. 23, page 9, line 23, ch. 80, SLA 1979, is
18 transferred to the Department of Commerce, Economic Development, and Telecom-
19 munications.

20 * Sec. 11. The balances of the appropriations for capital projects made
21 to the Alaska Public Broadcasting Commission in sec. 25, page 55, lines 28 -
22 36, and page 56, lines 4 - 12, ch. 80, SLA 1979, are transferred to the
23 Department of Commerce, Economic Development, and Telecommunications.

24 * Sec. 12. The unexpended balances of any other appropriations for capi-
25 tal projects made to the Alaska Public Broadcasting Commission and the De-
26 partment of Transportation and Public Facilities, division of communications,
27 are transferred to the Department of Commerce, Economic Development, and
28 Telecommunications.

29 * Sec. 13. AS 14.58 is repealed.

1 * Sec. 14. Nothing in this Act shall require the state to discontinue any
2 services presently provided to state agencies or the public.

3 * Sec. 15. This Act takes effect July 1, 1980.
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