

IN THE SENATE

EXECUTIVE ORDER NO. 50

1
2 Under the authority of art. III, sec. 23, of the Alaska Constitution,
3 and in accordance with AS 24.30.130(b), I order the following:

4 * Section 1. FINDINGS AND PURPOSE. (a) As governor, I find that ade-
5 quate telecommunications facilities and services available at reasonable and
6 affordable rates are essential to the conduct of government, commerce, and
7 private life and that these facilities and services should be available, to
8 the extent possible, to all agencies and citizens of the state regardless of
9 location. In addition, the future development of the state's public and
10 private sectors will depend greatly on the innovative use of new telecommuni-
11 cations services and techniques now becoming available. It is in the inter-
12 est of all people of the state for the state to facilitate the development
13 of both basic and advanced telecommunications services and facilities to be
14 available to all its citizens for their individual and mutual benefit.
15 Furthermore, I find that in the interest of minimizing the size and influence
16 of government, private ownership and control of telecommunication facilities
17 should be facilitated and enhanced, and that state government actions affect-
18 ing telecommunications should include an efficient and thorough assessment
19 of long-range costs and benefits to users as well as the direct and indirect
20 effect on the communications industry and the public.

21 (b) These goals can be best accomplished by coordinating all of
22 the state's telecommunications activities through one department. Consoli-
23 dating these activities will assure increased efficiency in providing the
24 public benefits of comprehensive telecommunications planning for the state;
25 increased accountability for adequate, reliable, and cost-effective tele-
26 communications system development; increased effectiveness in coordinating
27 and assisting public service telecommunications users; the establishment of
28 consistent public policy for the state related to telecommunications systems
29 and services; and better public understanding of the state's policies and

1 programs.

2 * Sec. 2. AS 14.58.010 is amended to read:

3 Sec. 14.58.010. CREATION OF ALASKA PUBLIC BROADCASTING COMMISSION.

4 There is created within the Department of Administration [EDUCATION]
5 the Alaska Public Broadcasting Commission.

6 * Sec. 3. AS 14.58.050 is amended to read:

7 Sec. 14.58.050. PURPOSE OF THE COMMISSION. The commission is
8 created to encourage and supervise the development of an integrated
9 public broadcasting system for the state and for the coordination of
10 all public broadcasting stations. The primary purpose of the commission
11 is the encouragement and support of noncommercial public broadcasting in
12 the state through the provision of operating and capital grants in sup-
13 port of the delivery of noncommercial programs intended for a general
14 audience by locally controlled nonprofit broadcast stations or tele-
15 communications entities. The commission may support stations and en-
16 tities which also engage in the delivery of instructional, for-credit
17 programs, and the commission may provide funds for those purposes, but
18 the primary purpose of commission funds is the support of activities
19 that result in the delivery of general audience, noncommercial material.

20 * Sec. 4. AS 14.58.060 is amended to read:

21 Sec. 14.58.060. DUTIES OF THE COMMISSION. The commission shall

22 [(1) CONTROL AND SUPERVISE THE USE OF BROADCASTING CHANNELS
23 RESERVED BY THE FEDERAL COMMUNICATIONS COMMISSION FOR EDUCATIONAL
24 BROADCASTING PURPOSES;

25 (2) INITIATE OR RECEIVE FOR REVIEW AND APPROVAL ALL APPLI-
26 CATIONS FOR EDUCATIONAL BROADCASTING LICENSES SUBMITTED TO THE FEDERAL
27 COMMUNICATIONS COMMISSION FOR OR ON BEHALF OF AN ELEMENTARY SCHOOL
28 SYSTEM, COMMUNITY COLLEGE, INSTITUTION OF HIGHER LEARNING, PRIVATE
29 EDUCATIONAL INSTITUTION, NONPROFIT COMMUNITY OR MUNICIPAL ORGANIZATION

1 IN THE STATE;

2 (3) INITIATE OR RECEIVE FOR REVIEW AND APPROVAL ALL APPLI-
3 CATIONS FOR FEDERAL, STATE OR PRIVATE FUNDS IF THE APPLICATIONS INVOLVE
4 ANY FORM OF EDUCATIONAL BROADCASTING;]

5 (4) apply for federal and private funds for public broad-
6 casting purposes and receive all federal, state or private funds,
7 property or assistance that may be appropriated, granted or otherwise
8 made available to the commission for public [EDUCATIONAL] broadcasting
9 purposes [AT ALL LEVELS OF EDUCATION], and use and disburse funds and
10 property for purposes consistent with the terms of this chapter, sub-
11 ject to reasonable limitations imposed by the grantor;

12 (5) provide consultative services in all aspects of public
13 [EDUCATIONAL] broadcasting to all public or private agencies in the
14 state which request them;

15 (6) serve as a library and clearinghouse for public broad-
16 casting information [ON BROADCASTING FOR EDUCATIONAL AND PUBLIC PUR-
17 POSE];

18 [(7) HAVE THE FINAL AUTHORITY OVER THE BROADCASTING POLICY
19 PROGRAMMING;]

20 (8) Repealed by sec. 7, ch 87, SLA 1976.

21 (9) through grants to qualified entities, develop an inte-
22 grated public broadcasting network for the state;

23 [(10) DEVELOP AND DISTRIBUTE PUBLIC BROADCAST PROGRAMMING FOR
24 EDUCATIONAL INSTITUTIONS AND PUBLIC AGENCIES IN THE STATE;]

25 (11) through grants to qualified entities, develop and dis-
26 tribute public broadcasting programming [FOR PUBLIC AFFAIRS] in the
27 state;

28 (12) prepare and submit to the governor and the legislature,
29 in consultation with the telecommunications divisions in the Department

1 of Administration, a long term plan for the development of public broad-
2 casting stations and systems in the state, and annually update the
3 plan;

4 (13) perform all other functions necessary to ensure the
5 orderly and coordinated development of public broadcasting in the
6 state.

7 * Sec. 5. AS 14.58.070 is amended to read:

8 Sec. 14.58.070. POWERS OF THE COMMISSION. (a) The commission may

9 (1) employ all consultative, technical and clerical personnel
10 necessary for the implementation of this chapter, within the limits of
11 available funds;

12 (2) employ a director, who shall be directly responsible to
13 the commission in financial and administrative matters;

14 (3) provide grants to locally controlled non-profit tele-
15 communications entities which [WHERE NO OTHER COMPETENT CONTRACTING
16 AGENCY EXISTS] lease, purchase, construct, own, operate and manage and
17 are the licensees [LICENSEE] of public [EDUCATIONAL] broadcasting
18 stations, production centers, and [ALL] other related equipment and
19 facilities for the production and transmission of open circuit, closed
20 circuit, 2,500 Megahertz, and other transmission means necessary to
21 provide fully effective public [EDUCATIONAL] broadcasting in the state;

22 (4) appoint unpaid advisory committees to assist in develop-
23 ment of programs for [INSTRUCTIONAL AND] public television broadcasts;

24 (5) provide assistance to licensed commercial broadcasting
25 stations for the broadcast of public affairs programming [AND UTILIZA-
26 TION OF SATELLITE COMMUNICATIONS FOR THE BROADCASTING OF SPECIAL PUBLIC
27 AFFAIRS PROGRAMMING].

28 (b) In performing its duties and exercising its authority under
29 this chapter, the commission may not exercise control over the specific

1 content or airing of any program material.

2 * Sec. 6. AS 14.58.090(2) is amended to read:

3 (2) "public broadcasting" includes, but is not limited to,
4 television and radio transmission by 2,500 megahertz, closed circuit or
5 microwave video and audio programming, slow-scan television program-
6 ming, programming via satellite, teletype or facsimile transmission,
7 and distribution methods, when the transmission, programming and dis-
8 tribution are intended to serve a noncommercial [EDUCATIONAL,] public
9 [OR INSTRUCTIONAL] purpose.

10 * Sec. 7. AS 44.21.020 is amended by adding a new paragraph to read:

11 (13) study, design, implement, and manage the telecommunica-
12 tions systems and services of the state under AS 44.21.200 -- 44.21.250.

13 * Sec. 8. AS 44.21.160 is amended by adding a new subsection to read:

14 (f) The division of data processing shall coordinate with the
15 divisions of telecommunications in providing for the effective transfer
16 of information by telecommunications through the establishment of com-
17 patible systems and common standards.

18 * Sec. 9. AS 44.21 is amended by adding new sections to read:

19 ARTICLE 4. TELECOMMUNICATIONS.

20 Sec. 44.21.200. TELECOMMUNICATIONS DIVISIONS. There is estab-
21 lished in the department

22 (1) a division of telecommunications services; and

23 (2) a division of telecommunications systems.

24 Sec. 44.21.210. DEPUTY COMMISSIONER. (a) The telecommunications
25 divisions shall be administered by a deputy commissioner of the depart-
26 ment appointed by the commissioner.

27 (b) The deputy commissioner shall

28 (1) provide executive direction for the activities of the
29 telecommunications divisions; and

1 (2) assure that division activities in no way constitute an
2 influence on the content or airing of programming, and report to the
3 governor, the commissioner, and the Alaska Public Broadcasting Commis-
4 sion any request or attempt by an employee of the state to influence
5 the content or airing of program material.

6 Sec. 44.21.220. POWERS AND DUTIES OF THE TELECOMMUNICATIONS
7 DIVISIONS. (a) The telecommunications divisions, as directed by the
8 deputy commissioner, shall

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

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

13 (3) coordinate, manage, and supervise state programs in
14 telecommunications, including the management of those telecommunication
15 services for the state obtained from common carriers and from the
16 communications industry;

17 (4) when requested, provide technical and consulting assis-
18 tance to the executive, judicial, and legislative branches of state
19 government, to the University of Alaska, and to private noncommercial
20 entities which request that assistance in facility procurement and
21 leasing and in identifying long-range goals and objectives for the
22 state and its political subdivisions in all aspects of telecommunica-
23 tions, including public, educational, and instructional telecommunica-
24 tions;

25 (5) prepare and maintain a state comprehensive telecommuni-
26 cations development plan to further state telecommunications develop-
27 ment and to meet state telecommunications needs and prepare and maintain
28 a comprehensive inventory of all state communications facilities;

29 (6) whenever feasible, procure services from private enter-

1 prise or certified and franchised utilities and contract for the con-
2 struction, management, operation and maintenance of telecommunications
3 systems, and develop a procurement policy under AS 37.05; the pro-
4 curement policy must seek to achieve the maximum benefit to the public,
5 and methods of procurement, including lease, purchase, rental, or com-
6 binations of lease, purchase, and rental, must be selected on the basis
7 of factors such as the ratio of long-range costs versus benefits, life
8 cycle costing, and the costs to the communications industry to the
9 extent that these costs may affect local and long distance basic tele-
10 phone rates;

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

14 (8) apply for and accept federal and private money, property,
15 or assistance, that may be appropriated, granted, or otherwise made
16 available to the telecommunications divisions and use and disburse
17 money and property for purposes consistent with AS 44.21.200 -- 44.21.-
18 250 and AS 14.58, subject to reasonable limitations imposed by the
19 grantor;

20 (9) participate with other governmental units in planning,
21 and assist local governments and governmental conferences and councils
22 in the state in planning and coordinating their activities relating to
23 telecommunications;

24 (10) provide for the orderly transition to new telecommuni-
25 cations services and systems by state agencies;

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

1 (12) coordinate their services and activities with those of
2 other state departments and agencies to the fullest extent possible to
3 avoid unnecessary duplication; and

4 (13) provide that all activities of the telecommunications
5 divisions are responsive to state statutes and regulations, and to the
6 regulations and rulings of the Federal Communications Commission.

7 (b) The telecommunications divisions, as directed by the deputy
8 commissioner, may

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

12 (2) enter into contracts and subcontracts on behalf of the
13 state to carry out the provisions of AS 44.21.200 -- 44.21.250;

14 (3) act for the state in the initiation, investigation, and
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 (4) 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; and

22 (5) hold public hearings to obtain information for the
23 purpose of carrying out the provisions of AS 44.21.200 -- 44.21.250.

24 (c) The telecommunications divisions may not attempt to influence
25 or affect the content or airing of program material.

26 Sec. 44.21.230. DIVISION OF TELECOMMUNICATIONS SERVICES. (a) The
27 division of telecommunications services shall be administered by a
28 director appointed by the commissioner.

29 (b) The division of telecommunications services shall provide

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

3 (2) coordination and support to telecommunications services
4 for instruction, including technical assistance and assistance in prep-
5 aration of applications for grants related to program development as
6 may be requested by

7 (A) public school districts and the Department of Edu-
8 cation;

9 (B) the University of Alaska; and

10 (C) other state agencies as approved by the deputy
11 commissioner;

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

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

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

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

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

29 (c) Subject to available funding, the division of telecommunica-

1 tions services may make grants to educational and public telecommunica-
2 tions users except grants for public broadcasting purposes.

3 (d) The division of telecommunications services shall study,
4 plan, and develop integrated instructional telecommunications services
5 for all residents of the state, and shall annually report on current
6 fiscal year instructional telecommunications activities and, after
7 public hearings, submit to the governor and the legislature an annually
8 updated long-term development plan prepared in consultation with the
9 Department of Education, the University of Alaska, local school dis-
10 tricts, and other local and regional education areas.

11 (e) The division of telecommunications services shall, after
12 public hearings, submit to the governor an annually updated long-term
13 development plan for teleconferencing facilities and services, including
14 facilities and services used both by state agencies and groups other
15 than state agencies.

16 (f) The division of telecommunications services may not own,
17 operate, or be the licensee of a public noncommercial broadcast station
18 or production center.

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

23 Sec. 44.21.240. DIVISION OF TELECOMMUNICATIONS SYSTEMS. (a) The
24 division of telecommunications systems shall be administered by a
25 director appointed by the commissioner.

26 (b) Except as provided in (e) of this section, the division of
27 telecommunications systems may, consistent with the provisions of AS
28 44.21.220(a)(6)

29 (1) plan, design, construct, manage, and operate all tele-

1 communications systems owned or leased by state agencies;

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

4 (3) be responsible generally for telecommunications systems
5 and design for state agencies; and

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

8 (c) Within the limits of available financing, the division of
9 telecommunication systems shall administer and operate the satellite
10 television project, by

11 (1) coordinating with the satellite television user groups
12 and entities; and

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

15 (d) Decisions and policies relating to programming under the
16 satellite television project, including scheduling and allocation
17 policies, may not be made by the divisions of telecommunications or the
18 department, but may only be made by a network that is representative of
19 participating rural television users, by commercial broadcast users or
20 by other affected participating user groups and entities under pro-
21 cedures provided by statute or, if no statute applies, then by agree-
22 ment of the affected user networks or groups. The department shall
23 assist users in preparing agreements that may be required under this
24 subsection.

25 (e) The divisions of telecommunications and the department may
26 not engage in any activity which interferes with a contract or program
27 right relating to commercial television programming, including but not
28 limited to any right protected by copyright.

29 (f) Nothing in AS 44.21.200 -- 44.21.250 prohibits a state agency

1 from developing telecommunications systems within its own agency if the
2 commissioner gives written authorization for the agency to engage in
3 its own design, development, management, or operation. The commissioner
4 may authorize independent development only upon a showing of necessity.
5 A description of all authorization under this subsection must be in-
6 cluded in the annual report required under AS 44.21.220(a)(2).

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

11 Sec. 44.21.250. DEFINITIONS. In AS 44.21.200 -- 44.21.250

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

13 (2) "department" means the Department of Administration;

14 (3) "deputy commissioner" means the deputy commissioner in
15 the department who administers the telecommunications divisions;

16 (4) "public broadcasting" means the delivery of radio or
17 television noncommercial programming intended for the general public by
18 any method of telecommunications;

19 (5) "public telecommunications" means telecommunications
20 which serve public broadcasting, general educational, instructional,
21 medical, safety, emergency, or public participation functions;

22 (6) "state agencies" means all departments, divisions, and
23 offices in the executive branch of state government; it does not mean
24 an agency of the legislative or judicial branch of government or the
25 University of Alaska;

26 (7) "telecommunications" means the transmission and reception
27 of messages, impressions, pictures, and signals by means of electromag-
28 netic transmission with or without benefit of a closed transmission
29 medium including all instrumentalities, facilities, apparatus, and

1 services, whether conveyed by cable or wire, radiated through space, or
2 transmitted through other media within a specified area or between
3 designated points;

4 (8) "telecommunications systems" means those systems in
5 which the principal service and functions are telecommunications.

6 * Sec. 10. AS 44.42.020 is amended to read:

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

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

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

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

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

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

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

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

29 (8) study alternative means of transportation in the state,

1 considering the economic, social, and environmental impacts of each
2 alternative;

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

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

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

15 (12) supervise aeronautics [AND COMMUNICATIONS] inside the
16 state, under AS 02.10₁ [.]

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

24 (14) adopt energy performance standards for public facilities
25 of the state, the construction of which begins after July 1, 1980; the
26 standards shall be based on thermal and lighting energy standards
27 established by the American Society of Heating, Refrigeration and Air
28 Conditioning Engineers as adapted for application in high latitude,
29 cold climate environs;

1 (15) provide planning assistance, including but not limited
2 to energy audits and related technical services, to school districts
3 and regional educational attendance areas to develop and implement

4 (A) standards for the design, construction and opera-
5 tion of rural educational facilities; and

6 (B) energy conservation measures for rural educational
7 facilities.

8 (b) The department may

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

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

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

15 (F) [COMMUNICATIONS FACILITIES AND] transportation
16 facilities;

17 * Sec. 12. This order takes effect July 1, 1981.

18 DATED

19 Jan 12, 1981

20 Jay S. Hammond
21 Governor