

Introduced: 2/16/82
Referred: Labor & Commerce and
Finance

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2 HOUSE BILL NO. 831

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to telecommunications; and providing
7 for an effective date."

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

9 * Section 1. AS 44.21 is amended by adding a new section to read:

10 Sec. 44.21.257. CREATION OF ALASKA COMMUNICATIONS COMMISSION.

11 There is created within the Department of Administration the Alaska
12 Communications Commission.

13 * Sec. 2. AS 44.21.258(a) is amended to read:

14 (a) The commission consists of nine members appointed by the
15 governor, without regard to political affiliation, subject to confirma-
16 tion by a majority of the members of the legislature in joint session.
17 Four members shall have professional or management experience in tele-
18 communications. In making appointments to the commission, the governor
19 shall give due consideration to representation from such fields as
20 [HIGHER EDUCATION, ELEMENTARY AND SECONDARY EDUCATION,] communications,
21 commercial broadcasting, public health, public works, labor, commerce
22 and the professions. Members may be removed only for cause.

23 * Sec. 3. AS 44.21.264 is repealed and reenacted to read:

24 Sec. 44.21.264. PURPOSE OF THE COMMISSION. (a) The primary purpose
25 of the commission is the creation and supervision of a comprehensive and
26 uniform telecommunications policy for the state. The commission may
27 review the operations and decisions of state agencies that are involved
28 in the planning, development, management, and delivery of telecommunica-
29 tions services and equipment.

1 (b) The commission may encourage and support noncommercial public
2 broadcasting in the state through the provision of operating and capital
3 grants in support of the delivery of noncommercial programs intended for
4 a general audience by locally controlled nonprofit broadcast stations or
5 telecommunications entities. The commission may support stations and
6 entities that also engage in the delivery of instructional, for-credit
7 programs, and the commission may provide funds for those purposes.

8 * Sec. 4. AS 44.21.266 is repealed and reenacted to read:

9 Sec. 44.21.266. DUTIES OF THE COMMISSION. The commission shall

10 (1) review the policies, decisions and orders of state
11 agencies concerning telecommunications in the state;

12 (2) apply for federal and private funds for public broadcast-
13 ing purposes and receive all federal, state or private funds, property,
14 or assistance that may be appropriated, granted or otherwise made avail-
15 able to the commission for telecommunications purposes, and use and
16 disburse funds and property for purposes consistent with the terms of
17 AS 44.21.257 - 44.21.330, subject to reasonable limitations imposed by
18 the grantor;

19 (3) provide consultative services in telecommunications to
20 state agencies that request them;

21 (4) serve as a library and clearinghouse for telecommunica-
22 tions information;

23 (5) through grants to qualified entities, develop an inte-
24 grated public broadcasting network for the state;

25 (6) through grants to qualified entities, develop and distri-
26 bute public broadcasting programming in the state;

27 (7) prepare and submit to the governor and the legislature,
28 in consultation with the telecommunications divisions in the Department
29 of Administration, a long-term plan for the uniform development of

1 telecommunications in the state, and annually update the plan;

2 (8) perform all other functions necessary to ensure the
3 orderly and coordinated development of telecommunications in the state.

4 * Sec. 5. AS 44.21.268(a) is amended by adding new paragraphs to read:

5 (6) hear appeals, under the provisions of AS 44.62.330 -
6 44.62.630, from a final order of a state agency that concerns the regula-
7 tion or use of telecommunications in the state;

8 (7) adopt regulations as provided under AS 44.62.180 - 44.62.-
9 290;

10 (8) bring an action under AS 44.62.300 to determine the
11 validity of a regulation adopted by a state agency concerning telecom-
12 munications.

13 * Sec. 6. AS 44.21.268 is amended by adding a new subsection to read:

14 (c) Notwithstanding the provisions of (a) of this section, the
15 commission may not review an order or decision of the Alaska Public
16 Utilities Commission concerning rates or rate schedules of a public
17 utility that furnishes telecommunications services to the public.

18 * Sec. 7. AS 44.21 is amended by adding a new section to read:

19 Sec. 44.21.283. REVIEW AND ENFORCEMENT. (a) All final orders of
20 the commission are subject to judicial review in accordance with AS 44.-
21 62.560 - 44.62.570 of the Administrative Procedure Act.

22 (b) If an appeal is not taken from a final order of the commission
23 the commission may apply to the superior court for enforcement of this
24 chapter, the regulations adopted under it, and the orders of the commis-
25 sion. The court shall enforce the order by injunction or other process.

26 * Sec. 8. AS 44.21.290 is amended to read:

27 Sec. 44.21.290. DEFINITIONS. In AS 44.21.257 [44.21.256] -
28 44.21.290, unless the context otherwise requires,

29 (1) "commission" means the Alaska Communications [PUBLIC

1 BROADCASTING] Commission;

2 (2) "public broadcasting" includes, but is not limited to,
3 television and radio transmission by 2,500 megahertz, closed circuit or
4 microwave video and audio programming, slow-scan television programming,
5 programming via satellite, teletype or facsimile transmission, and
6 distribution methods, when the transmission, programming and distribu-
7 tion are intended to serve a noncommercial public purpose;

8 (3) "state agency" means an office, department, or agency
9 of the state, or of a borough; city, village, school district, or other
10 state subdivision including the University of Alaska;

11 (4) "telecommunications" means the transmission and reception
12 of messages, impressions, pictures, and signals by means of electromag-
13 netic transmission with or without benefit of a closed transmission
14 medium including all instrumentalities, facilities, apparatus, and ser-
15 vices, whether conveyed by cable or wire, radiated through space, or
16 transmitted through other media within a specified area or between
17 designated points and includes the transmission of information by com-
18 puter or other data processing equipment.

19 * Sec. 9. AS 44.21.256 and AS 44.21.270 are repealed.

20 * Sec. 10. This Act takes effect July 1, 1982.