

IN THE SENATE -- State Affairs and Finance

IN THE HOUSE -- House Telecommunications  
and State Affairs

EXECUTIVE ORDER NO. 66

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

4 \* Section 1. FINDINGS. As governor, I find that it would be in the  
5 best interests of efficient administration to eliminate the statutory  
6 requirements for two separate divisions and a deputy commissioner in the  
7 Department of Administration with telecommunications powers and duties.  
8 These powers and duties will be more efficiently exercised with greater  
9 flexibility given to the department.

10 \* Sec. 2 AS 44.21.305 is amended to read:

11 Sec. 44.21.305. COMMISSIONER'S RESPONSIBILITY [DEPUTY COMMIS-  
12 SIONER]. [(a) THE TELECOMMUNICATIONS DIVISIONS SHALL BE ADMINISTERED  
13 BY A DEPUTY COMMISSIONER OF THE DEPARTMENT APPOINTED BY THE COMMIS-  
14 SIONER.

15 (b)] The [DEPUTY] commissioner shall

16 (1) provide executive direction for the activities of the  
17 department related to telecommunications [DIVISIONS]; and

18 (2) assure that department [DIVISION] activities in no way  
19 constitute an influence on the content or airing of programming, and  
20 report to the governor[, THE COMMISSIONER,] and the Alaska Public  
21 Broadcasting Commission any request or attempt by an employee of the  
22 state to influence the content or airing of program material.

23 \* Sec. 3. AS 44.21.310 is amended to read:

24 Sec. 44.21.310. TELECOMMUNICATIONS POWERS AND DUTIES [OF THE  
25 TELECOMMUNICATIONS DIVISIONS]. (a) The department [TELECOMMUNICA-  
26 TIONS DIVISIONS, AS DIRECTED BY THE DEPUTY COMMISSIONER,] shall

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

29 (2) make an annual report to the governor and to the

1 legislature on the activities of the department [TELECOMMUNICATIONS  
2 DIVISIONS];

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

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

15 (5) prepare and maintain a state comprehensive telecommu-  
16 nications development plan to further state telecommunications devel-  
17 opment and to meet state telecommunications needs and prepare and  
18 maintain a comprehensive inventory of all state communications facil-  
19 ities;

20 (6) whenever feasible, procure services from private enter-  
21 prise or certified and franchised utilities and contract for the  
22 construction, management, operation and maintenance of telecommunica-  
23 tions systems, and develop a procurement policy consistent with AS  
24 36.30 (State Procurement Code); the procurement policy must seek to  
25 achieve the maximum benefit to the public, and methods of procurement,  
26 including lease, purchase, rental, or combinations of lease, purchase,  
27 and rental, must be selected on the basis of factors such as the ratio  
28 of long-range costs versus benefits, life cycle costing, and the costs  
29 to the communications industry to the extent that these costs may

1 affect local and long distance basic telephone rates; procurement,  
2 contracting, construction, and maintenance under this paragraph is  
3 governed by AS 36.30;

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

7 (8) apply for and accept federal and private money, proper-  
8 ty, or assistance, that may be appropriated, granted, or otherwise  
9 made available to the department [TELECOMMUNICATIONS DIVISIONS] and  
10 use and disburse money and property for purposes consistent with AS  
11 44.21.300 -- 44.21.330 and AS 44.21.256 -- 44.21.290, subject to  
12 reasonable limitations imposed by the grantor;

13 (9) participate with other governmental units in planning,  
14 and assist local governments and governmental conferences and councils  
15 in the state in planning and coordinating their activities relating to  
16 telecommunications;

17 (10) provide for the orderly transition to new telecommu-  
18 nications services and systems by state agencies;

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

23 (12) coordinate department [THEIR] services and activities  
24 with those of other state departments and agencies to the fullest  
25 extent possible to avoid unnecessary duplication; and

26 (13) provide that all activities of the department [TELE-  
27 COMMUNICATIONS DIVISIONS] are responsive to state statutes and regu-  
28 lations, and to the regulations and rulings of the Federal Communica-  
29 tions Commission.

1 (b) The department [TELECOMMUNICATIONS DIVISIONS, AS DIRECTED BY  
2 THE DEPUTY COMMISSIONER,] may

3 (1) coordinate its [THEIR] functions with local, regional,  
4 state, and federal officials, private groups and individuals, and with  
5 officials of other countries, provinces, and states;

6 (2) enter into contracts and subcontracts on behalf of the  
7 state to carry out the provisions of AS 44.21.300 -- AS 44.21.330;

8 (3) act for the state in the initiation, investigation, and  
9 evaluation of, or participation in, programs related to the purposes  
10 of the department [TELECOMMUNICATIONS DIVISIONS] which involve more  
11 than one government or governmental unit;

12 (4) on behalf of the state, apply for, accept, and expend  
13 gifts or grants made to the state if the gifts or grants are for the  
14 purposes of furthering the objectives of the department [TELECOMMU-  
15 NICATIONS DIVISIONS]; and

16 (5) hold public hearings to obtain information for the  
17 purpose of carrying out the provisions of AS 44.21.300 -- 44.21.330.

18 (c) The department [TELECOMMUNICATIONS DIVISIONS] may not at-  
19 tempt to influence or affect the content or airing of program materi-  
20 al.

21 \* Sec. 4. AS 44.21.315 is amended to read:

22 Sec. 44.21.315. [DIVISION OF] TELECOMMUNICATIONS SERVICES. (a)  
23 [THE DIVISION OF TELECOMMUNICATIONS SERVICES SHALL BE ADMINISTERED BY  
24 A DIRECTOR APPOINTED BY THE COMMISSIONER.

25 (b)] The department [DIVISION OF THE TELECOMMUNICATIONS SER-  
26 VICES] shall provide

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

29 (2) coordination and support to telecommunications services

1 for instruction, including technical assistance and assistance in  
2 preparation of applications for grants related to program development  
3 as may be requested by

4 (A) public school districts and the Department of  
5 Education;

6 (B) the University of Alaska; and

7 (C) other state agencies as approved by the [DEPUTY]  
8 commissioner;

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

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

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

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

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

28 (b) [(c)] Subject to available funding, the department [DIVISION  
29 OF TELECOMMUNICATIONS SERVICES] may make grants to educational and

1 public telecommunication users except grants for public broadcasting  
2 purposes.

3 (c) [(d)] The department [DIVISION OF TELECOMMUNICATIONS SER-  
4 VICES] shall study, plan, and develop integrated instructional tele-  
5 communications services for all residents of the state, and shall  
6 annually report on current fiscal year instructional telecommunica-  
7 tions activities and, after public hearings, submit to the governor  
8 and the legislature an annually updated long-term development plan  
9 prepared in consultation with the Department of Education, the Univer-  
10 sity of Alaska, local school districts, and other local and regional  
11 education areas.

12 (d) [(e)] The department [DIVISION OF TELECOMMUNICATIONS SER-  
13 VICES] shall, after public hearings, submit to the governor an annual-  
14 ly updated long- term development plan for teleconferencing facilities  
15 and services, including facilities and services used both by state  
16 agencies and groups other than state agencies.

17 (e) [(f)] The department [DIVISION OF TELECOMMUNICATIONS SER-  
18 VICES] may not own, operate, or be the licensee of a public noncommer-  
19 cial broadcast station or production center.

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

24 \* Sec. 5. AS 44.21.320 is amended to read:

25 Sec. 44.21.320. [DIVISION OF] TELECOMMUNICATIONS OPERATIONS.

26 (a) [THE DIVISION OF TELECOMMUNICATIONS OPERATIONS SHALL BE ADMINIS-  
27 TERED BY A DIRECTOR APPOINTED BY THE COMMISSIONER.

28 (b)] Except as provided in (f) [(e)] of this section, the de-  
29 partment [DIVISION OF TELECOMMUNICATIONS OPERATIONS] may, consistent

1 with the provisions of AS 44.21.310(a)(6)

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

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

6 (3) be responsible generally for telecommunications systems  
7 and design for state agencies; and

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

10 (b) [(c)] Within the limits of available financing, the depart-  
11 ment [DIVISION OF TELECOMMUNICATIONS OPERATIONS] shall administer and  
12 operate the satellite television project, by

13 (1) coordinating with the satellite television user groups  
14 and entities; and

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

17 (c) [(d)] Decisions and policies relating to programming under  
18 the satellite television project, including scheduling and allocation  
19 policies, may not be made by the [DIVISIONS OF TELECOMMUNICATIONS OR  
20 THE] department, but may only be made by a network that is representa-  
21 tive of participating rural television users, by commercial broadcast  
22 users or by other affected participating user groups and entities  
23 under procedures provided by statute or, if no statute applies, then  
24 by agreement of the affected user networks or groups. The department  
25 shall assist users in preparing agreements that may be required under  
26 this subsection.

27 (d) [(e)] The [DIVISIONS OF TELECOMMUNICATIONS AND THE] depart-  
28 ment may not engage in any activity which interferes with a contract  
29 or program right relating to commercial television programming,

1 including but not limited to any right protected by copyright.

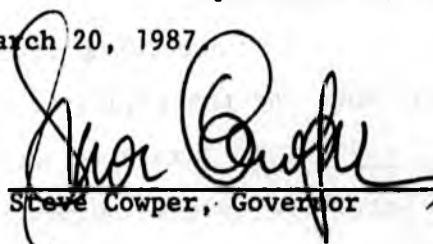
2 (e) [(f)] Nothing in AS 44.21.300 -- 44.21.330 prohibits a state  
3 agency from developing telecommunications systems within its own  
4 agency if the commissioner gives written authorization for the agency  
5 to engage in its own design, development, management, or operation.  
6 The commissioner may authorize independent development only upon a  
7 showing of necessity. A description of all authorization under this  
8 subsection must be included in the annual report required under AS  
9 44.21.310(a)(2).

10 (f) [(g)] A state agency authorized to develop an internal  
11 telecommunications system shall, whenever feasible, coordinate its  
12 design development, management, and operation with the department  
13 [DIVISION OF TELECOMMUNICATIONS OPERATIONS].

14 \* Sec. 6. AS 44.21.300 and AS 44.21.330(3) are repealed.

15 \* Sec. 7. This Order takes effect March 20, 1987

16 DATED: January 19, 1987

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29 Steve Cowper, Governor