

Introduced: 1/19/87
Referred: House Special Committee
on Telecommunications and Finance

1 IN THE HOUSE BY BOUCHER

2 HOUSE BILL NO. 40

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Telecommunications Information
7 Agency in the Office of the Governor; and providing
8 for an effective date."

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

10 * Section 1. PURPOSE. The purpose of this Act is to establish an
11 agency to develop and implement a cost-effective policy for managing the
12 state's information and information technology resources in a comprehensive
13 and coordinated manner so that state government may better serve the people
14 of the state.

15 * Sec. 2. AS 44.19 is amended by adding new sections to read:

16 ARTICLE 16. TELECOMMUNICATIONS INFORMATION AGENCY.

17 Sec. 44.19.502. TELECOMMUNICATIONS INFORMATION AGENCY. There is
18 created within the Office of the Governor the Telecommunications
19 Information Agency.

20 Sec. 44.19.504. INFORMATION TECHNOLOGY PROCUREMENTS. (a) A
21 department or agency in the executive or legislative branches may not
22 make a procurement for information technology that exceeds \$25,000
23 unless the Telecommunications Information Agency approves.

24 (b) The Telecommunications Information Agency shall develop a
25 procurement policy consistent with the State Procurement Code (AS 36.-
26 30) for procurement, contracting, construction, and maintenance of
27 information technology. The procurement policy must seek to achieve
28 the maximum benefit to the public, and methods of procurement, includ-
29 ing lease, purchase, rental, or combinations of lease, purchase, and

1 rental, must be selected on the basis of factors such as the ratio of
2 long-range costs versus benefits, life-cycle costing, and the costs to
3 the communications industry to the extent that these costs may affect
4 local and long distance basic telephone rates.

5 (c) Procurements by state agencies involving information tech-
6 nology shall be conducted according to regulations adopted by the
7 Telecommunications Information Agency.

8 (d) Whenever feasible, the Telecommunications Information Agency
9 shall procure services from private enterprise or certified and fran-
10 chised utilities and contract with them for the construction, manage-
11 ment, operation, and maintenance of telecommunications systems.

12 Sec. 44.19.506. OTHER POWERS AND DUTIES. (a) The Telecommuni-
13 cations Information Agency shall also

14 (1) determine what information state agencies have, ascer-
15 tain where the information is located and who needs the information,
16 and coordinate public access to information;

17 (2) assist and educate state agencies and, if requested,
18 private noncommercial entities and political subdivisions of the
19 state, including the University of Alaska, in the use of information
20 technology and systems analysis;

21 (3) establish evaluation criteria for state-funded programs
22 that use information technology;

23 (4) obtain economical information technology equipment and
24 services;

25 (5) represent the state, when requested by the governor, in
26 information resource management and technology matters;

27 (6) provide for the disposal of all information technology
28 property that is surplus to the needs of a using state agency;

29 (7) advise the governor on matters of policy and

1 comprehensive state planning for telecommunications information sys-
2 tems;

3 (8) make an annual report to the governor and to the legis-
4 lature on the activities of the Telecommunications Information Agency;

5 (9) coordinate, manage, and supervise programs of state
6 agencies in information technology, including the management of those
7 telecommunication services for the state obtained from common carriers
8 and from the communications industry;

9 (10) prepare and maintain both short-range and long-range
10 telecommunications information systems plans to further state informa-
11 tion systems development and to meet state needs, provide managerial
12 leadership in the use of telecommunications information systems, and
13 prepare and maintain a comprehensive inventory of all communications
14 facilities of state agencies;

15 (11) maintain a central staff of systems analysts and other
16 staff members sufficient to provide systems analysis support required
17 by the executive and legislative branches of state government;

18 (12) review all budget requests for telecommunications
19 information systems services and recommend to the governor approval,
20 modification, or disapproval;

21 (13) apply for and accept federal and private money, proper-
22 ty, or assistance, that may be appropriated, granted, or otherwise
23 made available to the state for information technology and use and
24 disburse money and property for purposes consistent with AS 44.19.-
25 502 - 44.19.519, subject to reasonable limitations imposed by the
26 grantor;

27 (14) assist, through design, development, and promotion,
28 local school districts or other local and regional education agencies
29 in the regionalization of instructional telecommunications services;

1 (15) establish operational policies for public telecommu-
2 nications services other than public broadcasting; and

3 (16) assist the Alaska Public Broadcasting Commission and
4 any commission-designated subcommittees, to perform assigned agency
5 functions; the Telecommunications Information Agency shall cooperate
6 with the commission and subcommittees in order to develop policies
7 that are responsive to the user groups that are represented on the
8 commission.

9 (b) The Telecommunications Information Agency may

10 (1) recommend implementation priorities of requested tele-
11 communications information systems;

12 (2) for state agencies, determine and satisfy their data
13 processing equipment and supply requirements that exceed \$25,000;

14 (3) review state automatic data processing systems to
15 encourage effectiveness, measure performance, and assure adherence to
16 the standards developed under this section;

17 (4) charge a state agency or other governmental agency for
18 the cost of the automatic data processing services provided or pro-
19 cured by the Telecommunications Information Agency for the using
20 agency;

21 (5) coordinate the Telecommunications Information Agency's
22 functions with local, regional, state, and federal officials, private
23 groups and individuals, and with officials of other countries, prov-
24 inces, and states;

25 (6) enter into contracts and subcontracts on behalf of the
26 state to carry out the provisions of AS 44.19.502 - 44.19.519; and

27 (7) hold public hearings to obtain information to carry out
28 the provisions of AS 44.19.502 - 44.19.519.

29 Sec. 44.19.508. DATA PROCESSING. (a) The Telecommunications

1 Information Agency may develop and implement a plan for the inte-
2 gration of automatic data processing facilities of the University of
3 Alaska with the facilities of state agencies. The integration plan
4 authorized by this subsection may not be put into operation until
5 approved by the president of the University of Alaska.

6 (b) The Telecommunications Information Agency shall provide or
7 procure automatic data processing services under this section for the
8 judicial branch to the extent requested by that branch, and may charge
9 the branch for the services.

10 (c) The director of the Telecommunications Information Agency
11 shall deposit the data processing services fees charged to political
12 subdivisions in the general fund. The commissioner of administration
13 shall separately account for all fees that are collected and deposited
14 under this section. The legislature may use the annual estimated
15 balance in the account to make appropriations to the Telecommunica-
16 tions Information Agency to carry out AS 44.19.502 - 44.19.519.

17 Sec. 44.19.510. TELECOMMUNICATIONS. (a) Subject to available
18 funds, the Telecommunications Information Agency may make grants to
19 educational and public telecommunication users, except grants for
20 public broadcasting purposes.

21 (b) The Telecommunications Information Agency shall study, plan,
22 and develop integrated instructional telecommunications services for
23 all residents of the state, and shall annually report on current
24 fiscal year instructional telecommunications activities. After public
25 hearings, the agency shall submit to the governor and the legislature
26 an annually updated long-term development plan prepared in consulta-
27 tion with the Department of Education, the University of Alaska, local
28 school districts, and other local and regional education areas.

29 (c) The Telecommunications Information Agency shall, after

1 public hearings, submit to the governor an annually updated long-term
2 development plan for teleconferencing facilities and services, includ-
3 ing facilities and services used both by state agencies and groups
4 other than state agencies.

5 (d) The Telecommunications Information Agency may not own,
6 operate, or be the licensee of a public noncommercial broadcast sta-
7 tion or production center.

8 (e) This section does not imply Telecommunications Information
9 Agency responsibility for programming content. Program design, pro-
10 duction, and use are the responsibility of the program-sponsoring
11 agency or other entity, not the Telecommunications Information Agency.

12 (f) This section does not prohibit a state agency from devel-
13 oping telecommunications systems within its own agency if the director
14 of the Telecommunications Information Agency gives written authoriza-
15 tion for the user agency to engage in its own design, development,
16 management, or operation. The director may authorize independent
17 development only upon a showing of necessity. A description of au-
18 thorization under this subsection shall be included in the annual
19 report required under AS 44.19.506.

20 (g) A state agency authorized to develop an internal telecommu-
21 nications system shall, whenever feasible, coordinate its design
22 development, management, and operation with the Telecommunications
23 Information Agency.

24 Sec. 44.19.519. DEFINITIONS. In AS 44.19.502 - 44.19.519,

25 (1) "public broadcasting" means the delivery of radio or
26 television noncommercial programming intended for the general public
27 by any method of telecommunications;

28 (2) "public telecommunications" means telecommunications
29 that serve public broadcasting, general educational, instructional,

1 medical, safety, emergency, or public participation functions;

2 (3) "state agencies" means all departments, divisions, and
3 offices in the executive and legislative branches of state government;
4 it does not mean an agency of the judicial branch of government or the
5 University of Alaska;

6 (4) "telecommunications" means the transmission and recep-
7 tion of messages, impressions, pictures, and signals with or without
8 benefit of a closed transmission medium including all instrumentali-
9 ties, facilities, apparatus, and services, whether conveyed by cable
10 or wire, radiated through space, or transmitted through other media
11 within a specified area or between designated points;

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

14 * Sec. 3. AS 18.07.111(9) is amended to read:

15 (9) "health care facility" means a private, municipal,
16 state or federal hospital, psychiatric hospital, tuberculosis hospi-
17 tal, skilled nursing facility, kidney disease treatment center
18 (including freestanding hemodialysis units), intermediate care facil-
19 ity, and ambulatory surgical facility; the term excludes

20 (A) an Alaska Pioneers' Home administered by the
21 Department of Administration under AS 44.21.020 [AS 44.21.020-
22 (10)] and AS 47.25.010 - 47.25.100; and

23 (B) the offices of private physicians or dentists
24 whether in individual or group practice;

25 * Sec. 4. AS 36.30.850(b) is amended to read:

26 (b) This chapter applies to every expenditure of state funds
27 irrespective of their sources, including federal assistance except as
28 otherwise specified in AS 36.30.890, by the state, acting through an
29 agency, under a contract, except that this chapter does not apply to

- 1 (1) grants;
- 2 (2) contracts for professional witnesses to provide for
3 professional services or testimony relating to existing or probable
4 lawsuits in which the state is or may become a party;
- 5 (3) contracts of the University of Alaska where the work is
6 to be performed substantially by students enrolled in the university;
- 7 (4) contracts for medical doctors and dentists;
- 8 (5) acquisitions or disposals of real property or interest
9 in real property, except as provided in AS 36.30.080;
- 10 (6) disposals under AS 38.05;
- 11 (7) contracts for the preparation of ballots under AS 15.-
12 15.030;
- 13 (8) acquisitions or disposals of property and other con-
14 tracts relating to airports under AS 02.15.070, 02.15.090, and 02.-
15 15.091;
- 16 (9) disposals of obsolete property under AS 19.05.060;
- 17 (10) disposals of obsolete material or equipment under
18 AS 35.20.060;
- 19 (11) agreements with providers of services under AS 47.07;
20 AS 47.08; AS 47.10; AS 47.17; AS 47.24; AS 47.25.195, and 47.25.310;
- 21 (12) contracts of the Department of Fish and Game for
22 flights that involve specialized flying and piloting skills and are
23 not point-to-point;
- 24 (13) purchases of income-producing assets for the state
25 treasury or a public corporation of the state;
- 26 (14) procurements of information technology that exceed
27 \$25,000 and disposals of information technology under AS 44.19.502 -
28 44.19.519.

29 * Sec. 5. AS 44.21.020 is amended to read:

1 Sec. 44.21.020. DUTIES OF DEPARTMENT. The Department of Admin-
2 istration shall
3 (1) [REPEALED
4 (2)] make surveys and studies to improve administrative
5 procedures, methods, and organization;
6 (2) [(3)] keep general accounts;
7 (3) [(4)] approve vouchers and disburse funds for all
8 purposes;
9 (4) [(5)] operate centralized purchasing and supply ser-
10 vices, and necessary storerooms and warehouses;
11 (5) [(6)] allot space in state buildings to the various
12 departments according to need and available space;
13 (6) [(7)] supervise telephone, mailing, messenger, dupli-
14 cating, and similar services adaptable to centralized management;
15 (7) [(8)] administer the public employees' retirement
16 system and teachers' retirement system;
17 (8) [(9)] administer a statewide personnel program, includ-
18 ing central personnel services such as recruitment, examination,
19 position classification, and pay administration;
20 (9) [(10)] administer the Alaska Pioneers' Homes;
21 (10) [(11)] administer and supervise a statewide automatic
22 data processing program;
23 (11) [(12)] REPEALED
24 (13) STUDY, DESIGN,] implement [, AND MANAGE] the telecommu-
25 nications systems and services of the state under AS 44.21.300 -
26 44.21.330.

27 * Sec. 6. AS 44.21.150 is amended to read:

28 Sec. 44.21.150. DECLARATION OF PURPOSE. It is the purpose of
29 AS 44.21.150 - 44.21.170 to designate the Department of Administration

1 as the department responsible for the operation [AND MANAGEMENT] of
2 automatic data processing resources and activities of the executive
3 and legislative branches of state government and the judicial branch
4 to the extent requested by that branch, to provide for cooperation
5 between the department and the Telecommunications Information Agency
6 in the Office of the Governor, and to provide for periodic review of
7 state automatic data processing procedures and mechanisms. It is
8 further the purpose of these sections to encourage cooperation between
9 the state government and local governments in the use of automatic
10 data processing systems.

11 * Sec. 7. AS 44.21.160(a) is amended to read:

12 (a) Except as otherwise provided in (g) of this section, the
13 department shall cooperate with the Telecommunications Information
14 Agency in the Office of the Governor to provide automatic data pro-
15 cessing services responsive to the needs of state government and to
16 procure, operate, and staff all automatic data processing equipment
17 facilities used by state government.

18 * Sec. 8. AS 44.21.160(b) is repealed and reenacted to read:

19 (b) To carry out (a) of this section the department may

20 (1) maintain a central staff of computer programmers and
21 other staff members sufficient to provide systems analysis and com-
22 puter programming support required by the executive, legislative and
23 judicial branches of state government;

24 (2) provide all facilities, equipment and staff required to
25 convert data to a form suitable for processing on automatic data
26 processing equipment;

27 (3) develop and publish systems analysis, computer program-
28 ming and computer operations standards;

29 (4) develop and conduct an automatic data processing

1 training program designed to serve the technical and managerial needs
2 of state government;

3 (5) require each state agency to procure its automatic data
4 processing services from the department if the procurement does not
5 exceed \$25,000;

6 (6) charge a state agency or other governmental agency for
7 the cost of the automatic data processing services provided or pro-
8 cured by the department for the agency.

9 * Sec. 9. AS 44.21.160(e) is amended to read:

10 (e) [NOTHING IN THIS SECTION PRECLUDES THE DEPARTMENT FROM
11 AUTHORIZING RECRUITMENT AND EMPLOYMENT OF DATA PROCESSING PERSONNEL BY
12 OTHER DEPARTMENTS OF THE EXECUTIVE BRANCH WHEN THE COMMISSIONER DETER-
13 MINES THAT THE NEEDS OF THE OTHER DEPARTMENTS WILL BE BEST SERVED BY
14 THE AUTHORIZATION.] Nothing in this section precludes the department
15 from obtaining necessary contractual assistance for automatic data
16 processing activities if the amount does not exceed \$25,000. Nothing
17 in this section precludes the legislature or judicial system from
18 recruiting and employing data processing personnel or from obtaining
19 necessary contractual assistance for automatic data processing activ-
20 ities.

21 * Sec. 10. AS 44.21.160(f) is amended to read:

22 (f) The Department of Administration [DIVISION OF DATA PROCESS-
23 ING] shall coordinate with the Telecommunications Information Agency
24 in the Office of the Governor [DIVISION OF TELECOMMUNICATIONS] in
25 providing for the effective transfer of information by telecommu-
26 nications through the establishment of compatible systems and common
27 standards.

28 * Sec. 11. AS 44.21.266 is amended to read:

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

1 (1) [REPEALED
2 (2) REPEALED
3 (3) REPEALED
4 (4)] apply for federal and private funds for public broad-
5 casting purposes and receive all federal, state or private funds,
6 property or assistance that may be appropriated, granted or otherwise
7 made available to the commission for public broadcasting purposes, and
8 use and disburse funds and property for purposes consistent with the
9 terms of AS 44.21.256 - 44.21.290, subject to reasonable limitations
10 imposed by the grantor;
11 (2) [(5)] provide consultative services in all aspects of
12 public broadcasting to all public or private agencies in the state
13 which request them;
14 (3) [(6)] serve as a library and clearinghouse for public
15 broadcasting information;
16 (4) [(7) REPEALED
17 (8) REPEALED
18 (9)] through grants to qualified entities, develop an inte-
19 grated public broadcasting network for the state;
20 (5) [(10) REPEALED
21 (11)] through grants to qualified entities, develop and
22 distribute public broadcasting programming in the state;
23 (6) [(12)] prepare and submit to the governor and the
24 legislature, in consultation with the Telecommunications Information
25 Agency in the Office of the Governor [TELECOMMUNICATIONS DIVISIONS IN
26 THE DEPARTMENT OF ADMINISTRATION], a long term plan for the develop-
27 ment of public broadcasting stations and systems in the state, and
28 annually update the plan; and
29 (7) [(13)] perform all other functions necessary to ensure

1 the orderly and coordinated development of public broadcasting in the
2 state.

3 * Sec. 12. AS 44.21.310 is repealed and reenacted to read:

4 Sec. 44.21.310. POWERS AND DUTIES OF THE DEPARTMENT CONCERNING
5 TELECOMMUNICATIONS. (a) The department shall

6 (1) make an annual report to the governor and to the legis-
7 lature on the activities of the department concerning telecommunica-
8 tions;

9 (2) provide that all activities of the department related
10 to telecommunications are responsive to state statutes and regula-
11 tions, and to the regulations and rulings of the Federal Communica-
12 tions Commission;

13 (3) provide technical consultation to educational and
14 public telecommunications users;

15 (4) assist the Alaska Public Broadcasting Commission and
16 any commission-designated subcommittees to perform assigned depart-
17 mental functions; the department shall cooperate with the commission
18 and subcommittees in order to develop policies that are responsive to
19 the user groups that are represented on the commission; and

20 (5) assure that departmental activities in no way con-
21 stitute an influence on the content or airing of programming, and
22 report to the governor, the commissioner, and the Alaska Public Broad-
23 casting Commission any request or attempt by an employee of the state
24 to influence the content or airing of program material.

25 (b) The department may

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

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

1 state if the amount does not exceed \$25,000 to carry out the provi-
2 sions of AS 44.21.300 - 44.21.330.

3 (c) The department may not attempt to influence or affect the
4 content or airing of program material.

5 (d) The department may not own, operate, or be the licensee of a
6 public noncommercial broadcast station or production center.

7 (e) Nothing in this section implies departmental responsibility
8 for programming content. Program design, production, and use are the
9 responsibility of the program-sponsoring agency or other entity, not
10 the department.

11 * Sec. 13. AS 44.21.320(b) is amended to read:

12 (b) Except as provided in (e) of this section, the department
13 [DIVISION OF TELECOMMUNICATIONS OPERATIONS] may [, CONSISTENT WITH THE
14 PROVISIONS OF AS 44.21.310(a)(6)]

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

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

19 (3) be responsible generally for telecommunications systems
20 and design for state agencies; and

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

23 * Sec. 14. AS 44.21.320(c) is amended to read:

24 (c) Within the limits of available financing, the department
25 [DIVISION OF TELECOMMUNICATIONS OPERATIONS] shall administer and
26 operate the satellite television project, by

27 (1) coordinating with the satellite television user groups
28 and entities; and

29 (2) providing liaison, management support, and technical

1 assistance for the satellite television project.

2 * Sec. 15. AS 44.21.320(d) is amended to read:

3 (d) Decisions and policies relating to programming under the
4 satellite television project, including scheduling and allocation
5 policies, may not be made by the [DIVISIONS OF TELECOMMUNICATIONS OR
6 THE] department, but may only be made by a network that is representa-
7 tive of participating rural television users, by commercial broadcast
8 users or by other affected participating user groups and entities
9 under procedures provided by statute or, if no statute applies, then
10 by agreement of the affected user networks or groups. The department
11 shall assist users in preparing agreements that may be required under
12 this subsection.

13 * Sec. 16. AS 44.21.320(e) is amended to read:

14 (e) The [DIVISIONS OF TELECOMMUNICATIONS AND THE] department may
15 not engage in any activity which interferes with a contract or program
16 right relating to commercial television programming, including but not
17 limited to any right protected by copyright.

18 * Sec. 17. TRANSITION. All litigation, hearings, investigations and
19 other proceedings pending under a law amended or repealed by this Act, or
20 in connection with functions transferred by this Act, continue in effect
21 and may be continued and completed notwithstanding a transfer or amendment
22 or repeal provided for in this Act. Certificates, orders, and regulations
23 issued or adopted under authority of a law amended or repealed by this Act
24 remain in effect for the term issued, or until revoked, vacated, or other-
25 wise modified under the provisions of this Act. All contracts, rights,
26 liabilities, and obligations created by or under a law amended or repealed
27 by this Act, and in effect on July 1, 1987, remain in effect notwithstand-
28 ing this Act's taking effect. Records, equipment, and other property of
29 agencies of the state whose functions are transferred under this Act shall

1 be transferred commensurate with the provisions of this Act.

2 * Sec. 18. NAME CHANGE. To be consistent with the changes made by this
3 Act, wherever in the Alaska Statutes and in regulations adopted under those
4 statutes "division of telecommunications services," "division of telecommu-
5 nications operations," and other terms identifying the divisions are used,
6 they must be read as referring to the Department of Administration or the
7 Telecommunications Information Agency as appropriate under the provisions
8 of this Act. Under AS 01.05.031, the revisor of statutes shall implement
9 this section in the statutes and under AS 44.62.125(b)(6), the regulations
10 attorney shall implement this section in the administrative regulations.

11 * Sec. 19. AS 44.21.160(d), 44.21.300, 44.21.305, 44.21.315, 44.21.-
12 320(a), 44.21.320(f), 44.21.320(g), and 44.21.330(3) are repealed.

13 * Sec. 20. This Act takes effect July 1, 1987.