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Referred: Finance

5-0124B

Original sponsor: Boucher

1 IN THE HOUSE  
2 CS FOR HOUSE BILL NO. 40 (Telecommunications)  
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 Council 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 a coun-  
11 cil 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 COUNCIL.  
17 Sec. 44.19.502. TELECOMMUNICATIONS INFORMATION COUNCIL. (a)  
18 There is created within the Office of the Governor the Telecommunica-  
19 tions Information Council.  
20 (b) The council is composed of the governor, the commissioner  
21 from each principal department of the executive branch, the president  
22 of the University of Alaska, the executive director of the Legislative  
23 Affairs Agency, and the executive director of the Alaska Public Broad-  
24 casting Commission. The chief justice of the supreme court may ap-  
25 point a member to serve on the council.  
26 (c) The governor shall preside over the council. The council  
27 shall meet at least four times each year. The council may meet more  
28 frequently at the call of the chair or if requested by a majority of  
29 the council's members.

1 (d) The Office of the Governor shall provide professional and  
2 clerical staff for the council.

3 Sec. 44.19.504. POWERS AND DUTIES. (a) The council shall

4 (1) establish guidelines and prepare a state short-range  
5 and long-range information systems plan to meet state needs;

6 (2) establish guidelines and direct state agencies to  
7 prepare agency information systems plans;

8 (3) establish guidelines for the accessing of information  
9 by the public;

10 (4) publish in the first quarter of each calendar year a  
11 report on the activities of the council.

12 (b) In addition to its duties under (a) of this section, the  
13 council may establish policies and engage in activities it considers  
14 necessary or appropriate.

15 (c) This section does not grant council responsibility for  
16 broadcast programming content. Program design, production, and use  
17 are the responsibility of the program-sponsoring agency or other  
18 entity.

19 (d) This section does not prohibit a state agency from devel-  
20 oping information systems that are inconsistent with the guidelines  
21 established in (a) of this section if the council gives written au-  
22 thorisation for the user agency to engage in the independent design,  
23 development, management, or operation. The council may authorize  
24 independent development only upon a showing of necessity. A descrip-  
25 tion of authorization under this subsection shall be included in the  
26 annual report required under this section.

27 (e) A state agency, including an agency authorized to develop an  
28 independent system under (d) of this section, shall coordinate the  
29 design, development, management, and operation of its information

1 systems with the council.

2 Sec. 44.19.519. DEFINITIONS. In AS 44.19.502 - 44.19.519

3 (1) "council" means the Telecommunications Information  
4 Council;

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

9 \* Sec. 3. AS 44.21.150 is amended to read:

10 Sec. 44.21.150. DECLARATION OF PURPOSE. It is the purpose of  
11 AS 44.21.150 - 44.21.170 to designate the Department of Administration  
12 as the department responsible for the operation and management of  
13 automatic data processing resources and activities of the executive  
14 and legislative branches of state government and the judicial branch  
15 to the extent requested by that branch, to provide for cooperation  
16 between the department and the Telecommunications Information Council  
17 in the Office of the Governor, and to provide for periodic review of  
18 state automatic data processing procedures and mechanisms. It is  
19 further the purpose of these sections to encourage cooperation between  
20 the state government and local governments in the use of automatic  
21 data processing systems.

22 \* Sec. 4. AS 44.21.160(a) is amended to read:

23 (a) Except as otherwise provided in (g) of this section, the  
24 department shall comply with the state information systems plan adopt-  
25 ed by the Telecommunications Information Council in the Office of the  
26 Governor in providing [PROVIDE] automatic data processing services  
27 responsive to the needs of state government [AND PROCURE, OPERATE AND  
28 STAFF ALL AUTOMATIC DATA PROCESSING EQUIPMENT FACILITIES USED BY STATE  
29 GOVERNMENT].

1 \* Sec. 5. AS 44.21.160(b) is amended to read:

2 (b) To carry out (a) of this section the department may, consis-  
3 tent with the state information systems plan adopted by the Telecommu-  
4 nications Information Council and with the departmental information  
5 systems plan.

6 (1) maintain a central staff of systems analysts, computer  
7 programmers and other staff members sufficient to provide systems  
8 analysis and computer programming support required by the executive,  
9 legislative, and judicial branches of state government;

10 (2) develop and maintain both short-range and long-range  
11 data processing plans for state government and provide managerial  
12 leadership in the use of automatic data processing;

13 (3) review all budget requests for automatic data process-  
14 ing services and recommend to the Telecommunications Information  
15 Council and the governor approval, modification, or disapproval;

16 (4) recommend implementation priorities of requested data  
17 processing systems;

18 (5) determine and satisfy the data processing equipment and  
19 supply requirements of the branches, departments and agencies of state  
20 government;

21 (6) provide all facilities, equipment, and staff required  
22 to convert data to a form suitable for processing on automatic data  
23 processing equipment;

24 (7) develop and publish systems analysis, computer program-  
25 ming and computer operations standards;

26 (8) review state automatic data processing systems to  
27 encourage effectiveness, measure performance, and assure adherence to  
28 the standards developed under AS 44.21.150 - 44.21.170;

29 (9) develop and conduct an automatic data processing

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

3 (10) [REQUIRE EACH STATE AGENCY TO PROCURE ITS AUTOMATIC  
4 DATA PROCESSING SERVICES FROM THE DEPARTMENT;

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

8 \* Sec. 6. AS 44.21.160(d) is amended to read:

9 (d) In accordance with the state information systems plan adopt-  
10 ed by the Telecommunications Information Council, the [THE] department  
11 and the University of Alaska may develop and implement a plan for the  
12 integration of automatic data processing facilities of the university  
13 [UNIVERSITY OF ALASKA] with the state facilities. [HOWEVER, THE  
14 INTEGRATION PLAN AUTHORIZED BY THIS SUBSECTION MAY NOT BE PUT INTO  
15 OPERATION UNTIL APPROVED BY THE PRESIDENT OF THE UNIVERSITY OF ALASKA  
16 AND THE DEPARTMENT.]

17 \* Sec. 7. AS 44.21.160(e) is repealed and reenacted to read:

18 (e) If the action is not contrary to the state information  
19 systems plan adopted by the Telecommunications Information Council,  
20 this section does not prohibit

21 (1) the department from obtaining necessary contractual  
22 assistance for automatic data processing activities;

23 (2) the legislature or judicial system from recruiting and  
24 employing data processing personnel or from obtaining necessary con-  
25 tractual assistance for automatic data processing activities.

26 \* Sec. 8. AS 44.21.266 is amended to read:

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

28 (1) [REPEALED

29 (2) REPEALED

1 (3) REPEALED

2 (4)] apply for federal and private funds for public broad-  
3 casting purposes and receive all federal, state, or private funds,  
4 property or assistance that may be appropriated, granted or otherwise  
5 made available to the commission for public broadcasting purposes, and  
6 use and disburse funds and property for purposes consistent with the  
7 terms of AS 44.21.256 - 44.21.290, subject to reasonable limitations  
8 imposed by the grantor;

9 (2) [(5)] provide consultative services in all aspects of  
10 public broadcasting to all public or private agencies in the state  
11 which request them;

12 (3) [(6)] serve as a library and clearinghouse for public  
13 broadcasting information;

14 (4) [(7) REPEALED

15 (8) REPEALED

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

18 (5) [(10) REPEALED

19 (11)] through grants to qualified entities, develop and  
20 distribute public broadcasting programming in the state;

21 (6) [(12)] prepare and submit to the governor and the  
22 legislature, in compliance with the state information systems plan  
23 adopted by [CONSULTATION WITH] the Telecommunications Information  
24 Council in the Office of the Governor [TELECOMMUNICATIONS DIVISIONS IN  
25 THE DEPARTMENT OF ADMINISTRATION], a long term plan for the develop-  
26 ment of public broadcasting stations and systems in the state, and  
27 annually update the plan; and

28 (7) [(13)] perform all other functions necessary to ensure  
29 the orderly and coordinated development of public broadcasting in the

1 state.

2 \* Sec. 9. AS 44.21.310(a) is amended to read:

3 (a) In accordance with the state information systems plan adopt-  
4 ed by the Telecommunications Information Council and with the depart-  
5 mental information systems plan, the [THE] department shall

6 (1) advise the council and the governor on matters of  
7 policy and comprehensive state planning for telecommunications ser-  
8 vices;

9 (2) make an annual report to the governor and to the legis-  
10 lature on the activities of the department;

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

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

23 (5) prepare and maintain a state comprehensive telecommu-  
24 nications development plan to further state telecommunications devel-  
25 opment and to meet state telecommunications needs and prepare and  
26 maintain a comprehensive inventory of all state communications facil-  
27 ities;

28 (6) whenever feasible, procure services from private enter-  
29 prise or certified and franchised utilities and contract for the

1 construction, management, operation, and maintenance of telecommunica-  
2 tions systems, and develop a procurement policy consistent with  
3 AS 36.30 (State Procurement Code); the procurement policy must seek to  
4 achieve the maximum benefit to the public, and methods of procurement,  
5 including lease, purchase, rental, or combinations of lease, purchase,  
6 and rental, must be selected on the basis of factors such as the ratio  
7 of long-range costs versus benefits, life cycle costing, and the costs  
8 to the communications industry to the extent that these costs may  
9 affect local and long distance basic telephone rates; procurement,  
10 contracting, construction, and maintenance under this paragraph is  
11 governed by AS 36.30;

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

15 (8) apply for and accept federal and private money, proper-  
16 ty, or assistance, that may be appropriated, granted, or otherwise  
17 made available to the department and use and disburse money and prop-  
18 erty for purposes consistent with AS 44.21.300 - 44.21.330 and AS 44.-  
19 21.256 - 44.21.290, subject to reason-able limitations imposed by the  
20 grantor;

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

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

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

1 systems;

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

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

8 \* Sec. 10. AS 44.21.315(a) is amended to read:

9 (a) In accordance with the state information systems plan adopt-  
10 ed by the Telecommunications Information Council and with the depart-  
11 mental information systems plan, the [THE] department shall provide

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

14 (2) coordination and support to telecommunications services  
15 for instruction, including technical assistance and assistance in  
16 preparation of applications for grants related to program development  
17 as may be requested by

18 (A) public school districts and the Department of  
19 Education;

20 (B) the University of Alaska; and

21 (C) other state agencies as approved by the [DEPUTY]  
22 commissioner;

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

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

1           (5) assistance, through design, development, and promotion,  
2 to local school districts or other local and regional education agen-  
3 cies for the regionalization of instructional telecommunications  
4 services;

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

7           (7) assistance to the Alaska Public Broadcasting Commission  
8 and any commission-designated subcommittees, as necessary to perform  
9 assigned department functions; the department shall cooperate with the  
10 commission and subcommittees in order to develop policies which are  
11 responsive to the user groups which are represented on the commission.

12 \* Sec. 11. AS 44.21.320(e) is amended to read:

13           (e) Nothing in AS 44.21.300 - 44.21.330 prohibits a state agency  
14 from developing telecommunications systems within its own agency if  
15 the agency is in compliance with the state information systems plan  
16 adopted by the Telecommunications Information Council and with the  
17 agency's own information systems plan and if the commissioner gives  
18 written authorization for the agency to engage in its own design,  
19 development, management, or operation. The commissioner may authorize  
20 independent development only upon a showing of necessity. A descrip-  
21 tion of all authorization under this subsection must be included in  
22 the annual report required under AS 44.21.310(a)(2).

23 \* Sec. 12. This Act takes effect July 1, 1987.