

Offered: 5/4/87  
Referred: Rules

5-0124L

Original sponsor: Boucher

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 40 (Finance)  
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, and the executive director of the Legis-  
23 lative Affairs Agency. The chief justice of the supreme court may ap-  
24 point a member to serve on the council. Each commissioner shall  
25 appoint a deputy commissioner to serve as an alternate for the  
26 commissioner. The vice-president of the University of Alaska shall  
27 serve as alternate for the president.

28 (c) The governor shall preside over the council. The council  
29 shall meet at least four times each year. The council may meet more

1 frequently at the call of the chair or if requested by a majority of  
2 the council's members.

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

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

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

8 (2) in accordance with the state information systems plan,  
9 establish guidelines and direct state agencies to prepare agency  
10 information systems plans;

11 (3) in accordance with statutes governing the availability  
12 and confidentiality of information, establish guidelines for the  
13 accessing of information by the public;

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

16 (b) In addition to its duties under (a) of this section, the  
17 council may establish information-related policies and engage in  
18 information-related activities it considers necessary or appropriate.

19 (c) This section does not grant council responsibility for  
20 broadcast programming content. Program design, production, and use  
21 are the responsibility of the program-sponsoring agency or other  
22 entity.

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

1 annual report required under this section. Written authorization  
2 under this subsection is not required for intra-agency use of micro-  
3 computers.

4 (e) A state agency, including an agency authorized to develop an  
5 independent system under (d) of this section, shall coordinate the  
6 design, development, management, and operation of its information  
7 systems with the council.

8 Sec. 44.19.506. COURT SYSTEM. The administrative director of  
9 courts shall establish information systems guidelines and prepare a  
10 short-range and long-range information systems plan for the court  
11 system. The guidelines and plan must be consistent with the tele-  
12 communications information guidelines and plan adopted by the council  
13 under AS 44.19.502 - 44.19.519 and must be adapted to the special  
14 needs of the judicial branch as determined by the administrator of  
15 courts.

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

17 (1) "council" means the Telecommunications Information  
18 Council;

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

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

24 Sec. 44.21.150. DECLARATION OF PURPOSE. It is the purpose of  
25 AS 44.21.150 - 44.21.170 to designate the Department of Administration  
26 as the department responsible for the operation and management of  
27 automatic data processing resources and activities of the executive  
28 and legislative branches of state government and the judicial branch  
29 to the extent requested by that branch, to provide for cooperation

1 between the department and the Telecommunications Information Council  
2 in the Office of the Governor, and to provide for periodic review of  
3 state automatic data processing procedures and mechanisms. It is  
4 further the purpose of these sections to encourage cooperation between  
5 the state government and local governments in the use of automatic  
6 data processing systems.

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

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

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

16 (b) To carry out (a) of this section the department may, consis-  
17 tent with the state information systems plan adopted by the Telecommu-  
18 nications Information Council and with the departmental information  
19 systems plan,

20 (1) maintain a central staff of systems analysts, computer  
21 programmers and other staff members sufficient to provide systems  
22 analysis and computer programming support required by the executive  
23 and [,] legislative [AND JUDICIAL] branches of state government;

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

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

1 (4) recommend implementation priorities of requested data  
2 processing systems;

3 (5) determine and satisfy the data processing equipment and  
4 supply requirements of the executive and legislative branches, depart-  
5 ments, and agencies of state government;

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

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

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

14 (9) develop and conduct an automatic data processing train-  
15 ing program designed to serve the technical and managerial needs of  
16 state government;

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

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

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

23 (d) In accordance with the state information systems plan adopt-  
24 ed by the Telecommunications Information Council, the [THE] department  
25 and the University of Alaska may develop and implement a plan for the  
26 integration of automatic data processing facilities of the university  
27 [UNIVERSITY OF ALASKA] with the state facilities. [HOWEVER, THE  
28 INTEGRATION PLAN AUTHORIZED BY THIS SUBSECTION MAY NOT BE PUT INTO  
29 OPERATION UNTIL APPROVED BY THE PRESIDENT OF THE UNIVERSITY OF ALASKA

1 AND THE DEPARTMENT.]

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

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

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

8 (2) the legislature from recruiting and employing data  
9 processing personnel or from obtaining necessary contractual assis-  
10 tance for automatic data processing activities;

11 (3) the judicial branch from establishing independent data  
12 processing policies and implementation procedures; however, the  
13 policies and procedures must permit information exchange and imple-  
14 mentation procedures compatible with other branches of government  
15 whenever practical.

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

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

18 (1) [REPEALED

19 (2) REPEALED

20 (3) REPEALED

21 (4)] apply for federal and private funds for public broad-  
22 casting purposes and receive all federal, state, or private funds,  
23 property or assistance that may be appropriated, granted or otherwise  
24 made available to the commission for public broadcasting purposes, and  
25 use and disburse funds and property for purposes consistent with the  
26 terms of AS 44.21.256 - 44.21.290, subject to reasonable limitations  
27 imposed by the grantor;

28 (2) [(5)] provide consultative services in all aspects of  
29 public broadcasting to all public or private agencies in the state

1       which request them;

2               (3) [(6)] serve as a library and clearinghouse for public  
3       broadcasting information;

4               (4) [(7) REPEALED

5               (8) REPEALED

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

8               (5) [(10) REPEALED

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

11              (6) [(12)] prepare and submit to the governor and the  
12       legislature, in compliance with the state information systems plan  
13       adopted by [CONSULTATION WITH] the Telecommunications Information  
14       Council in the Office of the Governor [TELECOMMUNICATIONS DIVISIONS IN  
15       THE DEPARTMENT OF ADMINISTRATION], a long term plan for the develop-  
16       ment of public broadcasting stations and systems in the state, and  
17       annually update the plan; and

18              (7) [(13)] perform all other functions necessary to ensure  
19       the orderly and coordinated development of public broadcasting in the  
20       state.

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

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

25              (1) advise the council and the governor on matters of  
26       policy and comprehensive state planning for telecommunications ser-  
27       vices;

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

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

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

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

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

1 governed by AS 36.30;

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

5 (8) apply for and accept federal and private money, proper-  
6 ty, or assistance, that may be appropriated, granted, or otherwise  
7 made available to the department and use and disburse money and prop-  
8 erty for purposes consistent with AS 44.21.300 - 44.21.330 and AS 44.-  
9 21.256 - 44.21.290, subject to reason-able limitations imposed by the  
10 grantor;

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

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

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

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

24 (13) provide that all activities of the department are  
25 responsive to state statutes and regulations, and to the regulations  
26 and rulings of the Federal Communications Commission.

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

28 (a) In accordance with the state information systems plan adopt-  
29 ed by the Telecommunications Information Council and with the

1        departmental information systems plan, the [THE] department shall pro-  
2        vide

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

5                (2) coordination and support to telecommunications services  
6        for instruction, including technical assistance and assistance in  
7        preparation of applications for grants related to program development  
8        as may be requested by

9                        (A) public school districts and the Department of  
10        Education;

11                        (B) the University of Alaska; and

12                        (C) other state agencies as approved by the [DEPUTY]  
13        commissioner;

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

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

21                (5) assistance, through design, development, and promotion,  
22        to local school districts or other local and regional education agen-  
23        cies for the regionalization of instructional telecommunications  
24        services;

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

27                (7) assistance to the Alaska Public Broadcasting Commission  
28        and any commission-designated subcommittees, as necessary to perform  
29        assigned department functions; the department shall cooperate with the

1        commission and subcommittees in order to develop policies which are  
2        responsive to the user groups which are represented on the commission.

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

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

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