

SB

489

w/SB 989
JAY HAMMOND, GOVERNOR

DEPARTMENT OF EDUCATION

ALASKA PUBLIC BROADCASTING COMMISSION

400 GAMBELL ST., SUITE 302
ANCHORAGE, ALASKA 99501
272-9418 • 277-1636

March 10, 1980

CERTIFIED NO. 419843

Representative Joyce Munson
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Joyce:

Please accept this letter as my comments regarding Senate Bill 509/House Bill ~~934~~. I will limit my comments in this communication to the effect this proposed legislation, SB509/HB934, has on public broadcasting. In this letter I will provide you with A) My Understanding of the Legislation, and B) Comments, as follows: 1) General, 2) Structure, 3) Insulation, 4) Language/Intent, and 5) Options.

A) MY UNDERSTANDING OF THE LEGISLATION:

In the proposed legislation, the Department of Commerce and Economic Development will expand, becoming the Department of Commerce and Economic Development, and Telecommunications. Article II of the proposed bills sets up two telecommunications divisions administered by a deputy commissioner. This deputy commissioner is appointed by the governor and in turn appoints division directors.

Under this legislation, a Policy Board is to be established; its purpose being to advise the Division of Public Telecommunications Services on the planning and implementation of educational and health-related systems. This new legislation also absorbs the functions of the Alaska Public Broadcasting Commission and repeals its statutory authority.

B) COMMENTS:

- 1) General: It would appear that an aggregation of various state agencies engaged in telecommunications endeavors would best serve the public through increased efficiency and accountability. There can be no question that a mature telecommunications system in the State of Alaska will do much to enhance the quality of life. What we must bear in mind in seeking to restructure our telecommunications system is to analyze its successes as well as its shortcomings. We must be careful in fashioning any new entity so as not to fall party to "throwing the baby out with the bath water", as it were.

C o n t

Joyce Munson, Representative
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A thorough analysis of each agency, which is sought to be placed in the aggregate, outlining its positive and negative aspects in serving the public, should be prerequisite to this legislation.

- 2) Structure: This new agency, in my opinion, suffers from a weak management structure with regard to the successful operation of public broadcasting. At present, a nine-member citizen commission, appointed by the Governor, provides the coordination, as well as legal and technical support for public broadcasting stations. This Commission also provides coordination and management functions for the Satellite Television Project. The Commission members serve without pay, and employ an executive director who serves at the pleasure of the Commission. In addition, an engineer, satellite coordinator, administrative assistant, secretary, and satellite technicians work for the Public Broadcasting Commission.

Under SB509/HB934, the Commission's functions would be absorbed by the Department of Public Telecommunications. All policy decisions would be vested in the deputy commissioner of the Department of Commerce and Economic Development and Telecommunications, with advice from the director of the Department of Public Telecommunications.

This type of vertical management structure provides for neither public comment nor participation. Further, a vertical matrix, such as the one proposed in SB509/HB934, does not provide for the continuity necessary for the efficient functioning of a public broadcasting system. It would seem that, since the Governor appoints the commissioner, who in turn appoints the deputy commissioner, who in turn appoints directors, when the gubernatorial change occurs, a "domino" effect would be felt throughout the agency. It is important for the health of the public broadcasting system to provide for stability and continuity.

SB509/HB934 also provides for a public telecommunications Advisory Board, Section 44.33.511, Paragraph (a). This Board has neither authority nor purpose. It seems to be, at best, a cosmetic trapping of the proposed legislation. Boards, such as the one proposed, without a real policy function or the ability to act upon public input, should be eliminated.

- 3) Insulation: The proposed management structure for Public Broadcasting, under SB509/HB934, strips away the insulation afforded to public stations by the Commission. It has been recognized on a national level, as well as for the past ten years, here, in Alaska, that public broadcasting must be free from political influence. This is accomplished, in Alaska, by having each station hold its own license and providing state funding for those stations through the Public Broadcasting

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Commission.

Under the proposed legislation, the deputy commissioner of the Department of Commerce, Economic Development and Telecommunications could directly affect the climate at a public broadcasting facility. It is important that public stations keep the kind of insulation provided them presently under the aegis of the Alaska Public Broadcasting Commission.

- 4) Language: The powers of the Department of Public Telecommunications are quite broad. This Department would be responsible for the coordination and support of all public broadcasting functions in the State, including, but not limited to financing and engineering. (See Section 44.33.509(b)(2)).

By providing such broad powers to this agency, which is vertically controlled, the State of Alaska walks dangerously close to the line of usurping licensee prerogative as mandated in the Communications Act of 1934. A clarification of this paragraph is absolutely essential so as not to get the State of Alaska embroiled in censoring public broadcasting's programming and, more importantly, in contravening federal law.

The Department of Public Telecommunications also is to provide technical assistance and direction in the development and production of all educational and public telecommunications materials, without taking responsibility for the content of such programming. (Section 44.33.509(b)(1)). The language in the paragraph raises a number of questions:

- 1) Is it the intent of the State of Alaska to go into the television and radio production business?
- 2) How is it possible for the State of Alaska to relinquish responsibility for the content of programming for which it provides assistance, direction, development and production?
- 3) Given the broad authority of this new agency, will the Department of Public Telecommunications seek to mandate the play of programming that it produces by public radio and television stations?
- 4) Given the language in Paragraphs 1 and 2, is it the intent of the legislature to seek state ownership of public broadcasting facilities?

C o n t

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- 5) Options: It would seem that the Public Broadcasting Commission could be easily moved under any new department seeking to aggregate the functions of telecommunications in the State of Alaska.

Since the legislation and administration of the Commission are already in place and in operation, a legislative amendment to the Enabling Act of the Commission could easily be effected, moving it under the proposed Department of Commerce, Economic Development and Telecommunications. A move of this type would insure the integrity of Public Broadcasting, as well as foster a more efficient and innovative approach to telecommunications issues facing us.

Another option, which might be considered, would be to fashion a new agency with the same goals and intent articulated in SB509/HB934 as a commission or a department with a publicly appointed board.

I hope this letter has succeeded in providing you with my comments and thoughts on SB509/HB934. I have offered them in a positive and constructive light. Please call upon me if I may provide you with additional information regarding this letter. I look forward to working with you during this most exciting time for telecommunications in Alaska.

Sincerely,



Stowell R. Johnstone,
Chairman
APBC

SRJ:MFP:blh

cc: The Honorable Jay S. Hammond, Governor
All Legislators
APBC Members
All Stations

Wave Referral
House working on Bill

Introduced: 2/18/80
Referred: Commerce and
Finance

1 IN THE SENATE

BY HOHMAN

2 SENATE BILL NO. 489

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a communications service agency."

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

8 * Section 1. AS 42 is amended by adding a new chapter to read:

9 CHAPTER 23. COMMUNICATIONS SERVICE AGENCY.

10 Sec. 42.23.010. COMMUNICATIONS SERVICE AGENCY. There is estab-
11 lished in the Office of the Governor the communications service agency.

12 Sec. 42.23.020. DIRECTOR. The agency is administered by a direc-
13 tor who is appointed by and serves at the pleasure of the governor.

14 Sec. 42.23.030. PERSONNEL. The director shall employ the per-
15 sonnel necessary to carry out the provisions of this chapter.

16 Sec. 42.23.040. POWERS AND DUTIES OF THE DIRECTOR. (a) The direc-
17 tor shall

18 (1) supervise and administer the activities of the agency;

19 (2) advise the governor on matters of comprehensive state
20 planning for telecommunications services;

21 (3) make an annual report to the governor of the activities
22 of the agency.

23 (b) The director may

24 (1) with the written concurrence of the governor, enter into
25 contracts and subcontracts on behalf of the state to carry out the
26 provisions of this chapter;

27 (2) act for the state in the initiation, investigation,
28 evaluation of or participation in any program related to the purposes of
29 the agency which involves more than one government or governmental unit;

1 (3) on behalf of the state, accept and expend gifts or grants
2 made to the state with the approval of the governor if the gifts or
3 grants were made for the purposes of furthering the objectives of the
4 agency.

5 Sec. 42.23.050. FUNCTIONS AND DUTIES OF THE AGENCY. (a) The
6 agency shall

7 (1) coordinate and supervise the existing state programs in
8 telecommunications;

9 (2) cooperate with public utilities and private enterprises
10 to provide effective telecommunications to all residents of the state;

11 (3) provide technical assistance to the governor and the
12 legislature in identifying long range goals and objectives for the state
13 and its political subdivisions in the field of telecommunications;

14 (4) prepare and maintain a state comprehensive telecommunica-
15 tions development plan;

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

19 (6) review planning within state government as may be neces-
20 sary for receipt of federal, state or other funds;

21 (7) participate with other countries, provinces, states or
22 subdivisions of these international or interstate planning, and assist
23 Alaska's local governments, governmental conferences and councils, in
24 planning and coordinating their activities relating to telecommunica-
25 tions;

26 (8) encourage educational and research programs that further
27 the development of effective telecommunications; and

28 (9) serve as a clearinghouse for information, data, and other
29 materials which may be helpful or necessary to federal, state or local

1 governmental agencies in the development of telecommunication systems.

2 (b) The agency shall, in carrying out its functions, consult with
3 local, regional, state and federal officials, private groups and indi-
4 viduals, and with officials, of other countries, provinces and states,
5 and may hold public hear' s to obtain information for the purpose of
6 carrying out the provisi. of this chapter.

7 (c) The division shall

8 (1) coordinate its services and activities with those of
9 other state departments and agencies to the fullest extent possible to
10 avoid duplication;

11 (2) prepare an integrated annual report on telecommunications
12 in the state and submit it to the governor for incorporation into his
13 report to the legislature;

14 (3) cooperate with the University of Alaska and other appro-
15 priate public and private institutions in research and investigations.

16 Sec. 42.23.060. AGENCY MAY ACCEPT GRANTS AND OTHER AID. The
17 agency may apply for and receive from the federal government, its
18 agencies, or from other public or private sources, gifts, grants or
19 other aids available for its purposes.

20 Sec. 42.23.070. DEFINITIONS. In this chapter

21 (1) "agency" means the communications service agency;

22 (2) "director" means the director of the communications
23 service agency; and

24 (3) "telecommunications" means the transmission and reception
25 of messages, impressions, pictures and signals by means of electricity,
26 electromagnetic waves and any other kind of energy, force variations or
27 impulses whether conveyed by cable, wire, radiated through space, or
28 transmitted through other media within a specified area or between
29 designated points.

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DEPUTY COMMISSIONER — ADMINISTRATION

POUCH Z
JUNEAU, ALASKA 99811

March 11, 1980

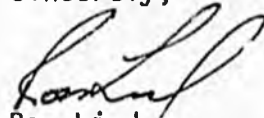
Brad Bradley, Chairman
Senate Commerce Committee
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Bradley:

We have reviewed Senate Bill 489 and reached the conclusion that the new division would simply expand on the role now assigned to the Division of Policy Development and Planning and therefore not materially affect the operations within the Department of Transportation & Public Facilities. Therefore, our position on this bill is one of neutrality.

I have contacted the Governor's Office and understand that they are providing you with further comments, as well as a fiscal note.

Sincerely,



Ron Lind
Deputy Commissioner

STATE OF ALASKA

JAY S. HAMMOND
GOVERNOR

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

POUCH F--ALASKA OFFICE BUILDING
JUNEAU 99811

March 12, 1980

The Honorable Brad Bradley
Chairman
Senate Commerce Committee
Pouch V
State Capitol
Juneau, AK 99811

Dear Senator Bradley:

In reference to Senate Bill 489, the Department of Education supports the consolidation of telecommunications services provided by state government, since the improved efficiency of technical assistance, system development, and support service to telecommunications users would enhance the Department's ability to effectively implement telecommunications technology for the state's schools.

In any reorganization of telecommunications services, however, system planning and development of systems exclusively serving schools, as well as the development of courseware or program content, must ultimately be the responsibility of and accountable to the policies of the State Board of Education, on behalf of all public schools in the state.

In our opinion, no fiscal note is required save that which would be necessary for the internal operations of the proposed agency.

Sincerely,



Marshall L. Lind
Commissioner

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF MILITARY AFFAIRS

ALASKA DIVISION OF EMERGENCY SERVICES

1306 EAST 4TH AVENUE
ANCHORAGE - 99501

March 10, 1980

The Honorable Brad Bradley
Alaska State Senate
Pouch V
State Capitol
Juneau, Alaska 99811

Dear Senator Bradley:

In reference to your letter regarding Senate Bill 489, let me assure you we are supportive to efforts that improve overall telecommunications within the State.

As you are aware communications are generally taxed to their limits during emergencies; therefore this office is vitally interested in any improvement in this field. This office has long been an advocate of centralizing telecommunication functions into a single responsive agency. We believe that improved services and many economies in State agencies expenditures could be realized by approaching telecommunications requirements on a total system approach rather than piecemeal by individual departments as it has been in the past.

We also fully realize that this proposed Agency will go beyond purely State office requirements and will fulfill study needs concerning advances in public and international telecommunications as well.

The Honorable Brad Bradley

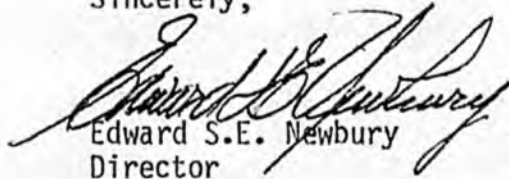
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March 10, 1980

In this regard, we see a need for an agency to act as a clearing house for such things as advances in technology, eg., emergency 911 functions for the local telephone communities. Going beyond this, micro computer technology is opening a whole range of telecommunications advances coupled with the telephone. In the future, computer driven emergency messages could automatically alert fire, ambulance and police to emergencies in progress. Electronic mailing, voting, and polling is also possible in the future, thereby better serving the public and private telecommunications needs.

In summary, this Division feels that advances in telecommunications is expanding at an exponential rate and there is a definite need for a Communications Service Agency to advise the Governor on comprehensive State planning for telecommunications. Fiscal requirements should logically be addressed after definite scope and magnitude of the endeavor is defined.

Sincerely,



Edward S.E. Newbury
Director

ESEN:LIT:so

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C

JUNEAU, ALASKA 99811

465-2200

March 18, 1980

Honorable Brad Bradley
Chairman, Senate Commerce Committee
Alaska State Legislature
Juneau, Alaska 99811

Dear Senator Bradley:

In response to your letter of March 1, 1980, this Department:

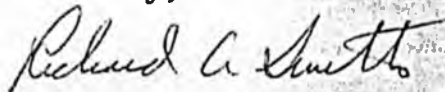
Favors SJR 49 and the establishment of a consular office

Favors management of ASHA lease space (SB 491) being identified to the Department of Administration. We, as you know, manage most lease space for the State.

Take no position on SB 489 and an act establishing a communication service agency.

There will be no material fiscal impact on this Department from any of the above legislation.

Sincerely,



Richard A. Smith
Deputy Commissioner
Administrative Management

RAS/mjc
cc: Keith Specking

POSITION PAPER

SENATE BILL NO. 489

An Act establishing a communications service agency."

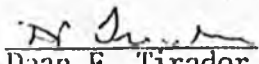
Senate Bill No. 489 would establish in the Office of the Governor a communications service agency to plan and coordinate a statewide program of telecommunications and provide technical assistance to the Governor, the Legislature, state agencies and local agencies in the field of telecommunications.

The Department of Health & Social Services endorses the concept of this bill. It appears likely that telecommunications will play an increasingly important role in the State, and coordination of the planning and implementation of the development of such a system will be required.

Within this Department, the Emergency Medical Services Section is already deeply involved in the development and use of telecommunications networks, and coordinates its activities with those of the Department of Transportation and Public Facilities and the Department of Public Safety. We foresee a greatly expanded role for telecommunications in public information and education programs conducted by several of the divisions within this Department.

A central planning and coordinating agency in State government would be a distinct advantage to this Department. It may be appropriate, though, to investigate placement in a line agency rather than in the Office of the Governor.

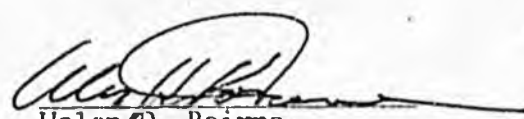
Recommended by:


Dean F. Tirador, M.D.
Director, Division
of Public Health

Date:

3/21/80

Approved by:


Helen D. Beirne
Commissioner

Date:

3/24/80

Telecommunications Needs as Identified by the
Alaska Department of Health & Social Services

Emergency Medical Services

The emergency medical services program has three or four primary concerns with respect to telecommunications. In cities and towns there should be a single access telephone number (such as 911) for all emergency services. Most major towns and cities in Alaska, except Juneau, already have "911" systems in operation.

The second major concern is for adequate ambulance to hospital communications. This is extremely important since many ambulance personnel are now trained in advanced procedures, including starting IV's, which require physician consultation and approval. Many major highways in Alaska still lack the necessary microwave or VHF repeater links to enable ambulances in remote rural areas to communicate with hospital personnel.

Another consideration for the highway system is to make sure that there are adequate numbers of trained CB monitors, such as members of the REACT organization, so people without access to a telephone can call for emergency assistance on their CB radios.

A final major concern is for reliable village health clinic to hospital and hospital to hospital communications throughout the state. Community health aides in villages and mid-level practitioners rely upon village clinic to hospital communications for daily doctor's calls and to arrange medevacs or other assistance during medical emergencies.

At present, 57 villages rely upon small earth satellite stations for clinic to hospital communications. Due to the high cost of these dedicated links (approximately \$1200 per month) the U.S. Public Health Service is unable to afford to implement this system in other villages. Furthermore, the reliability of many of these small earth satellite stations has been very poor, with many of them being out of order for several days or more at a time.

Over 100 other village health clinics rely upon HF single band radios, which have poor propagation in high latitudes and consequently are often not reliable either.

If the satellite system could be improved and expanded, it could have other potential uses besides reliable point to point voice communications. With one or two way visual and two way audio transmission capabilities, continuing education programs could be transmitted to remote hospitals throughout the state.

With expansion of television reception in villages, health education programs could be aired to rural and bush residents.

Office of Alcoholism and Drug Abuse

The Office of Alcoholism and Drug Abuse sees a need for an automated management information system with terminals at each treatment facility and at the main office in Juneau. These treatment facilities are located in Fairbanks, Kotzebue, Nome, Unalaska, Bethel, Dillingham, McGrath, Tok, Seward, Kenai, Yakutat, Juneau, Sitka, Ketchikan, Palmer, Hoonah, Petersburg and Wrangell.

They also would like to have video reception capabilities at each site with satellite based transmitting from Anchorage for training of local program staff.

Office of Aging

The Office of Aging would like to see a statewide toll free hot line established for a centralized information & referral system, which would be properly staffed with adequately trained personnel.

Division of Public Assistance

The Division of Public Assistance reports that it needs direct computer terminal lines to each of its 19 district offices, with a 5 second turn around time. At present, it has terminals in Anchorage, Juneau, Ketchikan and Fairbanks. All except the Fairbanks terminal are presently in good working order.

The other district offices are currently located in Petersburg, Sitka, Valdez, Kodiak, Palmer, Kenai, Dillingham, Bethel, Aniak, Mountain Village, Unalakleet, Galena, Nome, Kotzebue, and Fort Yukon. In the future, offices may be opened in Barrow, Wasilla, Wrangell, Seward, Tok, and the Aleutians.

Public Assistance also needs the capacity to transmit checks and other documents to district offices.

Division of Mental Health & Development Disabilities

The Division of Mental Health & Development Disabilities would like to have one way video and two way audio transmitting and receiving capabilities at Alaska Psychiatric Institute in Anchorage and at Harborview Developmental Center in Valdez. This would be useful for conducting continuing education programs for staff.

Other potential Department of Health & Social Services uses of Telecommunications

Satellite TV through its capability to reach rural and urban communities statewide, can play a vital role in providing a vehicle for the dissemination of educational and public information in both health and social service topics.

If transmission costs are reasonable, one-way video could be used by various Health & Social Services divisions and/or special offices as part of their activities to deliver educational packages for training or public information and to provide statewide public exposure to health & social service issues being discussed by a group in one location. It may also provide an opportunity for more regional unification of state programs and committees.

Additional telecommunications subsystems which could offer the Department Divisions an opportunity for improving its delivery of services include:

- Centralization of client records with instant access.
- Education of specific consumers and field based providers, i.e. food stamp and public assistance field offices.
- Conferencing - state task force committees meeting on a specific issue.

Subsystems most likely to be used for the above are two-way radio telecopies, computer systems, teleconferencing and video conferencing. Ultimate usage of any of these subsystems could lead to the saving in both time and money by reducing travel.

Expanding the teleconferencing network to more sites would enhance its usability and practicality greatly.

For the most part, the needs outlined here have not been addressed in the State FY 1981 Budget.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL NO. 489
 Title "An Act establishing a communications service agency."
 Requested by _____ Date 3/13/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Health/Division of Public Health
 BRU, Program, or Subprogram(s) Affected Emergency Medical Services
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

The Department foresees no additional expenses as a result of this bill.

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) _____

Prepared by A. Glick Date: 3/13/80
 Division/Office: P. H. Administration
 Department of Health & Social Services