

4-7-87

Meeting

Alaska State Legislature

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CHAIRMAN
Special Committee on
Telecommunications

MEMBER
Labor and Commerce
State Affairs
Finance—Subcommittee Administration

Representative H. A. "Red" Boucher

HOUSE SPECIAL COMMITTEE ON TELECOMMUNICATIONS

AGENDA

APRIL 7, 1987

CS HB 40: AN ACT CREATING THE TELECOMMUNICATIONS INFORMATION COUNCIL IN THE OFFICE OF THE GOVERNOR.

THE COMMITTEE PACKET CONTAINS THE FOLLOWING:

1. CSHB 40 (4/7 draft)
2. Amendments to CSHB 40
3. Letter of Intent, CSHB 40
4. Fiscal Note

Original sponsor: Boucher

4-7-87

IN THE HOUSE

BY THE HOUSE SPECIAL COMMITTEE
ON TELECOMMUNICATIONS

CS FOR HOUSE BILL NO. 40 (Telecommunications)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

A BILL

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

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

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

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

ARTICLE 16. TELECOMMUNICATIONS INFORMATION COUNCIL.

Sec. 44.19.502. TELECOMMUNICATIONS INFORMATION COUNCIL. (a)

There is created within the Office of the Governor the Telecommunications Information Council.

(b) The council is composed of the governor, the commissioner from each principal department of the executive branch, the president of the University of Alaska, the executive director of the Legislative Affairs Agency, and the executive director of the Alaska Public Broadcasting Commission. The chief justice of the supreme court may appoint a member to serve on the council.

(c) The governor shall preside over the council. The council shall meet at least four times each year. The council may meet more frequently at the call of the chair or if requested by a majority of 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 within its own agency if the council gives
21 written authorization for the user agency to engage in its own design,
22 development, management, or operation. The council may authorize
23 independent development only upon a showing of necessity. A descrip-
24 tion of authorization under this subsection shall be included in the
25 annual report required under AS 44.19.504.

26 (e) A state agency authorized to develop an internal information
27 system shall coordinate its design, development, management, and
28 operation with the council.

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

1 (1) "council" means the Telecommunications Information
2 Council;

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

7 * Sec. 3. AS 44.21.150 is amended to read:

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

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

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

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

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

1 consistent with the state information systems plan adopted by the
2 Telecommunications Information Council and with the departmental
3 information systems plan,

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

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

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

14 (4) recommend implementation priorities of requested data
15 processing systems;

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

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

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

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

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

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

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

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

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

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

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

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

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

23 * Sec. 8. AS 44.21.266 is amended to read:

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

25 (1) [REPEALED

26 (2) REPEALED

27 (3) REPEALED

28 (4)] apply for federal and private funds for public broad-
29 casting purposes and receive all federal, state, or private funds.

1 property or assistance that may be appropriated, granted or otherwise
2 made available to the commission for public broadcasting purposes, and
3 use and disburse funds and property for purposes consistent with the
4 terms of AS 44.21.256 - 44.21.290, subject to reasonable limitations
5 imposed by the grantor;

6 (2) [(5)] provide consultative services in all aspects of
7 public broadcasting to all public or private agencies in the state
8 which request them;

9 (3) [(6)] serve as a library and clearinghouse for public
10 broadcasting information;

11 (4) [(7) REPEALED

12 (8) REPEALED

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

15 (5) [(10) REPEALED

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

18 (6) [(12)] prepare and submit to the governor and the
19 legislature, in compliance with the state information systems plan
20 adopted by [CONSULTATION WITH] the Telecommunications Information
21 Council in the Office of the Governor [TELECOMMUNICATIONS DIVISIONS IN
22 THE DEPARTMENT OF ADMINISTRATION], a long term plan for the develop-
23 ment of public broadcasting stations and systems in the state, and
24 annually update the plan; and

25 (7) [(13)] perform all other functions necessary to ensure
26 the orderly and coordinated development of public broadcasting in the
27 state.

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

29 (a) In accordance with the state information systems plan

1 adopted by the Telecommunications Information Council and with the
2 departmental information systems plan, the [THE] department shall

3 (1) advise the council and the governor on matters of
4 policy and comprehensive state planning for telecommunications ser-
5 vices;

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

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

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

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

25 (6) whenever feasible, procure services from private enter-
26 prise or certified and franchised utilities and contract for the
27 construction, management, operation, and maintenance of telecommunica-
28 tions systems, and develop a procurement policy consistent with AS
29 36.30 (State Procurement Code); the procurement policy must seek to

1 achieve the maximum benefit to the public, and methods of procurement,
2 including lease, purchase, rental, or combinations of lease, purchase,
3 and rental, must be selected on the basis of factors such as the ratio
4 of long-range costs versus benefits, life cycle costing, and the costs
5 to the communications industry to the extent that these costs may
6 affect local and long distance basic telephone rates; procurement,
7 contracting, construction, and maintenance under this paragraph is
8 governed by AS 36.30;

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

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

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

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

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

28 (12) coordinate department services and activities with
29 those of other state departments and agencies to the fullest extent

1 possible to avoid unnecessary duplication; and

2 (13) provide that all activities of the department are
3 responsive to state statutes and regulations, and to the regulations
4 and rulings of the Federal Communications Commission.

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

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

9 (1) technical consultation to educational and public tele-
10 communications users;

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

15 (A) public school districts and the Department of
16 Education;

17 (B) the University of Alaska; and

18 (C) other state agencies as approved by the [DEPUTY]
19 commissioner;

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

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

27 (5) assistance, through design, development, and promotion,
28 to local school districts or other local and regional education agen-
29 cies for the regionalization of instructional telecommunications

1 services;

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

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

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

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

20 * Sec. 12. This Act takes effect July 1, 1987.
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AMENDMENTS TO CSHB 40

Amendments to 3/31 draft, as reflected in the 4/6 draft.

- * Council members were upgrded from "representatives" to "commissioners" from the principal departments.
- * The governor is made the chairman of the council.
- * The duties of the council were reduced from ten to four.
- * The definitions were reduced from eight to two.
- * Section 8 was eliminated. (Section 8 dealt with relations between Telecommunications and Data Processing within DOA. It had been amended due to a misunderstanding on the part of the drafter)
- * Section 13. TRANSITION., was eliminated because it was no longer appropriate due to changes in council makeup.

Amendments to 4/6 draft, as reflected in 4/7 draft.

page 2, line 10.

(4) publish in the first quarter of each calendar year a [AN ANNUAL] report on the activities of the council.

page 2, line 15

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

page 3, Section 4.

DOA is no longer required to "procure, operate, and staff" all data processing facilities.

Amendment (#1) to the 4/7 draft suggested by the University of Alaska

page 2, subsection (d)

(d) This section does not prohibit a state agency from developing information systems which are inconsistent with the guidelines established in subsection (a) within its own agency if the council gives written authorization for the user agency to engage in inconsistent [ITS OWN] design, development, management, or operation. The council may authorize inconsistent [INDEPENDENT] development only upon a showing of necessity. A description of authorization under this subsection shall be included in the annual report required under AS 44.19.504. [(e)] A state agency authorized to develop an inconsistent internal information system shall coordinate its design, development, management, and operation with the council.

Amendments to 4/7 draft suggested by Committee staff

page 2, subsection (e)

(e) A state agency [AUTHORIZED TO DEVELOP AN INTERNAL INFORMATION SYSTEM] shall coordinate the [ITS] design, development, management, and operation of its internal information system with the council except to the extent inconsistent development is authorized under subsection (d).

University suggested amendment (#2)

page 5, Section 6.

Remove "and implement" from line 9. (The Council will have the implementation authority, not DOA.)



Official Business

Alaska State Legislature

House

P.O. BOX V
State Capitol
Juneau, Alaska 99811

House Special Committee on Telecommunications

LETTER OF INTENT

CSHB 40 (Telecommunications)

It was the intent of the House Special Committee on Telecommunications to provide through CSHB 40 (Telecommunications) a high level body to oversee the making of telecommunication policy for the State of Alaska. The oversight responsibilities of this body would include information systems within state government and broadcast systems throughout the state.

It was the belief of the Committee that formation of a Telecommunications Information Council within the Office of the Governor would make possible effective management of a major resource that has until recently attracted little notice: Information.

It was the belief of the Committee that intelligent use of this resource is critical to the continued development of this state and that it can be used to help counter the impact of declining oil revenues.

By making the heads of major state departments members of the council and by calling for the Governor to sit as chairman, CSHB 40 is intended to signal to all state agencies the importance that is attached to efficient management of this information resource. It was the belief of the House committee that only state officials as high ranking as this possess the authority to make the telecommunication policy decisions which are necessary now. It is anticipated that the staff work for the council would be the responsibility of a high level member of the Governor's Office and that it would require 25 percent or more of that person's time.

Information Management

Much of the work of state government involves the movement of information. The first step in the development of an Information Resource Management system within the state government has already been taken. Individual departments have

data bases and some are developing systems for moving information. These systems can enable state agencies to make better decisions, to make them more quickly, and to make decisions in areas that are now neglected. This can not, however, happen within a policy vacuum.

CSHB 40 is intended to enable the state government to take its second and third steps in Information Resource Management. The information systems we have today have developed with minimal overall direction. They need to be evaluated. Is the information within them the information needed to enable government to do its job well? Does this information get to those who need it -- and in time? This bill would create a mechanism for this kind of evaluation. It would also create a body able to address the broader policy implications of the movement of information within the state government. It creates a body able to address such issues as how to move information across agency lines, and how to move it between state agencies and the private sector.

The information systems that are being used today include the telephone and teleconferencing as well as computers. These systems will change as new applications such as teletext and videotex are refined. Understanding of the technologies is important, and there are those in state government who are already charged with addressing technological issues. The council would draw on the knowledge of these people.

But what is needed most -- and what the proposed council can provide -- is leadership in determining what information we want.

Actions in this area that might be taken by the council:

- *review state and agency information systems plans. Are they compatible? Will they help achieve state and agency goals?

- *provide direction to agencies as they develop data bases and information systems;

- *review all changes proposed by agencies in their information systems;

- *identify needed changes that have not been recognized by anyone else. What can be done that isn't being done to get the right information to the right people in the right form at the right time?

The council's efforts should result in data bases that provide similar information in comparable form across departments. Information systems should be able to easily

transmit that information from department to department. Some of the information systems within state government today -- such as the University of Alaska Computer Network and the State of Alaska Computer System -- are incompatible. It is in the interest of the state to find a way to move information between these systems.

The council can make government better without making it more expensive. It can help agencies improve their services by assuring that they get better information to work with. It can also make government more efficient by identifying and eliminating information activities that serve no useful purpose.

Broadcast System

The state government has played a major and essential role in the development of a broadcast system that now encompasses the state. This system today includes the Rural Alaska TV Network channel and the public radio and public television stations supported through the Alaska Public Broadcasting Commission. The state has also contributed to the development of commercial radio and television.

Without this system, many communities would not have access to timely information about the larger world they are a part of. They would be effectively disenfranchised from the democratic process. For many Alaskans, the broadcast system remains the only means of access to the state's information resources.

Although Alaska's broadcast system provides information of value to its users, it is not generally regarded as an information system. But already the voice and digital networks are converging. For several months now, the University of Alaska has been sending over the RATNET channel digital information that could be received with special equipment throughout the state. The council may choose to treat broadcast issues as relatively separate from information issues. That separation is unlikely to continue for long. In the future -- given the development of transmission networks and communication centers that will merge voice and data communications -- the state's broadcast and information systems will appear far less distinct than they do today.

The broadcast system, like the information systems, requires continued evaluation and improvement. The second major task of the telecommunications council would be to address that requirement. There does not now exist any body with the responsibility or the power to assure that this telecommunication system is managed in a way that assures the state's information needs are being served.

There is a need to determine what categories of programming it is in the interest of the state government to provide Alaskans. It is then necessary to identify the most efficient means of providing this programming. Finally, the state must provide support. All this can be done without interfering with program content decisions. All this must be done if the state is to be assured that its broadcast dollars are being well spent.

There is also a need to assure the preservation -- even the growth -- of the statewide telecommunication system. This system has been a major factor in Alaska's development. It has brought political debates, news of the world as well as tv classrooms to villages that lack daily mail service and local newspapers and have only one or two local teachers. It has been used to carry emergency warnings and as a community message service. It has provided fisheries information to fishermen.

This system can provide entertainment, information, services; it can foster awareness of the state as a community. Ten years from now this system may carry kinds of information that we do not even recognize today. It can do many things -- but only if it is there. The proposed council can make sure that it is there.

Many alternatives are being discussed today for the further development of broadcast telecommunication in Alaska. These include cable TV, direct broadcast satellite TV, and use of low power TV for community programming. Should the state encourage the development of regional or local "information utilities" that would assume the primary responsibility for information flows within their areas? It is the belief of the House Special Committee on Telecommunications that the proposed council would be the body best qualified to address the issue of how telecommunication should develop.

Conclusion

The mandate of the proposed Telecommunications Information Council is broad. The state's telecommunication system is as extensive and as complex as its transportation system. The council would be the only body with responsibility for all of it.

Its role would be similar to that of the Supreme Court in interpreting the Constitution: The council would not concern itself with narrow issues and with details except when these elements are relevant to more general concerns about telecommunication.

The council's focus as it considers telecommunication should be on the horizon, not on the innards of the information machine. Hardware's fine, but we mustn't lose sight of what we want to do with it. The Telecommunications Information Council is our assurance that we won't.

Representative H.A. "Red" Boucher
Chairman, House Special Committee on Telecommunications

STATE OF ALASKA 1987 LEGISLATIVE SESSION

FISCAL NOTE

REQUEST:

Bill Version: CSHB 40

Publish Date: 3/31/87

Revision Date: _____

Title: An Act Creating Telecommuni-
cation Information Council

Sponsor: Boucher

Requestor: House Special Committee

Agency Affected: Office of the Governor
BRU: Office of Management and Budget

Components: Division of Policy

on Telecommunications

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		52.5				
TRAVEL		5.0				
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		57.5				

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		57.5				
FEDERAL FUNDS						
OTHER						
TOTAL		57.5				

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Michael A. Nizich, Director
Division: Division of Administrative Services

Phone: 465-3616

Date: 4/6/87

Approved by Commissioner: Carol P. Kastelic
Agency: Office of the Governor

Date: 4/6/87

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