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66

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

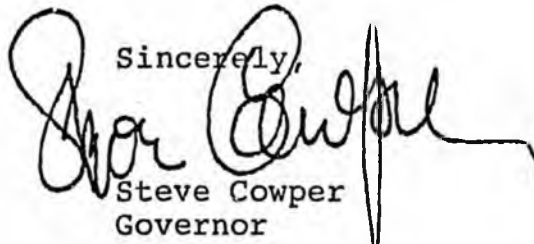
January 22, 1987

The Honorable Jan Faiks  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Faiks:

We have noted an error in Executive Order No. 66 concerning the telecommunications powers and duties of the Department of Administration. In sec. 5 of the Order, on line 28 of page 6, the cross reference to "f of this section" should be to "d of this section."

By copies of this letter, we are notifying the committees of first referral and asking the revisor of statutes to make this correction during the codification of this Executive Order, if it takes effect on March 20, 1987. This will ensure that there is no substantive change in the powers of the Department of Administration concerning telecommunications operations.

Sincerely,  
  
Steve Cowper  
Governor

cc: Hon. Mitch Abood, Chair  
Senate State Affairs Committee

Hon. Red Boucher, Chair  
Special Committee on Telecommunications

David Dierdorff, Revisor of Statutes  
Legislative Affairs Agency



# Alaska State Legislature

## Senate

### Office of the Secretary

OFFICIAL BUSINESS

P.O. BOX V  
CAPITOL BUILDING  
JUNEAU, ALASKA 99811

January 19, 1987

#### MEMORANDUM

TO: Senator Bennett, Co-Chairman  
Senator Binkley, Co-Chairman  
Finance Committee Committee

FROM: Peggy Mulligan *PJM*  
Secretary of the Senate

RE: Executive Order No. 66

The President has referred Executive Order No. 66  
(merging the statutory responsibilities of the Review Board  
on Alcoholism and the Advisory Board on Drug Abuse).

Attached is a copy of Section 23, Article III of the  
Constitution describing procedures for executive orders.

Enclosure

cc: State Affairs Committee

invasion. The governor, as provided by law, shall appoint all general and flag officers of the armed forces of the State, subject to confirmation by a majority of the members of the legislature in joint session. He shall appoint and commission all other officers.

**Martial Law**

**SECTION 20.** The governor may proclaim martial law when the public safety requires it in case of rebellion or actual or imminent invasion. Martial law shall not continue for longer than twenty days without the approval of a majority of the members of the legislature in joint session.

**Executive Clemency**

**SECTION 21.** Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

**Executive Branch**

**SECTION 22.** All executive and administrative offices, departments, and agencies of the state government and their respective functions, powers and duties shall be allocated by law among and within not more than twenty principal departments, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may be established by law and need not be allocated within a principal department.

**Reorganization**

**SECTION 23.** The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

*9/17/71  
W analysis  
Pru*

EXECUTIVE ORDER NO. 66

Under the authority of art. III, sec. 23, of the Alaska Constitution, and in accordance with AS 24.08.210, I order the following:

\* Section 1. FINDINGS. As governor, I find that it would be in the best interests of efficient administration to eliminate the statutory requirements for two separate divisions and a deputy commissioner in the Department of Administration with telecommunications powers and duties. These powers and duties will be more efficiently exercised with greater flexibility given to the department.

\* Sec. 2 AS 44.21.305 is amended to read:

Sec. 44.21.305. COMMISSIONER'S RESPONSIBILITY [DEPUTY COMMISSIONER]. [(a) THE TELECOMMUNICATIONS DIVISIONS SHALL BE ADMINISTERED BY A DEPUTY COMMISSIONER OF THE DEPARTMENT APPOINTED BY THE COMMISSIONER.

(b) The [DEPUTY] commissioner shall

(1) provide executive direction for the activities of the department related to telecommunications [DIVISIONS]; and

(2) assure that department [DIVISION] activities in no way constitute an influence on the content or airing of programming, and report to the governor[, THE COMMISSIONER,] and the Alaska Public Broadcasting Commission any request or attempt by an employee of the state to influence the content or airing of program material.

\* Sec. 3. AS 44.21.310 is amended to read:

Sec. 44.21.310. TELECOMMUNICATIONS POWERS AND DUTIES [OF THE TELECOMMUNICATIONS DIVISIONS]. (a) The department [TELECOMMUNICATIONS DIVISIONS, AS DIRECTED BY THE DEPUTY COMMISSIONER,] shall

(1) advise the governor on matters of policy and comprehensive state planning for telecommunications services;

(2) make an annual report to the governor and to the

1 legislature on the activities of the department [TELECOMMUNICATIONS  
2 DIVISIONS];

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

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

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

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

1 affect local and long distance basic telephone rates; procurement,  
2 contracting, construction, and maintenance under this paragraph is  
3 governed by AS 36.30;

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

7 (8) apply for and accept federal and private money, proper-  
8 ty, or assistance, that may be appropriated, granted, or otherwise  
9 made available to the department [TELECOMMUNICATIONS DIVISIONS] and  
10 use and disburse money and property for purposes consistent with AS  
11 44.21.300 -- 44.21.330 and AS 44.21.256 -- 44.21.290, subject to  
12 reasonable limitations imposed by the grantor;

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

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

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

23 (12) coordinate department [THEIR] services and activities  
24 with those of other state departments and agencies to the fullest  
25 extent possible to avoid unnecessary duplication; and

26 (13) provide that all activities of the department [TELE-  
27 COMMUNICATIONS DIVISIONS] are responsive to state statutes and regu-  
28 lations, and to the regulations and rulings of the Federal Communica-  
29 tions Commission.

1 (b) The department [TELECOMMUNICATIONS DIVISIONS, AS DIRECTED BY  
2 THE DEPUTY COMMISSIONER,] may

3 (1) coordinate its [THEIR] functions with local, regional,  
4 state, and federal officials, private groups and individuals, and with  
5 officials of other countries, provinces, and states;

6 (2) enter into contracts and subcontracts on behalf of the  
7 state to carry out the provisions of AS 44.21.300 -- AS 44.21.330;

8 (3) act for the state in the initiation, investigation, and  
9 evaluation of, or participation in, programs related to the purposes  
10 of the department [TELECOMMUNICATIONS DIVISIONS] which involve more  
11 than one government or governmental unit;

12 (4) on behalf of the state, apply for, accept, and expend  
13 gifts or grants made to the state if the gifts or grants are for the  
14 purposes of furthering the objectives of the department [TELECOMMU-  
15 NICATIONS DIVISIONS]; and

16 (5) hold public hearings to obtain information for the  
17 purpose of carrying out the provisions of AS 44.21.300 -- 44.21.330.

18 (c) The department [TELECOMMUNICATIONS DIVISIONS] may not at-  
19 tempt to influence or affect the content or airing of program materi-  
20 al.

21 \* Sec. 4. AS 44.21.315 is amended to read:

22 Sec. 44.21.315. [DIVISION OF] TELECOMMUNICATIONS SERVICES. (a)  
23 [THE DIVISION OF TELECOMMUNICATIONS SERVICES SHALL BE ADMINISTERED BY  
24 A DIRECTOR APPOINTED BY THE COMMISSIONER.

25 (b)] The department [DIVISION OF THE TELECOMMUNICATIONS SER-  
26 VICES] shall provide

27 (1) technical consultation to educational and public tele-  
28 communications users;

29 (2) coordination and support to telecommunications services

1 for instruction, including technical assistance and assistance in  
2 preparation of applications for grants related to program development  
3 as may be requested by

4 (A) public school districts and the Department of  
5 Education;

6 (B) the University of Alaska; and

7 (C) other state agencies as approved by the [DEPUTY]  
8 commissioner;

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

12 (4) coordination and support to telecommunications services  
13 for public participation in state-financed services, including the  
14 public hearing process, as may be statutorily required or otherwise  
15 appropriate;

16 (5) assistance, through design, development, and promotion,  
17 to local school districts or other local and regional education  
18 agencies for the regionalization of instructional telecommunications  
19 services;

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

22 (7) assistance to the Alaska Public Broadcasting Commission  
23 and any commission-designated subcommittees, as necessary to perform  
24 assigned department [DIVISION] functions; the department [DIVISION]  
25 shall cooperate with the commission and subcommittees in order to  
26 develop policies which are responsive to the user groups which are  
27 represented on the commission.

28 (b) [(c)] Subject to available funding, the department [DIVISION  
29 OF TELECOMMUNICATIONS SERVICES] may make grants to educational and

1 public telecommunication users except grants for public broadcasting  
2 purposes.

3 (c) [(d)] The department [DIVISION OF TELECOMMUNICATIONS SER-  
4 VICES] shall study, plan, and develop integrated instructional tele-  
5 communications services for all residents of the state, and shall  
6 annually report on current fiscal year instructional telecommunica-  
7 tions activities and, after public hearings, submit to the governor  
8 and the legislature an annually updated long-term development plan  
9 prepared in consultation with the Department of Education, the Univer-  
10 sity of Alaska, local school districts, and other local and regional  
11 education areas.

12 (d) [(e)] The department [DIVISION OF TELECOMMUNICATIONS SER-  
13 VICES] shall, after public hearings, submit to the governor an annual-  
14 ly updated long-term development plan for teleconferencing facilities  
15 and services, including facilities and services used both by state  
16 agencies and groups other than state agencies.

17 (e) [(f)] The department [DIVISION OF TELECOMMUNICATIONS SER-  
18 VICES] may not own, operate, or be the licensee of a public noncommer-  
19 cial broadcast station or production center.

20 (f) [(g)] Nothing in this section implies department [DIVISION]  
21 responsibility for programming content. Program design, production,  
22 and use are the responsibility of the program-sponsoring agency or  
23 other entity, not the department [DIVISION].

24 \* Sec. 5. AS 44.21.320 is amended to read:

25 Sec. 44.21.320. [DIVISION OF] TELECOMMUNICATIONS OPERATIONS.

26 (a) [THE DIVISION OF TELECOMMUNICATIONS OPERATIONS SHALL BE ADMINIS-  
27 TERED BY A DIRECTOR APPOINTED BY THE COMMISSIONER.

28 (b) Except as provided in (f) [(e)] of this section, the de-  
29 partment [DIVISION OF TELECOMMUNICATIONS OPERATIONS] may, consistent

1 with the provisions of AS 44.21.310(a)(6)

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

4 (2) manage centrex and other telephone-related services of  
5 state agencies;

6 (3) be responsible generally for telecommunications systems  
7 and design for state agencies; and

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

10 (b) [(c)] Within the limits of available financing, the depart-  
11 ment [DIVISION OF TELECOMMUNICATIONS OPERATIONS] shall administer and  
12 operate the satellite television project, by

13 (1) coordinating with the satellite television user groups  
14 and entities; and

15 (2) providing liaison, management support, and technical  
16 assistance for the satellite television project.

17 (c) [(d)] Decisions and policies relating to programming under  
18 the satellite television project, including scheduling and allocation  
19 policies, may not be made by the [DIVISIONS OF TELECOMMUNICATIONS OR  
20 THE] department, but may only be made by a network that is representa-  
21 tive of participating rural television users, by commercial broadcast  
22 users or by other affected participating user groups and entities  
23 under procedures provided by statute or, if no statute applies, then  
24 by agreement of the affected user networks or groups. The department  
25 shall assist users in preparing agreements that may be required under  
26 this subsection.

27 (d) [(e)] The [DIVISIONS OF TELECOMMUNICATIONS AND THE] depart-  
28 ment may not engage in any activity which interferes with a contract  
29 or program right relating to commercial television programming,

1 including but not limited to any right protected by copyright.

2 (e) [(f)] Nothing in AS 44.21.300 -- 44.21.330 prohibits a state  
3 agency from developing telecommunications systems within its own  
4 agency if the commissioner gives written authorization for the agency  
5 to engage in its own design, development, management, or operation.  
6 The commissioner may authorize independent development only upon a  
7 showing of necessity. A description of all authorization under this  
8 subsection must be included in the annual report required under AS  
9 44.21.310(a)(2).

10 (f) [(g)] A state agency authorized to develop an internal  
11 telecommunications system shall, whenever feasible, coordinate its  
12 design development, management, and operation with the department  
13 [DIVISION OF TELECOMMUNICATIONS OPERATIONS].

14 \* Sec. 6. AS 44.21.300 and AS 44.21.330(3) are repealed.

15 \* Sec. 7. This Order takes effect March 20, 1987.

16 DATED: January 19, 1987

17  
18 Steve Cowper, Governor

STEVE COWPER  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

*E066*

January 19, 1987

The Honorable Jan Faiks  
President of the Senate  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Faiks:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that eliminates the statutory requirements for two separate divisions and a deputy commissioner with telecommunications powers and duties in the Department of Administration.

The Order will enhance the efficiency and flexibility of the department as it continues to carry out its telecommunications powers and duties.

No substantive change in those powers and duties is intended by the amendments or repealers in this Order. In fact, the Order merely authorizes and ratifies a reorganization already underway to help absorb the budget cuts of the past fiscal year. The two existing telecommunications divisions are currently supervised by the same director. The greater efficiency and flexibility resulting from this Order should help us realize additional savings and effectiveness.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name.

Steve Cowper  
Governor

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: Executive Order 66  
Publish Date: \_\_\_\_\_

REQUEST \_\_\_\_\_

Revision Date: \_\_\_\_\_  
Title: EO 66

Agency Affected: Department of Administration  
BRU: Telecommunications Operations  
and Telecommunications Services

Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_

Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	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

ANALYSIS: Attach a separate page if necessary

Two positions were deleted from the FY 88 Telecommunications Services budget prior to submittal; therefore Executive Order 68 has zero fiscal impact.

Prepared By: John J. Cameron  
Division: Telecommunications Services

Phone: 465-2041  
Date: January 12, 1987

Approved by Commissioner: Garrey Peska  
Agency: Department of Administration

Date: 1/13/87

Distribution (by preparer):

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