

SB

143

Alaska State Legislature

SENATOR
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SENATE DISTRICT F

To: Representative Lesil McGuire, Chair
House Judiciary Committee

From: Senator Therriault, Chair
Senate State Affairs Committee

Date: April 13, 2005

Re: Request for Hearing SB 143(STA)

I respectfully request Senate Bill 143 be scheduled for hearing before the House Judiciary Committee at your earliest convenience.

SB 143 was introduced to address oversight of the Legislature's information systems as a result of the elimination of the Telecommunication Information Council under Executive Order 113.



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: STATE AFFAIRS
Current Version: CS SB 143 (STA)
Contact: Heather Brakes, 465-4522

Fact Sheet for: Senate Bill 143

Short Title: STATE INFO SYSTEM PLAN: LEGISLATURE

Summary:

- Exempts the telecommunications operations of the legislature and University of Alaska from oversight by the executive branch.
- Clarifies that the executive director of the Legislative Affairs Agency, at the direction of Legislative Council, establishes information system guidelines for the legislature.

Benefits:

- Reflects the reality that the legislature already oversees its own telecommunications operations.

Background:

- Executive Order No. 113 eliminated the Telecommunications Information Council and transferred its responsibilities to the Alaska Department of Administration. SB 143 complements that order by exempting the telecommunications operations of the legislature and University of Alaska from oversight by the executive branch. It clarifies that the executive director of the Legislative Affairs Agency, at the direction of Legislative Council, establishes information system guidelines for the legislature.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 143(STA)
 (S) Publish Date: 3/30/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: State Info System Plan RDU: Enterprise Technology Sr
 Component: Enterprise Technology Sr
 Sponsor: (S) SIA
 Requester: _____ Component No.: 2082

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will not have a fiscal impact upon the agency.

Prepared by: Stan Herrera, Director Phone 465-5735
 Division: Enterprise Technology Services Date/Time 3/22/05 7:21 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 3/22/2005
 Agency: Department of Administration

Introduced in the House: January 10, 2005
Referred: State Affairs

Introduced in the Senate: January 10, 2005
Referred: State Affairs

EXECUTIVE ORDER NO. 113

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

3 * **Section 1** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 FINDINGS. As governor, I find that the transfer of certain functions relating to the
6 development and implementation of state telecommunications policy from the
7 Telecommunications Information Council to the Department of Administration and the
8 governor would be in the best interests of efficient administration. Additionally, I find that
9 with the transfer of these functions there is no longer a need for the Telecommunications
10 Information Council and its elimination would be in the best interests of efficient
11 administration. These actions will encourage the development of expertise, eliminate
12 duplication of function, and provide a single point of responsibility for state
13 telecommunications policy, resulting in increased performance and accountability.

14 * **Sec. 2.** AS 44.21 is amended by adding a new section to read:

15 **Article 4A. Telecommunications Information.**

16 **Sec. 44.21.350. Powers and duties.** (a) The commissioner shall

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

19 (2) in accordance with the state information systems plan, establish
20 guidelines and direct state agencies to prepare agency information systems plans,

21 (3) in accordance with statutes governing the availability and
22 confidentiality of information, establish guidelines for the accessing of information by
23 the public.

24 (b) In addition to the commissioner's duties under (a) of this section, the

1 commissioner may establish information-related policies and engage in information-
2 related activities the commissioner considers necessary or appropriate.

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

6 (d) This section does not prohibit a state agency from developing information
7 systems that are inconsistent with the guidelines established in (a) of this section if the
8 commissioner gives written authorization for the user agency to engage in the
9 independent design, development, management, or operation. The commissioner may
10 authorize independent development only upon a showing of necessity. A description
11 of authorization under this subsection shall be included in the annual report required
12 under this section. Written authorization under this subsection is not required for
13 intra-agency use of microcomputers.

14 (e) A state agency, including an agency authorized to develop an independent
15 system under (d) of this section, shall coordinate the design, development,
16 management, and operation of its information systems with the commissioner.

17 **Sec. 44.21.360. Court system.** The administrative director of courts shall
18 establish information systems guidelines and prepare a short-range and long-range
19 information systems plan for the court system. The guidelines and plan must be
20 consistent with the telecommunications information guidelines and plan adopted by
21 the commissioner under AS 44.21.350 - 44.21.390 and must be adapted to the special
22 needs of the judicial branch as determined by the administrator of courts.

23 **Sec. 44.21.390. Definitions.** In AS 44.21.350 - 44.21.390,

24 (1) "commissioner" means the commissioner of administration;

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

29 * **Sec. 3.** AS 14.40.095(b) is amended to read:

30 (b) The center may

31 (1) provide support for education, training, and research in information

1 technologies to students, professionals, and the general public;

2 (2) support research on the applications, effects, and management of
3 information technologies and provide research results to the general public;

4 (3) maintain an inventory of telecommunication research in the state;

5 (4) develop and maintain a collection that includes state documents,
6 research reports, and other telecommunication applications materials including
7 videotapes, software, lesson plans, and scripts;

8 (5) support the development and expansion of the geographic
9 information system curriculum of the University of Alaska, including the possible
10 establishment of undergraduate and masters programs;

11 (6) develop and sponsor land record and geographic information
12 system training workshops and continuing education seminars in cooperation with the
13 appropriate departments of the university;

14 (7) support or undertake research projects that apply geographic
15 information technology to state issues and problems;

16 (8) provide information on the availability of federal, state, municipal,
17 and other sources of geographic information, including aerial photography and digital
18 data bases related to surveying and land records, natural resource inventories, and
19 related data;

20 (9) prepare and publish on a regular basis research findings and
21 periodicals relating to the center's activities;

22 (10) assist state agencies and municipalities in the development of
23 policies, procedures, and capabilities for public access to automated geographic
24 information;

25 (11) recommend, in consultation with the commissioner of
26 administration [TELECOMMUNICATIONS INFORMATION COUNCIL] and
27 affected state and local agencies and advisory boards, model standards and strategies
28 relating to the implementation, indexing, documentation, mapping, data exchange, and
29 other aspects of land records management and geographic information system
30 development.

31 * Sec. 4. AS 40.25.115(g) is amended to read:

1 (g) Each public agency shall establish the fees for the electronic services and
 2 products provided under this section. The governor [TELECOMMUNICATIONS
 3 INFORMATION COUNCIL] may cancel the fees established by a public agency in
 4 the executive branch, except the fees of the University of Alaska and the Alaska
 5 Railroad Corporation, if the governor [COUNCIL] determines that the fees are
 6 unreasonably high.

7 * Sec. 5. AS 40.25.123(a) is amended to read:

8 (a) The Department of Administration [TELECOMMUNICATIONS
 9 INFORMATION COUNCIL] shall supervise and adopt regulations for the operation
 10 and implementation of AS 40.25.110 - 40.25.140 by public agencies in the executive
 11 branch, except the Alaska Railroad Corporation.

12 * Sec. 6. AS 44.21.045(c) is amended to read:

13 (c) Except as provided in (b) of this section, money in the fund established
 14 under (a) of this section may be expended only in accordance with legislative
 15 appropriations. Money appropriated to the fund may be used for

16 (1) the costs of the commissioner in carrying out the
 17 commissioner's duties under AS 44.21.350 - 44.21.390
 18 [TELECOMMUNICATIONS INFORMATION COUNCIL], including the [ITS]
 19 costs of performing reviews and studies considered necessary by the commissioner
 20 under AS 44.21.350 [COUNCIL];

21 (2) necessary expenses of providing information services to political
 22 subdivisions and state agencies;

23 (3) additions, replacements, or improvement of capital equipment for
 24 information services; requests by the department for capital equipment expenditures
 25 shall be included in the budget submitted by the governor to the legislature under
 26 AS 37.07; and

27 (4) other purposes as specified in an appropriation to the fund.

28 * Sec. 7. AS 44.21.045(f) is amended to read:

29 (f) Fees and surcharges for information services of the department are subject
 30 to annual review and approval by the commissioner of the department
 31 [TELECOMMUNICATIONS INFORMATION COUNCIL].

1 * Sec. 8. AS 44.21.150 is amended to read:

2 **Sec. 44.21.150 Declaration of purpose.** It is the purpose of AS 44.21.150 -
3 44.21.170 to designate the Department of Administration as the department
4 responsible for the operation and management of automatic data processing resources
5 and activities of the executive and legislative branches of state government and the
6 judicial branch to the extent requested by that branch [, TO PROVIDE FOR
7 COOPERATION BETWEEN THE DEPARTMENT AND THE
8 TELECOMMUNICATIONS INFORMATION COUNCIL IN THE OFFICE OF THE
9 GOVERNOR.] and to provide for periodic review of state automatic data processing
10 procedures and mechanisms. It is further the purpose of these sections to encourage
11 cooperation between the state government and local governments in the use of
12 automatic data processing systems.

13 * Sec. 9. AS 44.21.160(a) is amended to read:

14 (a) Except as otherwise provid. d in (g) of this section, the department shall
15 comply with the state information systems plan adopted by the commissioner
16 [TELECOMMUNICATIONS INFORMATION COUNCIL IN THE OFFICE OF
17 THE GOVERNOR] in providing automatic data processing services responsive to the
18 needs of state government.

19 * Sec. 10. AS 44.21.160(b) is amended to read:

20 (b) To carry out (a) of this section the department may, consistent with the
21 state information systems plan adopted by the commissioner
22 [TELECOMMUNICATIONS INFORMATION COUNCIL] and with the
23 departmental information systems plan.

24 (1) maintain a central staff of systems analysts, computer
25 programmers, and other staff members sufficient to provide systems analysis and
26 computer programming support required by the executive and legislative branches of
27 state government;

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

31 (3) review all budget requests for automatic data processing services

1 and recommend to the commissioner [TELECOMMUNICATIONS INFORMATION
2 COUNCIL] and the governor approval, modification, or disapproval;

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

5 (5) determine and satisfy the data processing equipment and supply
6 requirements of the executive and legislative branches, departments, and agencies of
7 state government;

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

10 (7) develop and publish systems analysis, computer programming and
11 computer operations standards;

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

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

17 (10) charge a state agency or other governmental agency for the cost of
18 the automatic data processing services provided or procured by the department for the
19 agency.

20 * Sec. 11. AS 44.21.160(d) is amended to read:

21 (d) In accordance with the state information systems plan adopted by the
22 commissioner [TELECOMMUNICATIONS INFORMATION COUNCIL], the
23 department and the University of Alaska may develop and implement a plan for the
24 integration of automatic data processing facilities of the university with the state
25 facilities.

26 * Sec. 12. AS 44.21.160(e) is amended to read:

27 (e) If the action is not contrary to the state information systems plan adopted
28 by the commissioner [TELECOMMUNICATIONS INFORMATION COUNCIL],
29 this section does not prohibit

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

1 (2) the legislature from recruiting and employing data processing
2 personnel or from obtaining necessary contractual assistance for automatic data
3 processing activities;

4 (3) the judicial branch from establishing independent data processing
5 policies and implementation procedures; however, the policies and procedures must
6 permit information exchange and implementation procedures compatible with other
7 branches of government whenever practical.

8 * Sec. 13. AS 44.21.266 is amended to read:

9 **Sec. 44.21.266. Duties of the commission.** The commission shall

10 (1) apply for federal and private funds for public broadcasting
11 purposes and receive all federal, state, or private funds, property, or assistance that
12 may be appropriated, granted, or otherwise made available to the commission for
13 public broadcasting purposes, and use and disburse funds and property for purposes
14 consistent with the terms of AS 44.21.256 - 44.21.290, subject to reasonable
15 limitations imposed by the grantor;

16 (2) provide consultative services in all aspects of public broadcasting
17 to all public or private agencies in the state that request them;

18 (3) serve as a library and clearinghouse for public broadcasting
19 information;

20 (4) through grants to qualified entities, develop an integrated public
21 broadcasting network for the state;

22 (5) through grants to qualified entities, develop and distribute public
23 broadcasting programming in the state;

24 (6) prepare and submit to the governor and the legislature, in
25 compliance with the state information systems plan adopted by the commissioner of
26 administration [TELECOMMUNICATIONS INFORMATION COUNCIL IN THE
27 OFFICE OF THE GOVERNOR], a long-term plan for the development of public
28 broadcasting stations and systems in the state, and biennially update the plan; and

29 (7) perform all other functions necessary to ensure the orderly and
30 coordinated development of public broadcasting in the state.

31 * Sec. 14. AS 44.21.310(a) is amended to read:

1 (a) In accordance with the state information systems plan adopted by the
2 commissioner [TELECOMMUNICATIONS INFORMATION COUNCIL] and with
3 the departmental information systems plan, the department shall

4 (1) advise the commissioner [COUNCIL] and the governor on matters
5 of policy and comprehensive state planning for telecommunications services;

6 (2) [REPEALED

7 (3)] coordinate, manage, and supervise state programs in
8 telecommunications, including the management of those telecommunication services
9 for the state obtained from common carriers and from the communications industry;

10 (3) [(4)] when requested, provide technical and consulting assistance to
11 the executive, judicial, and legislative branches of state government, to the University
12 of Alaska, and to private noncommercial entities which request that assistance in
13 facility procurement and leasing and in identifying long-range goals and objectives for
14 the state and its political subdivisions in all aspects of telecommunications, including
15 public, educational, and instructional telecommunications;

16 (4) [(5)] prepare and maintain a state comprehensive
17 telecommunications development plan to further state telecommunications
18 development and to meet state telecommunications needs and prepare and maintain a
19 comprehensive inventory of all state communications facilities;

20 (5) [(6)] whenever feasible, procure services from private enterprise or
21 certified and franchised utilities and contract for the construction, management,
22 operation, and maintenance of telecommunications systems and develop a
23 procurement policy consistent with AS 36.30 (State Procurement Code); the
24 procurement policy must seek to achieve the maximum benefit to the public, and
25 methods of procurement, including lease, purchase, rental, or combinations of lease,
26 purchase, and rental, must be selected on the basis of factors such as the ratio of long-
27 range costs versus benefits, life cycle costing, and the costs to the communications
28 industry to the extent that these costs may affect local and long distance basic
29 telephone rates; procurement, contracting, construction, and maintenance under this
30 paragraph is governed by AS 36.30;

31 (6) [(7)] provide information and assistance to state agencies to

1 promote governmental coordination and unity in the preparation of agency plans and
2 programs involving the use of telecommunications;

3 (7) [(8)] apply for and accept federal and private money, property, or
4 assistance, that may be appropriated, granted, or otherwise made available to the
5 department and use and disburse money and property for purposes consistent with
6 AS 44.21.300 - 44.21.330 and AS 44.21.256 - 44.21.290, subject to reasonable
7 limitations imposed by the grantor;

8 (8) [(9)] participate with other governmental units in planning, and
9 assist local governments and governmental conferences and councils in the state in
10 planning and coordinating their activities relating to telecommunications;

11 (9) [(10)] provide for the orderly transition to new telecommunications
12 services and systems by state agencies;

13 (10) [(11)] serve as a clearinghouse for information, data, and other
14 materials that may be necessary or helpful to federal, state, or local governmental
15 agencies in the development of telecommunication systems;

16 (11) [(12)] coordinate department services and activities with those of
17 other state departments and agencies to the fullest extent possible to avoid unnecessary
18 duplication; and

19 (12) [(13)] provide that all activities of the department are responsive
20 to state statutes and regulations, and to the regulations and rulings of the Federal
21 Communications Commission.

22 * Sec. 15. AS 44.21.315(a) is amended to read:

23 (a) In accordance with the state information systems plan adopted by the
24 commissioner [TELECOMMUNICATIONS INFORMATION COUNCIL] and with
25 the departmental information systems plan, the department shall provide

26 (1) technical consultation to educational and public
27 telecommunications users;

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

31 (A) public school districts and the Department of Education

1 and Early Development;

2 (B) the University of Alaska; and

3 (C) other state agencies as approved by the commissioner;

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

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

10 (5) assistance, through design, development, and promotion, to local
11 school districts or other local and regional education agencies for the regionalization
12 of instructional telecommunications services;

13 (6) establishment of operational policies for public
14 telecommunications services other than public broadcasting; and

15 (7) assistance to the Alaska Public Broadcasting Commission and any
16 commission-designated subcommittees, as necessary to perform assigned department
17 functions: the department shall cooperate with the commission and subcommittees in
18 order to develop policies which are responsive to the user groups which are
19 represented on the commission.

20 * Sec. 16. AS 44.21.320(a) is amended to read:

21 (a) Except as provided in (d) of this section, the department may, consistent
22 with the provisions of AS 44.21.310(a)(5) [AS 44.21.310(a)(6)]

23 (1) plan, design, construct, manage, and operate all
24 telecommunications systems owned or leased by state agencies;

25 (2) manage centrex and other telephone-related services of state
26 agencies;

27 (3) be responsible generally for telecommunications systems and
28 design for state agencies; and

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

31 * Sec. 17. AS 44.21.320(e) is amended to read:

1 (e) Nothing in AS 44.21.305 - 44.21.330 prohibits a state agency from
2 developing telecommunications systems within its own agency if the agency is in
3 compliance with the state information systems plan adopted by the commissioner
4 [TELECOMMUNICATIONS INFORMATION COUNCIL] and with the agency's
5 own information systems plan and if the commissioner gives written authorization for
6 the agency to engage in its own design, development, management, or operation. The
7 commissioner may authorize independent development only upon a showing of
8 necessity.

9 * Sec. 18. AS 40.25.220(4); AS 44.19.502, 44.19.504, 44.19.506, and 44.19.519 are
10 repealed.

11 * Sec. 19. The uncodified law of the State of Alaska is amended by adding a new section to
12 read:

13 REVISOR'S INSTRUCTION. The revisor of statutes is instructed to change the
14 heading of existing article 4 of AS 44.21 from "Article 4. Telecommunications" to "Article 4.
15 Telecommunications Services and Operations."

16 * Sec. 20. The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 TRANSITION. (a) Litigation, hearings, investigations, and other proceedings
19 pending under a law repealed or amended by this Order, or in connection with functions
20 transferred this Order, continue in effect and may be continued and completed
21 notwithstanding a transfer, repeal, or amendment provided for in this Order.

22 (b) Regulations adopted by the former Telecommunications Information Council
23 under authority of AS 40.25.123, as that statute existed on the day before the effective date of
24 this Order, remain in effect, and may be implemented and enforced by the Department of
25 Administration, until regulations are adopted by the Department of Administration under
26 AS 40.25.123, as amended by this Order, and take effect.

27 (c) Contracts, rights, liabilities, and obligations created by or under a law repealed or
28 affected by this Executive Order, and in effect on the effective date of this Order, remain in
29 effect notwithstanding this Order's taking effect. Records, equipment, appropriates, and other
30 property of an agency of the state whose functions are transferred under this Order shall be
31 transferred to implement the provisions of this Order.

1 * Sec. 21. This Order takes effect March 14, 2005.

DATED: _____

Frank H. Murkowski
Governor