

ALASKA LEGISLATURE COMMITTEE FILES 1981-1982 86/2

1450 SHESS EXECUTIVE ORDER # 50

# TELECONFERENCE HEARINGS



Please Print.  
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME JW NEWSROM

Here to Testify

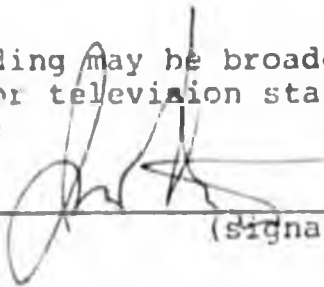
REPRESENTING KWXT Radio

Here to Observe

MAILING ADDRESS P.O. Box 1052 Zip 99615

TELEPHONE NUMBER 466-4227

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

  
(signature)

EVALUATION: Have you participated in other legislative teleconferences? YES If so, how many? 3

How did you learn about this hearing?  
THRU LEG. INFO OFFICE.

Would you have participated in this hearing if the network were not available? NO

If yes, did you use the network  
\_\_\_\_\_ instead of travel  
\_\_\_\_\_ instead of phone conversations  
\_\_\_\_\_ instead of mailed testimony?

Are you also providing written testimony? NO

DATE 2/4/81 SUBJECT FIRE ORDER 50 LOCATION Kodiak

# TELECONFERENCE HEARINGS



Please Print.  
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME LINDA L FLEED

Here to Testify X

REPRESENTING SELF

Here to Observe X

MAILING ADDRESS POB 950 KODIAK ALASKA Zip 99415

TELEPHONE NUMBER 486-5737

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

[Signature]  
(signature)

EVALUATION: Have you participated in other legislative teleconferences? NO If so, how many? 0

How did you learn about this hearing?  
From the newspaper

Would you have participated in this hearing if the network were not available? NO

If yes, did you use the network  
       instead of travel  
  ✓   instead of phone conversations  
       instead of mailed testimony?

Are you also providing written testimony? NO

DATE Fly 2, 1981 SUBJECT TELECONFERENCING LOCATION KODIAK

# TELECONFERENCE HEARINGS



Please Print.  
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME DAVID W. THOMPSON

Here to Testify

REPRESENTING ~~XXXX~~ KMYT (FM)

Here to Observe

MAILING ADDRESS Box 484 zip 99615

TELEPHONE NUMBER 476-220

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

David W. Thompson  
(signature)

EVALUATION: Have you participated in other legislative teleconferences? YES If so, how many? 1

How did you learn about this hearing?  
MAILERS

Would you have participated in this hearing if the network were not available? NO

If yes, did you use the network  
 instead of travel  
 instead of phone conversations  
 instead of mailed testimony?

Are you also providing written testimony? NO

DATE 1/4/81 SUBJECT Executive Order 50 LOCATION ATKINS

# TELECONFERENCE HEARINGS



Please Print.  
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME Mike Murray

Here to Testify \_\_\_\_\_

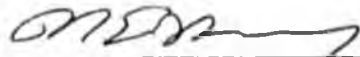
REPRESENTING SELF

Here to Observe X

MAILING ADDRESS Box 2145 Kodiak zip 99615

TELEPHONE NUMBER N/A

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

  
(signature)

EVALUATION: Have you participated in other legislative teleconferences? NX If so, how many? \_\_\_\_\_

How did you learn about this hearing?  
nmk +

Would you have participated in this hearing if the network were not available? No

If yes, did you use the network  
\_\_\_\_\_ instead of travel  
\_\_\_\_\_ instead of phone conversations  
\_\_\_\_\_ instead of mailed testimony?

Are you also providing written testimony? No

DATE Feb 4 '81 SUBJECT Telecommunication LOCATION Kodiak

# TELECONFERENCE HEARINGS



Please Print.

To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME Marti Niman

Here to Testify       

REPRESENTING SELF

Here to Observe   ✓  

MAILING ADDRESS Box 484 Kodiak zip 99515

TELEPHONE NUMBER 486-4227

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

[Signature]  
(signature)

EVALUATION: Have you participated in other legislative teleconferences? No If so, how many?       

How did you learn about this hearing?  
via KXTV

Would you have participated in this hearing if the network were not available?       

If yes, did you use the network  
       instead of travel  
       instead of phone conversations  
       instead of mailed testimony?

Are you also providing written testimony? No

DATE 2/4/81 SUBJECT EYOC ORDER #50 LOCATION KODIAK

Alaska State Legislature

# TELECONFERENCE HEARINGS



Please Print.  
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME Kathy Daniels

Here to Testify       

REPRESENTING Self

Here to Observe       

MAILING ADDRESS Box 3156 Kodiak zip 99615

TELEPHONE NUMBER 486-3005

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Kathy Daniels  
(signature)

EVALUATION: Have you participated in other legislative teleconferences? no If so, how many?       

How did you learn about this hearing?  
        
      

Would you have participated in this hearing if the network were not available?       

If yes, did you use the network  
       instead of travel  
       instead of phone conversations  
       instead of mailed testimony?

Are you also providing written testimony?       

DATE 2/4/81 SUBJECT EVAC. ORDER & SO LOCATION Kodiak

# TELECONFERENCE HEARINGS



Please Print.  
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME Stephen Rennell

Here to Testify ✓

REPRESENTING Self

Here to Observe ✓

MAILING ADDRESS Box 2741 zip 99615

TELEPHONE NUMBER \_\_\_\_\_

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Stephen Rennell  
(signature)

EVALUATION: Have you participated in other legislative teleconferences? YES If so, how many? 1

How did you learn about this hearing?  
VIA KMYT

Would you have participated in this hearing if the network were not available? NO

If yes, did you use the network  
\_\_\_\_\_ instead of travel  
\_\_\_\_\_ instead of phone conversations  
\_\_\_\_\_ instead of mailed testimony?

Are you also providing written testimony? NO

DATE 2/1/81 SUBJECT EXEC. ORDER # 50 LOCATION KODIAK

# TELECONFERENCE HEARINGS



TELECONFERENCE CONTACT SHEET

TAKEN BY Deborah

TOPIC: Executive Order 50; Senate Special Concurrent Resolution No. 1 / RE: Reorganizing the telecommunications functions of the State

CONTACT Rocky/ Sen. Parr  
PHONE 465-4907

COMMITTEE: Senate Health, Education & Social Services

DATE SCHEDULED 1/29/81

DATE: Feb. 4, 1981 DAY: Wednesday

LOCATION Ketchikan

TIME: 12 p.m. (BST)  
1 p.m. (AST) SCHEDULED DURATION: 1 1/2 hrs.  
3 p.m. (PST)

MODERATOR Bonnie Fisher

SITES PARTICIPATING: Jnu\*, Anch, Fbx, Haines, Bar, Ktn, Kötzt, Kod, Dlg, Beth, Homer

CONFERENCE MODE: Audio  Video

PUBLICITY:

PERSONS PARTICIPATING

SITE

CHAIRMAN:  
Sen. Parr

Juneau

Sen. Stimson  
Sen. Colletta  
Sen. Fischer  
Sen. Kelly

Invitational  
 Committee making contacts  
 PSAs

News  
 Release

Summary to be provided  
Text to be provided  
Quotes to be provided

Direct  
Mail date quantity  
ALL STATIONS THAT ARE PART OF AK. PUBLIC RAD  
Phone date quantity

Post at Info. Office  
 Post other local locations

*Bruce Stinson will attend  
Bill Green (Anchorage)  
Richard Papp (Anchorage)*

NOTE: The committee is interested in hearing which of these two pieces of legislation individuals favor. F.Y.I., the Legislature has 60 days from introduction of E.O. #50 to take action, if no action, the E.O. will become effective.

SPECIAL NOTES:

Sites now included are those which are part of the APRN. If you have interest in your area, every effort will be made to include your testimony, but do let Jnu T/C know.

ROUGH AGENDA: 1st 45 min. will be testimony from sites other than Anch & Fbx, 2nd 45 min. will be testimony from Anch & Fbx

JUNEAU LOCATION:

Behrends Bldg, 1st Fl. Conf. Rm., Phone: 586-1062

POST-TELECONFERENCE NOTE:

Participants	<u>1</u>
Observers	<u>2</u>
Total	<u>3</u>



# TELECONFERENCE HEARINGS



Please Print.  
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME Kristina K Mietzner

Here to Testify       

REPRESENTING KRBD Radio

Here to Observe   ✓  

MAILING ADDRESS Totem Way Ketchikan, AK zip 99401

TELEPHONE NUMBER 225-9655

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Kristina K Mietzner  
(signature)

EVALUATION: Have you participated in other legislative teleconferences? yes If so, how many? 10

How did you learn about this hearing?

Through news release from  
leg. affairs

Would you have participated in this hearing if the network were not available? yes

If yes, did you use the network

       instead of travel

  ✓   instead of phone conversations

       instead of mailed testimony?

Are you also providing written testimony? no

DATE 3 4 81

SUBJECT Exec. order 50  
telecommunications

LOCATION Ketchikan

# TELECONFERENCE HEARINGS



Please Print.  
To be returned to Teleconference Moderator.

PARTICIPATION FORM

NAME Bruce Theriault

Here to Testify

REPRESENTING KRBD

Here to Observe

MAILING ADDRESS Totem Way, Ketchikan Zip 99901

TELEPHONE NUMBER 907 225-9655

BROADCAST CONSENT: This proceeding may be broadcast live or recorded for later broadcast by radio or television stations. Please indicate your consent by signing below:

Bruce Theriault  
(signature)

EVALUATION: Have you participated in other legislative teleconferences? yes If so, how many? 2

How did you learn about this hearing?  
Notified through another public radio  
station manager

Would you have participated in this hearing if the network were not available? NO

If yes, did you use the network  
 instead of travel  
 instead of phone conversations  
 instead of mailed testimony?

Are you also providing written testimony? NO

DATE 2-1-81 SUBJECT AF Order # 30 LOCATION K7N

Alaska State Legislature

# TELECONFERENCE HEARINGS



DATE: 2/4/81  
 LOCATION: Sr. Citizens Center  
 SUBJECT: Executive Order 50  
 SCR #1  
 SENATE HOUSE 14.8.82

NAME	REPRESENTING	ADDRESS	PHONE	HERE TO OBSERVE	HERE TO TESTIFY
GARY THOMAS	KBBI public Radio	P.O. Box 1085 HOMER, AK 99803	907 235-7721	X	maybe
Ben Munnis	KBBI	Box 1076 "	235-8349	X	
Louis Shaden		Box 1073 "	235-7879	X	
Daniel Powell	KRRB	Rx 1086	235-7566	X	
Arthur W. Wines	APBC	Box 1950	235-8934		maybe
<p>THE FOLLOWING WERE OBSERVERS IN THE T/C HESS EXEC. ORDER 50, SSCR 1                  MARK S. JOHNSON, POUCH H-06C, JRU 99811 PH 465-3027                  ROBERT W. CAVANAUGH JR., 2792 TOTEM WAY, FBX 99701, PH. 479-2039</p>					

S. H. E. S.S.  
2/4/81



Alaska State Legislature

# TELECONFERENCE HEARINGS



SUBJECT: Executive Order 50; Senate Special Government Resolution No. 1 /  
RE: Reorganizing the Telecommunications Functions of the State

COMMITTEE: Senate Health, Education & Social Services

DATE: 2/4/81

TIME: 1 pm AST

SITES PARTICIPATING:

CONFERENCE MODE:

LOCATION: Seward

MODERATOR: Vicki Seigel

NOTES: ~~participated~~ would not  
fill out portion, did Sam

CONFIRMATION OF CONFERENCE

CENTER: Seward

PUBLICITY:

Invitational -

	Date	Quantity
PSAs	<input checked="" type="checkbox"/>	_____
News releases (local)	<input checked="" type="checkbox"/>	_____
News releases (outlying media)	_____	_____
Direct mail	_____	_____
Phone contacts	_____	_____

Other: Direct Contact with Mayor Haglund and City Clerk

NUMBER IN ATTENDANCE 1  
NUMBER TESTIFYING 0







**KAKM** ALASKA PUBLIC TELEVISION, INC.  
2651 PROVIDENCE DRIVE, ANCHORAGE, ALASKA 99504  
(907) 276-7070

February 20, 1981

Senator Charles Parr  
Alaska State Senate  
Pouch "V"  
Juneau, Alaska 99811

Dear Senator Parr:

Enclosed in an endorsement from the Board of Directors of Alaska Public Television, Inc. regarding Governor Jay Hammond's Executive Order, No. 50. This resolution of support was adopted by the Board in a unanimous vote January 15, 1981.

We hope this document and the support it represents will be of value to both you and the Alaska Public Broadcasting Commission in their reorganization as regards Executive Order No. 50.

Sincerely,

*Elmo Sackett*

Elmo Sackett  
Executive Director  
and General Manager

ES/so

Enclosure



Official Business

# Alaska State Legislature

## Senate

### Committee on

### Health, Education & Social Services

Charlie Parr, Chairman  
Terry Stimson, Vice-Chairman  
Vic Fischer  
Tim Kelly  
Mike Colletta

Pouch V  
State Capitol  
Juneau, Alaska 99811

465-4907  
465-4908

LETTER OF INTENT  
ON  
EXECUTIVE ORDER NO. 50

In recommending that Executive Order 50 be allowed to become law, it is the intent of the Health, Education and Social Services Committee that the powers of the Executive Branch do not reach into the Legislative Branch. References in the Executive Order to "state agencies" are understood to exclude the Legislature.

It is the intent of the Committee that telecommunications services operated and used by the Legislative Branch of government shall remain under the control of the Legislative Affairs Agency.

It is recommended that the Legislature, in joint session, adopt a letter of intent similar to this one prior to the 60th day of the session.

\_\_\_\_\_  
Charles H. Parr, Chairman

\_\_\_\_\_  
Terry Stimson, Vice-Chairman

\_\_\_\_\_  
Vic Fischer

\_\_\_\_\_  
Mike Colletta

\_\_\_\_\_  
Tim Kelly

January 12, 1981

R E S O L U T I O N

- WHEREAS adequate telecommunications facilities and services available at reasonable and affordable rates are essential to the conduct of government, commerce and private life and that these facilities and services should be available, to the extent possible, to all agencies and citizens of the state regardless of location; and
- WHEREAS it is in the interest of all people of the state for the state to facilitate the development of both basic and advanced telecommunications service and facilities to be available to all its citizens for their individual and mutual benefit; and
- WHEREAS consolidating telecommunications activities through one department should assure increased efficiency, increased accountability, increased effectiveness in coordinating and assisting public service telecommunications users, will establish consistent public policy for the state related to telecommunications systems and services, and will assure better public understanding of the state's policies and programs; and
- WHEREAS the Alaska Public Broadcasting Commission will be able to pursue with greater effectiveness its role in the encouragement, development and support of non-commercial public broadcasting; and
- WHEREAS the Commission would retain responsibility for long-range planning for the development of non-commercial public broadcasting in the state and would fulfill its role of supporting public broadcasting primarily through planning and through making grants and providing assistance for non-commercial public broadcasting purposes; and
- WHEREAS the Order stresses the importance of the state's maintaining a strict policy against influence or control over actual program content and over the use and scheduling of broadcast time,
- BE IT RESOLVED, that the Board of Directors of Alaska Public Television, Inc. endorses and supports the findings and purposes of Executive Order No. 50 issued by Governor Jay S. Hammond, January 12, 1981, in regard to the reorganization of state telecommunications services and facilities.

SIGNED:



Marilyn S. Scott  
Chairman, Board of Directors  
Alaska Public Television, Inc.



STATE OF ALASKA  
LIEUTENANT GOVERNOR  
JUNEAU

February 13, 1981

The Honorable Charles H. Parr  
Chairman  
Senate Committee on Health, Education  
and Social Services  
Pouch V  
Juneau, Alaska 99811

Dear Senator Parr:

Lieutenant Governor Miller is out of town for the next two weeks, so I am taking the liberty of providing an interim response to your request for documentation on the expenditures associated with Executive Order #50.

As you know, a fiscal note for \$105,300 has been prepared by the Department of Administration. These costs are ones directly associated with, and mandatory for, the implementation of the order. In addition, the Governor has instructed his budget personnel, in conjunction with the Department of Administration, to submit a budget amendment for expenditures that would enhance delivery of telecommunication services, should the Legislature choose to approve them. Department personnel are currently working on that budget amendment, which will be reviewed by the Governor's Budget Review Committee and then submitted to the Legislature. As soon as the tentative figures are available, we will submit them to the Committee.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Karen".

Karen Perdue  
Special Assistant

STATE OF ALASKA  
THE LEGISLATURE


LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

February 11, 1981

MEMORANDUM

TO : Senator Charles H. Parr  
Chairman  
Health, Education and Social Services Committee

FROM : M. R. Charney, Executive Director  
Legislative Affairs Agency 

SUBJECT: Executive Order No. 50

As a follow-up to my testimony on Executive Order No. 50, and Ms. Susan Burke's suggestions made at that meeting, I am enclosing a draft of suggested remarks which could be used in a committee report.

Enclosure

COMMITTEE REPORT -- EXECUTIVE ORDER 50

The Committee recommends that Senate Special Concurrent Resolution No. \_\_\_\_\_, disapproving Executive Order Number 50 do not pass. The Committee finds that the goals set forth by the Governor in Executive Order Number 50 can best be accomplished by a reorganization of the telecommunication activities of the state as proposed in Executive Order Number 50. The Committee finds that the inconsistent use of the undefined generic term "state" and the defined term "state agency" throughout the text of the order creates some ambiguity as to whether the order applies to telecommunications activities of the legislative branch. The Committee interprets this executive order as applying only to "state agencies" which, as defined in the order, excludes agencies of the legislative and judicial branches. In recommending that the resolution disapproving that executive order fail, it is the understanding of this Committee that it is the intention of the Governor that telecommunications services presently operated and used by the legislative branch of government shall remain under the control of the Legislative Affairs Agency.

EX 0 50 file

JAY S. HAMMOND, GOVERNOR

**DEPARTMENT OF ADMINISTRATION**

OFFICE OF THE COMMISSIONER

POUCH C

JUNEAU, ALASKA 99811

465-2200

February 24, 1981

Honorable Charles H. Parr  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Parr:

Executive Order 50 aims at consolidation and enhancement of Statewide Telecommunications services. Dollars associated with Executive Order 50, in addition to agency budgets, provides two mechanisms for funding the modified organization.

The Fiscal Note of \$105,300 describes administrative staff for Administration to pay bills, prepare personnel documents, assist in budget preparation and do the administrative functions that had been done by various Transportation and Education staff. Included is also an amount to provide travel for RATNET which presently have no funds after a half year experience. We consider the move of the Tape Delay Center because of its withdrawal of association to the Broadcasting Commission. The Fiscal Note, consequently, enables assumption of activities at minimal cost and minimal revision.

We will approach the Governor's Budget Review Committee for a budget amendment. That amendment will be requested to provide funds for the orderly implementation of a consolidated organization to satisfy public, executive and legislative interests and, most important, program objectives.

Potentials of the budget amendment address:

improved services

possible detection of duplicate costs and inefficiencies

strengthening of existing and weaknesses

resolution of criticisms

February 24, 1981

Added costs of the budget amendment are measured at:

Personal Services	\$ 639,443
Contractual	40,500
Equipment	72,000
Travel	20,000
Auxiliary Power	25,000
	<u>\$ 796,943</u>
Savings in personnel costs by vacancy and related costs	<u>45,000</u>
Request	\$ 751,943

Costs are divided into those associated with the planning, design function and the tape delay center. Neither is less significant than the other.

	<u>ADMIN., PLANNING, DESIGN, CONTROL</u>	<u>TAPE DELAY CENTER</u>
Personal Services	\$ 443,365	\$ 196,078
Contractual	27,000	13,500
Equipment	54,500	18,000
Travel	10,000	10,000
UPS (Uninterrupted Power Supply)		25,000

The Tape Delay Center is shown separate because of its significant to the television project. Its operation is presently in a perilous position. If separated from APBC, which is designed, it becomes more in jeopardy. Its present staff of five is responsible for scheduling, engineering, operating seven days a week, eighteen or so hours a day. It operates solely because of dedication, extra hours and borrowing APBC staff. The most visible aspect of the television project is presently budgeted to fail and must be corrected.

With Executive Order 50, the State is in position for the orderly development of a progressive, comprehensive organization for delivery of essential and vital service to every citizen of the State of Alaska. Services that can accommodate health, safety, education, emergency and recreation. We ask support of this budget amendment if it is approved by the Governor.

Sincerely,  
  
Richard A. Smith  
Deputy Commissioner for  
Administrative Management

RAS/mjc  
cc: Karen Purdue  
Office of Lieutenant Governor



Official Business

# Alaska State Legislature

## Senate

### Committee on

### Health, Education & Social Services

Charlie Parr, Chairman  
Terry Stinson, Vice-Chairman  
Vic Fischer  
Tim Kelly  
Mike Colletta

Pouch V  
State Capitol  
Juneau, Alaska 99811

465-4907  
465-4908

February 26, 1981

The Honorable Jalmer M. Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. President:

The Health, Education and Social Services Committee has reviewed Executive Order No. 50, which would transfer and consolidate existing telecommunications functions in the State.

Testimony has been received from the Office of Lieutenant Governor, Department of Administration, Department of Education, members of the Alaska Public Broadcasting Commission, persons affiliated with public radio and television stations, commercial media representatives, and the general public. Nearly all the testimony has been favorable (this could probably have been expected on the part of State agencies).

The Executive Director of the Legislative Affairs Agency pointed out some places in the Order where there might be an implication that the new Division of Telecommunications would have authority over the Legislature's Teleconference Network. The Committee received assurances from the Assistant Attorney General who drafted the Order that this was not intended. Attached to this report to you is a letter of intent to make clear that the Committee has interpreted the Executive Order as in no way impinging upon the Legislature's Teleconference Network. It is recommended that such an intent letter be adopted by the Legislature in joint session if the Executive Order is allowed to stand.

February 26, 1981

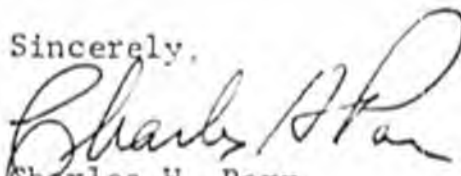
There was some concern that under the new organization, educational and instructional radio and television might be down-played. Nothing in the Order gives assurance that "The Beast from the Dark Lagoon" will not outrank a film on American History when there is a shortage of broadcast time. The follow-up on this point indicates that education will receive its proper allotment and will remain autonomous. Enclosed is a copy of a draft memorandum of agreement between the Department of Education and the Department of Administration.

A fiscal note of \$105,000 accompanied the Order. The proposed funding would pay for two persons to administer the new consolidated program in the Department of Administration. Committee questioning, however, elicited the fact that the Department of Administration plans to submit a budget revision for \$700,000 more, raising the total cost of the Order to more than \$800,000. The Committee did not receive a satisfactory explanation of what we are buying for this much money.

The HESS Committee has no objection to allowing Executive Order No. 50 to become law provided that there is a satisfactory explanation of the additional costs involved. A letter of explanation from the Deputy Commissioner, Department of Administration, is enclosed.

It is recommended that the Finance Committee review the fiscal implications of the Executive Order.

Sincerely,



Charles H. Parr  
Chairman

CHF:vc

Encl: HESS Committee Letter  
of Intent - 2-26-81

Draft Memo of Agreement  
Dept. of Ed.-Dept. of  
Admin.

Ltr./Richard A. Smith,  
Dept. of Admin. - 2-24-81

Ltr./Susan A. Burke, Asst.  
A.G. - 2-23-81

DRAFT

Proposed Memorandum of Agreement

Department of Education & Department of Administration

RE: INSTRUCTIONAL TELECOMMUNICATIONS SERVICES  
and Executive Order No. 50 (proposed)

In order to facilitate an orderly implementation of Executive Order No. 50, the Alaska Department of Education and the Alaska Department of Administration enter into this Memorandum of Agreement. This Memorandum clarifies and delineates the several roles of each department with respect to the development, production and distribution by telecommunications of programming for instructional purposes pursuant to the Department of Education's authority in Sec. 44.27.020(1).

GENERAL CONCEPT OF THIS AGREEMENT.

1) The Department of Education may request and receive technical assistance and support from the telecommunications systems division and the public telecommunications services division of the Department of Administration in matters related to instructional telecommunications.

2) The Department of Education retains operating & management authority for those systems and services established by the DOE prior to adoption of Executive Order No. 50, including:

a) Systems and their support services which are operational and which are governed by existing inter-agency agreements; and

b) Systems and their support services which have completed major system design work based on prior legislative appropriation or intent.

3) The Department of Education's request to the Department of Administration for technical assistance will be project-specific, based on current or planned instructional services administered by different units of the Department of Education for different instructional purposes, and utilizing different technologies.

CURRENT INSTRUCTIONAL TELECOMMUNICATIONS ACTIVITIES of the Department of Education include:

- Electronic Mail System (EMS)
- Individualized Study by Telecommunications (IST)
- Instructional Television (ITV)
- Audio Conferencing

Design, management & operations authorities are retained by the Department of Education for these projects as follows:

EMS: Continuation of dedicated use and integrity to DOE requirements of the education data center in the Division of Data Processing, at cost to the Department of Education. Continuation of the integrity of the current system and operations agreements with the DOT/PF division of communications as these transfer to the Department of Administration's telecommunications systems division. Costs for these services will continue to be borne by the Department of Education. (See Attachment A)

(list project management by name, title, unit of DOE?)

IST: Complete management authority is retained by DOE. This project does not require long-line service (utilizes microcomputers), and is thus not a telecommunications instructional application

as defined and assigned to the Department of Administration's ~~public services~~ telecommunications<sup>services</sup> division.

ITV & audio conferencing: Current DOE/UA joint project management has been established in coordination with the division of communications (DOT/PF) pursuant to Chapter 174, SLA 1980. The project's technical system design, procurement, installation and maintenance services provided by the division of communications remain in affect with transfer to the telecommunications systems division, based on the availability of funding.

#### Sec. 44.21.250 DIVISION OF TELECOMMUNICATIONS SERVICES

The Department of Administration agrees that division activities concerning the coordination and support of telecommunications services for instruction, including technical assistance and assistance in preparation of grant applications, provided to public school districts as assigned under 44.21.230(b)(2a) and (5) will be summarized in writing on a monthly basis for the Commissioner of Education.

Notwithstanding the provisions of (c), the Department of Education retains its right to make grants available to instructional telecommunications users from funds provided by the legislature for that purpose.

Pursuant to (d) and (e), the Department of Education will participate in and jointly submit to the governor and legislature the annual updated long range development plan for instructional telecommunications.

The Department of Education will be fully consulted concerning operational policies being considered for instructional public telecommunications services (other than public broadcasting), as per (b)(6).

The Department of Education will continue to conduct software and television instructional course development, based on available funding, independent of the division, based on the authority of (g).

#### Sec. 44.21.240 DIVISION OF TELECOMMUNICATIONS SYSTEMS

The Department of Education considers the assignments made to this division in (b) (1) and (2) to be comparable to the services currently provided by DOT/PF division of communications.

Following this interpretation, the Department of Education considers that current agreements between the division of communications and the University of Alaska Instructional Telecommunications Consortium (on behalf of DOE) for the construction, operation and maintenance of an instructional TV and audio conference operations center remain in effect. (Attachment B)

Pursuant to (f), the Department of Education considers sign-off of this memorandum as meeting the conditions of this section for the continued independent design, development, management and operation of instructional telecommunications systems (Commissioner of Administration's approval obtained), pursuant to D+E's authority in Sec. 44.27.020(1).

For those systems for which the Department of Education has received Department of Administration authority to continue independent operation, the Department of Education will provide all necessary information to the Department of Administration on request, pursuant

to the requirements of (g).

DEFINITION OF INSTRUCTIONAL:

ATTACHMENT A:

Details of EMS relationships with DP and DivComm

ATTACHMENT B:

Lind/Barton/Ward memo of agreement (August, 1980)

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

POUCH C  
JUNEAU, ALASKA 99811

465-2200

February 24, 1981

Honorable Charles H. Parr  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Senator Parr:

Executive Order 50 aims at consolidation and enhancement of Statewide Telecommunications services. Dollars associated with Executive Order 50, in addition to agency budgets, provides two mechanisms for funding the modified organization.

The Fiscal Note of \$105,300 describes administrative staff for Administration to pay bills, prepare personnel documents, assist in budget preparation and do the administrative functions that had been done by various Transportation and Education staff. Included is also an amount to provide travel for RATNET which presently have no funds after a half year experience. We consider the move of the Tape Delay Center because of its withdrawal of association to the Broadcasting Commission. The Fiscal Note, consequently, enables assumption of activities at minimal cost and minimal revision.

We will approach the Governor's Budget Review Committee for a budget amendment. That amendment will be requested to provide funds for the orderly implementation of a consolidated organization to satisfy public, executive and legislative interests and, most important, program objectives.

Potentials of the budget amendment address:

improved services

possible detection of duplicate costs and  
inefficiencies

strengthening of existing and weaknesses

resolution of criticisms

February 24, 1981

Added costs of the budget amendment are measured at:

Personal Services	\$ 639,443
Contractual	40,500
Equipment	72,000
Travel	20,000
Auxiliary Power	25,000
	<u>\$ 796,943</u>

Savings in personnel costs by vacancy and related costs	<u>45,000</u>
--	---------------

Request	\$ 751,943
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Costs are divided into those associated with the planning, design function and the tape delay center. Neither is less significant than the other.

	<u>ADMIN., PLANNING, DESIGN, CONTROL</u>	<u>TAPE DELAY CENTER</u>
Personal Services	\$ 443,365	\$ 196,078
Contractual	27,000	13,500
Equipment	54,500	18,000
Travel	10,000	10,000
UPS (Uninterrupted Power Supply)		25,000

The Tape Delay Center is shown separate because of its significant to the television project. Its operation is presently in a perilous position. If separated from APBC, which is designed, it becomes more in jeopardy. Its present staff of five is responsible for scheduling, engineering, operating seven days a week, eighteen or so hours a day. It operates solely because of dedication, extra hours and borrowing APBC staff. The most visible aspect of the television project is presently budgeted to fail and must be corrected.

With Executive Order 50, the State is in position for the orderly development of a progressive, comprehensive organization for delivery of essential and vital service to every citizen of the State of Alaska. Services that can accommodate health, safety, education, emergency and recreation. We ask support of this budget amendment if it is approved by the Governor.

Sincerely  
  
Richard A. Smith  
Deputy Commissioner for  
Administrative Management

RAS/mjc  
cc: Karen Purdue  
Office of Lieutenant Governor

# STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

February 23, 1981

Honorable Charles H. Parr, Chairman  
Senate HESS Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Re: Executive Order No. 50  
Telecommunications

Dear Senator Parr:


This is in response to your request for a written statement of intent concerning the scope of Executive Order No. 50. Apparently a question has arisen concerning whether the Executive Order would give the Department of Administration any authority over telecommunications activities and functions in the Legislature.

Those of us in the Executive Branch who worked on the Executive Order understood and contemplated from the very beginning that the Legislature would continue to have control and authority over its own telecommunications activities. Further, any interpretation of the Order to the contrary would raise constitutional problems. First, a separation of powers question would arise if the Order were interpreted as giving the Department of Administration authority over a matter concerning the administration of the Legislature. Second, the scope of an Executive Order is limited under the Alaska Constitution to the reorganization of executive departments. An Executive Order cannot grant to an executive department new powers that did not exist before.

I hope this answers your questions. Please let me know if you need anything further.

Sincerely,

WILSON L. CONDON  
ATTORNEY GENERAL

By: 

Susan A. Burke  
Assistant Attorney General

SAB:wjp



Official Business

# Alaska State Legislature

## Senate

### Committee on

### Health, Education & Social Services

Charlie Parr, Chairman  
Terry Stinson, Vice-Chairman  
Vic Fischer  
Tim Kelly  
Mike Colletta

Pouch V  
State Capitol  
Juneau, Alaska 99811

465-4907  
465-4908

#### MEMORANDUM

TO: Senate HESS Committee Members  
FROM: Rocky Plotnick Weller  
DATE: February 4, 1981  
RE: Executive Order # 50

Jim McMillan, vice-chairman of the Alaska Public Broadcasting Commission, would like to go on the record as supporting Executive Order # 50. He is in Nome and cannot participate in the teleconference today.

*Rocky*

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 20, 1981

SUBJECT: Executive Order No. 50 - Telecommunications

TO: Myrton R. Charney  
Executive Director

FROM: Thomas A. Sofo *TAS*  
Legislative Counsel

I have reviewed Executive Order No. 50, dated January 12, 1981, in order to determine whether the Governor's proposed reorganization of state telecommunications functions will affect certain activities of the Legislative Affairs Agency. I realize that control of the teleconference function is of particular interest to the Agency and I have read the executive order with that thought in mind.

A review of the language used in the order indicates that it is, at best, ambiguous with regard to the operation of the teleconferencing function. The ambiguity is created by the inconsistent use of terms throughout the order. A large portion of the order addresses the organization and use of telecommunication services by "state agencies". Under AS 44.21.250(6), at page 12, line 22, the order defines "state agencies" as:

all departments, divisions, and offices in the executive branch of state government; it does not mean an agency of the legislative or judicial branch of government or the University of Alaska;

If all substantive parts of the executive order had used the term state agency, I think the inapplicability of the order to the teleconferencing function would be rather clear. However, there are a handful of references in the order which cloud the picture. The first one is on page 1 of the order at line 21. It is there stated that the goals of the order "can best be accomplished by coordinating all of the state's telecommunications activities through one department".  
(Emphasis added)

The next reference which might cause a problem for the Agency is contained in AS 14.58.090(2), page 5, line 8. At that point in the draft, public broadcasting is defined to include telecommunications which are "intended to serve a non-commercial public purpose". That language is part of the operative definition of public broadcasting which is to be used by the Alaska Public Broadcasting Commission. It is clear that certain activities of the Agency arguably are non-commercial public purpose activities. However, since most of the actual authority which the commission had previously possessed is taken away by other parts of the order, leaving the commission as a consultative, funding and coordinating service, I do not believe that particular reference alone will cause the Agency any problems.

A more volatile area is found in reviewing the language of the powers and duties of the telecommunications divisions in AS 44.21.220, page 6. Under AS 44.21.220(3) it is stated that the telecommunications divisions shall "coordinate, manage, and supervise state programs in telecommunications, including the management of those telecommunications services for the state obtained from common carriers and from the communications industry;". That language is one of the more troublesome references contained in this executive order.

Another reference which is of particular significance when reviewing its effect on teleconferencing is contained in AS 44.21.230(b)(4), page 9, line 15. It is there stated that the division of telecommunications services shall provide:

"coordination and support to telecommunications services for public participation in state-financed services including the public hearing process as may be statutorily required or otherwise appropriate."  
(Emphasis added)

More specifically, subsection (e) of AS 44.21.230 provides:

"The division of telecommunications services shall, after public hearings, submit to the governor an annually updated long term development plan for teleconferencing facilities and services, including facilities and services used both by state agencies and groups other than state agencies." (Emphasis added)

Myrton R. Charney  
Page 3  
January 20, 1981

It is apparent that Executive Order No. 50 contains certain references which may in the future be used as part of an argument to subsume the operation of telecommunications facilities by the Legislative Affairs Agency by the newly-created telecommunications divisions. I have attached a copy of some draft amendments which could be used to clarify the executive order as presently written. Those amendments would go a long way toward insuring that the order is not used as a tool by the staff of those new divisions to expand their power beyond executive state agencies.

TAS:jdn

Attachment

PROPOSED AMENDMENTS TO EXECUTIVE ORDER NO. 50

Page 1, line 22:

Delete "state's" and insert "of state agencies" after "activities".

Page 6, line 13:

Insert "agency" after "state".

Page 9, line 15:

Add "of state agencies" after "services".

Page 10, lines 13 - 14:

Delete ", including facilities and services".

Page 10, line 14:

Delete "both" and insert "by" in its place.

Page 10, lines 14 - 15:

Delete "and groups other than state agencies".

February 5, 1981

The Honorable Terry Miller  
Lieutenant Governor  
State of Alaska  
Pouch AA  
Juneau, Alaska 99811

Dear Terry:

I have discussed with Karen Perdue my wish to know what the State will receive for the more than \$800,000 to be expended in carrying out Executive Order No. 50. Presumably reorganization should result in lowered costs.

If the money is for start-up costs and it is expected that these will be compensated for by savings down the road, I would appreciate an estimate as to where and in what amounts the savings are expected to occur. How long will the pay-back period be?

Sincerely,

Charles H. Parr  
Chairman

CHP:vc

STATE OF ALASKA  
THE LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

MEMORANDUM

February 11, 1981

SUBJECT:            Constitutionality of Executive Order 50  
                    (Work Order No. 12-0632)

TO:                 Representative Fred Brown

FROM:              Thomas A. Sofo *TAS*  
                    Legislative Counsel

You have asked whether the use of Executive Order No. 50 to subject the telecommunications activities of the legislative branch to the reorganization suggested by the Governor in that order would be constitutional. It is the opinion of this office that such a use of an executive order would indeed be unconstitutional. However, there is no need for the analysis of this issue to reach the broader "separation of powers" doctrine. The very first sentence of Article III, section 23 of the Alaska Constitution states:

"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." (emphasis added)

It is apparent that the state constitution explicitly confines the mechanism of an executive order to organizations in the executive branch. An attempt to go beyond that limit would violate the constitutional provision under which the executive order is ostensibly issued. This would be especially true in the case of an executive order which is at best ambiguous with regards to its scope. There is nothing in Executive Order No. 50 which clearly states that it is intended to apply to the telecommunications activities of the legislative branch. That fact along with the inherent limitation on executive orders discussed above lead to the conclusion that this Executive Order No. 50 cannot constitutionally be used to subject the telecommunications activities of the legislative branch to the reorganization proposed in that order.

TAS:blg

9/50

January 12, 1981

President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Mr. President:

Under the authority of art. III, sec. 23, of the Alaska Constitution, and AS 24.30.130(b), I am transmitting Executive Order No. 50. This order would transfer all responsibilities of the Department of Transportation and Public Facilities for telecommunications functions to the Department of Administration. It would also transfer to the Department of Administration those responsibilities of the Alaska Public Broadcasting Commission that do not relate to noncommercial public broadcasting, and would relocate the commission itself from the Department of Education to the Department of Administration. Thus, responsibilities for all telecommunications matters would be consolidated in the Department of Administration.

Except for matters relating to noncommercial public broadcasting, these responsibilities would be divided between two new divisions in the Department of Administration, a division of telecommunications services and a division of telecommunications systems. These two new divisions would each be headed by a director. These directors would in turn report to a deputy commissioner responsible for telecommunications. Under the language of the order, the responsibilities of the deputy commissioner would either be assigned to an existing position in the department or, if the legislature provided the necessary funding, to a new position at the deputy commissioner level. The division of telecommunications services would provide assistance and technical consultation to both governmental and private telecommunications users, and its responsibilities would include providing planning and technical consultation for instructional telecommunications which is currently provided by the Alaska Public Broadcasting Commission. The division of telecommunications systems would have general responsibility for planning, design, and operation of all

75

state-owned or leased telecommunications systems (functions now performed by the Department of Transportation and Public Facilities), as well as systems such as the satellite television project (including the video tape delay center) currently operated by the Alaska Public Broadcasting Commission.

As part of this reorganization, the order provides that the telecommunications divisions would whenever feasible, procure telecommunications services and hardware from private enterprise. This would include not only services provided by tariffed carriers, but might also include installation, maintenance, and operation of various state systems. All procurement must, of course, be in compliance with the requirements of AS 37.05, but, in addition, the department, when making a determination of whether it is feasible or desirable to procure services or hardware from private enterprise, would be required to take into account such factors as long-range cost versus benefit ratios and secondary effects on long distance and local telephone rates.

By transferring the responsibility for providing assistance and services for instructional and educational broadcasting and the responsibility for actual operation of facilities such as the satellite television project, the Alaska Public Broadcasting Commission will be able to pursue with greater effectiveness its role in the encouragement, development, and support of noncommercial public broadcasting. This role would become the primary focus of the commission's activities. The commission would retain responsibility for long-range planning for the development of noncommercial public broadcasting in the state and would fulfill its role of supporting public broadcasting primarily through planning and through making grants and providing assistance for non-commercial public broadcasting purposes.

While it remains necessary for the state to continue to provide assistance to telecommunications users other than state agencies, the order stresses the importance of the state's maintaining a strict policy against influence or control over actual program content and over the use and scheduling of broadcast time. For example, with respect to the satellite television project, the order makes it clear that only scheduling decisions, but even the procedures to be adopted for making those decisions, would be strictly within the control of user groups. The department's only role would be to assist the users in reaching agreements as to procedures for resolving scheduling disputes. Furthermore, the relationship that commercial broadcast program providers have developed with the satellite project appears to be a workable one, which addresses the concerns of the major commercial

97 50

television networks and their Alaska affiliates over the use of copyrighted material in connection with the project. Thus, I would envision that the existing relationship would be maintained under the new organizational structure.

As a final matter, this order includes much of the organizational structure embodied in the Free Conference Committee Substitute for Senate Bill 509, offered to, but not adopted by, the Eleventh Legislature. Because I am convinced that this legislation offered a workable and needed restructuring, I have embodied in this order much of the organizational structure from that legislation. I believe that the reorganization and consolidation of telecommunications responsibilities provided in this order will vastly improve the development of telecommunications services to both the public and private sectors -- services that are vital in a state such as Alaska.

Sincerely,

S/SSH

Jay S. Hammond  
Governor

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Executive Order No. 41  
 Title Reorganization of State Telecommunications Functions  
 Requested by Terry Miller, Lt. Governor Date December 18, 1980

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities  
 Program Category Affected General Government  
 BRU, Program, or Subprogram(s) Affected Communications, Maintenance and Operations  
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		1672.2				
200 TRAVEL		155.2				
300 CONTRACTUAL		6663.2				
400 COMMODITIES		194.4				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
800 MISCELLANEOUS		45.4				
<b>TOTAL</b>		<b>8730.9</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		8377.4				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						
INTERAGENCY RECEIPTS		353.5				

POSITIONS

FULL TIME		42				
PART TIME						
TEMPORARY						

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

This is the total budget for Division of Communications.

IV. DATE January 8, 1981 PREPARED BY *John Bahr*  
 AGENCY Dept. Transportation & Public Facilities  
 PHONE 465-3900  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Executive Order No. 41  
 Title Reorganization of State Telecommunications Functions  
 Requested by Terry Miller, Lt. Governor Date December 18, 1980

II. FISCAL DETAIL

Agency Affected Department of Transportation and Public Facilities  
 Program Category Affected General Government  
 BRU, Program, or Subprogram(s) Affected Telecommunications, Planning and Programming  
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		155.2				
200 TRAVEL		4.3				
300 CONTRACTUAL		13.9				
400 COMMODITIES		1.2				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>174.6</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		174.6				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		3				
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)  
 This is the amount budgeted for FY 82 for Telecommunications planning functions assigned to the Division of Planning and Programming of DOT/PF. It is assumed these functions will be transferred to the Department of Administration with the execution of this (proposed) Executive Order.

IV. DATE January 7, 1981

PREPARED BY *John Galt*  
 AGENCY Transportation and Public Facilities  
 PHONE 465-3900

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

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Executive Order 41  
 Title Reorganization of State Telecommunications  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Department of Transportation & Public Facilities  
 Program Category Affected Transportation  
 BRU, Program, or Subprogram(s) Affected Administrative Support Services - DOT/PF  
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		38.0				
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		38.0				

FUNDING (Thousands of Dollars)

GENERAL FUND		38.0				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		1.0				
PART TIME						
TEMPORARY						

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

PCN 252603, Supply Officer II, has been performing supply activities in support of the Division of Communications, DOT/PF. This position is presently assigned to the Administrative Support Services BRU within DOT/PF. This Fiscal Note assumes the transfer of PCN 252603 to the Department of Administration with the transfer of the Division of Communications.

IV. DATE 1/8/81 PREPARED BY Ron Lind  
 AGENCY DOT/PF  
 PHONE 465-3900  
 Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

THE LEGISLATURE OF THE STATE OF ALASKA  
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Executive Order #50  
 Title Reorganization of State Telecommunications  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Administration  
 Program Category Affected General Government  
 BRU, Program, or Subprogram(s) Affected Administrative Services & Telecommunications  
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		59.3				
200 TRAVEL		22.0				
300 CONTRACTUAL		23.0				
400 COMMODITIES		1.0				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>105.3</b>				

FUNDING (Thousands of Dollars)

GENERAL FUND		105.3				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		2.0				
PART TIME						
TEMPORARY						

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

The above provides additional administrative personnel and support costs to handle the added personnel, payroll, budgeting and fiscal support of the two Telecommunications Divisions. Funds are also included for the move of the Tape Delay Center and additional support of the Rural Alaska Television Network (RATNET). In addition to the above increases, the amounts shown in the attached fiscal notes for the Department of Transportation and Public Facilities and the appropriations for the Alaska Public Broadcasting Commission will be transferred to the Department of Administration.

IV. DATE January 9, 1981 PREPARED BY Judy Crondahl *JC*  
 AGENCY Administration *RF*  
 PHONE 465-2277

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

call Berrier - 3867

§ 24.30.090

LEGISLATURE

§ 24.30.130

**Sec. 24.30.090. Vote on passage.** No bill may become law without the affirmative vote of a majority of the membership of each house. The yeas and the nays on final passage shall be recorded in the journal. (§ 37 ch 157 SLA 1959)

**Sec. 24.30.100. Action upon veto.** When the governor vetoes a bill or by veto strikes or reduces an item in an appropriation bill, during a regular session of the legislature, the legislature shall proceed to act in accordance with § 16, art. II, of the state constitution as it is implemented by the rules of the legislature. A bill vetoed after adjournment of the first regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of the next regular or special session convened during that legislature. Bills vetoed after adjournment of the second regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of a special session of that legislature, if one is called. (§ 38 ch 157 SLA 1959; am § 2 ch 67 SLA 1975)

**Effect of amendment.** — The 1975 sentence and added the second and third amendment inserted "during a regular session of the legislature" in the first sentences.

**Sec. 24.30.110. Effective date of laws.**

Repealed by § 9 ch 126 SLA 1966.

**Editor's note.** — The repealed section derived from § 39, ch. 157, SLA 1959.

**Sec. 24.30.120. Bills carry over.** A bill introduced but not receiving final action in the first regular session of a legislature carries over in the same reading or status into the second regular session of the same legislature. (§ 40 ch 157 SLA 1959)

**Sec. 24.30.130. Constitutional amendments and executive orders.**  
(a) The legislature may propose amendments to the state constitution through the adoption of a joint resolution by an affirmative vote of two-thirds of the membership of each house. Resolutions proposing constitutional amendments shall be treated as bills.

(b) An executive order proposing a change in the executive branch and requiring the force of law under § 23, art. III, of the state constitution shall be submitted to the presiding officer of each house on the day the house organizes. The legislature has 60 days of a regular session, or a full session if of shorter duration to disapprove the order. Unless disapproved by a special concurrent resolution introduced in either house, concurred in by a majority of the members in joint session, the order becomes effective at a date thereafter to be designated by the governor. An order submitted to but not disapproved by the legislature shall be published in the bound session laws and any codification of state law. (§ 41 ch 157 SLA 1959; am § 12 ch 47 SLA 1961)

60 days  
from  
Jan. 12 -  
Berrier  
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const. over-  
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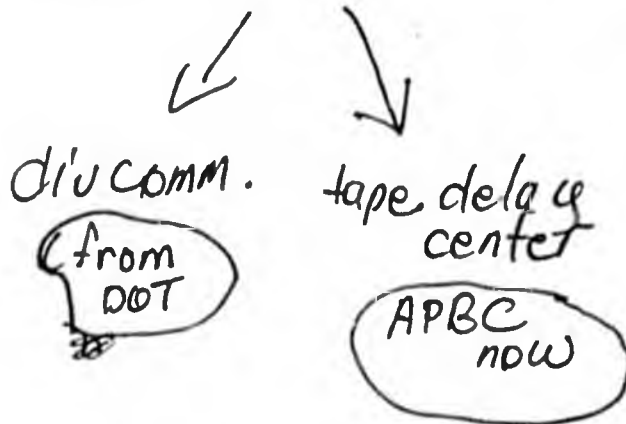
Dick Smith  
2200

chart E.O.#50

now Div. communications

↓  
planning → DOT

system



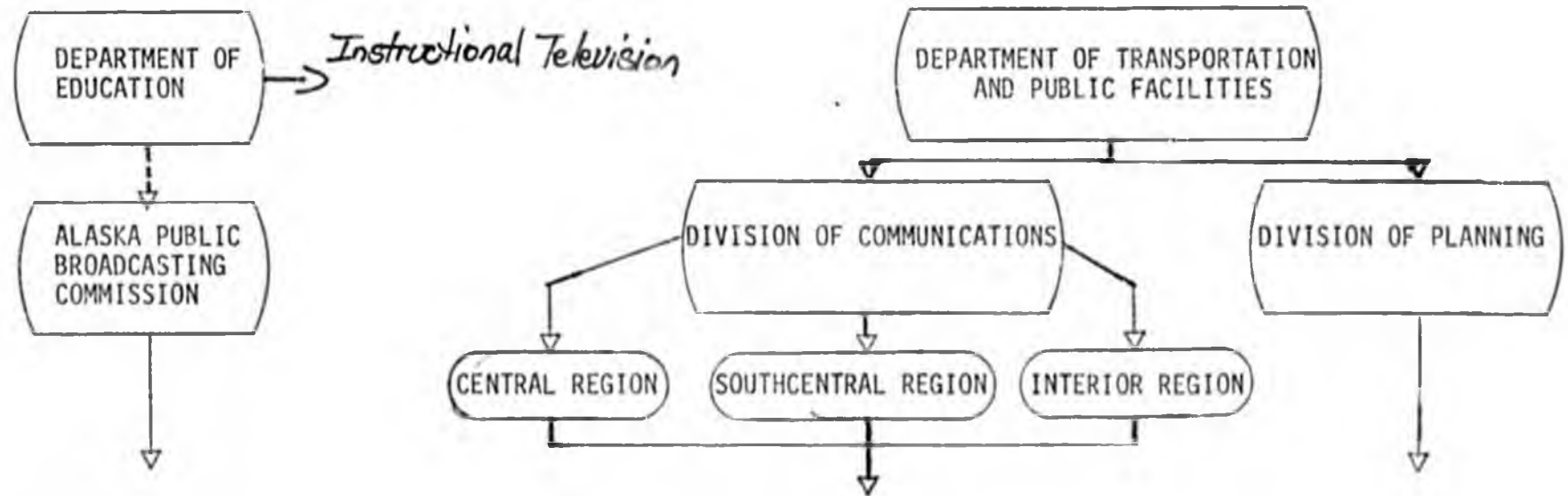
services

↓  
3 planners  
(from DOT)  
telecomm.  
planners

---

APBC (Ed.) - Rural ~~APBC~~  
AK  
T.V.  
network

ORGANIZATIONAL CHART FOR THE EXISTING TELECOMMUNICATIONS STRUCTURE



Responsibilities:

- \* encourage and supervise development of an integrated public broadcasting system and the coordination of all public broadcasting stations.
- ~~\* control and supervise the use of broadcasting channels used for educational broadcasting purposes.~~
- ~~\* review all applications for educational broadcasting licenses submitted to the FCC.~~
- \* review all applications for federal, State, or private funds for educational broadcasting purposes.
- \* develop and distribute public broadcast programming for educational institutions and public agencies in the state.

*• tape delay center*

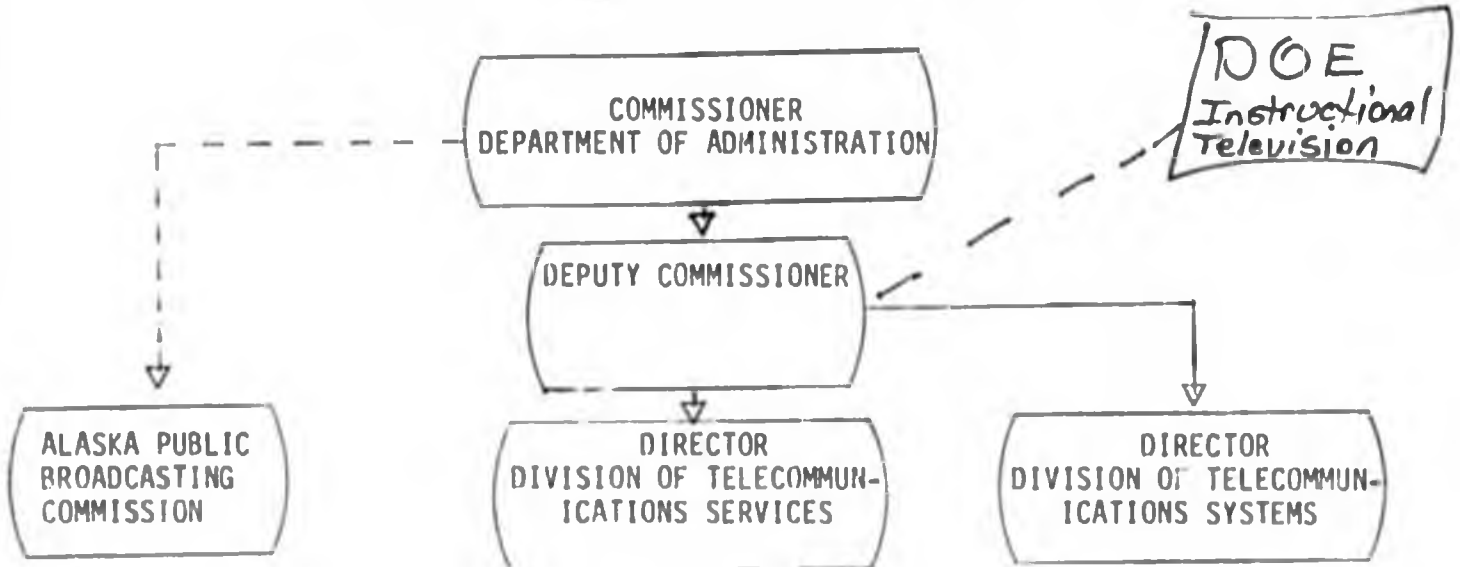
Responsibilities:

- \* design, construct, operate and maintain all state owned or leased communication facilities.
- \* study existing communication facilities for possible improvements and current need for facilities.

Responsibilities:

- \* study alternative means of improving communication in the state with regard to costs and environmental and social effects.
- \* develop facility program plans for communications facilities, including functional performance criteria and schedules for completion.

ORGANIZATIONAL CHART FOR TELECOMMUNICATIONS STRUCTURE  
ESTABLISHED BY EXECUTIVE ORDER NO. 50



Responsibilities:

- \* primary function is the support of noncommercial public broadcasting through the provision of operating and capital grants.
- ~~\* no longer responsible for supervision of educational broadcasting channels or review of educational broadcasting license applications.~~
- ~~\* may not exercise control over specific content or airing of any program material.~~
- \* must prepare and annually update a long term plan for the development of public broadcasting stations and systems in the state.

Responsibilities:

- \* provide technical assistance to educational and public telecommunications users.
- \* provide planning and technical assistance for instructional telecommunications, including the regionalization of instructional telecommunications services.
- \* prepare an annually updated plan for the development of instructional telecommunications services.
- \* prepare an annually updated plan for the development of teleconferencing facilities and services.

Responsibilities:

- \* plan, design, construct, manage, and operate all telecommunications <sup>previously</sup> ~~owned or~~ <sup>under</sup> leased by state <sup>Div. of Com</sup> ~~DOT.~~ or University of Alaska systems.
- \* coordinate with State agencies in performing their data and word processing tasks.
- \* administer and operate the satellite television project through coordination of user groups and provision of management support and technical assistance.

*(tape delay center)*

proofed w/  
E.O. #50

Original sponsor: Finance Committee

1 IN THE SENATE

BY THE FREE CONFERENCE COMMITTEE

2

FREE CONFERENCE CS FOR SENATE BILL NO. 509

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 telecommunications divisions in the Department of Administration; amending the statutes relating to telecommunications; transferring certain telecommunications functions to those divisions; and providing for an effective date."

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

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\* Section 1. INTENT AND PURPOSE. The legislature finds and declares that

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(1) adequate telecommunications facilities and services available

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at reasonable and affordable rates are essential to the conduct of govern-

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ment, commerce and private life and that these facilities and services should

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be available, to the extent possible, to all agencies and citizens of the

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state regardless of location.

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(2) the generation, processing, exchange and use of information

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have become increasingly vital elements of social, economic, political and

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government processes, and constitute both an integral part of and an essen-

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tial element in support of those processes;

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(3) telecommunications may often offer the only effective alter-

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native to time-consuming and increasingly expensive transportation of persons

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and the information they possess;

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(4) current and projected public, business and government needs

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for additional and enhanced telecommunications and information transfer

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services and equipment are highly diverse, reflecting the increasingly com-

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plex and interactive character of the social and economic systems and in-

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stitutions of the state, and the increasingly important and diversified role



1 of information in these systems and institutions;

2 (5) the future development of the state's public and private  
3 sectors will depend greatly on the innovative use of new telecommunications  
4 services and techniques now becoming available;

5 (6) telecommunications can help reduce the isolation of Alaskans  
6 within the state and from the remainder of the states of the United States  
7 and the countries of the world;

8 (7) the existing locally controlled and operated public noncommer-  
9 cial radio and television system must continue to be encouraged and supported  
10 by the state, and, in order to provide this service to all of Alaska's citi-  
11 zens, planned growth of the system must be supervised and coordinated by the  
12 state;

13 (8) improved and more widely available educational opportunities  
14 for all Alaskans can be greatly facilitated by exploiting the ability of  
15 telecommunications technologies to make available the highest quality edu-  
16 cation and instruction in all parts of the state;

17 (9) it is in the interest of all citizens of the state for the  
18 state to facilitate the development of both basic and advanced telecommuni-  
19 cations services and facilities to be available to all its citizens for their  
20 individual and mutual benefit; and

21 (10) these goals can be best accomplished by coordinating all of  
22 the state telecommunications activities through one department, / to assure  
23 increased efficiency in providing the public benefits of

24 (A) comprehensive telecommunications planning for the state;

25 (B) increased accountability for adequate, reliable, and  
26 cost-effective telecommunications system development;

27 (C) increased effectiveness in coordinating and assisting  
28 public service telecommunications users;

29 (D) the establishment of consistent public policy for the

*NOT PASSED*

1 state related to telecommunications systems and services, and better  
2 public understanding of the state's policies and programs.

3 \* Sec. 2. AS 44.21 is amended by adding new sections to read:

4 ARTICLE 4. TELECOMMUNICATIONS.

5 Sec. 44.21.172. TELECOMMUNICATIONS DIVISIONS. There is estab-  
6 lished in the department

- 7 (1) a division of public telecommunications services; and  
8 (2) a division of telecommunications systems.

9 Sec. 44.21.174. DEPUTY COMMISSIONER. (a) The telecommunications  
10 divisions shall be administered by a deputy commissioner of the depart-  
11 ment appointed by the commissioner.

12 (b) The deputy commissioner shall

- 13 (1) provide executive direction for the activities of the  
14 telecommunications divisions;  
15 (2) assure that division activities in no way constitute an  
16 influence on the content or airing of programming and report to the  
17 governor, the commissioner, and the Public Broadcasting Commission or  
18 the Instructional Telecommunications Commission any request or attempt  
19 to influence the content or airing of program material.

20 Sec. 44.21.176. POWERS AND DUTIES OF THE TELECOMMUNICATIONS DIVI-  
21 SIONS. (a) The telecommunications divisions, as directed by the deputy  
22 commissioner, shall

- 23 (1) advise the governor on matters of policy and comprehen-  
24 sive state planning for telecommunications services;  
25 (2) make an annual report to the governor and to the legis-  
26 lature on the activities of the telecommunications divisions;  
27 (3) coordinate, manage, and supervise existing state programs  
28 in telecommunications, including the management of those telecommuni-  
29 cation services for the state obtained from common carriers and from the

1 communications industry;

2 (4) when requested provide technical and consulting assist-  
3 ance to the executive, judicial, and legislative branches of state  
4 government, to the University of Alaska, and to private noncommercial  
5 agencies which request such assistance in facility procurement and  
6 leasing and in identifying long-range goals and objectives for the state  
7 and its political subdivisions in all aspects of telecommunications,  
8 including public, educational, and instructional telecommunications;

9 (5) prepare and maintain a state comprehensive telecommuni-  
10 cations development plan to further state telecommunications development  
11 and to meet state telecommunications needs and prepare and maintain a  
12 comprehensive inventory of all state communications facilities;

13 (6) procure services from private enterprise or certified and  
14 franchised utilities whenever feasible; contract for the construction,  
15 management, operation and maintenance of telecommunications systems and  
16 develop a procurement policy under AS 37.05; the procurement policy will  
17 account for all factors when deciding the method of procurement, includ-  
18 ing lease, purchase, rental, or combinations of lease, purchase and  
19 rental; the factors include but are not limited to life cycle costing,  
20 direct or secondary impacts which may reasonably be expected in long  
21 distance or local telephone rates, and realizable improvements and cost  
22 factors in both state government and the affected portions of the com-  
23 munications industry;

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

27 (8) apply for and accept federal and private money, property,  
28 or assistance, that may be appropriated, granted or otherwise made  
29 available to the telecommunications divisions and use and disperse money

1 and property for purposes consistent with the terms of AS 44.21.172 -  
2 44.21.188 subject to reasonable limitations imposed by the grantor;

3 (9) participate with other governmental units in planning,  
4 and assist Alaska's local governments, governmental conferences and  
5 councils, in planning and coordinating their activities relating to  
6 telecommunications;

7 (10) provide for the orderly transition to new telecommuni-  
8 cations services and systems by state agencies;

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

12 and  
13 *State Dept* (12) coordinate their services and activities with those of  
14 other state departments and agencies to the fullest extent possible to  
15 avoid unnecessary duplication;

16 (13) provide that all activities of the telecommunications  
17 divisions are responsive to existing state statutes and regulations, and  
18 to the regulations and rulings of the Federal Communications Commission.

19 (b) The telecommunications divisions, as directed by the deputy  
20 commissioner, may

21 (1) coordinate their functions with local, regional, state  
22 and federal officials, private groups and individuals, and with offi-  
23 cial, of other countries, provinces and states;

24 (2) enter into contracts and subcontracts on behalf of the  
25 state to carry out the provisions of AS 44.21.172 - 44.21.188;

26 (3) act for the state in the initiation, investigation,  
27 evaluation of or participation in programs related to the purposes of  
28 the telecommunications divisions which involve more than one government  
29 or governmental unit.

1 (4) on behalf of the state, apply for, accept and expend  
2 gifts or grants made to the state if the gifts or grants are for the  
3 purposes of furthering the objectives of the telecommunications divi-  
4 sions;

5 (5) hold public hearings to information for the pur-  
6 pose of carrying out the provisions of 44.21.172 - 44.21.188.

7 (c) The telecommunications divisions may not attempt to influence  
8 or affect the content or airing of program material other than by those  
9 procedures specifically provided for by statute. *Omitted in E.O.50*

10 (d) In proceedings before the Alaska Public Utilities Commission  
11 the department shall reimburse the Alaska Public Utilities Commission  
12 for the reasonable costs of obtaining outside counsel under AS 42.05.-  
13 111(b) if the attorney general elects to represent the telecommuni-  
14 cations divisions.

15 Sec. 44.21.178. DIVISION OF PUBLIC TELECOMMUNICATIONS SERVICES.

16 (a) The division of public telecommunications services shall be ad-  
17 ministered by a director appointed by the commissioner.

18 (b) The division of public telecommunications services shall pro-  
19 vide technical consultation and grants to educational and public tele-  
20 communications users in order to assist in the comprehensive development  
21 of telecommunications services for all specialized public purposes. The  
22 division shall provide

23 (1) coordination and support to telecommunications services  
24 for instruction, including technical assistance and assistance in pre-  
25 paration of applications for grants related to program development as  
26 may be requested by

27 (A) public school districts and the Department of Edu-  
28 cation;

29 (B) the University of Alaska; and

1 (C) other state agencies as approved by the deputy  
2 commissioner;

3 (2) coordination and support for all public broadcasting  
4 functions in the state as follows:

5 (A) the division shall encourage responsible local  
6 control of all public broadcast entities in the state;

7 (B) the division shall pursue the development of public  
8 broadcast services to all residents of the state, and, in consulta-  
9 tion with the Public Broadcasting Commission, develop and submit to  
10 the governor and legislature, with the approval of the Public  
11 Broadcasting Commission and after public hearings, a two-year  
12 development plan of public broadcasting in the state;

13 (C) the division may not control or be responsible for  
14 the program content or policy of public broadcasters except that  
15 grants or technical assistance may not be given to a broadcaster  
16 who is in violation of federal or state laws;

17 ~~(3) coordination and support for health and safety-related~~  
18 ~~functions, including the administrative and client services provided by~~  
19 ~~state, federal, and private agencies;~~

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

24 ~~(5) assistance to the regionalization of instructional tele-~~  
25 ~~communications services by local school districts or other local and~~  
26 ~~regional education agencies, through design, development, and promotion~~  
27 ~~by the division of public telecommunications services;~~

28 (6) establishment of operational policies by the division of  
29 public telecommunications services upon review and approval by the

1 appropriate telecommunications commissions;

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

8 (c) The division of public telecommunications services shall  
9 study, plan and develop integrated instructional telecommunications  
10 services for all residents of the state, and shall annually report on  
11 current fiscal year instructional telecommunications activities and,  
12 with the approval of the Instructional Telecommunications Commission and  
13 after public hearings, submit to the governor and the legislature an  
14 updated two year development plan prepared in consultation with education  
15 agencies and the Instructional Telecommunications Commission.

16 (d) The division of public telecommunications services shall,  
17 after public hearings, submit to the governor annually a two-year  
18 development plan for teleconferencing facilities and services, including  
19 facilities and services used by both state agencies and groups other  
20 than state agencies.

21 (e) The division of public telecommunications services may not  
22 own, operate, or be the licensee of a public noncommercial broadcast  
23 station or production center.

24 (f) Nothing in this section is intended to imply division re-  
25 sponsibility for programming content. Program design, production, and  
26 use remain the responsibility of the program-sponsoring agency, not the  
27 division.

28 Sec. 44.21.180. PUBLIC BROADCASTING COMMISSION. (a) The Public  
29 Broadcasting Commission is established in the Department of Adminis-

1       tration with an existence independent of and separate from the depart-  
2       ment. The commission is created to encourage and supervise the develop-  
3       ment of an integrated public broadcasting system for the state and for  
4       the coordination of all public broadcasting stations. The Public Broad-  
5       casting Commission consists of the following nine members:

6               (1) two members representing the public radio stations in the  
7       state who are not employees of a public radio licensee, appointed by the  
8       governor from a list of six nominees; each governing board of a public  
9       radio licensee shall select a candidate and the six candidates receiving  
10      the most votes of the public radio broadcast licensees in the state  
11      shall be the nominees submitted to the governor;

12              (2) two members representing the public television stations  
13      in the state who are not employees of a public television licensee,  
14      appointed by the governor from a list of six nominees; each governing  
15      board of a public television licensee shall select a candidate and the  
16      six candidates receiving the most votes of the public television  
17      broadcast licensees shall be the nominees submitted to the governor;

18              (3) four members of the general public appointed by the  
19      governor, one of whom shall be a resident of a municipality or village  
20      with a population of 2,000 or less, one of whom shall be a resident of a  
21      municipality with a population of more than 2,000 but less than 20,000,  
22      one of whom shall be a resident of a municipality with a population of  
23      more than 20,000 and one member appointed at large;

24              (4) one member appointed by the governor from a list of three  
25      nominees provided by a recognized commercial broadcasting trade organiza-  
26      tion;

27              (5) in the case of public broadcast licenses held by the  
28      University of Alaska the applicable policy advisory council established  
29      by the Board of Regents shall be the governing board under (1) and (2)

1 of this subsection.

2 (b) The duties of the Public Broadcasting Commission include

3 (1) the review of policies of the division of public telecom-  
4 munications services relating to public broadcasting;

5 (2) the review and approval of proposed regulations relating  
6 to public broadcasting before their adoption by the division of public  
7 telecommunications services and before giving public notice under  
8 AS 44.62.190;

9 (3) the review and approval of grant requests by public  
10 broadcasting stations; the decisions of the commission together with the  
11 original requests of the public broadcasting stations, shall be for-  
12 warded to the governor and the legislature;

13 (4) the approval of the appointment of the division staff  
14 member who will directly supervise the public broadcasting activities of  
15 the division of public telecommunications services;

16 (5) the review and approval of the policies and guidelines  
17 for the preparation by the division of public telecommunications  
18 services of a continuing two-year statewide plan of public broadcast  
19 development, including the approval of the plan before its submission to  
20 the governor and the legislature;

21 (6) the reporting of any other recommendations for public  
22 broadcasting directly to the division of public telecommunications  
23 services, the deputy commissioner, the governor and the legislature; and

24 (7) the receipt of all federal, state, or private money,  
25 property, or assistance that may be appropriated, granted, or otherwise  
26 made available to the commission for public broadcasting purposes as may  
27 be appropriated by the legislature, and the use and disbursement of  
28 money and property for purposes consistent with the terms of this sec-  
29 tion, subject to reasonable limitations imposed by the grantor;

1 (8) the encouragement of the development of an integrated  
2 public broadcasting network for the state and providing assistance when  
3 requested in creating new public broadcasting stations.

4 (c) The Public Broadcasting Commission may

5 (1) employ all consultative, technical and clerical personnel  
6 necessary for the implementation of this section;

7 (2) employ a director, who shall be directly responsible to  
8 the commission in financial and administrative matters;

9 (3) appoint unpaid advisory committees to assist in develop-  
10 ment of programs for public broadcasting;

11 (4) contract for services to accomplish the purpose of this  
12 section including the production of public broadcasting programming.

13 (d) Members of the Public Broadcasting Commission serve overlap-  
14 ping terms of four years. Four of the first members of the Public  
15 Broadcasting Commission shall serve two-year terms and the remaining  
16 five members shall serve four-year terms, to be determined by lot.  
17 Terms of Public Broadcasting Commission members expire on June 30.  
18 Before the expiration of the term of a member or upon the creation of a  
19 vacancy other than by expiration, the governor shall appoint a successor  
20 to succeed the member whose term is expiring or for the unexpired term.  
21 A person appointed to the Public Broadcasting Commission may not serve  
22 more than two consecutive terms, or a maximum of eight years, whichever  
23 is shorter.

24 (e) The Public Broadcasting Commission shall meet at least once  
25 every two months and may hold public hearings and other meetings as  
26 necessary throughout the state. Meetings and hearings may be conducted  
27 with the use of available teleconferencing facilities including leased  
28 broadcast lines. Substantive actions or determinations of the Public  
29 Broadcasting Commission must be agreed to by a majority of the members

1 of the commission. At least one meeting each year shall be conducted  
2 with a quorum of the Public Broadcasting Commission physically present.

3 (f) The Public Broadcasting Commission shall elect a chairman from  
4 among its members to serve for one year. A chairman may not serve for  
5 more than two consecutive full terms.

6 (g) Members of the Public Broadcasting Commission serve without  
7 compensation but are entitled to per diem and travel expenses authorized  
8 under AS 39.20.180.

9 Sec. 44.21.182. INSTRUCTIONAL TELECOMMUNICATIONS COMMISSION. (a)  
10 The Instructional Telecommunications Commission is established in the  
11 division of public telecommunications services. The Instructional  
12 Telecommunications Commission consists of nine members appointed as  
13 follows:

14 (1) one classroom teacher from the state public school system  
15 appointed by the governor;

16 (2) one member appointed by the state Board of Education;

17 (3) one member appointed by the Board of Regents of the  
18 University of Alaska;

19 (4) one member appointed by the Alaska Library Association;

20 (5) one member appointed by the Human Resources Committee of  
21 the Alaska Federation of Natives;

22 (6) one member appointed by the Alaska Adult Education Asso-  
23 ciation;

24 ( ) one member with experience in the use of telecommunica-  
25 tions for life support systems and care in rural areas, appointed by the  
26 commissioner of health and social services; and

27 (8) two members of the general public appointed by the gover-  
28 nor with due regard for geographical representation and the relative  
29 need or use of instructional telecommunication services.

1 (b) The duties of the Instructional Telecommunications Commission  
2 include

3 (1) the review of policies of the division of public tele-  
4 communications services relating to instructional applications of tele-  
5 communications;

6 (2) the review of regulations relating to instructional  
7 telecommunications before their adoption by the division of public  
8 telecommunications services;

9 (3) the establishment of educational priorities and the  
10 review of division procedures relating to project grant awards made by  
11 the division to educational agencies;

12 (4) the approval of the appointment of the division staff  
13 member who will directly supervise the instructional telecommunications  
14 activities of the division of public telecommunications services;

15 (5) cooperation with the division of public telecommunica-  
16 tions services in developing policies responsive to the user groups  
17 represented on the commission;

18 (6) the annual review and approval of the instructional  
19 telecommunications current fiscal year activities report and two-year  
20 development plan before submission of the report and plan to the  
21 governor and to the legislature;

22 (7) serving as the user entity to coordinate educational  
23 television program material provided by sponsor agencies with the satel-  
24 lite television project under AS 44.2'.186(b)(2);

25 (8) the communication of any other recommendations for in-  
26 structional telecommunications directly to the division of public tele-  
26 communications services, the deputy commissioner, the governor and the  
27 legislature.

28 (c) The Instructional Telecommunications Commission may seat

1 additional ex officio members on the commission, or form special working  
2 subcommittees, as appropriate or necessary to accomplish the objectives  
3 of telecommunications applications for specialized public purposes.

4 (d) Members of the Instructional Telecommunications Commission  
5 serve overlapping terms of four years. Five of the first members of the  
6 Instructional Telecommunications Commission serve two-year terms and the  
7 remaining four serve four-year terms, to be determined by lot. Terms of  
8 Instructional Telecommunications Commission members expire on June 30.  
9 Before the expiration of the term of a member or upon the creation of a  
10 vacancy other than by expiration, the appointing authority shall appoint  
11 a successor to succeed the member whose term is expiring or for the  
12 unexpired term. A person appointed to the Instructional Telecommunica-  
13 tions Commission may not serve more than two consecutive terms, or a  
14 maximum of eight years, whichever is shorter.

15 (e) The Instructional Telecommunications Commission shall meet at  
16 least quarterly and may hold public hearings and other meetings as  
17 necessary throughout the state. Meetings and hearings may be conducted  
18 with the use of available teleconferencing facilities. Substantive  
19 actions or determinations of the Instructional Telecommunications  
20 Commission must be agreed to by a majority of the members of the  
21 commission. At least one meeting each year will be conducted with a  
22 quorum of the Instructional Telecommunications Commission physically  
23 present.

24 (f) Members of the Instructional Telecommunications Commission  
25 serve without compensation but are entitled to per diem and travel  
26 expenses authorized under AS 39.20.180.

27 Sec. 44.21.184. DIVISION OF TELECOMMUNICATIONS SYSTEMS. (a) The  
28 division of telecommunications systems shall be administered by a direc-  
29 tor appointed by the commissioner.

1 (b) Except as provided in (c) of this section, the division of  
2 telecommunications systems may, consistent with the provisions of AS 44.-  
3 21.176(a)(6),

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

6 (2) manage ~~centrex and other telephone-related services of~~  
7 the state;

8 (3) be responsible for state telecommunications systems and  
9 design generally; and

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

12 (c) Nothing in AS 44.21.172 - 44.21.188 prohibits a state agency  
13 from developing telecommunications systems within its own agency if the  
14 commissioner gives written authorization for the agency to engage in its  
15 own design, development, management, or operation. The commissioner may  
16 authorize independent development only upon a showing of necessity. A  
17 description of all authorization under this subsection shall be included  
18 in the annual report required under AS 44.21.176(a)(2).

19 (d) A state agency authorized to develop an internal telecom-  
20 munications system shall, whenever feasible, coordinate its design,  
21 development, management, and operation with the division of telecommuni-  
22 cations systems.

23 Sec. 44.21.186. SATELLITE TELEVISION PROJECT. (a) Within the  
24 limits of available financing, the division of telecommunications  
25 systems shall administer the satellite television project by

26 (1) contracting for services in a manner consistent with  
27 state procurement policies and with this chapter for the operation of a  
28 satellite videotape delay center;

29 (2) coordinating with the satellite television user groups

1 and entities identified in this chapter for the provision of intrastate  
2 and interstate satellite television services; and

3 (3) provide liason, management support, and technical assist-  
4 ance for the satellite television project.

5 *Start*  
6 *dit.*  
7 *note* (b) Programming decisions and policies relating to the satellite  
8 television project may not be made by the division of telecommunications  
9 systems, but shall be made by the following user groups and entities in  
10 the following manner:

11 (1) Representatives of each Alaska commercial television  
12 network affiliated station shall select programs from their respective  
13 network for use in a manner that is consistent with existing program  
14 rights and other relevant contract rights.

15 (2) The Instructional Telecommunications Commission shall  
16 provide time allocations for the various sponsoring educational agencies.  
17 The program content of educational material within these allocations  
18 shall be determined by the educational agency sponsoring that material.

19 (3) The Public broadcasting Commission shall provide a means  
20 of selection of programs for scheduled intrastate evening programming  
21 intended for use by rural Alaska communities participating in the satel-  
22 lite television project in a manner consistent with this chapter. The  
23 selection procedure shall be one that maximizes consideration of local  
24 preferences from those communities, on as fairly representative a basis  
25 as is practicable.

26 (4) The Legislative Affairs Agency, as directed by the Legis-  
27 lative Council, shall determine programming uses by the legislature.

28 (5) Other agencies may request available satellite time for  
29 specialized program uses. The requesting agency shall determine the  
30 program content.

31 (c) Scheduling conflicts shall be resolved by the user groups and

1 entitites informally among themselves whenever possible. The Public  
2 Broadcasting Commission shall establish a procedure to resolve scheduling  
3 conflicts referred to it in a manner consistent with this chapter.

4 (d) The commissioner shall take appropriate action to assure the  
5 continued operation of the present services of the satellite television  
6 project, and to preserve existing time allocations until the implementa-  
7 tion of this section has been accomplished.

8 (e) The division of telecommunications systems, a contractor, and  
9 a user group or entity described in (b) of this section may not engage  
10 in any activity which interferes with a contract or program right relat-  
11 ing to commercial television programming, including but not limited to  
12 any right protected by copyright.

13 Sec. 44.21.188. DEFINITIONS. In AS 44.21.172 - 44.21.188,

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

15 (2) "department" means the Department of Administration;

16 (3) "deputy commissioner" means the deputy commissioner of  
17 telecommunications in the department who administers the telecommuni-  
18 cations divisions;

19 (4) "public broadcasting" means the delivery of radio or  
20 television noncommercial programming intended for the general public by  
21 any method of telecommunications;

22 (5) "public service telecommunications" means telecommuni-  
23 cations which serve public broadcasting, general educational, instruc-  
24 tional, medical, safety, emergency, or public participation functions;

25 (6) "state agencies" means all departments, divisions and  
26 offices in the executive branch of state government but does not mean an  
27 agency of the legislative or judicial branch of government or the Uni-  
28 versity of Alaska;

29 (7) "telecommunications" means the transmission and reception

1 of messages, impressions, pictures and signals by means of electro-  
2 magnetic transmission with or without benefit of a closed transmission  
3 medium including all instrumentalities, facilities, apparatus, and  
4 services, whether conveyed by cable, wire, radiated through space, or  
5 transmitted through other media within a specified area or between  
6 designated points;

7 (8) "telecommunications divisions" means the division of  
8 public telecommunications services and the division of telecommuni-  
9 cations systems; *not in E.O.#50*

10 (9) "telecommunications systems" means those systems in which  
11 the principal service and functions are telecommunications.

12 \* Sec. 3. AS 44.21.160 is amended by adding a new subsection to read:

13 (f) The division of data processing shall coordinate with the  
14 divisions of telecommunications in providing for the effective transfer  
15 of information by telecommunications through the establishment of com-  
16 patible systems and common standards.

17 \* Sec. 4. AS 44.21.020 is amended by adding a new paragraph to read:

18 *OK* (12) study, design, implement, and manage the telecommuni-  
19 cations systems and services of the state under AS 44.21.172 - 44.21.188.

20 \* Sec. 5. AS 44.42.020 is amended to read:

21 Sec. 44.42.020. POWERS AND DUTIES. (a) The department shall

22 (1) plan, design, construct and maintain all state modes of  
23 transportation and transportation facilities [ COMMUNICATION FACILI-  
24 TIES,] and all docks, floats, breakwaters, buildings and similar faci-  
25 lities;

26 (2) study existing transportation modes and facilities [AND  
27 COMMUNICATION FACILITIES] in the state to determine how they might be  
28 improved or whether they should continue to be maintained;

29 (3) study alternative means of improving transportation [AND  
30

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1 COMMUNICATION] in the state with regard to the economic costs of each  
2 alternative and its environmental and social effects;

3 (4) develop a comprehensive, long-range intermodal trans-  
4 portation plan for the state;

5 (5) study alternatives to existing modes of transportation in  
6 urban areas and develop plans to improve urban transportation;

7 (6) cooperate and coordinate with and enter into agreements  
8 with federal, state and local government agencies and private organiza-  
9 tions and persons in exercising its powers and duties;

10 (7) manage, operate, and maintain state transportation faci-  
11 lities [ COMMUNICATION FACILITIES,] and all docks, floats, breakwaters  
12 and buildings, including all state highways, vessels, railroads, pipe-  
13 lines, airports, and aviation facilities;

14 (8) study alternative means of transportation in the state,  
15 considering the economic, social, and environmental impacts of each  
16 alternative;

17 (9) coordinate and develop state and regional transportation  
18 systems, considering deletions, additions, and the absence of altera-  
19 tions;

20 (10) develop facility program plans for transportation [AND  
21 COMMUNICATION FACILITIES] and state buildings, docks and breakwaters  
22 required to implement the duties set out in this section, including but  
23 not limited to (A) functional performance criteria; and (B) schedules  
24 for completion;

25 (11) supervise and maintain all state automotive and mechan-  
26 ical equipment, aircraft, and vessels, except vessels and aircraft used  
27 by the Department of Fish and Game or the Department of Public Safety;  
28 [AND]

29 (12) supervise aeronautics [AND COMMUNICATIONS] inside the

1 state, under AS 02.10, and (.)

2 (13) complete and maintain a current inventory of public  
3 facilities, including a projection of the serviceability of the facili-  
4 ties and projections of replacements and additions to facilities needed  
5 to provide the level of services programmed by the various user agencies,  
6 for municipalities with populations of less than 12,000 and for unincor-  
7 porated communities, and perform those duties on a cooperative basis  
8 with larger municipalities.

9 (b) The department may

10 (1) engage in experimental projects relating to available or  
11 future modes of transportation and any means of improving existing  
12 transportation facilities and service (AND COMMUNICATION);

13 (2) exercise the power of eminent domain, including the  
14 declaration of taking as provided in AS 09.55.

15 \* Sec. 6. AS 44.42.055(b)(3)(F) is amended to read:

16 (F) (COMMUNICATIONS FACILITIES AND) transportation  
17 facilities;

18 \* Sec. 7. AS 39.50.200 is amended by adding new subparagraphs to read:

19 (TT) Public Broadcasting Commission;

20 (UU) Instructional Telecommunications Commission.

21 \* Sec. 8. The balance of the appropriation to the Department of Trans-  
22 portation and Public Facilities found in sec. 23, page 48, lines 15 - 37, and  
23 sec. 25, page 79, lines 31 - 36, and page 80, lines 1 - 22, ch. 80, SLA 1979,  
24 are transferred to the Department of Administration.

25 \* Sec. 9. The balance of the appropriation to the Alaska Public Broad-  
26 casting Commission found in sec. 23, page 9, line 23, ch. 80, SLA 1979, is  
27 transferred to the Department of Administration.

28 \* Sec. 10. The balances of the appropriations for capital projects made to  
29 the Alaska Public Broadcasting Commission in sec. 25, page 55, line: 28 - 36,

1 and page 56, lines 4 - 12, ch. 80, SLA 1979, are transferred to the Depart-  
2 ment of Administration.

3 \* Sec. 11. The unexpended balances of any other appropriations for capi-  
4 tal projects made to the Alaska Public Broadcasting Commission and the De-  
5 partment of Transportation and Public Facilities, division of communications,  
6 are transferred to the Department of Administration.

7 \* Sec. 12. AS 14.58 is repealed.

8 \* Sec. 13. Nothing in this Act shall require the state to discontinue any  
9 services presently provided to state agencies or the public nor require the  
10 state to divest itself of property acquired as a result of capital appropria-  
11 tions before July 1, 1980.

12 \* Sec. 14. This Act takes effect July 1, 1980.

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To: Sen. Parr, Chairman  
Senate Health Education and Social Services

From: Deborah <sup>aly</sup>Gazaway  
Legislative Teleconference Network

Date: February 5, 1981

I would like to extend the Network's apologies for the problems experienced in yesterday's teleconference regarding E.O. #50 and SSCR #1. The problem was traced to a faulty cable pair between the Behrends Building and the Capitol Building and was not related to the equipment in use in the Conference room. Alascom and Juneau/Douglas Telephone Company will correct the problem today.

Once again, thank you for your cooperation and patience during the February 4, 1981 Senate H.E.S.S. teleconference.

— DRAFT —

9

Committee letterhead --

The Honorable Jalmer M. Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. President:

The Health, Education and Social Services Committee has reviewed Executive Order No. 50, which would transfer and consolidate existing telecommunications functions in the State.

Testimony has been received from the Office of Lt. Governor, Department of Administration, Department of Education, members of the Alaska Public Broadcasting Commission, persons affiliated with public radio and television stations, commercial media representatives, and the general public. Nearly all the testimony has been favorable (this could probably have been expected on the part of State agencies).

The Executive Director of the Legislative Affairs Agency pointed out some places in the Order where there might be an implication that the new Division of Telecommunications would have authority over the Legislature's Teleconference Network. The Committee received assurances from the

Assistant Attorney General who drafted the Order that this was not intended. Attached to this report to you is a letter of intent to make clear that the Committee has interpreted the Executive Order as in no way impinging upon the Legislature's Teleconference Network. It is recommended that such an intent letter be adopted by the Legislature in joint session if the Executive Order is allowed to stand.

There was some concern that under the new organization, educational and instructional radio and television might be down-played. Nothing in the Order gives assurance that "The Beast from the Dark Lagoon" will not outrank a film on American History when there is a shortage of broadcast time. The follow-up on this point indicates that education will receive its proper allotment and will remain autonomous. Enclosed is a copy of a draft memorandum of agreement between the Department of Education and the Department of Administration.

A fiscal note of \$105,000 accompanied the Order. The proposed funding would pay for two persons to administer the new consolidated program in the Department of Administration. Committee questioning, however, elicited the fact that the Department of Administration plans to submit a budget revision for \$700,000 more, raising the total cost of the Order to more than \$800,000. The Committee did not receive a satisfactory explanation of what we are buying for this

much money.

The HESS Committee has no objection to allowing Executive Order No. 50 to become law provided that there is a satisfactory explanation of the additional costs involved.

It is recommended that the Finance Committee review the fiscal implications of the Executive Order.

Sincerely,

Charles H. Parr  
Chairman

CHP:vc

Encl.

DRAFT

Proposed Memorandum of Agreement

Department of Education & Department of Administration

RE: INSTRUCTIONAL TELECOMMUNICATIONS SERVICES  
and Executive Order No. 50 (proposed)

In order to facilitate an orderly implementation of Executive Order No. 50, the Alaska Department of Education and the Alaska Department of Administration enter into this Memorandum of Agreement. This Memorandum clarifies and delineates the several roles of each department with respect to the development, production and distribution by telecommunications of programming for instructional purposes pursuant to the Department of Education's authority in Sec. 44.27.020(1).

GENERAL CONCEPT OF THIS AGREEMENT.

1) The Department of Education may request and receive technical assistance and support from the telecommunications systems division and the public telecommunications services division of the Department of Administration in matters related to instructional telecommunications.

2) The Department of Education retains operating & management authority for those systems and services established by the DOE prior to adoption of Executive Order No. 50, including:

a) Systems and their support services which are operational and which are governed by existing inter-agency agreements; and

b) Systems and their support services which have completed major system design work based on prior legislative appropriation or intent.

3) The Department of Education's request to the Department of Administration for technical assistance will be project-specific, based on current or planned instructional services administered by different units of the Department of Education for different instructional purposes, and utilizing different technologies.

CURRENT INSTRUCTIONAL TELECOMMUNICATIONS ACTIVITIES of the Department of Education include:

Electronic Mail System (EMS)

Individualized Study by Telecommunications (IST)

Instructional Television (ITV)

Audio Conferencing

Design, management & operations authorities are retained by the Department of Education for these projects as follows:

EMS: Continuation of dedicated use and integrity to DOE requirement of the education data center in the Division of Data Processing, at cost to the Department of Education. Continuation of the integrity of the current system and operations agreements with the DOT/PF division of communications as these transfer to the Department of Administration's telecommunications systems division. Costs for these services will continue to be borne by the Department of Education. (See Attachment A)  
(list project management by name, title, unit of DOE?)

IST: Complete management authority is retained by DOE. This project does not require long-line service (utilizes microcomputers), and is thus not a telecommunications instructional application

as defined and assigned to the Department of Administration's ~~public services~~ telecommunications <sup>services</sup> division.

ITV & audio conferencing: Current DOE/UA joint project management has been established in coordination with the division of communications (DOT/PF) pursuant to Chapter 174, SLA 1980. The project's technical system design, procurement, installation and maintenance services provided by the division of communications remain in affect with transfer to the telecommunications systems division, based on the availability of funding.

#### Sec. 44.21.230 DIVISION OF TELECOMMUNICATIONS SERVICES

The Department of Administration agrees that division activities concerning the coordination and support of telecommunications services for instruction, including technical assistance and assistance in preparation of grant applications, provided to public school districts as assigned under 44.21.230(b)(2a) and (5) will be summarized in writing on a monthly basis for the Commissioner of Education.

Notwithstanding the provisions of (c), the Department of Education retains its right to make grants available to instructional telecommunications users from funds provided by the legislature for that purpose.

Pursuant to (d) and (e), the Department of Education will participate in and jointly submit to the governor and legislature the annual updated long range development plan for instructional telecommunications.

The Department of Education will be fully consulted concerning operational policies being considered for instructional public telecommunications services (other than public broadcasting), as per (b)(6).

The Department of Education will continue to conduct software and television instructional course development, based on available funding, independent of the division, based on the authority of (g).

#### Sec. 44.21.240 DIVISION OF TELECOMMUNICATIONS SYSTEMS

The Department of Education considers the assignments made to this division in (b) (1) and (2) to be comparable to the services currently provided by DOT/PF division of communications.

Following this interpretation, the Department of Education considers that current agreements between the division of communications and the University of Alaska Instructional Telecommunications Consortium (on behalf of DOE) for the construction, operation and maintenance of an instructional TV and audio conference operations center remain in effect. (Attachment B)

Pursuant to (f), the Department of Education considers sign-off of this memorandum as meeting the conditions of this section for the continued independent design, development, management and operation of instructional telecommunications systems (Commissioner of Administration's approval obtained), pursuant to DOE's authority in Sec. 44.27.020(1).

For those systems for which the Department of Education has received Department of Administration authority to continue independent operation, the Department of Education will provide all necessary information to the Department of Administration, on request, pursuant:

to the requirements of (g).

DEFINITION OF INSTRUCTIONAL:

ATTACHMENT A:

Details of EMS relationships with DP and DivComm

ATTACHMENT B:

Lind/Barton/Ward memo of agreement (August, 1980)