



LAWS OF ALASKA

1987

Source

CSHB 40(Fin)

Chapter No.

53

AN ACT

Creating the Telecommunications Information Council in the Office of the Governor; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 12, 1987
Actual Effective Date: July 1, 1987

AN ACT

Creating the Telecommunications Information Council
in the Office of the Governor; and providing for an
effective date.

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

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

ARTICLE 16. TELECOMMUNICATIONS INFORMATION COUNCIL.

Sec. 44.19.502. TELECOMMUNICATIONS INFORMATION COUNCIL. (a)
There is created within the Office of the Governor the Telecommunications Information Council.

(b) The council is composed of the governor, the commissioner from each principal department of the executive branch, the president of the University of Alaska, and the executive director of the Legislative Affairs Agency. The chief justice of the supreme court may appoint a member to serve on the council. Each commissioner shall appoint a deputy commissioner to serve as an alternate for the commissioner. The vice-president of the University of Alaska shall serve as alternate for the president.

(c) The governor shall preside over the council. The council shall meet at least four times each year. The council may meet more

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1 frequently at the call of the chair or if requested by a majority of
2 the council's members.

3 (d) The Office of the Governor shall provide professional and
4 clerical staff for the council.

5 Sec. 44.19.504. POWERS AND DUTIES. (a) The council shall

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

8 (2) in accordance with the state information systems plan,
9 establish guidelines and direct state agencies to prepare agency
10 information systems plans;

11 (3) in accordance with statutes governing the availability
12 and confidentiality of information, establish guidelines for the
13 accessing of information by the public;

14 (4) publish in the first quarter of each calendar year a
15 report on the activities of the council.

16 (b) In addition to its duties under (a) of this section, the
17 council may establish information-related policies and engage in
18 information-related activities it considers necessary or appropriate.

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

23 (d) This section does not prohibit a state agency from devel-
24 oping information systems that are inconsistent with the guidelines
25 established in (a) of this section if the council gives written au-
26 thorization for the user agency to engage in the independent design,
27 development, management, or operation. The council may authorize
28 independent development only upon a showing of necessity. A descrip-
29 tion of authorization under this subsection shall be included in the

annual report required under this section. Written authorization under this subsection is not required for intra-agency use of micro-computers.

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

Sec. 44.19.506. COURT SYSTEM. The administrative director of courts shall establish information systems guidelines and prepare a short-range and long-range information systems plan for the court system. The guidelines and plan must be consistent with the telecommunications information guidelines and plan adopted by the council under AS 44.19.502 - 44.19.519 and must be adapted to the special needs of the judicial branch as determined by the administrator of courts.

Sec. 44.19.519. DEFINITIONS. In AS 44.19.502 - 44.19.519

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

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

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

Sec. 44.21.150. DECLARATION OF PURPOSE. It is the purpose of AS 44.21.150 - 44.21.170 to designate the Department of Administration as the department responsible for the operation and management of automatic data processing resources and activities of the executive and legislative branches of state government and the judicial branch to the extent requested by that branch, to provide for cooperation

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1 between the department and the Telecommunications Information Council
2 in the Office of the Governor, and to provide for periodic review of
3 state automatic data processing procedures and mechanisms. It is
4 further the purpose of these sections to encourage cooperation between
5 the state government and local governments in the use of automatic
6 data processing systems.

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

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

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

16 (b) To carry out (a) of this section the department may, consis-
17 tent with the state information systems plan adopted by the Telecommu-
18 nications Information Council and with the departmental information
19 systems plan,

20 (1) maintain a central staff of systems analysts, computer
21 programmers and other staff members sufficient to provide systems
22 analysis and computer programming support required by the executive
23 and [,] legislative [AND JUDICIAL] branches of state government;

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

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

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

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

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

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

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

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

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

(11)] charge a state agency or other governmental agency for the cost of the automatic data processing services provided or procured by the department for the agency.

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

(d) In accordance with the state information systems plan adopted by the Telecommunications Information Council, the [THE] department and the University of Alaska may develop and implement a plan for the integration of automatic data processing facilities of the university [UNIVERSITY OF ALASKA] with the state facilities. [HOWEVER, THE INTEGRATION PLAN AUTHORIZED BY THIS SUBSECTION MAY NOT BE PUT INTO OPERATION UNTIL APPROVED BY THE PRESIDENT OF THE UNIVERSITY OF ALASKA

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1 AND THE DEPARTMENT.]

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

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

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

8 (2) the legislature from recruiting and employing data
9 processing personnel or from obtaining necessary contractual assis-
10 tance for automatic data processing activities;

11 (3) the judicial branch from establishing independent data
12 processing policies and implementation procedures; however, the
13 policies and procedures must permit information exchange and imple-
14 mentation procedures compatible with other branches of government
15 whenever practical.

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

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

18 (1) [REPEALED

19 (2) REPEALED

20 (3) REPEALED

21 (4)] apply for federal and private funds for public broad-
22 casting purposes and receive all federal, state, or private funds,
23 property or assistance that may be appropriated, granted or otherwise
24 made available to the commission for public broadcasting purposes, and
25 use and disburse funds and property for purposes consistent with the
26 terms of AS 44.21.256 - 44.21.290, subject to reasonable limitations
27 imposed by the grantor;

28 (2) [(5)] provide consultative services in all aspects of
29 public broadcasting to all public or private agencies in the state

which request them;

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

(4) [(7) REPEALED

(8) REPEALED

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

(5) [(10) REPEALED

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

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

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

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

(a) In accordance with the state information systems plan adopted by the Telecommunications Information Council and with the departmental information systems plan, the [THE] department shall

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

(2) make an annual report to the governor and to the legislature on the activities of the department;

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

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

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

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

governed by AS 36.30;

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

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

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

(10) provide for the orderly transition to new telecommunications services and systems by state agencies;

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

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

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

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

(a) In accordance with the state information systems plan adopted by the Telecommunications Information Council and with the

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1 departmental information systems plan, the [THE] department shall pro-
2 vide

3 (1) technical consultation to educational and public tele-
4 communications users;

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

9 (A) public school districts and the Department of
10 Education;

11 (B) the University of Alaska; and

12 (C) other state agencies as approved by the [DEPUTY]
13 commissioner;

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

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

21 (5) assistance, through design, development, and promotion,
22 to local school districts or other local and regional education agen-
23 cies for the regionalization of instructional telecommunications
24 services;

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

27 (7) assistance to the Alaska Public Broadcasting Commission
28 and any commission-designated subcommittees, as necessary to perform
29 assigned department functions; the department shall cooperate with the

commission and subcommittees in order to develop policies which are responsive to the user groups which are represented on the commission.

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

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

* Sec. 12. This Act takes effect July 1, 1987.