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**SUBSTITUTE HOUSE BILL 2289**

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**State of Washington                      60th Legislature                      2007 Regular Session**

**By** House Committee on Technology, Energy & Communications (originally sponsored by Representatives Ericks, Morris, O'Brien and Ormsby)

READ FIRST TIME 02/23/07.

1            AN ACT Relating to utilizing information technology; and amending  
2 RCW 43.105.017, 43.105.041, 43.105.047, 43.105.052, and 43.105.180.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 43.105.017 and 1992 c 20 s 6 are each amended to read  
5 as follows:

6            It is the intent of the legislature that:

7            (1) State government use voice, data, and video telecommunications  
8 technologies to:

9            (a) Transmit and increase access to live, interactive classroom  
10 instruction and training;

11            (b) Provide for interactive public affairs presentations, including  
12 a public forum for state and local issues;

13            (c) Facilitate communications and exchange of information among  
14 state and local elected officials and the general public;

15            (d) Enhance statewide communications within state agencies; and

16            (e) Through the use of telecommunications, reduce time lost due to  
17 travel to in-state meetings;

18            (2) Information be shared and administered in a coordinated manner,

1 except when prevented by agency responsibilities for security, privacy,  
2 or confidentiality;

3 (3) The primary responsibility for the management and use of  
4 information(~~(, information systems, telecommunications, equipment,~~  
5 ~~software, and services rests with each agency head)) technology  
6 enterprise services rests with the director of the department of  
7 information services. The director shall consult regularly with each  
8 agency head regarding information technology enterprise services as  
9 defined under RCW 43.105.052(3);~~

10 (4) Resources be used in the most efficient manner and services be  
11 shared when cost-effective;

12 (5) A structure be created to:

13 (a) Plan and manage telecommunications and computing networks;

14 (b) Increase agencies' awareness of information sharing  
15 opportunities; and

16 (c) Assist agencies in implementing such possibilities;

17 (6) An acquisition process for equipment, proprietary software, and  
18 related services be established that meets the needs of the users,  
19 considers the exchange of information, and promotes fair and open  
20 competition;

21 (7) To the greatest extent possible, major information technology  
22 projects be implemented on an incremental basis;

23 (8) The state maximize opportunities to exchange and share data and  
24 information by moving toward implementation of open system architecture  
25 based upon interface standards providing for application and data  
26 portability and interoperability;

27 (9) To the greatest extent possible, the state recognize any price  
28 performance advantages which may be available in midrange and personal  
29 computing architecture;

30 (10) The state improve recruitment, retention, and training of  
31 professional staff;

32 (11) Plans, proposals, and acquisitions for information services be  
33 reviewed from a financial and management perspective as part of the  
34 budget process; and

35 (12) State government adopt policies and procedures that maximize  
36 the use of existing video telecommunications resources, coordinate and  
37 develop video telecommunications in a manner that is cost-effective and

1 encourages shared use, and ensure the appropriate use of video  
2 telecommunications to fulfill identified needs.

3 **Sec. 2.** RCW 43.105.041 and 2003 c 18 s 3 are each amended to read  
4 as follows:

5 (1) The board shall have the following powers and duties related to  
6 information services:

7 (a) To develop standards and procedures governing the acquisition  
8 and disposition of equipment, proprietary software and purchased  
9 services, licensing of the radio spectrum by or on behalf of state  
10 agencies, and confidentiality of computerized data;

11 ~~((To purchase, lease, rent, or otherwise acquire, dispose of,  
12 and maintain equipment, proprietary software, and purchased services,  
13 or to delegate to other agencies and institutions of state government,  
14 under appropriate standards, the authority to purchase, lease, rent, or  
15 otherwise acquire, dispose of, and maintain equipment, proprietary  
16 software, and purchased services:— PROVIDED, That, agencies and  
17 institutions of state government are expressly prohibited from  
18 acquiring or disposing of equipment, proprietary software, and  
19 purchased services without such delegation of authority.— The  
20 acquisition and disposition of equipment, proprietary software, and  
21 purchased services is exempt from RCW 43.19.1919 and, as provided in  
22 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.  
23 This subsection (1)(b) does not apply to the legislative branch;~~

24 ~~((e))~~ To develop statewide or interagency technical policies,  
25 standards, and procedures;

26 ~~((d))~~ (c) To review and approve standards and common  
27 specifications for new or expanded telecommunications networks proposed  
28 by agencies, public postsecondary education institutions, educational  
29 service districts, or statewide or regional providers of K-12  
30 information technology services, and to assure the cost-effective  
31 development and incremental implementation of a statewide video  
32 telecommunications system to serve: Public schools; educational  
33 service districts; vocational-technical institutes; community colleges;  
34 colleges and universities; state and local government; and the general  
35 public through public affairs programming;

36 ~~((e))~~ (d) To provide direction concerning strategic planning

1 goals and objectives for the state. The board shall seek input from  
2 the legislature and the judiciary;

3 ~~((f))~~ (e) To develop and implement a process for the resolution  
4 of appeals by:

5 (i) Vendors concerning the conduct of an acquisition process by an  
6 agency or the department; or

7 (ii) A customer agency concerning the provision of services by the  
8 department or by other state agency providers;

9 ~~((g))~~ (f) To establish policies for the periodic review by the  
10 department of agency performance which may include but are not limited  
11 to analysis of:

12 (i) Planning, management, control, and use of information services;  
13 (ii) Training and education; and  
14 (iii) Project management;

15 ~~((h))~~ (g) To set its meeting schedules and convene at scheduled  
16 times, or meet at the request of a majority of its members, the chair,  
17 or the director; and

18 ~~((i))~~ (h) To review and approve that portion of the department's  
19 budget requests that provides for support to the board.

20 (2) Statewide technical standards to promote and facilitate  
21 electronic information sharing and access are an essential component of  
22 acceptable and reliable public access service and complement content-  
23 related standards designed to meet those goals. The board shall:

24 (a) Establish technical standards to facilitate electronic access  
25 to government information and interoperability of information systems,  
26 including wireless communications systems. Local governments are  
27 strongly encouraged to follow the standards established by the board;  
28 and

29 (b) Require agencies to consider electronic public access needs  
30 when planning new information systems or major upgrades of systems.

31 In developing these standards, the board is encouraged to include  
32 the state library, state archives, and appropriate representatives of  
33 state and local government.

34 (3)(a) The board, in consultation with the K-20 board, has the duty  
35 to govern, operate, and oversee the technical design, implementation,  
36 and operation of the K-20 network including, but not limited to, the  
37 following duties: Establishment and implementation of K-20 network  
38 technical policy, including technical standards and conditions of use;

1 review and approval of network design; procurement of shared network  
2 services and equipment; and resolving user/provider disputes concerning  
3 technical matters. The board shall delegate general operational and  
4 technical oversight to the K-20 network technical steering committee as  
5 appropriate.

6 (b) The board has the authority to adopt rules under chapter 34.05  
7 RCW to implement the provisions regarding the technical operations and  
8 conditions of use of the K-20 network.

9 **Sec. 3.** RCW 43.105.047 and 1999 c 80 s 5 are each amended to read  
10 as follows:

11 There is created the department of information services. The  
12 department shall be headed by a director appointed by the governor with  
13 the consent of the senate. The director shall serve at the governor's  
14 pleasure and shall receive such salary as determined by the governor.  
15 The director shall:

16 (1) Appoint a confidential secretary and such deputy and assistant  
17 directors as needed to administer the department;

18 (2) Advise the governor and the legislature with respect to matters  
19 affecting information technology management and planning;

20 (3) Establish levels of delegated authority for state agencies and  
21 institutions of higher education related to the acquisition of  
22 hardware, software, or purchased or personal services relating to  
23 information technology. The acquisition and disposition of equipment,  
24 proprietary software, and purchased services is exempt from RCW  
25 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of  
26 RCW 43.19.190 through 43.19.200. This subsection does not apply to the  
27 legislative branch;

28 (4) Develop a migration strategy related to the transition of  
29 information technology resources from state agencies to the department  
30 of information services, with a completion date of June 30, 2010. This  
31 strategy will:

32 (a) Transfer all information technology resources from agencies  
33 with fifty or less full-time equivalents to the department of  
34 information services to include the establishment of services for those  
35 agencies no later than June 30, 2008;

36 (b) Direct agencies to use information technology enterprise

1 services provided by the department of information services as directed  
2 in RCW 43.105.052 (3) and (4);

3 (c) Transfer newly established information technology positions to  
4 the department of information services beginning July 1, 2007 at the  
5 discretion of the director of the department of information services;

6 (d) Transfer the administrative information technology support  
7 functions of the office of financial management and department of  
8 personnel to the department of information services by June 30, 2009;  
9 and

10 (e) Report to the governor and legislature on the progress and  
11 timeline for the completion of the migration by December 1, 2007, and  
12 December 1, 2008;

13 (5) Maintain and fund a strategic planning and policy component  
14 separate from the services component of the department;

15 ~~((+3))~~ (6) Appoint, after consulting with the board, the assistant  
16 or deputy director for the planning component;

17 ~~((+4))~~ (7) Appoint such professional, technical, and clerical  
18 assistants and employees as may be necessary to perform the duties  
19 imposed by this chapter;

20 ~~((+5))~~ (8) Report to the governor and the board any matters  
21 relating to abuses and evasions of this chapter; and

22 ~~((+6))~~ (9) Recommend statutory changes to the governor and the  
23 board.

24 **Sec. 4.** RCW 43.105.052 and 2000 c 180 s 1 are each amended to read  
25 as follows:

26 The department shall:

27 (1) Perform all duties and responsibilities the board delegates to  
28 the department, including but not limited to:

29 (a) The review of agency information technology portfolios and  
30 related requests; and

31 (b) Implementation of statewide and interagency policies,  
32 standards, and guidelines;

33 (2) ~~((Make available))~~ Provide technical assistance to the governor  
34 and legislature in identifying information technology needs and in  
35 planning to meet those needs through agency portfolios and investments  
36 for information technology;

1       (3) Provide information technology enterprise services to state  
2 agencies, institutions of higher education, and local governments and  
3 public benefit nonprofit corporations on a full cost-recovery basis.  
4 For the purposes of this section "public benefit nonprofit corporation"  
5 means a public benefit nonprofit corporation as defined in RCW  
6 24.03.005 that is receiving local, state, or federal funds either  
7 directly or through a public agency other than an Indian tribe or  
8 political subdivision of another state.    "Information technology  
9 enterprise services" means the acquisition, provisioning, or approval  
10 of hardware, software, and purchased or personal services provided by  
11 the department of information services. These services may include,  
12 but are not limited to:

- 13       (a) Telecommunications services for voice, data, and video;
- 14       (b) Mainframe computing services;
- 15       (c) Support for departmental and microcomputer evaluation,  
16 installation, and use;
- 17       (d) Equipment acquisition assistance, including leasing, brokering,  
18 and establishing master contracts;
- 19       (e) Facilities management services for information technology  
20 equipment, equipment repair, and maintenance service;
- 21       (f) Negotiation with local cable companies and local governments to  
22 provide for connection to local cable services to allow for access to  
23 these public and educational channels in the state;
- 24       (g) Office automation services;
- 25       (h) System development services; and
- 26       (i) Training.

27       ~~((These services are for discretionary use by customers and~~  
28 ~~customers may elect other alternatives for service if those~~  
29 ~~alternatives are more cost effective or provide better service.~~  
30 ~~Agencies may be required to use the backbone network portions of the~~  
31 ~~telecommunications services during an initial start-up period not to~~  
32 ~~exceed three years;~~

33       (3)) Agencies of state government and institutions of higher  
34 education shall use the department of information services information  
35 technology enterprise services when acquiring information technology  
36 services, products, and assets including acquisitions within an  
37 agency's delegated authority.

38       If an information technology enterprise service is provided by the

1 department of information services, or an agency has a specific service  
2 requirement to acquire hardware, software, or purchased or personal  
3 services directly, the agency shall submit a request to proceed with  
4 the acquisition to the department of information services for review  
5 and approval. The request shall be evaluated by the department of  
6 information services in consultation with the office of financial  
7 management.

8 (4) Agencies of state government and institutions of higher  
9 education shall locate all new servers with the department of  
10 information services. Agencies with a service requirement that require  
11 servers to be located outside the department of information services  
12 must first obtain written approval from the department of information  
13 services director. Justifications must be based upon written  
14 justification from the requesting agency citing specific service  
15 requirements for locating servers outside the state's common platform.

16 (5) Establish rates and fees for services provided by the  
17 department to assure that the services component of the department is  
18 self-supporting. A billing rate plan shall be developed for a two-year  
19 period to coincide with the budgeting process. The rate plan shall be  
20 subject to review at least annually by the customer advisory board.  
21 The rate plan shall show the proposed rates by each cost center and  
22 will show the components of the rate structure as mutually determined  
23 by the department and the customer advisory board. The same rate  
24 structure will apply to all user agencies of each cost center. The  
25 rate plan and any adjustments to rates shall be approved by the office  
26 of financial management. The services component shall not subsidize  
27 the operations of the strategic planning and policy component;

28 ~~((+4))~~ (6) With the advice of the information services board and  
29 agencies, develop a state strategic information technology plan and  
30 performance reports as required under RCW 43.105.160;

31 ~~((+5))~~ (7) Develop plans for the department's achievement of  
32 statewide goals and objectives set forth in the state strategic  
33 information technology plan required under RCW 43.105.160. These plans  
34 shall address such services as telecommunications, central and  
35 distributed computing, local area networks, office automation, and end  
36 user computing. The department shall seek the advice of the customer  
37 advisory board and the board in the development of these plans;



1        ~~((6))~~ (8) Under direction of the information services board and  
2 in collaboration with the department of personnel, and other agencies  
3 as may be appropriate, develop training plans and coordinate training  
4 programs that are responsive to the needs of agencies;

5        ~~((7))~~ (9) Identify opportunities for the effective use of  
6 information services and coordinate appropriate responses to those  
7 opportunities;

8        ~~((8))~~ (10) Assess agencies' projects, acquisitions, plans,  
9 information technology portfolios, or overall information processing  
10 performance as requested by the board, agencies, the director of  
11 financial management, or the legislature. Agencies may be required to  
12 reimburse the department for agency-requested reviews;

13        ~~((9))~~ (11) Develop planning, budgeting, and expenditure reporting  
14 requirements, in conjunction with the office of financial management,  
15 for agencies to follow;

16        ~~((10))~~ (12) Assist the office of financial management with  
17 budgetary and policy review of agency plans for information services;

18        ~~((11))~~ (13) Provide staff support from the strategic planning and  
19 policy component to the board for:

20        (a) Meeting preparation, notices, and minutes;

21        (b) Promulgation of policies, standards, and guidelines adopted by  
22 the board;

23        (c) Supervision of studies and reports requested by the board;

24        (d) Conducting reviews and assessments as directed by the board;

25        ~~((12))~~ (14) Be the lead agency in coordinating video  
26 telecommunications services for all state agencies and develop,  
27 pursuant to board policies, standards and common specifications for  
28 leased and purchased telecommunications equipment. The department  
29 shall not evaluate the merits of school curriculum, higher education  
30 course offerings, or other education and training programs proposed for  
31 transmission and/or reception using video telecommunications resources.  
32 Nothing in this section shall abrogate or abridge the legal  
33 responsibilities of licensees of telecommunications facilities as  
34 licensed by the federal communication commission on March 27, 1990; and  
35        ~~((13))~~ (15) Perform all other matters and things necessary to  
36 carry out the purposes and provisions of this chapter.

1       **Sec. 5.** RCW 43.105.180 and 1999 c 80 s 11 are each amended to read  
2 as follows:

3       (~~Upon request of the office of financial management,~~) The  
4 department shall evaluate agency budget requests for major information  
5 technology (~~projects~~) proposals identified under RCW 43.105.190,  
6 including those proposed by institutions of higher education and the  
7 superintendent of public instruction, in conjunction with educational  
8 service districts, or statewide or regional providers of K-12 education  
9 information technology services. The department shall submit  
10 recommendations for funding all or part of such requests to the office  
11 of financial management.

12       The department(~~, with the advice and approval of the office of~~  
13 ~~financial management,~~) shall establish criteria, consistent with  
14 portfolio-based information technology management, for the evaluation  
15 of agency budget requests under this section. These budget requests  
16 shall be made in the context of an agency's information technology  
17 portfolio; technology initiatives underlying budget requests are  
18 subject to board review. Criteria shall include, but not be limited  
19 to: Feasibility of the proposed projects, consistency with the state  
20 strategic information technology plan, utilization of enterprise or  
21 common services, consistency with the agency information technology  
22 portfolios, appropriate provision for public electronic access to  
23 information and services, costs, and benefits.

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