\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**ENGROSSED SUBSTITUTE HOUSE BILL 1629**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 67th Legislature 2022 Regular Session**

**By** House Community & Economic Development (originally sponsored by Representatives Dolan, Wylie, Shewmake, Duerr, Walen, and Chase)

AN ACT Relating to a comprehensive study of aerial imaging technology uses for state agencies, special purpose districts, and local and tribal governments; and creating new sections.

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

NEW SECTION. **Sec.**  The legislature finds that aerial imagery is a critically important tool that has wide applications in making governmental decisions in a variety of settings. For example: (1) The Washington state military department uses aerial imagery for emergency management; (2) the department of transportation uses aerial imagery for constructing roads and tracking culvert replacement and fish migration; (3) the department of ecology uses aerial imagery to create a coastal atlas to monitor oil spills in the ocean and changes to the Washington coastline; (4) agencies that monitor growth management and zoning use aerial imagery to monitor urban density and to designate and protect critical areas; (5) the department of natural resources uses aerial imagery to monitor forest health, riparian buffers, and timber harvest; (6) conservation districts use aerial imagery to plan salmon restoration projects and to assess fire and flood damage; (7) the Nisqually tribe is using aerial imagery to monitor the rerouting of the Nisqually river due to inadequate water passage under the Nisqually bridge; (8) local emergency management agencies use aerial imagery for public safety efforts; (9) county assessors use aerial imagery as an integral part of their valuation activities; (10) school districts use aerial imagery to develop school safety plans and to site future buildings; (11) state universities use aerial imagery for promotional material and research purposes; (12) the emergency management division could use aerial imagery to locate damaged structures and bridges and track emergency detours; and (13) state parks could use aerial imagery to track structures on park land and for land management.

The legislature also finds that state, local, and tribal governments that currently use aerial imaging data are purchasing it independently, often resulting in multiple payments for the same data to be collected. The legislature intends to commission a study to assess a more cost-effective way to purchase cutting-edge aerial imagery at the state level, which would allow individual jurisdictions that seek aerial imagery to purchase such data from the state. The legislature also intends to identify the myriad uses for which state agencies, special purpose districts, and local and tribal governments could benefit from having aerial imaging data to conduct everyday business, protect property, assist citizens, conduct emergency planning, and respond to disasters.

As the use of aerial imaging by state, local, and tribal governments becomes more prevalent, and pending the results of the study, the legislature finds that it is important for the office of the chief information officer to evaluate how aerial images are protected against data breaches and unauthorized disclosure, as well as how authorized users are identified for various types of aerial imagery used by state agencies, local governments, special purpose districts, and tribal governments. The legislature also finds that it is important for the office of the chief information officer to evaluate the range of privacy issues involved in aerial imaging and how the privacy rights of Washingtonians might best be protected as usage of aerial imaging by government proliferates.

NEW SECTION. **Sec.**  (1) Subject to the availability of amounts appropriated for this specific purpose, the department of commerce, in collaboration with the office of the chief information officer, shall conduct a study for the use of aerial imaging technology for state, local, special purpose district, and tribal government purposes, leveraging the state's existing geospatial imaging program.

(2) The study conducted by the department of commerce must, at a minimum:

(a) Include an assessment of:

(i) The ways in which state agencies, local governments, special purpose districts, and tribal governments currently use aerial imaging technology;

(ii) The ways in which state agencies, local governments, special purpose districts, and tribal governments could benefit from having access to aerial imaging technology, as determined by interviewing a sample of state, local, special purpose district, and tribal government officials to assess expectations for aerial imaging data;

(iii) The types of imagery currently used or needed; and

(iv) The frequency with which various types of imagery are currently used or needed;

(b) Determine the minimum resolution level of aerial imaging that would best serve the majority of users statewide;

(c) Estimate the current statewide expenditures by state, local, and tribal governments, and special purpose districts, for aerial image acquisition and organization;

(d) Estimate the cost of procuring, once per biennium, and administering a high-quality aerial imagery program on a statewide basis;

(e) Quantify the economies of scale between individual flights procured by individual jurisdictions as compared to the cost of procuring a single flight to obtain aerial imaging of the entire state;

(f) Determine the best available mechanism for cost sharing between jurisdictions for the acquisition and management of aerial imagery; and

(g) Make recommendations about current sources that provide imaging data, further steps to improve the collection of aerial imaging data, and the steps necessary to implement a comprehensive, cost-efficient, aerial imaging collection and distribution system to serve state, local, special purpose district, and tribal officials statewide through the state's existing geospatial program.

(3) In conducting the study pursuant to this section, the department of commerce must convene and define the scope of the study and assist in the design of information collection.

(4) In conducting the study pursuant to this section, the department of commerce must also seek recommendations from the office of the chief information officer regarding ways in which the use of aerial imaging technology could be limited by state law to strike an appropriate balance between effective and efficient utilization for legitimate government purposes while doing no more imaging than is necessary and at no higher
resolution than is necessary.

(5) In implementing this section, the department of commerce may complete the study directly or, at its discretion, contract the study, or portions of the study, to a third party or parties chosen by the department of commerce. However, the final delivered product must be reported by the department of commerce.

(6) Consistent with RCW 43.01.036, the study required by this section must be completed and the results reported to the legislature by June 1, 2023.

**--- END ---**