
SUBSTITUTE SENATE BILL 5483

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Energy, Telecommunications & Utilities
(originally sponsored by Senators Sutherland, Long, Smith, Winsley and Fairley)

Read first time 02/20/95.

1 AN ACT Relating to public telecommunication access; amending RCW
2 43.105.020, 43.105.160, and 43.105.170; adding new sections to chapter
3 43.105 RCW; adding a new section to chapter 42.17 RCW; adding a new
4 section to chapter 43.19 RCW; creating new sections; making an
5 appropriation; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** Based on the initial recommendations of the
8 public information access policy task force, the legislature finds
9 that:

10 (1) Broad public access to government information in electronic
11 formats must be guaranteed;

12 (2) Reengineering government processes, along with capitalizing on
13 advancements made in digital technologies, can create greater
14 efficiencies and improve service delivery;

15 (3) Until the public information access policy task force completes
16 its recommendations, the guiding principles defined in section 5 of
17 this act should be considered in the design and implementation of all
18 information systems created by and for state government; and

1 (4) Because much of the government information in high public
2 demand is held by local jurisdictions, local governments are strongly
3 encouraged to coordinate with and participate in state electronic
4 information policy initiatives.

5 **Sec. 2.** RCW 43.105.020 and 1993 c 280 s 78 are each amended to
6 read as follows:

7 As used in this chapter, unless the context indicates otherwise,
8 the following definitions shall apply:

9 ~~(1) ("Department" means the department of information services;~~

10 ~~(2) "Board" means the information services board;~~

11 ~~(3) "Local governments" includes all municipal and quasi-municipal
12 corporations and political subdivisions, and all agencies of such
13 corporations and subdivisions authorized to contract separately;~~

14 ~~(4) "Director" means the director of the department;~~

15 ~~(5) "Purchased services" means services provided by a vendor to
16 accomplish routine, continuing, and necessary functions. This term
17 includes, but is not limited to, services acquired for equipment
18 maintenance and repair, operation of a physical plant, security,
19 computer hardware and software installation and maintenance, data
20 entry, keypunch services, programming services, and computer time-
21 sharing;~~

22 ~~(6)) "Backbone network" means the shared high-density portions of
23 the state's telecommunications transmission facilities. It includes
24 specially conditioned high-speed communications carrier lines,
25 multiplexors, switches associated with such communications lines, and
26 any equipment and software components necessary for management and
27 control of the backbone network;~~

28 ~~((7) "Telecommunications" means the transmission of information by
29 wire, radio, optical cable, electromagnetic, or other means;~~

30 ~~(8)) (2) "Board" means the information services board;~~

31 (3) "Bulletin board system" means a collection point for
32 information that can be accessed using a computer with a modem and a
33 telephone line;

34 (4) "Department" means the department of information services;

35 (5) "Director" means the director of the department;

36 (6) "Electronic delivery" means the delivery of data or information
37 using electronic tools including, but not limited to, computers, fax-
38 back, and telecommunications technology;

1 (7) "Electronic format" means electronic or digitized data provided
2 through the use of electronic tools including computers, facsimile
3 machines, and telecommunications and video equipment;

4 (8) "Electronic mail" means communication and messaging via
5 computer interface;

6 (9) "Electronic storage" means the storage of data or information
7 using electronic tools such as computers;

8 (10) "Equipment" means the machines, devices, and transmission
9 facilities used in information processing, such as computers, word
10 processors, terminals, telephones, and cables;

11 (11) "Fax-back" means the use of facsimile machines to
12 automatically distribute or receive information over telephone lines.
13 Fax-back systems allow an information seeker to call a computer, use a
14 touch-tone pad to scroll through indexes of information, and select an
15 item to be immediately sent back to him or her through a facsimile
16 machine;

17 (12) "Gateway system" means a system modeled after the national
18 technology information service's Fedworld gateway system, a means of
19 accessing multiple government information bulletin board systems
20 through one connection point;

21 (13) "Information processing" means the electronic capture,
22 collection, storage, manipulation, transmission, retrieval, and
23 presentation of information in the form of data, text, voice, or image
24 and includes telecommunications and office automation functions;

25 ~~((9))~~ (14) "Information services" means data processing,
26 telecommunications, and office automation;

27 ~~((10))~~ "Equipment" means the machines, devices, and transmission
28 facilities used in information processing, such as computers, word
29 processors, terminals, telephones, and cables;

30 ~~((11))~~ (15) "Local governments" includes all municipal and quasi
31 municipal corporations and political subdivisions, and all agencies of
32 such corporations and subdivisions authorized to contract separately;

33 (16) "Privacy" means the right of privacy as currently defined in
34 RCW 42.17.255;

35 (17) "Proprietary software" means that software offered for sale or
36 license;

37 ~~((12))~~ (18) "Public electronic access" means (a) the ability of
38 any member of the general public to review and obtain information
39 determined to be included in a public information data base that is

1 stored in electronic or digitized form and requested by use of voice,
2 computer data, or video format; (b) the ability of any member of the
3 general public to transmit information to state agencies in electronic
4 format;

5 (19) "Public record" has the same meaning as defined by RCW
6 42.17.020 and 42.17.250 through 42.17.348;

7 (20) "Purchased services" means services provided by a vendor to
8 accomplish routine, continuing, and necessary functions. This term
9 includes, but is not limited to, services acquired for equipment
10 maintenance and repair, operation of a physical plant, security,
11 computer hardware and software installation and maintenance, data
12 entry, keypunch services, programming services, and computer time-
13 sharing;

14 (21) "Security" means a control that prevents unauthorized access
15 to, or disclosure, theft, or modifications of, government electronic
16 information;

17 (22) "Standards" means the use of terms, structures, and methods of
18 operation to ensure consistency or adherence to policy;

19 (23) "Telecommunications" means the transmission of information by
20 wire, radio, optical cable, electromagnetic, or other means;

21 (24) "Unrestricted public access" means public electronic access;

22 (25) "Unrestricted public information" means data that has been
23 specifically created, collected, precessed, or distributed by
24 governmental organizations in the course of governmental operation that
25 is available to the general public and that contains no restricted
26 information;

27 (26) "Video telecommunications" means the electronic
28 interconnection of two or more sites for the purpose of transmitting
29 ((and/or)) or receiving, or both, visual and associated audio
30 information. Video telecommunications shall not include existing
31 public television broadcast stations as currently designated by the
32 department of community, trade, and economic development under chapter
33 43.330 RCW;

34 (27) "Voice response technology" means telephone and computer
35 systems that respond to voice requests or inputs via the telephone;

36 (28) "Worldwide web home page" means a specific worldwide web
37 location. The worldwide web uses hypertext transfer protocol and
38 hypertext markup language to allow the use of hypertext and multimedia
39 techniques to facilitate Internet navigation and participation.

1 **Sec. 3.** RCW 43.105.160 and 1992 c 20 s 1 are each amended to read
2 as follows:

3 (1) The department shall prepare a state strategic information
4 technology plan which shall establish a state-wide mission, goals, and
5 objectives for the use of information technology. The plan shall be
6 developed in accordance with the standards and policies established by
7 the board and shall be submitted to the board for review, modification
8 as necessary, and approval. The department shall seek the advice of
9 the board in the development of this plan.

10 The plan approved under this section shall be updated as necessary
11 and submitted to the governor and the chairs and ranking minority
12 members of the appropriations committees of the senate and the house of
13 representatives.

14 (2) The department shall prepare a biennial state performance
15 report on information technology based on agency performance reports
16 required under RCW 43.105.170 and other information deemed appropriate
17 by the department. The report shall include, but not be limited to:

18 (a) An evaluation of performance relating to information
19 technology;

20 (b) An assessment of progress made toward implementing the state
21 strategic information technology plan;

22 (c) An analysis of the success or failure, feasibility, progress,
23 costs, and timeliness of implementation of major information technology
24 projects under RCW 43.105.190;

25 (d) Identification of benefits, cost avoidance, and cost savings
26 generated by major information technology projects developed under RCW
27 43.105.190; ((and))

28 (e) An inventory of state information services, equipment, and
29 proprietary software; and

30 (f) An assessment of progress made by state agencies, local
31 governments, educational institutions, libraries, and other public and
32 private entities, toward improving citizens' ability to send
33 information to and receive information from state agencies in
34 electronic formats.

35 Copies of the report shall be distributed biennially to the
36 governor and the chairs and ranking minority members of the
37 appropriations committees of the senate and the house of
38 representatives.

1 **Sec. 4.** RCW 43.105.170 and 1992 c 20 s 2 are each amended to read
2 as follows:

3 (1) Each agency shall develop an agency strategic information
4 technology plan which establishes agency goals and objectives regarding
5 the development and use of information technology. Plans shall
6 include, but not be limited to, the following:

7 (a) A statement of the agency's mission, goals, and objectives for
8 information technology;

9 (b) An explanation of how the agency's mission, goals, and
10 objectives for information technology support and conform to the state
11 strategic information technology plan developed under RCW 43.105.160;

12 (c) An implementation strategy to provide electronic access to
13 unrestricted public information. This implementation strategy shall be
14 assembled to include:

15 (i) Compliance with Title 40 RCW;

16 (ii) Adequate public notice and opportunity for comment;

17 (iii) Consideration of a variety of electronic technologies;

18 (iv) Methods to educate both employees and the public in the
19 effective use of access technologies;

20 (v) Compliance with section 5 of this act; and

21 (vi) The integration of employee functions to ensure that
22 electronic storage and delivery are a component of daily activity;

23 (d) Projects and resources required to meet the objectives of the
24 plan; and

25 (~~(d)~~) (e) Where feasible, estimated schedules and funding
26 required to implement identified projects.

27 (2) Plans developed under subsection (1) of this section shall be
28 submitted to the department for review and forwarded along with the
29 department's recommendations to the board for review and approval. The
30 board may reject, require modification to, or approve plans as deemed
31 appropriate by the board. Plans submitted under this subsection shall
32 be updated and submitted for review and approval as necessary.

33 (3) Each agency shall prepare and submit to the department a
34 biennial performance report. The report shall include:

35 (a) An evaluation of the agency's performance relating to
36 information technology;

37 (b) An assessment of progress made toward implementing the agency
38 strategic information technology plan; and

1 (c) An inventory of agency information services, equipment, and
2 proprietary software.

3 (4) The department, with the approval of the board, shall establish
4 standards, elements, form, and format for plans and reports developed
5 under this section.

6 (5) The board may exempt any agency from any or all of the
7 requirements of this section.

8 NEW SECTION. **Sec. 5.** When creating an electronic information
9 storage or delivery system, or providing information to the public in
10 electronic form, state agencies shall review the recommendations of the
11 public information access policy task force and comply with the
12 following guiding principles:

13 (1) Broad public electronic access must be considered in the
14 creation of a government information system containing public records.
15 Public access must be considered in the indexing and electronic storage
16 of public records. Administrative procedures must be established to
17 ensure both ease of access to unrestricted information and the security
18 of restricted information.

19 (2) Government agencies should only collect and maintain
20 information that is relevant to the operation of government.

21 (3) Public electronic access to government records must not
22 compromise the integrity or security of those records, adversely affect
23 the performance of vital government operations, or compromise personal
24 privacy.

25 (4) Public electronic access to state and local jurisdiction
26 information should be provided to every citizen without regard to the
27 individual's financial ability to obtain the technology necessary for
28 public access. State agencies shall provide at least one mechanism for
29 public electronic access free of charge, which may include, but is not
30 limited to, providing data on a diskette, access to bulletin board
31 systems, fax-back systems, or public electronic access computer
32 terminals.

33 (5) In compliance with chapter 42.17 RCW, electronic access to
34 unrestricted information must be free of charge except for the actual
35 cost of providing the information. Actual cost shall not exceed the
36 incremental cost of providing the data, which does not include the cost
37 of creating the information systems for purposes relating to the agency
38 mission. Agencies may elect to provide access at reduced or no charge.

1 (6) The value of citizen access depends on accurate and timely
2 data. Disclosures of data must include an indication of the time it
3 was created or captured. Where electronic information is reproduced
4 from public records that are not exempt under RCW 42.17.310 and are
5 maintained in paper or other nonelectronic form, the agencies shall
6 make reasonable efforts to provide information through the system as to
7 the location of the original record and the procedure for its public
8 inspection.

9 (7) Consistent with the existing provisions of RCW 42.17.258, no
10 government agency or employee acting in good faith is liable for the
11 accuracy of information obtained from a public access electronic
12 information system.

13 (8) Agencies shall integrate the functions of employees in the
14 design, construction, and maintenance of any data base or electronic
15 delivery system so that electronic storage and delivery is a regular
16 component of daily activities.

17 NEW SECTION. **Sec. 6.** The department shall provide a variety of
18 technologies to ensure the widest possible electronic access to
19 unrestricted public information. These technologies may include but
20 are not limited to:

- 21 (1) A public information clearinghouse on the Internet;
- 22 (2) Public information kiosks;
- 23 (3) Either or both direct dial or toll-free telephone numbers to
24 directories of public information resources; and
- 25 (4) A gateway system for easy access to agency bulletin board
26 systems.

27 NEW SECTION. **Sec. 7.** The department and the state library shall
28 work in consultation with the public information access policy task
29 force to study, design, and implement a functional demonstration of a
30 state government information locator service that enables convenient
31 access to unrestricted public information maintained by state and local
32 government agencies. The government information locator service
33 demonstration project must be operational by June 1, 1996.

34 The department is responsible for the design, operation, and
35 maintenance of the service. When considering the design of the
36 service, the department shall consider such factors as: (1) Ease of
37 operation by citizens; (2) access by citizens through multiple

1 communications systems; and (3) providing open formats for
2 compatibility with private on-line services.

3 The state library is responsible for ensuring that information
4 available through the system is responsive to public needs and
5 preferences and is catalogued in a manner that ensures ease of
6 retrieval.

7 NEW SECTION. **Sec. 8.** The department shall work with federal,
8 state, and local agencies to maximize public awareness of and access to
9 electronic government information systems. At a minimum, the
10 department shall compile a list of electronic mail addresses and
11 telephone numbers that provide public access to government information
12 in electronic formats and make that list available for publication in
13 telephone directories distributed by state agencies and private
14 business. The department may develop public service announcements and
15 other methods of unrestricted public information distribution to
16 accomplish the goals of this section.

17 NEW SECTION. **Sec. 9.** The departments of labor and industries,
18 licensing, and revenue shall coordinate with the department of
19 information services to create a fax-back demonstration project. The
20 fax-back system should provide documents, forms, and other information
21 of high demand to the public via facsimile machine. Every effort
22 should be made to provide information that improves efficiency and
23 government service delivery. These projects must be operational no
24 later than January 1, 1996.

25 NEW SECTION. **Sec. 10.** A new section is added to chapter 42.17 RCW
26 to read as follows:

27 Electronic access to state and local government records is subject
28 to section 5 of this act.

29 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.19 RCW
30 to read as follows:

31 Before the sale or exchange of state-owned equipment, the division
32 of purchasing shall make available for use at no cost, or the least
33 possible cost, to local governments and nonprofit organizations whose
34 primary purpose is to widely distribute government and community
35 information in electronic formats, any equipment that could be used to

1 expand public electronic access to government information. For the
2 purposes of this section, state equipment includes, but is not limited
3 to, computer hardware, computer software, facsimile machines, and
4 telecommunications equipment. Equipment shall be donated or sold if
5 the following conditions have been met:

6 (1) The division of purchasing has made reasonable efforts to
7 determine if any state agency has a requirement for the equipment and
8 no such agency has been identified;

9 (2) The recipient of the equipment is a government of local
10 jurisdiction within the state of Washington, or a nonprofit
11 organization whose primary purpose is to widely distribute government
12 and community information in electronic formats;

13 (3) The equipment is being used solely to expand public electronic
14 access to government and community information to Washington residents.

15 The division of purchasing shall give priority to local
16 jurisdictions or nonprofit organizations that plan to participate in,
17 or provide access to, the department of information services home page,
18 gateway, or government information locator projects.

19 NEW SECTION. **Sec. 12.** State agencies shall coordinate with state
20 institutions of higher education to fully use the provisions of RCW
21 28B.15.558 to maximize employee education in the creation, design,
22 maintenance, and use of electronic information systems and improved
23 customer service delivery.

24 NEW SECTION. **Sec. 13.** The sum of forty-two thousand dollars, or
25 as much thereof as may be necessary, is appropriated from the general
26 fund to the state librarian and the department of information services
27 for the fiscal biennium ending June 30, 1997, for the purpose of
28 providing staffing and support to the public information access policy
29 task force. Funds may be used at the discretion of the state librarian
30 and the director of the department of information services or their
31 designees for the purposes of providing travel compensation to task
32 force members, postage, printing, video and telephone conferencing, and
33 staff support.

34 NEW SECTION. **Sec. 14.** Sections 1 and 5 through 9 of this act are
35 each added to chapter 43.105 RCW.

1 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

5 NEW SECTION. **Sec. 16.** If specific funding for the purposes of
6 sections 7 and 9 of this act, referencing sections 7 and 9 of this act
7 by bill and section number, is not provided by June 30, 1995, in the
8 omnibus appropriations act, sections 7 and 9 of this act are null and
9 void.

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