

---

SENATE BILL 5483

---

State of Washington

54th Legislature

1995 Regular Session

By Senators Sutherland, Long, Smith, Winsley and Fairley

Read first time 01/24/95. Referred to Committee on Energy,  
Telecommunications & Utilities.

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 43.19 RCW; creating new  
4 sections; making an appropriation; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

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

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

12 (3) State agencies will soon be required to provide all public  
13 information in electronic format. Therefore planning for and  
14 implementation of electronic information delivery by state agencies  
15 should begin immediately;

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

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

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

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

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

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

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

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

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

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

26       ~~(8))~~ (2) "Board" means the information services board;

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

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

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

32       (6) "Electronic delivery" means the delivery of data or information  
33 using electronic tools such as computers, fax-back, and voice response  
34 technology;

35       (7) "Electronic format" means electronic or digitized data provided  
36 through the use of electronic tools including computers, facsimile  
37 machines, and telecommunications equipment;

38       (8) "Electronic mail" means communication and messaging via  
39 computer interface;

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

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

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

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

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

20       ~~((+9))~~ (14) "Information services" means data processing,  
21 telecommunications, and office automation;

22       ~~((-10))~~ "Equipment" means the machines, devices, and transmission  
23 facilities used in information processing, such as computers, word  
24 processors, terminals, telephones, and cables;

25       ~~(+11))~~ (15) "Local governments" includes all municipal and quasi  
26 municipal corporations and political subdivisions, and all agencies of  
27 such corporations and subdivisions authorized to contract separately;

28       (16) "Personal privacy" means: (a) The protection of personal data  
29 from improper collection, use, or disclosure. This includes  
30 limitations on the use of identifiers, such as the social security  
31 number, and technological methods that may safeguard privacy including  
32 encryption, blind signatures, and anonymous and pseudonymous  
33 transactions; (b) the ability to maintain security over personally  
34 identifiable information that is determined to be restrictive and not  
35 necessary for inclusion in the public data base;

36       (17) "Privacy" means the right of privacy as currently defined in  
37 RCW 42.17.255;

38       (18) "Proprietary software" means that software offered for sale or  
39 license;

1        ~~((12))~~ (19) "Public access" means public electronic access;

2        (20) "Public data base" means unrestricted information stored

3 electronically by agencies and made available for public access;

4        (21) "Public electronic access" means the ability of any member of

5 the general public to review and obtain information determined to be

6 included in a public information data base that is stored in electronic

7 or digitized form and requested by use of voice, computer data, or

8 video format;

9        (22) "Public information" means data that has been specifically

10 created, collected, precessed, or distributed by governmental

11 organizations in the course of governmental operation that is available

12 to the general public and that contains no restricted information;

13        (23) "Public record" has the same meaning as defined by RCW

14 42.17.020 and 42.17.250 through 42.17.348;

15        (24) "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        (25) "Security" means a control that prevents unauthorized access

23 to, or disclosure, theft, or modifications of, government electronic

24 information;

25        (26) "Standards" means the use of terms, structures, and methods of

26 operation to ensure consistency or adherence to policy;

27        (27) "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        (28) "Voice response technology" means telephone and computer

35 systems that respond to voice requests or inputs via the telephone;

36        (29) "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 electronic information implementation strategy for providing  
13 the citizenry with the ability both to send and receive information in  
14 electronic format. The electronic information implementation  
15 strategies shall be assembled with the following considerations:

16       (i) Compliance with Title 40 RCW;

17       (ii) Conformity with technical standards established by the  
18 information services board;

19       (iii) Assurance of adequate public notice and opportunity for  
20 comment on both the technologies used to provide information and the  
21 kinds of information provided on it;

22       (iv) The use of a variety of electronic technologies that may  
23 include, but are not limited to, internet, computer bulletin board  
24 systems, fax-back systems, interactive voice response technologies,  
25 electronic kiosk systems, public access computer terminals, and  
26 government and public affairs television programming;

27       (v) Adequate education of both employees and the public on the use  
28 of electronic technologies to effectively obtain government information  
29 and services; and

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

32       (d) Projects and resources required to meet the objectives of the  
33 plan; and

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

36       (2) Plans developed under subsection (1) of this section shall be  
37 submitted to the department for review and forwarded along with the  
38 department's recommendations to the board for review and approval. The  
39 board may reject, require modification to, or approve plans as deemed

1 appropriate by the board. Plans submitted under this subsection shall  
2 be updated and submitted for review and approval as necessary.

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

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

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

9 (c) An inventory of agency information services, equipment, and  
10 proprietary software.

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

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

16 NEW SECTION. **Sec. 5.** When creating an electronic information  
17 storage or delivery system, or providing information to the public in  
18 electronic formats, state agencies shall comply with the following  
19 guiding principles:

20 (1) Broad public electronic access must be considered in the  
21 creation of a government information system containing public records.  
22 Public access must be considered in the indexing and electronic storage  
23 of public records. Administrative procedures must be established to  
24 ensure both ease of access to unrestricted information and the security  
25 of restricted information.

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

28 (3) Public electronic access to government records must not  
29 compromise the integrity or security of those records, adversely affect  
30 the performance of vital government operations, or compromise personal  
31 privacy.

32 (4) Public electronic access to state and local jurisdiction  
33 information should be provided to every citizen without regard to the  
34 individual's financial ability to obtain the technology necessary for  
35 public access. State agencies shall provide at least one mechanism for  
36 public electronic access free of charge, which may include, but is not  
37 limited to, providing data on a diskette, access to bulletin board

1 systems, fax-back systems, or public electronic access computer  
2 terminals.

3 (5) Electronic access to unrestricted information must be free of  
4 charge except for the actual cost of providing the information. Actual  
5 cost shall not exceed the incremental cost of providing the data, which  
6 does not include the cost of creating the information systems for  
7 purposes relating to the agency mission. Agencies may elect to provide  
8 access at reduced or no charge.

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

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

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

25 NEW SECTION. **Sec. 6.** The department shall coordinate the  
26 provision of government bulletin board services. The department shall  
27 work with state agencies to integrate existing bulletin board systems  
28 and coordinate the creation of new electronic information delivery  
29 systems to ensure the greatest possible public access and use.

30 NEW SECTION. **Sec. 7.** The department shall create a Washington  
31 state gateway system. The system shall link public electronic bulletin  
32 board systems in a manner that will allow citizens to dial one  
33 telephone number to access all state agency bulletin board systems.  
34 The gateway system may include bulletin board systems that are  
35 maintained by federal, state, local, and tribal governments, and  
36 nonprofit community networks. The director may authorize additional  
37 electronic bulletin board systems to be included on the gateway system.



1        NEW SECTION.    **Sec. 8.**    The department shall continue to maintain  
2 and expand a worldwide web home page internet site, which shall include  
3 a link to the gateway system and access to additional government  
4 information in electronic format.    The department shall make every  
5 effort to ensure that the worldwide web home page is clearly identified  
6 as a distribution center for Washington government information.    Local  
7 governments are encouraged to provide information on the department's  
8 worldwide web home page.

9        NEW SECTION.    **Sec. 9.**    The department and the state librarian shall  
10 work cooperatively to design a government information locator system  
11 that will enable the public to obtain quickly and easily the government  
12 information they seek in electronic format.    The information locator  
13 system must be in operation no later than June 1, 1996.

14        The department is responsible for the design, construction, and  
15 maintenance of the system.    In designing the system, the department  
16 shall consider such factors as (1) ease of operation by citizens, (2)  
17 access by citizens through multiple communications systems, such as  
18 direct dial and toll-free telephone numbers, electronic kiosks, and the  
19 internet, and (3) compatibility with private on-line services.

20        The state library is primarily responsible for ensuring that  
21 information available through the system is responsive to citizens'  
22 needs and preferences, is reviewed and updated regularly, and is  
23 catalogued in a manner that ensures ease of retrieval.

24        NEW SECTION.    **Sec. 10.**    The department shall make efforts to expand  
25 its successful kiosk system.    Every effort should be made to maximize  
26 funding and distribution through the use of federal and private grant  
27 opportunities.

28        NEW SECTION.    **Sec. 11.**    State agencies are encouraged to seek  
29 federal and private grants for projects that pursue electronic  
30 information delivery systems, increase efficiency, and improve  
31 government service delivery.

32        NEW SECTION.    **Sec. 12.**    The department shall work with federal,  
33 state, and local agencies to maximize public awareness of and access to  
34 electronic government information systems.    At a minimum, the  
35 department shall compile a list of electronic mail addresses and

1 telephone numbers that provide public access to government information  
2 in electronic formats and make that list available for publication in  
3 telephone directories distributed by state agencies and private  
4 business. The department may develop public service announcements and  
5 other methods of public information distribution to accomplish the  
6 goals of this section.

7 NEW SECTION. **Sec. 13.** The departments of labor and industries,  
8 licensing, and revenue shall coordinate with the department of  
9 information services to create a fax-back demonstration project. The  
10 fax-back system should provide documents, forms, and other information  
11 of high demand to the public via facsimile machine. Every effort  
12 should be made to provide information that improves efficiency and  
13 government service delivery. These projects must be operational no  
14 later than January 1, 1996.

15 NEW SECTION. **Sec. 14.** A new section is added to chapter 43.19 RCW  
16 to read as follows:

17 Before the sale or exchange of state-owned equipment, the division  
18 of purchasing shall make available for use at no cost, or the least  
19 possible cost, to local governments and nonprofit organizations whose  
20 primary purpose is to widely distribute government and community  
21 information in electronic formats, any equipment that could be used to  
22 expand public electronic access to government information. For the  
23 purposes of this section, state equipment includes, but is not limited  
24 to, computer hardware, computer software, facsimile machines, and  
25 telecommunications equipment. Equipment shall be donated or sold if  
26 the following conditions have been met:

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

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

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

36 The division of purchasing shall give priority to local  
37 jurisdictions or nonprofit organizations that plan to participate in,

1 or provide access to, the department of information services home page,  
2 gateway, or government information locator projects.

3 NEW SECTION. **Sec. 15.** State agencies shall coordinate with state  
4 institutions of higher education to fully use the provisions of RCW  
5 28B.15.558 to maximize employee education in the creation, design,  
6 maintenance, and use of electronic information systems and improved  
7 customer service delivery.

8 NEW SECTION. **Sec. 16.** The sum of forty-two thousand dollars, or  
9 as much thereof as may be necessary, is appropriated from the general  
10 fund to the state librarian and the department of information services  
11 for the fiscal biennium ending June 30, 1997, for the purpose of  
12 providing staffing and support to the public information access policy  
13 task force. Funds may be used at the discretion of the state librarian  
14 and the director of the department of information services or their  
15 designees for the purposes of providing travel compensation to task  
16 force members, postage, printing, video and telephone conferencing, and  
17 staff support.

18 NEW SECTION. **Sec. 17.** Sections 1 and 5 through 12 of this act are  
19 each added to chapter 43.105 RCW.

20 NEW SECTION. **Sec. 18.** This act is necessary for the immediate  
21 preservation of the public peace, health, or safety, or support of the  
22 state government and its existing public institutions, and shall take  
23 effect immediately.

--- END ---