
SUBSTITUTE SENATE BILL 6705

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Higher Education (originally sponsored by Senators Bauer, Wood, Kohl, Zarelli, Sutherland, Cantu, Prince, Sheldon, Loveland, Winsley, Hale and Rasmussen)

Read first time 02/02/96.

1 AN ACT Relating to telecommunications, telecommunications planning,
2 and higher education technology; amending RCW 28B.80.600, 43.105.032,
3 43.105.041, 43.105.041, 43.105.052, 43.105.170, 43.105.180, and
4 43.105.190; adding a new section to 1995 2nd sp.s. c 16; creating a new
5 section; providing an effective date; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes that up-to-date
8 technology is a critical ingredient in the preparation of an educated
9 and knowledgeable work force and citizenry. Expansion and
10 interconnection of the state's higher education technology is an
11 activity that merits the support of the state legislature.

12 The development of a state higher education delivery system using
13 technology will provide great opportunities for change in the delivery
14 of educational services and deserves due deliberation and coordinated
15 policy planning to ensure that the high standards of program quality
16 and efficient service are enhanced.

17 The legislature finds that, in order to facilitate lifelong
18 learning, educational technology systems must be coordinated among all
19 educational sectors, with the other entities of federal, state, and

1 local government, and be readily accessible to the general population
2 of the state.

3 **Sec. 2.** RCW 28B.80.600 and 1990 c 208 s 9 are each amended to read
4 as follows:

5 The higher education coordinating board shall provide state-wide
6 coordination ~~((of video))~~ in telecommunications programming ~~((for the~~
7 ~~public four-year higher education institutions))~~, location selection,
8 meeting community needs, and development of a state-wide higher
9 education telecommunications plan.

10 **Sec. 3.** RCW 43.105.032 and 1992 c 20 s 8 are each amended to read
11 as follows:

12 There is hereby created the Washington state information services
13 board. The board shall be composed of ~~((nine))~~ eleven members.
14 ~~((Seven))~~ Eight members shall be appointed by the governor, one of
15 ~~((which))~~ whom shall be a representative of higher education, one of
16 whom shall represent K-12 education, one of ~~((which))~~ whom shall be a
17 representative of an agency under a state-wide elected official other
18 than the governor, and ~~((one))~~ two of ~~((which))~~ whom shall be ~~((a))~~
19 representatives of the private sector. One member shall represent the
20 judicial branch and be appointed by the chief justice of the supreme
21 court. One member shall represent the legislative branch and shall be
22 selected by the president of the senate and the speaker of the house of
23 representatives. These members shall constitute the membership of the
24 board with full voting rights. Members of the board shall serve at the
25 pleasure of the appointing authority. The director shall be ~~((an ex~~
26 ~~officio, nonvoting))~~ a member of the board. The board shall select a
27 chairperson from among its members.

28 Vacancies shall be filled in the same manner that the original
29 appointments were made.

30 A majority of the members of the board shall constitute a quorum
31 for the transaction of business.

32 Members of the board shall be compensated for service on the board
33 in accordance with RCW 43.03.240 and shall be reimbursed for travel
34 expenses as provided in RCW 43.03.050 and 43.03.060.

35 **Sec. 4.** RCW 43.105.041 and 1995 2nd sp.s. c 14 s 512 are each
36 amended to read as follows:

1 The board shall have the following powers and duties related to
2 information services:

3 (1) To develop standards governing the acquisition and disposition
4 of equipment, proprietary software and purchased services, and
5 confidentiality of computerized data;

6 (2) To purchase, lease, rent, or otherwise acquire, dispose of, and
7 maintain equipment, proprietary software, and purchased services, or to
8 delegate to other agencies and institutions of state government, under
9 appropriate standards, the authority to purchase, lease, rent, or
10 otherwise acquire, dispose of, and maintain equipment, proprietary
11 software, and purchased services: PROVIDED, That, agencies and
12 institutions of state government, except as provided in RCW
13 43.105.017(5) and section 507, chapter 14, Laws of 1995 2nd sp. sess.,
14 are expressly prohibited from acquiring or disposing of equipment,
15 proprietary software, and purchased services without such delegation of
16 authority. The acquisition and disposition of equipment, proprietary
17 software, and purchased services is exempt from RCW 43.19.1919 and, as
18 provided in RCW 43.19.1901, from the provisions of RCW 43.19.190
19 through 43.19.200. This subsection does not apply to the legislative
20 branch;

21 (3) To develop state-wide or interagency technical policies,
22 standards, and procedures;

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

33 (5) To provide direction concerning strategic planning goals and
34 objectives for the state. The board shall seek input from the
35 legislature and the judiciary;

36 (6) To develop and implement a process for the resolution of
37 appeals by:

38 (a) Vendors concerning the conduct of an acquisition process by an
39 agency or the department; or

1 (b) A customer agency concerning the provision of services by the
2 department or by other state agency providers;

3 (7) To establish policies for the periodic review by the department
4 of agency performance which may include but are not limited to analysis
5 of:

6 (a) Planning, management, control, and use of information services;

7 (b) Training and education; and

8 (c) Project management;

9 (8) To set its meeting schedules and convene at scheduled times, or
10 meet at the request of a majority of its members, the chair, or the
11 director; and

12 (9) To review and approve that portion of the department's budget
13 requests that provides for support to the board.

14 **Sec. 5.** RCW 43.105.041 and 1990 c 208 s 6 are each amended to read
15 as follows:

16 The board shall have the following powers and duties related to
17 information services:

18 (1) To develop standards governing the acquisition and disposition
19 of equipment, proprietary software and purchased services, and
20 confidentiality of computerized data;

21 (2) To purchase, lease, rent, or otherwise acquire, dispose of, and
22 maintain equipment, proprietary software, and purchased services, or to
23 delegate to other agencies and institutions of state government, under
24 appropriate standards, the authority to purchase, lease, rent, or
25 otherwise acquire, dispose of, and maintain equipment, proprietary
26 software, and purchased services: PROVIDED, That, agencies and
27 institutions of state government are expressly prohibited from
28 acquiring or disposing of equipment, proprietary software, and
29 purchased services without such delegation of authority. The
30 acquisition and disposition of equipment, proprietary software, and
31 purchased services is exempt from RCW 43.19.1919 and, as provided in
32 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.
33 This subsection does not apply to the legislative branch;

34 (3) To develop state-wide or interagency technical policies,
35 standards, and procedures;

36 (4) To review and approve standards and common specifications for
37 new or expanded telecommunications networks proposed by agencies,
38 public postsecondary education institutions, educational service

1 districts, or state-wide or regional providers of K-12 information
2 technology services, and to assure the cost-effective development and
3 incremental implementation of a state-wide video telecommunications
4 system to serve: Public schools; educational service districts;
5 vocational-technical institutes; community colleges; colleges and
6 universities; state and local government; and the general public
7 through public affairs programming;

8 (5) To provide direction concerning strategic planning goals and
9 objectives for the state. The board shall seek input from the
10 legislature and the judiciary;

11 (6) To develop and implement a process for the resolution of
12 appeals by:

13 (a) Vendors concerning the conduct of an acquisition process by an
14 agency or the department; or

15 (b) A customer agency concerning the provision of services by the
16 department or by other state agency providers;

17 (7) To establish policies for the periodic review by the department
18 of agency performance which may include but are not limited to analysis
19 of:

20 (a) Planning, management, control, and use of information services;

21 (b) Training and education; and

22 (c) Project management;

23 (8) To set its meeting schedules and convene at scheduled times, or
24 meet at the request of a majority of its members, the chair, or the
25 director; and

26 (9) To review and approve that portion of the department's budget
27 requests that provides for support to the board.

28 **Sec. 6.** RCW 43.105.052 and 1993 c 281 s 53 are each amended to
29 read as follows:

30 The department shall:

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

33 (a) The review of agency acquisition plans and requests; and

34 (b) Implementation of state-wide and interagency policies,
35 standards, and guidelines;

36 (2) Make available information services to state agencies and local
37 governments on a full cost-recovery basis. These services may include,
38 but are not limited to:

- 1 (a) Telecommunications services for voice, data, and video;
- 2 (b) Mainframe computing services;
- 3 (c) Support for departmental and microcomputer evaluation,
4 installation, and use;
- 5 (d) Equipment acquisition assistance, including leasing, brokering,
6 and establishing master contracts;
- 7 (e) Facilities management services for information technology
8 equipment, equipment repair, and maintenance service;
- 9 (f) Negotiation with local cable companies and local governments to
10 provide for connection to local cable services to allow for access to
11 these public and educational channels in the state;
- 12 (g) Office automation services;
- 13 (h) System development services; and
- 14 (i) Training.

15 These services are for discretionary use by customers and customers
16 may elect other alternatives for service if those alternatives are more
17 cost-effective or provide better service. Agencies may be required to
18 use the backbone network portions of the telecommunications services
19 during an initial start-up period not to exceed three years;

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

32 (4) With the advice of the information services board and agencies,
33 develop a state strategic information technology plan and performance
34 reports as required under RCW 43.105.160;

35 (5) Develop plans for the department's achievement of state-wide
36 goals and objectives set forth in the state strategic information
37 technology plan required under RCW 43.105.160. These plans shall
38 address such services as telecommunications, central and distributed
39 computing, local area networks, office automation, and end user

1 computing. The department shall seek the advice of customer oversight
2 committees and the board in the development of these plans;

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

7 (7) Identify opportunities for the effective use of information
8 services and coordinate appropriate responses to those opportunities;

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

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

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

18 (11) Provide staff support from the planning component to the board
19 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) Be the lead agency in coordinating video telecommunications
26 services for all state agencies and develop, pursuant to board
27 policies, standards and common specifications for leased and purchased
28 telecommunications equipment. Except in accordance with the policies
29 of the department and the board, no agency may spend any portion of any
30 appropriation for a major video telecommunications project or for
31 expanding current video telecommunications systems without first
32 complying with this chapter, including, but not limited to RCW
33 43.105.041(2), and without first submitting a video telecommunications
34 expenditure plan to the department for review and assessment. Before
35 any such expenditure by an educational service district or public
36 school district, a video telecommunications plan shall be approved by
37 the superintendent of public instruction. The superintendent of public
38 instruction shall submit the plans to the department in a form
39 prescribed by the department. For the 1995-97 biennium such

1 expenditures by a public institution of postsecondary education may be
2 made following approval of a process to develop a programming and
3 location plan as set forth in section 10(4) of this act. Before any
4 such expenditure by a public institution of postsecondary education, a
5 telecommunications plan shall be approved by the higher education
6 coordinating board and submitted to the department in a form prescribed
7 by the department. The department shall not evaluate the merits of
8 school curriculum, higher education course offerings, or other
9 education and training programs proposed for transmission and/or
10 reception using video telecommunications resources. Nothing in this
11 section shall abrogate or abridge the legal responsibilities of
12 licensees of telecommunications facilities as licensed by the federal
13 communication commission on March 27, 1990; and

14 (13) Perform all other matters and things necessary to carry out
15 the purposes and provisions of this chapter.

16 **Sec. 7.** RCW 43.105.170 and 1992 c 20 s 2 are each amended to read
17 as follows:

18 (1) Each agency, including the superintendent of public
19 instruction, educational service districts, and state-wide or regional
20 providers of K-12 education information technology services, shall
21 develop an agency strategic information technology plan which
22 establishes agency goals and objectives regarding the development and
23 use of information technology. Plans shall include, but not be limited
24 to, the following:

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

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

30 (c) Projects and resources required to meet the objectives of the
31 plan; and

32 (d) Where feasible, estimated schedules and funding required to
33 implement identified projects.

34 (2) Plans developed under subsection (1) of this section shall be
35 submitted to the department for review and forwarded along with the
36 department's recommendations to the board for review and approval. The
37 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, including the superintendent of public
4 instruction, educational service districts, and state-wide or regional
5 providers of K-12 education information technology services, shall
6 prepare and submit to the department a biennial performance report.
7 The report shall include:

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

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

12 (c) An inventory of agency information services, equipment, and
13 proprietary software.

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

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

19 **Sec. 8.** RCW 43.105.180 and 1992 c 20 s 3 are each amended to read
20 as follows:

21 Upon request of the office of financial management, the department
22 shall evaluate agency budget requests for major information technology
23 projects identified under RCW 43.105.190, including those proposed by
24 the superintendent of public instruction, educational service
25 districts, or state-wide or regional providers of K-12 education
26 information technology services. The department shall submit
27 recommendations for funding all or part of such requests to the office
28 of financial management.

29 The department, with the advice and approval of the office of
30 financial management, shall establish criteria for the evaluation of
31 agency budget requests under this section. Criteria shall include, but
32 not be limited to: Feasibility of the proposed projects, consistency
33 with state and agency strategic information technology plans,
34 consistency with agency goals and objectives, costs, and benefits.

35 **Sec. 9.** RCW 43.105.190 and 1992 c 20 s 4 are each amended to read
36 as follows:

1 (1) The department, with the approval of the board, shall establish
2 standards and policies governing the planning, implementation, and
3 evaluation of major information technology projects, including those
4 proposed by the superintendent of public instruction, educational
5 service districts, or state-wide or regional providers of K-12
6 education information technology services. The standards and policies
7 shall:

8 (a) Establish criteria to identify projects which are subject to
9 this section. Such criteria shall include, but not be limited to,
10 significant anticipated cost, complexity, or state-wide significance of
11 the project; and

12 (b) Establish a model process and procedures which agencies shall
13 follow in developing and implementing project plans. Agencies may
14 propose, for approval by the department, a process and procedures
15 unique to the agency. The department may accept or require
16 modification of such agency proposals or the department may reject such
17 agency proposals and require use of the model process and procedures
18 established under this subsection. Any process and procedures
19 developed under this subsection shall require (i) distinct and
20 identifiable phases upon which funding may be based, (ii) user
21 validation of products through system demonstrations and testing of
22 prototypes and deliverables, and (iii) other elements identified by the
23 board.

24 Project plans and any agreements established under such plans shall
25 be approved and mutually agreed upon by the director, the director of
26 financial management, and the head of the agency proposing the project.

27 The director may terminate a major project if the director
28 determines that the project is not meeting or is not expected to meet
29 anticipated performance standards.

30 (2) The office of financial management shall establish policies and
31 standards governing the funding of projects developed under this
32 section. The policies and standards shall provide for:

33 (a) Funding of a project under terms and conditions mutually agreed
34 to by the director, the director of financial management, and the head
35 of the agency proposing the project. However, the office of financial
36 management may require incremental funding of a project on a phase-by-
37 phase basis whereby funds for a given phase of a project may be
38 released only when the office of financial management determines, with

1 the advice of the department, that the previous phase is satisfactorily
2 completed;

3 (b) Acceptance testing of products to assure that products perform
4 satisfactorily before they are accepted and final payment is made; and

5 (c) Other elements deemed necessary by the office of financial
6 management.

7 (3) The department shall evaluate projects at three stages of
8 development as follows: (a) Initial needs assessment; (b) feasibility
9 study including definition of scope, development of tasks and
10 timelines, and estimated costs and benefits; and (c) final project
11 implementation plan based upon available funding.

12 Copies of project evaluations conducted under this subsection shall
13 be submitted to the office of financial management and the chairs,
14 ranking minority members, and staff coordinators of the appropriations
15 committees of the senate and house of representatives.

16 NEW SECTION. **Sec. 10.** A new section is added to 1995 2nd sp.s. c
17 16 to read as follows:

18 **FOR UNIVERSITIES AND COLLEGES**

19 **Washington Higher Education Network (WHEN):** To expand the capacity
20 and locations served by the current network to form an interactive
21 higher education telecommunications backbone **(97-2-001)**

22 These funds are intended to complete a telecommunications backbone
23 for public four-year institutions in Washington. The appropriation
24 also will provide access to the backbone system at several community
25 colleges located throughout the state and to individuals through cable
26 systems and satellite dishes. The intent of the legislature is to
27 significantly enhance the public higher education system's ability to
28 provide citizen access to quality higher education courses and degree
29 programs throughout the state. It is also the intent of the
30 legislature that this system be a collaborative endeavor and that
31 resources be used carefully. In developing this system, the
32 institutions are encouraged to actively seek the assistance and
33 cooperation of the department of information services, higher education
34 coordinating board, and state board for community and technical
35 colleges.

36 The appropriation in this section is subject to the following
37 conditions and limitations:

1 (1) The appropriation in this section shall be divided among the
2 other institutions of higher education as follows:

3 (a) Washington State University--\$14,550,000

4 (b) University of Washington--\$8,730,000

5 (c) Central Washington University--\$3,923,000

6 (d) Eastern Washington University--\$1,410,000

7 (e) Western Washington University--\$4,395,000

8 (f) The Evergreen State College--\$1,515,000

9 (g) The state board for community and technical colleges--
10 \$5,681,000.

11 (2) The appropriation in this section is subject to the review and
12 allotment procedures under section 813, chapter 16, Laws of 1995 2nd
13 sp.s.

14 (3) Prior to any expenditure of these funds by a public institution
15 of postsecondary education, the information services board shall
16 approve a telecommunications plan that maximizes connectivity with
17 existing state owned and operated data and communications networks,
18 provides for purchasing equipment, software, and other items necessary
19 for the Washington higher education network project in joint
20 institutional contracts, and provides system integration with K-12
21 education telecommunication systems and the community and technical
22 college telecommunication system. The information services board shall
23 ensure that the benefits of purchasing additional hardware to expand
24 the current telecommunications network versus leasing network services
25 from the department of information services or from private sector
26 providers are considered in approving and implementing the Washington
27 higher education system. It is the intent of the legislature that the
28 information services board provide formal project approval and
29 oversight during the period of development and implementation. In
30 providing project approval, the information services board shall use a
31 two-step process. First, a request or requests for proposals shall be
32 developed and approved in accordance with information services board
33 guidelines. Second, after receipt of proposals from the private sector
34 and thorough analysis by information services board staff, following
35 the guidelines of the information services board and instructions
36 contained in this section, acquisition approval by the information
37 services board shall be considered.

38 (4) Prior to any expenditure by a public institution of higher
39 education of new operating funds appropriated in the supplemental

1 budget for WHEN for the 1995-1997 biennium, the following shall occur:
2 A process to develop a programming and location plan shall be developed
3 by participating education institutions in collaboration with and
4 approved by the higher education coordinating board, and a governance
5 structure for the WHEN shall be approved by the higher education
6 coordinating board.

7 The programming and location plan shall be approved by the higher
8 education coordinating board based on coordination with existing
9 networks within K-12, community colleges, and technical colleges;
10 libraries; and community needs; and with consideration for encouraging
11 innovative program offerings and minimizing duplicative programs or
12 degrees. Approval of the governance structure shall ensure
13 participation by all members of the network.

14 The plan shall be reported to the legislature by December 15, 1996,
15 and updated on at least a biennial basis.

16 (5) All moneys appropriated in this section shall be held in
17 allotment reserve until the higher education coordinating board has
18 approved institutional telecommunications plans including a governance
19 structure for the Washington higher education network and the
20 information services board has approved the acquisition and
21 implementation of the plan. The office of financial management shall
22 allot only those funds necessary to acquire and implement the
23 Washington higher education network approved by this appropriation.
24 Any funds in excess of those required to acquire and implement the
25 Washington higher education network shall not be allotted and shall be
26 held in reserve.

27 **Appropriation:**

28	St Bldg Constr Acct--State	\$	40,204,000
29	Prior Biennia (Expenditures)	\$	0
30	Future Biennia (Projected Costs)	\$	0
31		-----	
32	TOTAL	\$	40,204,000

33 NEW SECTION. **Sec. 11.** Section 4 of this act expires June 30,
34 1997.

1 NEW SECTION. **Sec. 12.** Section 5 of this act shall take effect
2 June 30, 1997.

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