
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6705

State of Washington

54th Legislature

1996 Regular Session

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

Read first time 02/06/96.

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 chapter 28B.80 RCW; creating new
5 sections; providing an effective date; and providing an expiration
6 date.

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

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

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

18 The legislature finds that, in order to facilitate lifelong
19 learning, educational technology systems must be coordinated among all

1 educational sectors, with the other entities of federal, state, and
2 local government, and be readily accessible to the general population
3 of the state.

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

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

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

13 There is hereby created the Washington state information services
14 board. The board shall be composed of ~~((nine))~~ twelve members.
15 ~~((Seven))~~ Eight members shall be appointed by the governor, one of
16 ~~((which))~~ whom shall be a representative of higher education, one of
17 whom shall represent K-12 education, one of ~~((which))~~ whom shall be a
18 representative of an agency under a state-wide elected official other
19 than the governor, and ~~((one))~~ two of ~~((which))~~ whom shall be ~~((a))~~
20 representatives of the private sector. One member shall represent the
21 judicial branch and be appointed by the chief justice of the supreme
22 court. ~~((One member shall represent the legislative branch and shall~~
23 ~~be selected by the president of the senate and the speaker of the house~~
24 ~~of representatives.))~~ One member shall represent the house of
25 representatives and shall be selected by the speaker of the house of
26 representatives; one member shall represent the senate and shall be
27 appointed by the president of the senate. The representatives of the
28 house of representatives and senate shall not be from the same
29 political party. These members shall constitute the membership of the
30 board with full voting rights. Members of the board shall serve at the
31 pleasure of the appointing authority. The director shall be ~~((an ex~~
32 ~~officio, nonvoting))~~ a member of the board. The board shall select a
33 chairperson from among its members.

34 Vacancies shall be filled in the same manner that the original
35 appointments were made.

36 A majority of the members of the board shall constitute a quorum
37 for the transaction of business.

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

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

6 The board shall have the following powers and duties related to
7 information services:

8 (1) To develop standards governing the acquisition and disposition
9 of equipment, proprietary software and purchased services, and
10 confidentiality of computerized data;

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

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

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

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

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

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

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

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

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

14 (b) Training and education; and

15 (c) Project management;

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

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

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

23 The board shall have the following powers and duties related to
24 information services:

25 (1) To develop standards governing the acquisition and disposition
26 of equipment, proprietary software and purchased services, and
27 confidentiality of computerized data;

28 (2) To purchase, lease, rent, or otherwise acquire, dispose of, and
29 maintain equipment, proprietary software, and purchased services, or to
30 delegate to other agencies and institutions of state government, under
31 appropriate standards, the authority to purchase, lease, rent, or
32 otherwise acquire, dispose of, and maintain equipment, proprietary
33 software, and purchased services: PROVIDED, That, agencies and
34 institutions of state government are expressly prohibited from
35 acquiring or disposing of equipment, proprietary software, and
36 purchased services without such delegation of authority. The
37 acquisition and disposition of equipment, proprietary software, and
38 purchased services is exempt from RCW 43.19.1919 and, as provided in

1 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.

2 This subsection does not apply to the legislative branch;

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

5 (4) To review and approve standards and common specifications for
6 new or expanded telecommunications networks proposed by agencies,
7 public postsecondary education institutions, educational service
8 districts, or state-wide or regional providers of K-12 information
9 technology services, and to assure the cost-effective development and
10 incremental implementation of a state-wide video telecommunications
11 system to serve: Public schools; educational service districts;
12 vocational-technical institutes; community colleges; colleges and
13 universities; state and local government; and the general public
14 through public affairs programming;

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

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

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

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

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

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

28 (b) Training and education; and

29 (c) Project management;

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

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

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

37 The department shall:

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

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

4 (b) Implementation of state-wide and interagency policies,
5 standards, and guidelines;

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

9 (a) Telecommunications services for voice, data, and video;

10 (b) Mainframe computing services;

11 (c) Support for departmental and microcomputer evaluation,
12 installation, and use;

13 (d) Equipment acquisition assistance, including leasing, brokering,
14 and establishing master contracts;

15 (e) Facilities management services for information technology
16 equipment, equipment repair, and maintenance service;

17 (f) Negotiation with local cable companies and local governments to
18 provide for connection to local cable services to allow for access to
19 these public and educational channels in the state;

20 (g) Office automation services;

21 (h) System development services; and

22 (i) Training.

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

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

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

4 (5) Develop plans for the department's achievement of state-wide
5 goals and objectives set forth in the state strategic information
6 technology plan required under RCW 43.105.160. These plans shall
7 address such services as telecommunications, central and distributed
8 computing, local area networks, office automation, and end user
9 computing. The department shall seek the advice of customer oversight
10 committees and the board in the development of these plans;

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

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

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

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

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

26 (11) Provide staff support from the planning component to the board
27 for:

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

29 (b) Promulgation of policies, standards, and guidelines adopted by
30 the board;

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

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

33 (12) Be the lead agency in coordinating video telecommunications
34 services for all state agencies and develop, pursuant to board
35 policies, standards and common specifications for leased and purchased
36 telecommunications equipment. Except in accordance with the policies
37 of the department and the board, no agency may spend any portion of any
38 specific state appropriation for a major video telecommunications
39 project or for expanding current video telecommunications systems

1 without first complying with this chapter, including, but not limited
2 to RCW 43.105.041(2), and without first submitting a video
3 telecommunications expenditure plan to the department for review and
4 assessment. Before any such expenditure by an educational service
5 district or public school district, a video telecommunications plan
6 shall be approved by the superintendent of public instruction. The
7 superintendent of public instruction shall submit the plans to the
8 department in a form prescribed by the department. For the 1995-97
9 biennium such expenditures by a public institution of postsecondary
10 education may be made following approval of a process to develop a
11 programming and location plan as set forth in section 10(4) of this
12 act. For fiscal year 1998 and thereafter, before any such expenditure
13 by a public institution of postsecondary education, a
14 telecommunications plan shall be approved by the higher education
15 coordinating board and submitted to the department in a form prescribed
16 by the department. The department shall not evaluate the merits of
17 school curriculum, higher education course offerings, or other
18 education and training programs proposed for transmission and/or
19 reception using video telecommunications resources. Nothing in this
20 section shall abrogate or abridge the legal responsibilities of
21 licensees of telecommunications facilities as licensed by the federal
22 communication commission on March 27, 1990; and

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

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

27 (1) Each agency shall develop an agency strategic information
28 technology plan which establishes agency goals and objectives regarding
29 the development and use of information technology. The superintendent
30 of public instruction shall develop its plan in conjunction with
31 educational service districts and state-wide or regional providers of
32 K-12 education information technology services. Plans shall include,
33 but not be limited to, the following:

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

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

1 (c) Projects and resources required to meet the objectives of the
2 plan; and

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

5 (2) Plans developed under subsection (1) of this section shall be
6 submitted to the department for review and forwarded along with the
7 department's recommendations to the board for review and approval. The
8 board may reject, require modification to, or approve plans as deemed
9 appropriate by the board. Plans submitted under this subsection shall
10 be updated and submitted for review and approval as necessary.

11 (3) Each agency shall prepare and submit to the department a
12 biennial performance report. The superintendent of public instruction
13 shall develop its plan in conjunction with educational service
14 districts and state-wide or regional providers of K-12 education
15 information technology services. The report shall include:

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

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

20 (c) An inventory of agency information services, equipment, and
21 proprietary software.

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

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

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

29 Upon request of the office of financial management, the department
30 shall evaluate agency budget requests for major information technology
31 projects identified under RCW 43.105.190, including those proposed by
32 the superintendent of public instruction, in conjunction with
33 educational service districts, or state-wide or regional providers of
34 K-12 education information technology services. The department shall
35 submit recommendations for funding all or part of such requests to the
36 office of financial management.

37 The department, with the advice and approval of the office of
38 financial management, shall establish criteria for the evaluation of

1 agency budget requests under this section. Criteria shall include, but
2 not be limited to: Feasibility of the proposed projects, consistency
3 with state and agency strategic information technology plans,
4 consistency with agency goals and objectives, costs, and benefits.

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

7 (1) The department, with the approval of the board, shall establish
8 standards and policies governing the planning, implementation, and
9 evaluation of major information technology projects, including those
10 proposed by the superintendent of public instruction, in conjunction
11 with educational service districts, or state-wide or regional providers
12 of K-12 education information technology services. The standards and
13 policies shall:

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

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

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

33 The director may terminate a major project if the director
34 determines that the project is not meeting or is not expected to meet
35 anticipated performance standards.

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

1 (a) Funding of a project under terms and conditions mutually agreed
2 to by the director, the director of financial management, and the head
3 of the agency proposing the project. However, the office of financial
4 management may require incremental funding of a project on a phase-by-
5 phase basis whereby funds for a given phase of a project may be
6 released only when the office of financial management determines, with
7 the advice of the department, that the previous phase is satisfactorily
8 completed;

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

11 (c) Other elements deemed necessary by the office of financial
12 management.

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

18 Copies of project evaluations conducted under this subsection shall
19 be submitted to the office of financial management and the chairs,
20 ranking minority members, and staff coordinators of the appropriations
21 committees of the senate and house of representatives.

22 NEW SECTION. **Sec. 10.** A new section is added to chapter 28B.80
23 RCW to read as follows:

24 A state-wide telecommunications programming and location plan shall
25 be approved by the higher education coordinating board based on
26 coordination with existing networks within K-12, community colleges,
27 and technical colleges; state agencies; libraries; and community needs;
28 and with consideration for encouraging innovative program offerings and
29 minimizing duplicative programs or degrees. The board shall
30 incorporate into the plan desirable objectives and goals and methods
31 for meeting the goals and measuring the outcomes.

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

34 The higher education coordinating board shall approve the
35 governance structure for the Washington higher education network
36 ensuring participation by all members of the network.

1 NEW SECTION. **Sec. 11.** Section 4 of this act expires June 30,
2 1997.

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

5 NEW SECTION. **Sec. 13.** Nothing in this act shall prevent the
6 ongoing maintenance and operation of existing telecommunications and
7 information systems or programs.

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