

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6705

Chapter 137, Laws of 1996

54th Legislature
1996 Regular Session

TELECOMMUNICATIONS, TELECOMMUNICATIONS PLANNING, AND
HIGHER EDUCATION TECHNOLOGY--PLANNING

EFFECTIVE DATE: Sections 1-11 and 13-15 become effective on
3/25/96; section 12 becomes effective on 6/30/97.

Passed by the Senate March 7, 1996
YEAS 47 NAYS 1

JOEL PRITCHARD

President of the Senate

Passed by the House March 7, 1996
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 25, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6705** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 25, 1996 - 10:21 a.m.

MIKE LOWRY

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6705

AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

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, 43.105.170, 43.105.180, and 43.105.190; adding
4 a new title to the Revised Code of Washington to be codified as Title
5 28D RCW; creating a new section; providing an effective date; providing
6 an expiration date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes that technology
9 is an important tool in the preparation of an educated and
10 knowledgeable work force and citizenry. The legislature supports the
11 creation of a K-20 education network for the coordinated expansion of
12 current technology and the development of new technologies that support
13 an integrated and interoperable educational technology network serving
14 kindergarten through higher education and promoting access for
15 Washington citizens. The intent of the legislature is to significantly
16 enhance the education system's ability to access telecommunications
17 resources and to provide citizen access to quality primary, secondary,
18 and postsecondary courses and degree programs state-wide through
19 distance education. It is also the intent of the legislature that

1 these services be a collaborative endeavor and that resources be used
2 effectively. The development of a distance education system using
3 technology will provide great opportunities for change in the delivery
4 of educational services and deserves due deliberation and coordinated
5 policy planning to ensure that the high standards of program quality
6 and cost-efficient service are enhanced. The legislature finds that,
7 in order to facilitate lifelong learning, educational technology
8 systems must be coordinated among all educational sectors, with the
9 other entities of federal, state, and local government, and be readily
10 accessible to the general population of the state. It is the intent of
11 the legislature to make maximum use of a common telecommunications
12 backbone network in building and expanding education technology
13 systems. Therefore, coordinated policy and planning to ensure program
14 quality, interoperability, and efficient service delivery are the
15 highest priority of the legislature.

16 NEW SECTION. **Sec. 2.** (1) The K-20 telecommunications oversight
17 and policy committee is established to: Adopt policy goals and
18 objectives for a K-20 telecommunications system, adopt a network design
19 and implementation plan, and authorize release of funds for network
20 purposes.

21 (2) The duties of the committee shall include, but need not be
22 limited to:

23 (a) The adoption of system goals and objectives and timelines for
24 submission of the proposed plans under sections 4 through 6 and 8 of
25 this act by June 1, 1996;

26 (b) The authorization of the construction and acquisition of a
27 network backbone upon its approval of phase one of a technical plan for
28 the network as specified in section 8(1) of this act;

29 (c) The preparation and subsequent updates of a network design and
30 implementation plan that includes locations to be served by the
31 network, service delivery specifications, a network governance
32 structure, other appropriate components, and a phased technical plan in
33 accordance with section 8(2) of this act. The plan shall be adopted
34 after considering the recommendations of the information services
35 board, the higher education coordinating board, and the superintendent
36 of public instruction.

1 (d) The preparation of an implementation plan that prioritizes
2 access to the network backbone and other telecommunication components;
3 and

4 (e) The authorization of the release of funds for expenditures to
5 construct the network and distance education components.

6 (3) By April 15, 1996, the department of information services shall
7 convene the committee. The committee shall include the following
8 voting members or their designees: The governor; one member from each
9 caucus of the senate, appointed by the president of the senate; one
10 member from each caucus of the house of representatives, appointed by
11 the speaker of the house of representatives; the superintendent of
12 public instruction; the chair of the higher education coordinating
13 board; and the chair of the information services board. On a nonvoting
14 basis, the committee shall include the following members or their
15 designees: One community college or technical college president,
16 appointed by the state board for community and technical colleges; one
17 president of a public baccalaureate institution, appointed by the
18 council of presidents; the state librarian; one educational service
19 district superintendent, one school district superintendent, and one
20 representative of an approved private school, each appointed by the
21 superintendent of public instruction; one representative of independent
22 nonprofit baccalaureate institutions, appointed by the Washington
23 friends of higher education; and one representative of the computer or
24 telecommunications industry, appointed by the information services
25 board. The voting members must reach a consensus in approving the
26 network design and implementation plan. The department shall provide
27 staff support to the committee.

28 NEW SECTION. **Sec. 3.** The design and implementation plan for the
29 K-20 telecommunication system shall: (1) Provide optimum geographic
30 and social distribution of the benefits of a network; (2) minimize
31 duplication of technology resources and education programs or degrees
32 at public institutions of postsecondary education; (3) maximize
33 existing networks and video telecommunications resources owned or
34 operated by the state; (4) consider the benefits of purchasing
35 additional hardware to expand the current telecommunications network
36 versus leasing network services from the department of information
37 services or from private sector providers; (5) foster partnerships
38 among public, private, and nonprofit entities, including independent

1 nonprofit baccalaureate institutions of higher education, libraries,
2 and public hospitals; (6) ensure that each network site is designed to
3 maximize utilization by the institutions of postsecondary education and
4 public schools; (7) provide for future access by public entities on a
5 no-cost or low-cost basis; and (8) ensure that the network can be
6 expanded and upgraded, is based on an open-architecture model, and
7 connects to national and world-wide information infrastructures.

8 NEW SECTION. **Sec. 4.** Within the timelines specified by the
9 committee, the higher education coordinating board shall prepare and
10 submit to the K-20 telecommunications oversight and policy committee a
11 proposed location plan of higher education delivery sites proposed for
12 connection to the K-20 education network. The development of the plan
13 shall begin immediately. For each site proposed for connection to the
14 network, the board shall recommend service delivery specifications that
15 include, but need not be limited to, an assessment of community needs
16 and programming and service levels that provide for effective use of
17 network resources. The board shall prioritize the implementation of
18 the proposed location plan. The board shall ensure that the proposed
19 location plan adheres to the principles described in section 3 of this
20 act and the goals and objectives adopted by the committee under section
21 2 of this act.

22 NEW SECTION. **Sec. 5.** Within timelines specified by the committee,
23 the superintendent of public instruction shall prepare and submit to
24 the K-20 telecommunications oversight and policy committee a proposed
25 location plan of public education delivery sites proposed for
26 connection to the K-20 education network. The development of the plan
27 shall begin immediately. For each site proposed for connection to the
28 network, the superintendent shall approve service delivery
29 specifications that include, but need not be limited to, an assessment
30 of community needs and programming and service levels that provide for
31 effective use of network resources. The superintendent shall
32 prioritize the implementation of the proposed location plan. The
33 superintendent shall ensure that the proposed location plan adheres to
34 the principles described in section 3 of this act and the goals and
35 objectives adopted by the committee under section 2 of this act.

1 NEW SECTION. **Sec. 6.** Within timelines specified by the committee,
2 the higher education coordinating board and the superintendent of
3 public instruction shall recommend to the K-20 telecommunications
4 oversight and policy committee network governance structure that
5 ensures participation by all members of the network and, to the extent
6 feasible, adheres to the goals and objectives adopted under section 2
7 of this act.

8 NEW SECTION. **Sec. 7.** The K-20 technology account is hereby
9 created in the state treasury. The department of information services
10 shall deposit into the account all moneys received from legislative
11 appropriations, gifts, grants, and endowments for the K-20
12 telecommunication system. The account shall be subject to
13 appropriation and may be expended solely for the K-20 telecommunication
14 system approved by the committee under section 2 of this act.
15 Disbursements from the account shall be on authorization of the
16 director of the department of information services with approval of the
17 committee under section 2 of this act.

18 NEW SECTION. **Sec. 8.** The information services board shall prepare
19 a technical plan for the design and construction of the K-20
20 telecommunication system. The board shall ensure that the technical
21 plan adheres to the principles described in section 3 of this act and
22 the goals and objectives established by the committee under section 2
23 of this act. The board shall provide formal project approval and
24 oversight during the development and implementation of the K-20
25 telecommunications network. In approving the plan, the board shall
26 conduct a request for proposal process. The technical plan shall be
27 developed in phases as follows:

28 (1) Phase one shall provide a telecommunication backbone connecting
29 educational service districts, the main campuses of public
30 baccalaureate institutions, the branch campuses of public research
31 institutions, and the main campuses of community colleges and technical
32 colleges.

33 (2) Phase two shall provide for (a) connection to the network by
34 entities that include, but need not be limited to: School districts,
35 public higher education off-campus and extension centers, branch
36 campuses of community colleges and technical colleges, and independent
37 nonprofit baccalaureate institutions, as prioritized by the

1 telecommunications oversight and policy committee; and (b) distance
2 education facilities and components for entities listed in subsections
3 (1) and (2) of this section.

4 (3) Subsequent phases may include, but need not be limited to,
5 connections to public libraries, state and local governments, community
6 resource centers, and the private sector.

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

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

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

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

1 ~~director shall be an ex officio, nonvoting member of the board.))~~ The
2 board shall select a chairperson from among its members.

3 Vacancies shall be filled in the same manner that the original
4 appointments were made.

5 A majority of the members of the board shall constitute a quorum
6 for the transaction of business.

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

10 **Sec. 11.** RCW 43.105.041 and 1995 2nd sp.s. c 14 s 512 are each
11 amended to read as follows:

12 The board shall have the following powers and duties related to
13 information services:

14 (1) To develop standards governing the acquisition and disposition
15 of equipment, proprietary software and purchased services, and
16 confidentiality of computerized data;

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

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

34 (4) To review and approve standards and common specifications for
35 new or expanded telecommunications networks proposed by agencies,
36 public postsecondary education institutions, educational service
37 districts, or state-wide or regional providers of K-12 information
38 technology services, and to assure the cost-effective development and

1 incremental implementation of a state-wide video telecommunications
2 system to serve: Public schools; educational service districts;
3 vocational-technical institutes; community colleges; colleges and
4 universities; state and local government; and the general public
5 through public affairs programming;

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

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

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

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

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

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

19 (b) Training and education; and

20 (c) Project management;

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

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

26 **Sec. 12.** RCW 43.105.041 and 1990 c 208 s 6 are each amended to
27 read as follows:

28 The board shall have the following powers and duties related to
29 information services:

30 (1) To develop standards governing the acquisition and disposition
31 of equipment, proprietary software and purchased services, and
32 confidentiality of computerized data;

33 (2) To purchase, lease, rent, or otherwise acquire, dispose of, and
34 maintain equipment, proprietary software, and purchased services, or to
35 delegate to other agencies and institutions of state government, under
36 appropriate standards, the authority to purchase, lease, rent, or
37 otherwise acquire, dispose of, and maintain equipment, proprietary
38 software, and purchased services: PROVIDED, That, agencies and

1 institutions of state government are expressly prohibited from
2 acquiring or disposing of equipment, proprietary software, and
3 purchased services without such delegation of authority. The
4 acquisition and disposition of equipment, proprietary software, and
5 purchased services is exempt from RCW 43.19.1919 and, as provided in
6 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.
7 This subsection does not apply to the legislative branch;

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

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

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

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

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

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

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

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

33 (b) Training and education; and

34 (c) Project management;

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

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

1 **Sec. 13.** 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. The superintendent
6 of public instruction shall develop its plan in conjunction with
7 educational service districts and state-wide or regional providers of
8 K-12 education information technology services. Plans shall include,
9 but not be limited to, the following:

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

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

15 (c) Projects and resources required to meet the objectives of the
16 plan; and

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

19 (2) Plans developed under subsection (1) of this section shall be
20 submitted to the department for review and forwarded along with the
21 department's recommendations to the board for review and approval. The
22 board may reject, require modification to, or approve plans as deemed
23 appropriate by the board. Plans submitted under this subsection shall
24 be updated and submitted for review and approval as necessary.

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

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

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

34 (c) An inventory of agency information services, equipment, and
35 proprietary software.

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

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

3 **Sec. 14.** RCW 43.105.180 and 1992 c 20 s 3 are each amended to read
4 as follows:

5 Upon request of the office of financial management, the department
6 shall evaluate agency budget requests for major information technology
7 projects identified under RCW 43.105.190, including those proposed by
8 the superintendent of public instruction, in conjunction with
9 educational service districts, or state-wide or regional providers of
10 K-12 education information technology services. The department shall
11 submit recommendations for funding all or part of such requests to the
12 office of financial management.

13 The department, with the advice and approval of the office of
14 financial management, shall establish criteria for the evaluation of
15 agency budget requests under this section. Criteria shall include, but
16 not be limited to: Feasibility of the proposed projects, consistency
17 with state and agency strategic information technology plans,
18 consistency with agency goals and objectives, costs, and benefits.

19 **Sec. 15.** RCW 43.105.190 and 1992 c 20 s 4 are each amended to read
20 as follows:

21 (1) The department, with the approval of the board, shall establish
22 standards and policies governing the planning, implementation, and
23 evaluation of major information technology projects, including those
24 proposed by the superintendent of public instruction, in conjunction
25 with educational service districts, or state-wide or regional providers
26 of K-12 education information technology services. The standards and
27 policies shall:

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

32 (b) Establish a model process and procedures which agencies shall
33 follow in developing and implementing project plans. Agencies may
34 propose, for approval by the department, a process and procedures
35 unique to the agency. The department may accept or require
36 modification of such agency proposals or the department may reject such
37 agency proposals and require use of the model process and procedures

1 established under this subsection. Any process and procedures
2 developed under this subsection shall require (i) distinct and
3 identifiable phases upon which funding may be based, (ii) user
4 validation of products through system demonstrations and testing of
5 prototypes and deliverables, and (iii) other elements identified by the
6 board.

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

10 The director may terminate a major project if the director
11 determines that the project is not meeting or is not expected to meet
12 anticipated performance standards.

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

16 (a) Funding of a project under terms and conditions mutually agreed
17 to by the director, the director of financial management, and the head
18 of the agency proposing the project. However, the office of financial
19 management may require incremental funding of a project on a phase-by-
20 phase basis whereby funds for a given phase of a project may be
21 released only when the office of financial management determines, with
22 the advice of the department, that the previous phase is satisfactorily
23 completed;

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

26 (c) Other elements deemed necessary by the office of financial
27 management.

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

33 Copies of project evaluations conducted under this subsection shall
34 be submitted to the office of financial management and the chairs,
35 ranking minority members, and staff coordinators of the appropriations
36 committees of the senate and house of representatives.

37 NEW SECTION. **Sec. 16.** Sections 1 through 8 of this act shall
38 constitute a new chapter in Title 28D RCW.

1 NEW SECTION. **Sec. 17.** Section 11 of this act expires June 30,
2 1997.

3 NEW SECTION. **Sec. 18.** Section 12 of this act shall take effect
4 June 30, 1997.

5 NEW SECTION. **Sec. 19.** Sections 1 through 11 and 13 through 15 of
6 this act are necessary for the immediate preservation of the public
7 peace, health, or safety, or support of the state government and its
8 existing public institutions, and shall take effect immediately.

9 NEW SECTION. **Sec. 20.** Nothing in this act shall prevent the
10 ongoing maintenance and operation of existing telecommunications and
11 information systems or programs.

 Passed the Senate March 7, 1996.

 Passed the House March 7, 1996.

 Approved by the Governor March 25, 1996.

 Filed in Office of Secretary of State March 25, 1996.