
SUBSTITUTE HOUSE BILL 2234

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Huff, H. Sommers and Carlson)

Read first time 03/08/1999.

1 AN ACT Relating to K-20 telecommunications governance; amending RCW
2 43.105.020, 28D.02.060, 28D.02.065, and 28D.02.070; reenacting and
3 amending RCW 43.105.041; adding new sections to chapter 43.105 RCW;
4 recodifying RCW 28D.02.060, 28D.02.065, and 28D.02.070; repealing RCW
5 28D.02.005, 28D.02.010, 28D.02.020, 28D.02.030, 28D.02.040, and
6 28D.02.050; providing an effective date; and declaring an emergency.

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

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

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

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

13 (2) "Board" means the information services board;

14 (3) "Local governments" includes all municipal and quasi municipal
15 corporations and political subdivisions, and all agencies of such
16 corporations and subdivisions authorized to contract separately;

17 (4) "Director" means the director of the department;

18 (5) "Purchased services" means services provided by a vendor to
19 accomplish routine, continuing, and necessary functions. This term

1 includes, but is not limited to, services acquired for equipment
2 maintenance and repair, operation of a physical plant, security,
3 computer hardware and software installation and maintenance, data
4 entry, keypunch services, programming services, and computer time-
5 sharing;

6 (6) "Backbone network" means the shared high-density portions of
7 the state's telecommunications transmission facilities. It includes
8 specially conditioned high-speed communications carrier lines,
9 multiplexors, switches associated with such communications lines, and
10 any equipment and software components necessary for management and
11 control of the backbone network;

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

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

18 (9) "Information services" means data processing,
19 telecommunications, and office automation;

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

23 (11) "Proprietary software" means that software offered for sale or
24 license;

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

31 (13) "K-20 network user steering committee" or "committee" means
32 the K-20 network user steering committee created in section 3 of this
33 act;

34 (14) "K-20 network" means the network established in RCW
35 28D.02.070;

36 (15) "Educational sectors" means those institutions of higher
37 education, school districts, and educational service districts that use
38 the network for distance education, data transmission, and other uses
39 permitted by the board.

1 **Sec. 2.** RCW 43.105.041 and 1996 c 171 s 8 and 1996 c 137 s 12 are
2 each reenacted and amended to read as follows:

3 (1) The board shall have the following powers and duties related to
4 information services:

5 (a) To develop standards governing the acquisition and disposition
6 of equipment, proprietary software and purchased services, and
7 confidentiality of computerized data;

8 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
9 maintain equipment, proprietary software, and purchased services, or to
10 delegate to other agencies and institutions of state government, under
11 appropriate standards, the authority to purchase, lease, rent, or
12 otherwise acquire, dispose of, and maintain equipment, proprietary
13 software, and purchased services: PROVIDED, That, agencies and
14 institutions of state government are expressly prohibited from
15 acquiring or disposing of equipment, proprietary software, and
16 purchased services without such delegation of authority. The
17 acquisition and disposition of equipment, proprietary software, and
18 purchased services is exempt from RCW 43.19.1919 and, as provided in
19 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.
20 This subsection (1)(b) does not apply to the legislative branch;

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

23 (d) 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 (e) 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 (f) To develop and implement a process for the resolution of
37 appeals by:

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

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

3 (g) 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 (i) Planning, management, control, and use of information services;

7 (ii) Training and education; and

8 (iii) Project management;

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

14 (2) State-wide technical standards to promote and facilitate
15 electronic information sharing and access are an essential component of
16 acceptable and reliable public access service and complement content-
17 related standards designed to meet those goals. The board shall:

18 (a) Establish technical standards to facilitate electronic access
19 to government information and interoperability of information systems.
20 Local governments are strongly encouraged to follow the standards
21 established by the board; and

22 (b) Require agencies to consider electronic public access needs
23 when planning new information systems or major upgrades of systems.

24 In developing these standards, the board is encouraged to include
25 the state library, state archives, and appropriate representatives of
26 state and local government.

27 (3) The board, in consultation with the K-20 network user steering
28 committee, has the duty to govern, operate, and oversee the K-20
29 network, including but not limited to the following duties:
30 Establishing and implementing K-20 network policy, including network
31 rates, growth, finance, subsidies, and technology; establishing and
32 implementing network user policies including user access; coordinating
33 budget requests for shared portions of the K-20 network; and
34 user/provider dispute resolution. The board shall delegate general
35 operational and technical oversight to the K-20 network user steering
36 committee as appropriate.

37 (b) The board has the authority to adopt rules under chapter 34.05
38 RCW to implement the provisions regarding the K-20 network.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105 RCW
2 to read as follows:

3 The K-20 network user steering committee is established, and shall
4 report to the board.

5 (1) The committee consists of the following seven voting members:
6 The executive director of the higher education coordinating board or
7 the director's appointee; the superintendent of public instruction or
8 the superintendent's appointee; the executive director of the state
9 board for community and technical colleges or the executive director's
10 appointee; a representative of the educational services districts,
11 appointed by that organization; a representative of the baccalaureate
12 institutions, appointed by the council of presidents; a representative
13 of the computer or telecommunications industry, appointed by the
14 governor; and a representative of the department, appointed by the
15 director. The committee includes as ex officio, nonvoting members, a
16 representative of the organization that operates the K-20 network,
17 appointed by that organization, the state librarian, a representative
18 of the independent nonprofit institutions of higher education appointed
19 by the Washington association of independent colleges and universities,
20 and such additional ex officio, nonvoting members as may be appointed
21 by the board. The committee shall select a chair from among its
22 members.

23 (2) The committee shall have general operational and technical
24 oversight over the K-20 network, as delegated by the board.

25 (3) The department shall supply necessary staff support to the
26 committee.

27 NEW SECTION. **Sec. 4.** RCW 28D.02.060, 28D.02.065, and 28D.02.070
28 are each recodified as sections in chapter 43.105 RCW.

29 **Sec. 5.** RCW 28D.02.060 and 1997 c 180 s 2 are each amended to read
30 as follows:

31 The K-20 technology account is hereby created in the state
32 treasury. The department of information services shall deposit into
33 the account moneys received from legislative appropriations, gifts,
34 grants, and endowments for the buildout and installation of the K-20
35 telecommunication system. The account shall be subject to
36 appropriation and may be expended solely for the K-20 telecommunication
37 system approved by the (~~committee under RCW 28D.02.010~~) board.

1 Disbursements from the account shall be on authorization of the
2 director of the department of information services with approval of the
3 (~~committee under RCW 28D.02.010~~) board.

4 **Sec. 6.** RCW 28D.02.065 and 1997 c 180 s 1 are each amended to read
5 as follows:

6 (1) The education technology revolving fund is created in the
7 custody of the state treasurer. All receipts from billings under
8 subsection (2) of this section must be deposited in the revolving fund.
9 Only the director of the department of information services or the
10 director's designee may authorize expenditures from the fund. The
11 revolving fund shall be used (~~only~~) to pay for (~~the acquisition of~~)
12 network operations, transport, equipment, software, supplies, and
13 services, maintenance and depreciation of on-site data and shared
14 infrastructure, and other costs incidental to the (~~acquisition,~~)
15 development, operation, and administration of shared educational
16 information technology services, telecommunications, and systems. The
17 revolving fund shall not be used for the acquisition, maintenance, or
18 operations of local (~~networks~~) telecommunications infrastructure or
19 the maintenance or depreciation of on-premises video equipment specific
20 to a particular institution or group of institutions.

21 (2) The revolving fund and all disbursements from the revolving
22 fund are subject to the allotment procedure under chapter 43.88 RCW,
23 but an appropriation is not required for expenditures. The department
24 of information services shall, in consultation with entities connected
25 to the network under RCW 28D.02.070 and subject to the review and
26 approval of the office (~~of~~) of financial management, establish and
27 implement a billing structure (~~to assure that all network users pay an~~
28 ~~equitable share of the costs in relation to their usage of the~~) for
29 network services identified in subsection (1) of this section.

30 **Sec. 7.** RCW 28D.02.070 and 1996 c 137 s 8 are each amended to read
31 as follows:

32 The information services board shall prepare a technical plan for
33 the design and construction of the K-20 telecommunication system. The
34 board shall ensure that the technical plan adheres to the (~~principles~~
35 ~~described in RCW 28D.02.020 and the~~) goals and objectives established
36 (~~by the committee~~) under RCW (~~28D.02.010~~) 43.105.041. The board
37 shall provide formal project approval and oversight during the

1 development and implementation of the K-20 telecommunications network.
2 In approving the plan, the board shall conduct a request for proposal
3 process. The technical plan shall be developed in phases as follows:

4 (1) Phase one shall provide a telecommunication backbone connecting
5 educational service districts, the main campuses of public
6 baccalaureate institutions, the branch campuses of public research
7 institutions, and the main campuses of community colleges and technical
8 colleges.

9 (2) Phase two shall provide for (a) connection to the network by
10 entities that include, but need not be limited to: School districts,
11 public higher education off-campus and extension centers, and branch
12 campuses of community colleges and technical colleges, (~~and~~
13 ~~independent nonprofit baccalaureate institutions,~~) as prioritized by
14 the (~~{K-20}~~) K-20 telecommunications oversight and policy committee,
15 or as modified by the board; (~~and~~) (b) distance education facilities
16 and components for entities listed in subsections (1) and (2) of this
17 section; and (c) connection for independent nonprofit institutions of
18 higher education, provided that:

19 (i) The board and each independent nonprofit institution of higher
20 education to be connected agree in writing to terms and conditions of
21 connectivity. The terms and conditions shall ensure, among other
22 things, that the provision of K-20 services does not violate Article
23 VIII, section 5 of the state Constitution and that the institution
24 shall adhere to network policies; and

25 (ii) The board determines that inclusion of the independent
26 nonprofit institutions of higher education will not significantly
27 affect the network's eligibility for federal universal service fund
28 discounts or subsidies.

29 (~~{3} Subsequent phases may include, but need not be limited to,~~
30 ~~connections to public libraries, state and local governments, community~~
31 ~~resource centers, and the private sector.))~~

32 NEW SECTION. Sec. 8. A new section is added to chapter 43.105 RCW
33 to read as follows:

34 Actions of the K-20 telecommunications oversight and policy
35 committee in effect on June 30, 1999, shall remain in effect thereafter
36 unless modified or repealed by the board.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.105 RCW
2 to read as follows:

3 (1) The board is not intended to duplicate the statutory
4 responsibilities of the higher education coordinating board, the
5 superintendent of public instruction, or the governing boards of the
6 institutions of higher education.

7 (2) The board may not interfere in any curriculum or legally
8 offered programming offered over the network.

9 (3) The coordination of telecommunications planning for
10 institutions of higher education as defined in RCW 28B.10.016 remains
11 the responsibility of the higher education coordinating board under RCW
12 28B.80.600. The board may recommend but not require revisions to the
13 higher education coordinating board's telecommunications plan.

14 (4) The coordination of telecommunications planning for the common
15 schools remains the responsibility of the superintendent of public
16 instruction. The board may recommend but not require revisions to the
17 superintendent's telecommunications plans.

18 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.105
19 RCW to read as follows:

20 The private sector member of the committee shall be compensated in
21 accordance with RCW 43.03.250.

22 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.105
23 RCW to read as follows:

24 The department of information services shall maintain, in
25 consultation with the committee and the board, the K-20 operations
26 cooperative, which shall be responsible for day-to-day network
27 management, technical network status monitoring, technical problem
28 response coordination, and other duties as agreed to by the department,
29 the committee, and the board. Funding for the K-20 operations
30 cooperative shall be provided from the education technology revolving
31 fund under RCW 28D.02.065.

32 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 28D.02.005 (Intent--Finding) and 1996 c 137 s 1;

35 (2) RCW 28D.02.010 (K-20 telecommunications oversight and policy
36 committee) and 1996 c 137 s 2;

1 (3) RCW 28D.02.020 (Design and implementation plan) and 1996 c 137
2 s 3;

3 (4) RCW 28D.02.030 (Proposed location plan of higher education
4 delivery sites) and 1996 c 137 s 4;

5 (5) RCW 28D.02.040 (Proposed location plan of public education
6 delivery sites) and 1996 c 137 s 5; and

7 (6) RCW 28D.02.050 (Network governance structure--Recommendations
8 of the higher education coordinating board and the superintendent of
9 public instruction) and 1996 c 137 s 6.

10 NEW SECTION. **Sec. 13.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of the
12 state government and its existing public institutions, and takes effect
13 July 1, 1999.

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