

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5789

Chapter 285, Laws of 1999

56th Legislature
1999 Regular Session

K-20 TELECOMMUNICATIONS NETWORK

EFFECTIVE DATE: 7/1/99

Passed by the Senate April 24, 1999
YEAS 46 NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 23, 1999
YEAS 96 NAYS 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved May 13, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5789** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

May 13, 1999 - 3:19 p.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5789

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Senators Bauer, West, Kohl-Welles, McAuliffe, Eide, Sheahan, Rossi, Rasmussen, Honeyford, Franklin, Patterson, Wojahn, Thibaudeau, Prentice, Jacobsen and Fraser

Read first time 02/08/1999. Referred to Committee on Higher Education.

1 AN ACT Relating to the governance of the K-20 telecommunications
2 network; amending RCW 43.105.020, 28D.02.060, 28D.02.065, and
3 28D.02.070; reenacting and amending RCW 43.105.041; adding new sections
4 to chapter 43.105 RCW; creating new sections; recodifying RCW
5 28D.02.060, 28D.02.65, and 28D.02.070; repealing RCW 28D.02.005,
6 28D.02.010, 28D.02.020, 28D.02.030, 28D.02.040, and 28D.02.050;
7 providing an effective date; and declaring an emergency.

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

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

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

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

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

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

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

1 (5) "Purchased services" means services provided by a vendor to
2 accomplish routine, continuing, and necessary functions. This term
3 includes, but is not limited to, services acquired for equipment
4 maintenance and repair, operation of a physical plant, security,
5 computer hardware and software installation and maintenance, data
6 entry, keypunch services, programming services, and computer time-
7 sharing;

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

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

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

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

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

25 (11) "Proprietary software" means that software offered for sale or
26 license;

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

33 (13) "K-20 educational network board" or "K-20 board" means the K-
34 20 educational network board created in section 2 of this act;

35 (14) "K-20 network technical steering committee" or "committee"
36 means the K-20 network technical steering committee created in section
37 6 of this act;

38 (15) "K-20 network" means the network established in RCW
39 28D.02.070;

1 (16) "Educational sectors" means those institutions of higher
2 education, school districts, and educational service districts that use
3 the network for distance education, data transmission, and other uses
4 permitted by the K-20 board.

5 NEW SECTION. **Sec. 2.** The K-20 educational network board is
6 created. The purpose of the K-20 board is to ensure that the K-20
7 educational telecommunications network is operated in a way that serves
8 the broad public interest above the interest of any network user.

9 (1) The K-20 board shall comprise eleven voting and seven nonvoting
10 members as follows:

11 (a) Voting members shall include: A person designated by the
12 governor; one member of each caucus of the senate, appointed by the
13 president of the senate; one member of each caucus of the house of
14 representatives, appointed by the speaker of the house of
15 representatives; the superintendent of public instruction or his or her
16 designee; the executive director of the higher education coordinating
17 board or his or her designee; the executive director of the state board
18 for community and technical colleges or his or her designee; the chair
19 of the information services board, or his or her designee; the director
20 of the department of information services or his or her designee; and
21 one citizen member.

22 The citizen member shall be appointed to a four-year term by the
23 governor with the consent of the senate. The governor shall appoint
24 the citizen member of the K-20 board by July 30, 1999.

25 (b) Nonvoting members shall include one community or technical
26 college president, appointed by the state board for technical and
27 community colleges; one president of a public baccalaureate
28 institution, appointed by the council of presidents; the state
29 librarian; one educational service district superintendent, one school
30 district superintendent, and one representative of an approved private
31 school, appointed by the superintendent of public instruction; and one
32 representative of independent baccalaureate institutions, appointed by
33 the Washington association of independent colleges and universities.

34 (2) The director of the department of information services or his
35 or her designee shall serve as chair of the K-20 board. The department
36 of information services shall provide staffing to the K-20 board. A
37 majority of the voting members of the K-20 board shall constitute a
38 quorum for the transaction of business.

1 (3) The citizen member of the K-20 board shall be compensated in
2 accordance with RCW 43.03.250.

3 NEW SECTION. **Sec. 3.** The new section is added to chapter 43.105
4 RCW to read as follows:

5 The K-20 board has the following powers and duties:

6 (1) In cooperation with the educational sectors and other
7 interested parties, to establish goals and measurable objectives for
8 the network;

9 (2) To ensure that the goals and measurable objectives of the
10 network are the basis for any decisions or recommendations regarding
11 the technical development and operation of the network;

12 (3) To adopt, modify, and implement policies to facilitate network
13 development, operation, and expansion. Such policies may include but
14 need not be limited to the following issues: Quality of educational
15 services; access to the network by recognized organizations and
16 accredited institutions that deliver educational programming, including
17 public libraries; prioritization of programming within limited
18 resources; prioritization of access to the system and the sharing of
19 technological advances; network security; identification and evaluation
20 of emerging technologies for delivery of educational programs; future
21 expansion or redirection of the system; network fee structures; and
22 costs for the development and operation of the network;

23 (4) To prepare and submit to the governor and the legislature a
24 coordinated budget for network development, operation, and expansion.
25 The budget shall include the recommendations of the K-20 board on (a)
26 any state funding requested for network transport and equipment,
27 distance education facilities and hardware or software specific to the
28 use of the network, and proposed new network end sites, (b) annual
29 copayments to be charged to public educational sector institutions and
30 other public entities connected to the network, and (c) charges to
31 nongovernmental entities connected to the network;

32 (5) To adopt and monitor the implementation of a methodology to
33 evaluate the effectiveness of the network in achieving the educational
34 goals and measurable objectives;

35 (6) To authorize the release of funds from the K-20 technology
36 account under RCW 28D.02.060 (as recodified by this act) for network
37 expenditures;

1 (7) To establish by rule acceptable use policies governing user
2 eligibility for participation in the K-20 network, acceptable uses of
3 network resources, and procedures for enforcement of such policies.
4 The K-20 board shall set forth appropriate procedures for enforcement
5 of acceptable use policies, that may include suspension of network
6 connections and removal of shared equipment for violations of network
7 conditions or policies. However, the information services board shall
8 have sole responsibility for the implementation of enforcement
9 procedures relating to technical conditions of use.

10 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.105 RCW
11 to read as follows:

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

15 **Sec. 5.** RCW 43.105.041 and 1996 c 171 s 8 and 1996 c 137 s 12 are
16 each reenacted and amended to read as follows:

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

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

22 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
23 maintain equipment, proprietary software, and purchased services, or to
24 delegate to other agencies and institutions of state government, under
25 appropriate standards, the authority to purchase, lease, rent, or
26 otherwise acquire, dispose of, and maintain equipment, proprietary
27 software, and purchased services: PROVIDED, That, agencies and
28 institutions of state government are expressly prohibited from
29 acquiring or disposing of equipment, proprietary software, and
30 purchased services without such delegation of authority. The
31 acquisition and disposition of equipment, proprietary software, and
32 purchased services is exempt from RCW 43.19.1919 and, as provided in
33 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.
34 This subsection (1)(b) does not apply to the legislative branch;

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

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

11 (e) To provide direction concerning strategic planning goals and
12 objectives for the state. The board shall seek input from the
13 legislature and the judiciary;

14 (f) To develop and implement a process for the resolution of
15 appeals by:

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

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

20 (g) To establish policies for the periodic review by the department
21 of agency performance which may include but are not limited to analysis
22 of:

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

24 (ii) Training and education; and

25 (iii) Project management;

26 (h) To set its meeting schedules and convene at scheduled times, or
27 meet at the request of a majority of its members, the chair, or the
28 director; and

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

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

35 (a) Establish technical standards to facilitate electronic access
36 to government information and interoperability of information systems.
37 Local governments are strongly encouraged to follow the standards
38 established by the board; and

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

3 In developing these standards, the board is encouraged to include
4 the state library, state archives, and appropriate representatives of
5 state and local government.

6 (3)(a) The board, in consultation with the K-20 board, has the duty
7 to govern, operate, and oversee the technical design, implementation,
8 and operation of the K-20 network including, but not limited to, the
9 following duties: Establishment and implementation of K-20 network
10 technical policy, including technical standards and conditions of use;
11 review and approval of network design; procurement of shared network
12 services and equipment; and resolving user/provider disputes concerning
13 technical matters. The board shall delegate general operational and
14 technical oversight to the K-20 network technical steering committee as
15 appropriate.

16 (b) The board has the authority to adopt rules under chapter 34.05
17 RCW to implement the provisions regarding the technical operations and
18 conditions of use of the K-20 network.

19 NEW SECTION. Sec. 6. A new section is added to chapter 43.105 RCW
20 to read as follows:

21 The K-20 network technical steering committee is established, and
22 shall report to the information services board.

23 (1) The committee consists of the following seven voting members:
24 A representative of the higher education coordinating board, appointed
25 by its executive director; a representative of the superintendent of
26 public instruction, appointed by the superintendent of public
27 instruction; a representative of the state board for community and
28 technical colleges, appointed by its executive director; a
29 representative of the educational services districts, appointed by that
30 organization; a representative of the baccalaureate institutions,
31 appointed by the council of presidents; a representative of the
32 computer or telecommunications industry, appointed by the governor; and
33 a representative of the department, appointed by the director. The
34 committee includes as ex officio, nonvoting members, a representative
35 of the organization that operates the K-20 network under section 8 of
36 this act, appointed by that organization; the state librarian; a
37 representative of the independent nonprofit institutions of higher
38 education, appointed by the Washington association of independent

1 colleges and universities; and such additional ex officio, nonvoting
2 members as may be appointed by the information services board. The
3 committee shall select a chair from among its members.

4 (2) The committee shall have general operational and technical
5 oversight over the K-20 network, as delegated by the information
6 services board.

7 (3) The department shall supply necessary staff support to the
8 committee.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.105 RCW
10 to read as follows:

11 (1) In overseeing the technical aspects of the K-20 network, the
12 information services board is not intended to duplicate the statutory
13 responsibilities of the higher education coordinating board, the
14 superintendent of public instruction, the information services board,
15 the state librarian, or the governing boards of the institutions of
16 higher education.

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

19 (3) The coordination of telecommunications planning for
20 institutions of higher education as defined in RCW 28B.10.016 remains
21 the responsibility of the higher education coordinating board under RCW
22 28B.80.600. The board may recommend, but not require, revisions to the
23 higher education coordinating board's telecommunications plan.

24 (4) The responsibility to review and approve standards and common
25 specifications for the network remains the responsibility of the
26 information services board under RCW 43.105.041.

27 (5) The coordination of telecommunications planning for the common
28 schools remains the responsibility of the superintendent of public
29 instruction. Except as set forth in RCW 43.105.041(1)(d), the board
30 may recommend, but not require, revisions to the superintendent's
31 telecommunications plans.

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

34 The department shall maintain, in consultation with the network
35 users and the board, the K-20 operations cooperative, which shall be
36 responsible for day-to-day network management, technical network status
37 monitoring, technical problem response coordination, and other duties

1 as agreed to by the department, the educational sectors, and the
2 information services board. Funding for the K-20 operations
3 cooperative shall be provided from the K-20 revolving fund under RCW
4 28D.02.065 (as recodified by this act).

5 **Sec. 9.** RCW 28D.02.060 and 1997 c 180 s 2 are each amended to read
6 as follows:

7 The K-20 technology account is hereby created in the state
8 treasury. The department of information services shall deposit into
9 the account moneys received from legislative appropriations, gifts,
10 grants, and endowments for the buildout and installation of the K-20
11 telecommunication system. The account shall be subject to
12 appropriation and may be expended solely for the K-20 telecommunication
13 system ~~((approved by the committee under RCW 28D.02.010))~~.
14 Disbursements from the account shall be on authorization of the
15 director of the department of information services with approval of the
16 ~~((committee under RCW 28D.02.010))~~ board.

17 **Sec. 10.** RCW 28D.02.065 and 1997 c 180 s 1 are each amended to
18 read as follows:

19 (1) The education technology revolving fund is created in the
20 custody of the state treasurer. All receipts from billings under
21 subsection (2) of this section must be deposited in the revolving fund.
22 Only the director of the department of information services or the
23 director's designee may authorize expenditures from the fund. The
24 revolving fund shall be used ~~((only))~~ to pay for ~~((the acquisition of))~~
25 network operations, transport, equipment, software, supplies, and
26 services, maintenance and depreciation of on-site data, and shared
27 infrastructure, and other costs incidental to the ~~((acquisition,))~~
28 development, operation, and administration of shared educational
29 information technology services, telecommunications, and systems. The
30 revolving fund shall not be used for the acquisition, maintenance, or
31 operations of local ~~((networks or))~~ telecommunications infrastructure
32 or the maintenance or depreciation of on-premises video equipment
33 specific to a particular institution or group of institutions.

34 (2) The revolving fund and all disbursements from the revolving
35 fund are subject to the allotment procedure under chapter 43.88 RCW,
36 but an appropriation is not required for expenditures. The department
37 of information services shall, in consultation with entities connected

1 to the network under RCW 28D.02.070 (as recodified by this act) and
2 subject to the review and approval of the office (~~{of}~~) of financial
3 management, establish and implement a billing structure (~~(to assure~~
4 ~~that all network users pay an equitable share of the costs in relation~~
5 ~~to their usage of the network)~~) for network services identified in
6 subsection (1) of this section.

7 (3) The department shall charge those public entities connected to
8 the K-20 telecommunications under RCW 28D.02.070 an annual copayment
9 per unit of transport connection as determined by the legislature after
10 consideration of the K-20 board's recommendations. This copayment
11 shall be deposited into the revolving fund to be used for the purposes
12 in subsection (1) of this section. It is the intent of the legislature
13 to appropriate to the revolving fund such moneys as necessary to cover
14 the costs for transport, maintenance, and depreciation of data
15 equipment located at the individual public institutions, maintenance
16 and depreciation of the network backbone, and services provided to the
17 network under section 8 of this act.

18 **Sec. 11.** RCW 28D.02.070 and 1996 c 137 s 8 are each amended to
19 read as follows:

20 The information services board shall prepare a technical plan for
21 the design and construction of the K-20 telecommunication system. The
22 board shall ensure that the technical plan adheres to the (~~(principles~~
23 ~~described in RCW 28D.02.020 and the)~~) goals and objectives established
24 (~~(by the committee)~~) under RCW (~~(28D.02.010)~~) 43.105.041. The board
25 shall provide formal project approval and oversight during the
26 development and implementation of the K-20 telecommunications network.
27 In approving the plan, the board shall conduct a request for proposal
28 process. The technical plan shall be developed in phases as follows:

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

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

1 the (~~{K-20}~~) K-20 telecommunications oversight and policy committee,
2 or as modified by the board; (~~and~~) (b) distance education facilities
3 and components for entities listed in subsections (1) and (2) of this
4 section; and (c) connection for independent nonprofit institutions of
5 higher education, provided that:

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

12 (ii) The K-20 board determines that inclusion of the independent
13 nonprofit institutions of higher education will not significantly
14 affect the network's eligibility for federal universal service fund
15 discounts or subsidies.

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

19 NEW SECTION. Sec. 12. RCW 28D.02.060, 28D.02.065, and 28D.02.070
20 are each recodified as sections in chapter 43.105 RCW.

21 NEW SECTION. Sec. 13. The following acts or parts of acts are
22 each repealed:

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

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

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

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

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

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

35 NEW SECTION. Sec. 14. This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 1999.

Passed the Senate April 24, 1999.

Passed the House April 23, 1999.

Approved by the Governor May 13, 1999.

Filed in Office of Secretary of State May 13, 1999.