

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1271

Chapter 18, Laws of 2003

58th Legislature
2003 Regular Session

INTEROPERABILITY EXECUTIVE COMMITTEE

EFFECTIVE DATE: 7/1/03

Passed by the House March 14, 2003
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 8, 2003
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved April 16, 2003.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1271** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

April 16, 2003 - 4:06 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1271

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Technology, Telecommunications & Energy
(originally sponsored by Representatives Anderson, Morris and Wood)

READ FIRST TIME 03/04/03.

1 AN ACT Relating to enhancing interoperability of the state's
2 emergency communication systems; amending RCW 43.105.041; reenacting
3 and amending RCW 43.105.020; adding new sections to chapter 43.105 RCW;
4 creating a new section; providing an effective date; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 ensure that the state's considerable investment in radio communications
9 facilities, and the radio spectrum that is licensed to government
10 entities in the state, are managed in a way that promotes to the
11 maximum extent the health and safety of the state's citizens and the
12 economic efficiencies of coordinated planning, development, management,
13 maintenance, accountability, and performance. The legislature finds
14 that such coordination is essential for disaster preparedness,
15 emergency management, and public safety, and that such coordination
16 will result in more cost-effective use of state resources and improved
17 government services.

1 **Sec. 2.** RCW 43.105.020 and 1999 c 285 s 1 and 1999 c 80 s 1 are
2 each reenacted and amended to read as follows:

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

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

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

7 (3) "Committee" means the state interoperability executive
8 committee;

9 (4) "Local governments" includes all municipal and quasi municipal
10 corporations and political subdivisions, and all agencies of such
11 corporations and subdivisions authorized to contract separately;

12 (~~(4)~~) (5) "Director" means the director of the department;

13 (~~(5)~~) (6) "Purchased services" means services provided by a
14 vendor to accomplish routine, continuing, and necessary functions.
15 This term includes, but is not limited to, services acquired for
16 equipment maintenance and repair, operation of a physical plant,
17 security, computer hardware and software installation and maintenance,
18 telecommunications installation and maintenance, data entry, keypunch
19 services, programming services, and computer time-sharing;

20 (~~(6)~~) (7) "Backbone network" means the shared high-density
21 portions of the state's telecommunications transmission facilities. It
22 includes specially conditioned high-speed communications carrier lines,
23 multiplexors, switches associated with such communications lines, and
24 any equipment and software components necessary for management and
25 control of the backbone network;

26 (~~(7)~~) (8) "Telecommunications" means the transmission of
27 information by wire, radio, optical cable, electromagnetic, or other
28 means;

29 (~~(8)~~) (9) "Information" includes, but is not limited to, data,
30 text, voice, and video;

31 (10) "Information processing" means the electronic capture,
32 collection, storage, manipulation, transmission, retrieval, and
33 presentation of information in the form of data, text, voice, or image
34 and includes telecommunications and office automation functions;

35 (~~(9)~~) (11) "Information services" means data processing,
36 telecommunications, (~~and~~) office automation, and computerized
37 information systems;

1 (~~(10)~~) (12) "Equipment" means the machines, devices, and
2 transmission facilities used in information processing, such as
3 computers, word processors, terminals, telephones, (~~and~~) wireless
4 communications system facilities, cables, and any physical facility
5 necessary for the operation of such equipment;

6 (~~(11)~~) (13) "Information technology portfolio" or "portfolio"
7 means a strategic management process documenting relationships between
8 agency missions and information technology and telecommunications
9 investments;

10 (~~(12)~~) (14) "Oversight" means a process of comprehensive risk
11 analysis and management designed to ensure optimum use of information
12 technology resources and telecommunications;

13 (~~(13)~~) (15) "Proprietary software" means that software offered
14 for sale or license;

15 (~~(14)~~) (16) "Video telecommunications" means the electronic
16 interconnection of two or more sites for the purpose of transmitting
17 and/or receiving visual and associated audio information. Video
18 telecommunications shall not include existing public television
19 broadcast stations as currently designated by the department of
20 community, trade, and economic development under chapter 43.330 RCW;

21 (~~(15)~~) (17) "K-20 educational network board" or "K-20 board"
22 means the K-20 educational network board created in RCW 43.105.800;

23 (~~(16)~~) (18) "K-20 network technical steering committee" or
24 "committee" means the K-20 network technical steering committee created
25 in RCW 43.105.810;

26 (~~(17)~~) (19) "K-20 network" means the network established in RCW
27 43.105.820;

28 (~~(18)~~) (20) "Educational sectors" means those institutions of
29 higher education, school districts, and educational service districts
30 that use the network for distance education, data transmission, and
31 other uses permitted by the K-20 board.

32 **Sec. 3.** RCW 43.105.041 and 1999 c 285 s 5 are each amended to read
33 as follows:

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

36 (a) To develop standards and procedures governing the acquisition

1 and disposition of equipment, proprietary software and purchased
2 services, licensing of the radio spectrum by or on behalf of state
3 agencies, and confidentiality of computerized data;

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

17 (c) To develop statewide or interagency technical policies,
18 standards, and procedures;

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

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

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

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

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

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

- 4 (i) Planning, management, control, and use of information services;
- 5 (ii) Training and education; and
- 6 (iii) Project management;

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

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

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

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

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

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

26 (3)(a) The board, in consultation with the K-20 board, has the duty
27 to govern, operate, and oversee the technical design, implementation,
28 and operation of the K-20 network including, but not limited to, the
29 following duties: Establishment and implementation of K-20 network
30 technical policy, including technical standards and conditions of use;
31 review and approval of network design; procurement of shared network
32 services and equipment; and resolving user/provider disputes concerning
33 technical matters. The board shall delegate general operational and
34 technical oversight to the K-20 network technical steering committee as
35 appropriate.

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

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

3 (1) The board shall appoint a state interoperability executive
4 committee, the membership of which must include, but not be limited to,
5 representatives of the military department, the Washington state
6 patrol, the department of transportation, the department of information
7 services, the department of natural resources, city and county
8 governments, state and local fire chiefs, police chiefs, and sheriffs,
9 and state and local emergency management directors. The chair and
10 legislative members of the board will serve as nonvoting ex officio
11 members of the committee. Voting membership may not exceed fifteen
12 members.

13 (2) The chair of the board shall appoint the chair of the committee
14 from among the voting members of the committee.

15 (3) The strategic interoperability executive committee has the
16 following responsibilities:

17 (a) Develop policies and make recommendations to the board for
18 technical standards for state wireless radio communications systems,
19 including emergency communications systems. The standards must
20 address, among other things, the interoperability of systems, taking
21 into account both existing and future systems and technologies;

22 (b) Coordinate and manage on behalf of the board the licensing and
23 use of state-designated and state-licensed radio frequencies, including
24 the spectrum used for public safety and emergency communications, and
25 serve as the point of contact with the Federal Communications
26 Commission on matters relating to allocation, use, and licensing of
27 radio spectrum;

28 (c) Seek support, including possible federal or other funding, for
29 state-sponsored wireless communications systems;

30 (d) Develop recommendations for legislation that may be required to
31 promote interoperability of state wireless communications systems;

32 (e) Foster cooperation and coordination among public safety and
33 emergency response organizations;

34 (f) Work with wireless communications groups and associations to
35 ensure interoperability among all public safety and emergency response
36 wireless communications systems; and

37 (g) Perform such other duties as may be assigned by the board to
38 promote interoperability of wireless communications systems.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.105 RCW
2 to read as follows:

3 (1) The state interoperability executive committee shall take
4 inventory of and evaluate all state and local government-owned public
5 safety communications systems, and prepare a statewide public safety
6 communications plan. The plan must set forth recommendations for
7 executive and legislative action to insure that public safety
8 communications systems can communicate with one another and conform to
9 federal law and regulations governing emergency communications systems
10 and spectrum allocation. The plan must include specific goals for
11 improving interoperability of public safety communications systems and
12 identifiable benchmarks for achieving those goals.

13 (2) The committee shall present the inventory and plan required in
14 subsection (1) of this section to the board and appropriate legislative
15 committees as follows:

16 (a) By December 31, 2003, an inventory of state government-operated
17 public safety communications systems;

18 (b) By July 31, 2004, an inventory of all public safety
19 communications systems in the state;

20 (c) By March 31, 2004, an interim statewide public safety
21 communications plan; and

22 (d) By December 31, 2004, a final statewide public safety
23 communications plan.

24 (3) The committee shall consult regularly with the joint
25 legislative audit and review committee and the legislative evaluation
26 and accounting program committee while developing the inventory and
27 plan under this section.

28 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and takes effect
31 July 1, 2003.

 Passed by the House March 14, 2003.

 Passed by the Senate April 8, 2003.

 Approved by the Governor April 16, 2003.

 Filed in Office of Secretary of State April 16, 2003.