
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))~~ eleven 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 be
23 selected by the president of the senate and the speaker of the house of
24 representatives. These members shall constitute the membership of the
25 board with full voting rights. Members of the board shall serve at the
26 pleasure of the appointing authority. The director shall be ~~((an ex~~
27 ~~officio, nonvoting))~~ a member of the board. The board shall select a
28 chairperson from among its members.

29 Vacancies shall be filled in the same manner that the original
30 appointments were made.

31 A majority of the members of the board shall constitute a quorum
32 for the transaction of business.

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

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

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

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

8 (2) 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, except as provided in RCW
15 43.105.017(5) and section 507, chapter 14, Laws of 1995 2nd sp. sess.,
16 are expressly prohibited from acquiring or disposing of equipment,
17 proprietary software, and purchased services without such delegation of
18 authority. The acquisition and disposition of equipment, proprietary
19 software, and purchased services is exempt from RCW 43.19.1919 and, as
20 provided in RCW 43.19.1901, from the provisions of RCW 43.19.190
21 through 43.19.200. This subsection does not apply to the legislative
22 branch;

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

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

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

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

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

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

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

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

9 (b) Training and education; and

10 (c) Project management;

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

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

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

18 The board shall have the following powers and duties related to
19 information services:

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

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

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

1 (4) 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 (5) 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 (6) To develop and implement a process for the resolution of
15 appeals by:

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

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

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

24 (b) Training and education; and

25 (c) Project management;

26 (8) 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 (9) To review and approve that portion of the department's budget
30 requests that provides for support to the board.

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

33 The department shall:

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

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

37 (b) Implementation of state-wide and interagency policies,
38 standards, and guidelines;

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

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

5 (b) Mainframe computing services;

6 (c) Support for departmental and microcomputer evaluation,
7 installation, and use;

8 (d) Equipment acquisition assistance, including leasing, brokering,
9 and establishing master contracts;

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

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

15 (g) Office automation services;

16 (h) System development services; and

17 (i) Training.

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

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

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

38 (5) Develop plans for the department's achievement of state-wide
39 goals and objectives set forth in the state strategic information

1 technology plan required under RCW 43.105.160. These plans shall
2 address such services as telecommunications, central and distributed
3 computing, local area networks, office automation, and end user
4 computing. The department shall seek the advice of customer oversight
5 committees and the board in the development of these plans;

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

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

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

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

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

21 (11) Provide staff support from the planning component to the board
22 for:

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

24 (b) Promulgation of policies, standards, and guidelines adopted by
25 the board;

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

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

28 (12) Be the lead agency in coordinating video telecommunications
29 services for all state agencies and develop, pursuant to board
30 policies, standards and common specifications for leased and purchased
31 telecommunications equipment. Except in accordance with the policies
32 of the department and the board, no agency may spend any portion of any
33 specific state appropriation for a major video telecommunications
34 project or for expanding current video telecommunications systems
35 without first complying with this chapter, including, but not limited
36 to RCW 43.105.041(2), and without first submitting a video
37 telecommunications expenditure plan to the department for review and
38 assessment. Before any such expenditure by an educational service
39 district or public school district, a video telecommunications plan

1 shall be approved by the superintendent of public instruction. The
2 superintendent of public instruction shall submit the plans to the
3 department in a form prescribed by the department. For the 1995-97
4 biennium such expenditures by a public institution of postsecondary
5 education may be made following approval of a process to develop a
6 programming and location plan as set forth in section 10(4) of this
7 act. For fiscal year 1998 and thereafter, before any such expenditure
8 by a public institution of postsecondary education, a
9 telecommunications plan shall be approved by the higher education
10 coordinating board and submitted to the department in a form prescribed
11 by the department. The department shall not evaluate the merits of
12 school curriculum, higher education course offerings, or other
13 education and training programs proposed for transmission and/or
14 reception using video telecommunications resources. Nothing in this
15 section shall abrogate or abridge the legal responsibilities of
16 licensees of telecommunications facilities as licensed by the federal
17 communication commission on March 27, 1990; and

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

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

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

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

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

34 (c) Projects and resources required to meet the objectives of the
35 plan; and

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

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

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

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

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

16 (c) An inventory of agency information services, equipment, and
17 proprietary software.

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

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

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

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

33 The department, with the advice and approval of the office of
34 financial management, shall establish criteria for the evaluation of
35 agency budget requests under this section. Criteria shall include, but
36 not be limited to: Feasibility of the proposed projects, consistency
37 with state and agency strategic information technology plans,
38 consistency with agency goals and objectives, costs, and benefits.

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

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

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

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

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

29 The director may terminate a major project if the director
30 determines that the project is not meeting or is not expected to meet
31 anticipated performance standards.

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

35 (a) Funding of a project under terms and conditions mutually agreed
36 to by the director, the director of financial management, and the head
37 of the agency proposing the project. However, the office of financial
38 management may require incremental funding of a project on a phase-by-
39 phase basis whereby funds for a given phase of a project may be

1 released only when the office of financial management determines, with
2 the advice of the department, that the previous phase is satisfactorily
3 completed;

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

6 (c) Other elements deemed necessary by the office of financial
7 management.

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

13 Copies of project evaluations conducted under this subsection shall
14 be submitted to the office of financial management and the chairs,
15 ranking minority members, and staff coordinators of the appropriations
16 committees of the senate and house of representatives.

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

19 A state-wide telecommunications programming and location plan shall
20 be approved by the higher education coordinating board based on
21 coordination with existing networks within K-12, community colleges,
22 and technical colleges; state agencies; libraries; and community needs;
23 and with consideration for encouraging innovative program offerings and
24 minimizing duplicative programs or degrees.

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

27 The higher education coordinating board shall approve the
28 governance structure for the Washington higher education network
29 ensuring participation by all members of the network.

30 NEW SECTION. **Sec. 11.** Section 4 of this act expires June 30,
31 1997.

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

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

--- END ---