
SUBSTITUTE SENATE BILL 5971

State of Washington

63rd Legislature

2014 Regular Session

By Senate Governmental Operations (originally sponsored by Senators Roach, Chase, Bailey, Rivers, Conway, Schoesler, Shin, Hobbs, Darneille, Tom, and Benton; by request of Military Department and State Auditor)

READ FIRST TIME 02/04/14.

1 AN ACT Relating to plans and protections in the event of a cyber
2 attack, emergency, or disaster; amending RCW 43.41A.006, 43.41A.025,
3 38.52.010, 38.52.020, and 38.52.030; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Communication and information resources in the various state
7 agencies are strategic and vital assets belonging to the people of
8 Washington. Coordinated efforts and a sense of urgency are necessary
9 to protect these assets against unauthorized access, disclosure, use,
10 and modification or destruction, whether accidental or deliberate, as
11 well as to assure the confidentiality, integrity, and availability of
12 information.

13 (2) State government has a duty to its citizens to ensure that the
14 information entrusted to state agencies is safe, secure, and protected
15 from unauthorized access, unauthorized use, or destruction.

16 (3) Securing the state's communication and information resources is
17 a statewide imperative requiring a coordinated and shared effort from
18 all departments, agencies, and political subdivisions of the state.

1 (4) Risks to communication and information resources must be
2 managed, and the integrity of data and the source, destination, and
3 processes applied to data must be assured.

4 (5) Information security standards, policies, and guidelines must
5 be promulgated and implemented throughout state agencies to ensure the
6 development and maintenance of minimum information security controls to
7 protect communication and information resources that support the
8 operations and assets of those agencies.

9 **Sec. 2.** RCW 43.41A.006 and 2011 1st sp.s. c 43 s 705 are each
10 amended to read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Backbone network" means the shared high-density portions of
14 the state's telecommunications transmission facilities. It includes
15 specially conditioned high-speed communications carrier lines,
16 multiplexors, switches associated with such communications lines, and
17 any equipment and software components necessary for management and
18 control of the backbone network.

19 (2) "Board" means the technology services board.

20 (3) "Committee" means the state interoperability executive
21 committee.

22 (4) "Educational sectors" means those institutions of higher
23 education, school districts, and educational service districts that use
24 the network for distance education, data transmission, and other uses
25 permitted by the board.

26 (5) "Enterprise architecture" means an ongoing program for
27 translating business vision and strategy into effective enterprise
28 change. It is a continuous activity. Enterprise architecture creates,
29 communicates, and improves the key principles and models that describe
30 the enterprise's future state and enable its evolution.

31 (6) "Equipment" means the machines, devices, and transmission
32 facilities used in information processing, including but not limited to
33 computers, terminals, telephones, wireless communications system
34 facilities, cables, and any physical facility necessary for the
35 operation of such equipment.

36 (7) "Information" includes, but is not limited to, data, text,
37 voice, and video.

1 (8) "Information technology" includes, but is not limited to, all
2 electronic technology systems and services, automated information
3 handling, system design and analysis, conversion of data, computer
4 programming, information storage and retrieval, telecommunications,
5 requisite system controls, simulation, electronic commerce, and all
6 related interactions between people and machines.

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

10 (10) "K-20 network" means the network established in RCW
11 43.41A.085.

12 (11) "Local governments" includes all municipal and quasi-municipal
13 corporations and political subdivisions, and all agencies of such
14 corporations and subdivisions authorized to contract separately.

15 (12) "Office" means the office of the chief information officer.

16 (13) "Oversight" means a process of comprehensive risk analysis and
17 management designed to ensure optimum use of information technology
18 resources and telecommunications.

19 (14) "Proprietary software" means that software offered for sale or
20 license.

21 (15) "State agency" or "agency" means every state office,
22 department, division, bureau, board, commission, or other state agency,
23 including offices headed by a statewide elected official.

24 (16) "Telecommunications" includes, but is not limited to, wireless
25 or wired systems for transport of voice, video, and data
26 communications, network systems, requisite facilities, equipment,
27 system controls, simulation, electronic commerce, and all related
28 interactions between people and machines. "Telecommunications" does
29 not include public safety communications.

30 (17) "Communication and information resources" includes, but is not
31 limited to, procedures, equipment, and software that are designed,
32 built, operated, and maintained to collect, record, process, store,
33 retrieve, display, and transmit information.

34 (18) "Information security" means the protection of communication
35 and information resources from unauthorized access, use, disclosure,
36 disruption, modification, or destruction in order to:

37 (a) Prevent improper information modification or destruction;

1 (b) Preserve authorized restrictions on information access and
2 disclosure;

3 (c) Ensure timely and reliable access to and use of information;
4 and

5 (d) Maintain the confidentiality, integrity, and availability of
6 information.

7 (19) "Information technology security program" means the program
8 developed by a state agency in accordance with the information security
9 policies, standards, and guidelines developed by the office.

10 **Sec. 3.** RCW 43.41A.025 and 2013 2nd sp.s. c 33 s 1 are each
11 amended to read as follows:

12 (1) The chief information officer shall establish standards and
13 policies to govern information technology in the state of Washington.

14 (2) The office shall have the following powers and duties related
15 to information services:

16 (a) To develop statewide standards and policies governing the
17 acquisition and disposition of equipment, software, and personal and
18 purchased services, licensing of the radio spectrum by or on behalf of
19 state agencies, and confidentiality of computerized data;

20 (b) To develop statewide or interagency technical policies,
21 standards, and procedures;

22 (c) To review and approve standards and common specifications for
23 new or expanded telecommunications networks proposed by agencies,
24 public postsecondary education institutions, educational service
25 districts, or statewide or regional providers of K-12 information
26 technology services;

27 (d) To develop a detailed business plan for any service or activity
28 to be contracted under RCW 41.06.142(7)(b) by the consolidated
29 technology services agency;

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

33 (f) To establish policies for the periodic review by the office of
34 agency performance which may include but are not limited to analysis
35 of:

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

37 (ii) Training and education; and

1 (iii) Project management;

2 (g) To coordinate with state agencies with an annual information
3 technology expenditure that exceeds ten million dollars to implement a
4 technology business management program to identify opportunities for
5 savings and efficiencies in information technology expenditures and to
6 monitor ongoing financial performance of technology investments; and

7 (h) In conjunction with the consolidated technology services
8 agency, to develop statewide standards for agency purchases of
9 technology networking equipment and services.

10 (3) The office has the following powers and duties related to
11 information security:

12 (a) To develop and assist in the updating of information security
13 procedures, standards, and guidelines for state agencies;

14 (b) To assist with the development of information technology
15 security programs developed by state agencies that incorporate the
16 information security policies, standards, and guidelines;

17 (c) To review information security audits and assessments in state
18 agencies in order to assess risks and recommend adjustments;

19 (d) To establish and direct a risk management process to identify
20 information security risks in state agencies and deploy risk mitigation
21 strategies, processes, and procedures, including but not limited to an
22 information security breach response plan; and

23 (e) To require agencies to immediately correct security
24 vulnerabilities that, in the judgment of the office, pose an
25 unacceptable risk to the agency or the state. The office may withhold
26 further agency information technology spending authority if the agency
27 fails to remediate the risk in a timely manner.

28 (4) Statewide technical standards to promote and facilitate
29 electronic information sharing and access are an essential component of
30 acceptable and reliable public access service and complement content-
31 related standards designed to meet those goals. The office shall:

32 (a) Establish technical standards to facilitate electronic access
33 to government information and interoperability of information systems,
34 including wireless communications systems; and

35 (b) Require agencies to include an evaluation of electronic public
36 access needs when planning new information systems or major upgrades of
37 systems.

1 In developing these standards, the office is encouraged to include
2 the state library, state archives, and appropriate representatives of
3 state and local government.

4 ~~((4))~~ (5) The office shall perform other matters and things
5 necessary to carry out the purposes and provisions of this chapter.

6 **Sec. 4.** RCW 38.52.010 and 2007 c 292 s 1 are each amended to read
7 as follows:

8 As used in this chapter:

9 (1) "Emergency management" or "comprehensive emergency management"
10 means the preparation for and the carrying out of all emergency
11 functions, other than functions for which the military forces are
12 primarily responsible, to mitigate, prepare for, respond to, and
13 recover from emergencies and disasters, and to aid victims suffering
14 from injury or damage, resulting from disasters caused by all hazards,
15 whether natural, technological, or human caused, and to provide support
16 for search and rescue operations for persons and property in distress.
17 However, "emergency management" or "comprehensive emergency management"
18 does not mean preparation for emergency evacuation or relocation of
19 residents in anticipation of nuclear attack.

20 (2) "Local organization for emergency services or management" means
21 an organization created in accordance with the provisions of this
22 chapter by state or local authority to perform local emergency
23 management functions.

24 (3) "Political subdivision" means any county, city or town.

25 (4) "Emergency worker" means any person who is registered with a
26 local emergency management organization or the department and holds an
27 identification card issued by the local emergency management director
28 or the department for the purpose of engaging in authorized emergency
29 management activities or is an employee of the state of Washington or
30 any political subdivision thereof who is called upon to perform
31 emergency management activities.

32 (5) "Injury" as used in this chapter shall mean and include
33 accidental injuries and/or occupational diseases arising out of
34 emergency management activities.

35 (6)(a) "Emergency or disaster" as used in all sections of this
36 chapter except RCW 38.52.430 shall mean an event or set of
37 circumstances which: (i) Demands immediate action to preserve public

1 health, protect life, protect public property, or to provide relief to
2 any stricken community overtaken by such occurrences, or (ii) reaches
3 such a dimension or degree of destructiveness as to warrant the
4 governor declaring a state of emergency pursuant to RCW 43.06.010.

5 (b) "Emergency" as used in RCW 38.52.430 means an incident that
6 requires a normal police, coroner, fire, rescue, emergency medical
7 services, or utility response as a result of a violation of one of the
8 statutes enumerated in RCW 38.52.430.

9 (7) "Search and rescue" means the acts of searching for, rescuing,
10 or recovering by means of ground, marine, or air activity any person
11 who becomes lost, injured, or is killed while outdoors or as a result
12 of a natural, technological, or human caused disaster, including
13 instances involving searches for downed aircraft when ground personnel
14 are used. Nothing in this section shall affect appropriate activity by
15 the department of transportation under chapter 47.68 RCW.

16 (8) "Executive head" and "executive heads" means the county
17 executive in those charter counties with an elective office of county
18 executive, however designated, and, in the case of other counties, the
19 county legislative authority. In the case of cities and towns, it
20 means the mayor in those cities and towns with mayor-council or
21 commission forms of government, where the mayor is directly elected,
22 and it means the city manager in those cities and towns with council
23 manager forms of government. Cities and towns may also designate an
24 executive head for the purposes of this chapter by ordinance.

25 (9) "Director" means the adjutant general.

26 (10) "Local director" means the director of a local organization of
27 emergency management or emergency services.

28 (11) "Department" means the state military department.

29 (12) "Emergency response" as used in RCW 38.52.430 means a public
30 agency's use of emergency services during an emergency or disaster as
31 defined in subsection (6)(b) of this section.

32 (13) "Expense of an emergency response" as used in RCW 38.52.430
33 means reasonable costs incurred by a public agency in reasonably making
34 an appropriate emergency response to the incident, but shall only
35 include those costs directly arising from the response to the
36 particular incident. Reasonable costs shall include the costs of
37 providing police, coroner, firefighting, rescue, emergency medical

1 services, or utility response at the scene of the incident, as well as
2 the salaries of the personnel responding to the incident.

3 (14) "Public agency" means the state, and a city, county, municipal
4 corporation, district, town, or public authority located, in whole or
5 in part, within this state which provides or may provide firefighting,
6 police, ambulance, medical, or other emergency services.

7 (15) "Incident command system" means: (a) An all-hazards, on-scene
8 functional management system that establishes common standards in
9 organization, terminology, and procedures; provides a means (unified
10 command) for the establishment of a common set of incident objectives
11 and strategies during multiagency/multijurisdiction operations while
12 maintaining individual agency/jurisdiction authority, responsibility,
13 and accountability; and is a component of the national interagency
14 incident management system; or (b) an equivalent and compatible all-
15 hazards, on-scene functional management system.

16 (16) "Radio communications service company" has the meaning
17 ascribed to it in RCW 82.14B.020.

18 (17) "Continuity of operations planning" means the internal effort
19 of an organization to assure that the capability exists to continue
20 essential functions and services in response to a comprehensive array
21 of potential emergencies or disasters.

22 **Sec. 5.** RCW 38.52.020 and 1986 c 266 s 24 are each amended to read
23 as follows:

24 (1) Because of the existing and increasing possibility of the
25 occurrence of disasters of unprecedented size and destructiveness as
26 defined in RCW 38.52.010(6), and in order to insure that preparations
27 of this state will be adequate to deal with such disasters, to insure
28 the administration of state and federal programs providing disaster
29 relief to individuals, and further to insure adequate support for
30 search and rescue operations, and generally to protect the public
31 peace, health, and safety, and to preserve the lives and property of
32 the people of the state, it is hereby found and declared to be
33 necessary:

34 (a) To provide for emergency management by the state, and to
35 authorize the creation of local organizations for emergency management
36 in the political subdivisions of the state;

1 (b) To confer upon the governor and upon the executive heads of the
2 political subdivisions of the state the emergency powers provided
3 herein;

4 (c) To provide for the rendering of mutual aid among the political
5 subdivisions of the state and with other states and to cooperate with
6 the federal government with respect to the carrying out of emergency
7 management functions;

8 (d) To provide a means of compensating emergency management workers
9 who may suffer any injury, as herein defined, or death; who suffer
10 economic harm including personal property damage or loss; or who incur
11 expenses for transportation, telephone or other methods of
12 communication, and the use of personal supplies as a result of
13 participation in emergency management activities; (~~and~~)

14 (e) To provide programs, with intergovernmental cooperation, to
15 educate and train the public to be prepared for emergencies; and

16 (f) To provide for the development and exercise of continuity of
17 operations plans by the state.

18 (2) It is further declared to be the purpose of this chapter and
19 the policy of the state that all emergency management functions of this
20 state and its political subdivisions be coordinated to the maximum
21 extent with the comparable functions of the federal government
22 including its various departments and agencies of other states and
23 localities, and of private agencies of every type, to the end that the
24 most effective preparation and use may be made of the nation's
25 manpower, resources, and facilities for dealing with any disaster that
26 may occur.

27 **Sec. 6.** RCW 38.52.030 and 1997 c 49 s 2 are each amended to read
28 as follows:

29 (1) The director may employ such personnel and may make such
30 expenditures within the appropriation therefor, or from other funds
31 made available for purposes of emergency management, as may be
32 necessary to carry out the purposes of this chapter.

33 (2) The director, subject to the direction and control of the
34 governor, shall be responsible to the governor for carrying out the
35 program for emergency management of this state. The director shall
36 coordinate the activities of all organizations for emergency management
37 within the state, and shall maintain liaison with and cooperate with

1 emergency management agencies and organizations of other states and of
2 the federal government, and shall have such additional authority,
3 duties, and responsibilities authorized by this chapter, as may be
4 prescribed by the governor.

5 (3) The director shall develop and maintain a comprehensive, all-
6 hazard emergency plan for the state which shall include an analysis of
7 the natural, technological, or human caused hazards which could affect
8 the state of Washington, and shall include the procedures to be used
9 during emergencies for coordinating local resources, as necessary, and
10 the resources of all state agencies, departments, commissions, and
11 boards. The comprehensive emergency management plan shall direct the
12 department in times of state emergency to administer and manage the
13 state's emergency operations center. This will include representation
14 from all appropriate state agencies and be available as a single point
15 of contact for the authorizing of state resources or actions, including
16 emergency permits. The comprehensive emergency management plan must
17 specify the use of the incident command system for
18 multiagency/multijurisdiction operations. The comprehensive, all-
19 hazard emergency plan authorized under this subsection may not include
20 preparation for emergency evacuation or relocation of residents in
21 anticipation of nuclear attack. This plan shall be known as the
22 comprehensive emergency management plan.

23 (4) In accordance with the comprehensive emergency management plans
24 and the programs for the emergency management of this state, the
25 director shall procure supplies and equipment, institute training
26 programs and public information programs, and shall take all other
27 preparatory steps, including the partial or full mobilization of
28 emergency management organizations in advance of actual disaster, to
29 insure the furnishing of adequately trained and equipped forces of
30 emergency management personnel in time of need.

31 (5) The director shall make such studies and surveys of the
32 industries, resources, and facilities in this state as may be necessary
33 to ascertain the capabilities of the state for emergency management,
34 and shall plan for the most efficient emergency use thereof.

35 (6) The emergency management council shall advise the director on
36 all aspects of the communications and warning systems and facilities
37 operated or controlled under the provisions of this chapter.

1 (7) The director, through the state enhanced 911 coordinator, shall
2 coordinate and facilitate implementation and operation of a statewide
3 enhanced 911 emergency communications network.

4 (8) The director shall appoint a state coordinator of search and
5 rescue operations to coordinate those state resources, services and
6 facilities (other than those for which the state director of
7 aeronautics is directly responsible) requested by political
8 subdivisions in support of search and rescue operations, and on request
9 to maintain liaison with and coordinate the resources, services, and
10 facilities of political subdivisions when more than one political
11 subdivision is engaged in joint search and rescue operations.

12 (9) The director, subject to the direction and control of the
13 governor, shall prepare and administer a state program for emergency
14 assistance to individuals within the state who are victims of a
15 natural, technological, or human caused disaster, as defined by RCW
16 38.52.010(6). Such program may be integrated into and coordinated with
17 disaster assistance plans and programs of the federal government which
18 provide to the state, or through the state to any political subdivision
19 thereof, services, equipment, supplies, materials, or funds by way of
20 gift, grant, or loan for purposes of assistance to individuals affected
21 by a disaster. Further, such program may include, but shall not be
22 limited to, grants, loans, or gifts of services, equipment, supplies,
23 materials, or funds of the state, or any political subdivision thereof,
24 to individuals who, as a result of a disaster, are in need of
25 assistance and who meet standards of eligibility for disaster
26 assistance established by the department of social and health services:
27 PROVIDED, HOWEVER, That nothing herein shall be construed in any manner
28 inconsistent with the provisions of Article VIII, section 5 or section
29 7 of the Washington state Constitution.

30 (10) The director shall appoint a state coordinator for radioactive
31 and hazardous waste emergency response programs. The coordinator shall
32 consult with the state radiation control officer in matters relating to
33 radioactive materials. The duties of the state coordinator for
34 radioactive and hazardous waste emergency response programs shall
35 include:

36 (a) Assessing the current needs and capabilities of state and local
37 radioactive and hazardous waste emergency response teams on an ongoing
38 basis;

1 (b) Coordinating training programs for state and local officials
2 for the purpose of updating skills relating to emergency mitigation,
3 preparedness, response, and recovery;

4 (c) Utilizing appropriate training programs such as those offered
5 by the federal emergency management agency, the department of
6 transportation and the environmental protection agency; and

7 (d) Undertaking other duties in this area that are deemed
8 appropriate by the director.

9 (11) The director is responsible to the governor for developing and
10 implementing a program for interagency coordination of continuity of
11 operations planning by state agencies, boards, and commissions. Each
12 state agency, board, and commission is responsible for developing an
13 organizational continuity of operations plan that is updated and
14 exercised annually in compliance with the program for interagency
15 coordination of continuity of operations planning.

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