
SENATE BILL 5455

State of Washington 65th Legislature 2017 Regular Session

By Senators Miloscia, Zeiger, and Pearson

Read first time 01/25/17. Referred to Committee on State Government.

1 AN ACT Relating to enhancing statewide cybersecurity performance
2 through information assessment; amending RCW 43.105.020, 43.105.052,
3 43.105.111, and 43.105.220; adding a new section to chapter 43.105
4 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature intends to develop world-
7 class cybersecurity performance management and assessment systems
8 that can be duplicated in other states. The legislature finds that
9 this is best accomplished through coordination of a series of
10 performance assessments by independent examiners and enhanced
11 executive branch communication with the legislature regarding
12 cybersecurity infrastructure, performance, and posture.

13 **Sec. 2.** RCW 43.105.020 and 2016 c 237 s 2 are each amended to
14 read as follows:

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

17 (1) "Agency" means the consolidated technology services agency.

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

1 (3) "Customer agencies" means all entities that purchase or use
2 information technology resources, telecommunications, or services
3 from the consolidated technology services agency.

4 (4) "Cybersecurity excellence assessment" means an assessment of
5 enterprise cybersecurity operational performance using a framework
6 approved by the national institutes of standards and technology,
7 United States department of commerce.

8 (5) "Director" means the state chief information officer, who is
9 the director of the consolidated technology services agency.

10 ((+5)) (6) "Enterprise architecture" means an ongoing activity
11 for translating business vision and strategy into effective
12 enterprise change. It is a continuous activity. Enterprise
13 architecture creates, communicates, and improves the key principles
14 and models that describe the enterprise's future state and enable its
15 evolution.

16 ((+6)) (7) "Equipment" means the machines, devices, and
17 transmission facilities used in information processing, including but
18 not limited to computers, terminals, telephones, wireless
19 communications system facilities, cables, and any physical facility
20 necessary for the operation of such equipment.

21 ((+7)) (8) "Information" includes, but is not limited to, data,
22 text, voice, and video.

23 ((+8)) (9) "Information security" means the protection of
24 communication and information resources from unauthorized access,
25 use, disclosure, disruption, modification, or destruction in order
26 to:

27 (a) Prevent improper information modification or destruction;

28 (b) Preserve authorized restrictions on information access and
29 disclosure;

30 (c) Ensure timely and reliable access to and use of information;
31 and

32 (d) Maintain the confidentiality, integrity, and availability of
33 information.

34 ((+9)) (10) "Information technology" includes, but is not
35 limited to, all electronic technology systems and services, automated
36 information handling, system design and analysis, conversion of data,
37 computer programming, information storage and retrieval,
38 telecommunications, requisite system controls, simulation, electronic
39 commerce, radio technologies, and all related interactions between
40 people and machines.

1 ~~((10))~~ (11) "Information technology portfolio" or "portfolio"
2 means a strategic management process documenting relationships
3 between agency missions and information technology and
4 telecommunications investments.

5 ~~((11))~~ (12) "K-20 network" means the network established in RCW
6 43.41.391.

7 ~~((12))~~ (13) "Local governments" includes all municipal and
8 quasi-municipal corporations and political subdivisions, and all
9 agencies of such corporations and subdivisions authorized to contract
10 separately.

11 ~~((13))~~ (14) "Office" means the office of the state chief
12 information officer within the consolidated technology services
13 agency.

14 ~~((14))~~ (15) "Oversight" means a process of comprehensive risk
15 analysis and management designed to ensure optimum use of information
16 technology resources and telecommunications.

17 ~~((15))~~ (16) "Proprietary software" means that software offered
18 for sale or license.

19 ~~((16))~~ (17) "Public agency" means any agency of this state or
20 another state; any political subdivision or unit of local government
21 of this state or another state including, but not limited to,
22 municipal corporations, quasi-municipal corporations, special purpose
23 districts, and local service districts; any public benefit nonprofit
24 corporation; any agency of the United States; and any Indian tribe
25 recognized as such by the federal government.

26 ~~((17))~~ (18) "Public benefit nonprofit corporation" means a
27 public benefit nonprofit corporation as defined in RCW 24.03.005 that
28 is receiving local, state, or federal funds either directly or
29 through a public agency other than an Indian tribe or political
30 subdivision of another state.

31 ~~((18))~~ (19) "Public record" has the definitions in RCW
32 42.56.010 and chapter 40.14 RCW and includes legislative records and
33 court records that are available for public inspection.

34 ~~((19))~~ (20) "Security incident" means an accidental or
35 deliberative event that results in or constitutes an imminent threat
36 of the unauthorized access, loss, disclosure, modification,
37 disruption, or destruction of communication and information
38 resources.

1 (~~(20)~~) (21) "State agency" means every state office,
2 department, division, bureau, board, commission, or other state
3 agency, including offices headed by a statewide elected official.

4 (~~(21)~~) (22) "Telecommunications" includes, but is not limited
5 to, wireless or wired systems for transport of voice, video, and data
6 communications, network systems, requisite facilities, equipment,
7 system controls, simulation, electronic commerce, and all related
8 interactions between people and machines.

9 (~~(22)~~) (23) "Utility-based infrastructure services" includes
10 personal computer and portable device support, servers and server
11 administration, security administration, network administration,
12 telephony, email, and other information technology services commonly
13 used by state agencies.

14 **Sec. 3.** RCW 43.105.052 and 2015 3rd sp.s. c 1 s 104 are each
15 amended to read as follows:

16 The agency shall:

17 (1) Make available information services to public agencies and
18 public benefit nonprofit corporations;

19 (2) Establish rates and fees for services provided by the agency;

20 (3) Develop a billing rate plan for a two-year period to coincide
21 with the budgeting process. The rate plan must be subject to review
22 at least annually by the office of financial management. The rate
23 plan must show the proposed rates by each cost center and show the
24 components of the rate structure as mutually determined by the agency
25 and the office of financial management. The rate plan and any
26 adjustments to rates must be approved by the office of financial
27 management;

28 (4) Develop a detailed business plan for any service or activity
29 to be contracted under RCW 41.06.142(7)(b);

30 (5) Develop plans for the agency's achievement of statewide goals
31 and objectives set forth in the state strategic information
32 technology plan required under RCW 43.105.220;

33 (6) Develop procedures for providing information about the
34 state's cybersecurity infrastructure, performance, and posture with
35 members of the state legislature to enable them to effectively
36 perform their constitutional duties;

37 (7) Enable the standardization and consolidation of information
38 technology infrastructure across all state agencies to support

1 enterprise-based system development and improve and maintain service
2 delivery; and
3 ~~((7))~~ (8) Perform all other matters and things necessary to
4 carry out the purposes and provisions of this chapter.

5 **Sec. 4.** RCW 43.105.111 and 2015 3rd sp.s. c 1 s 105 are each
6 amended to read as follows:

7 The director shall set one-year and five-year performance
8 ~~((targets))~~ projections and approve plans for achieving those
9 measurable and specific ~~((goals))~~ projections for the agency. By
10 January 2017, the appropriate organizational performance and
11 accountability measures and performance ~~((targets))~~ projections shall
12 be submitted to the governor. These measures and ~~((targets))~~
13 projections shall include measures of performance demonstrating
14 specific and measurable improvements related to service delivery and
15 costs, operational efficiencies, and overall customer satisfaction.
16 The agency shall develop a dashboard of key performance measures that
17 will be updated quarterly and made available on the agency public web
18 site.

19 The director shall report to the governor on agency performance
20 at least quarterly and to the appropriate legislative committees on
21 agency performance at least annually. The reports shall be included
22 on the agency's web site and accessible to the public.

23 **Sec. 5.** RCW 43.105.220 and 2015 3rd sp.s. c 1 s 203 are each
24 amended to read as follows:

25 (1) The office shall prepare a state strategic information
26 technology plan which shall establish a statewide mission, ~~((goals))~~
27 one-year and five-year projections, and objectives for the use of
28 information technology, including ~~((goals))~~ projections for
29 electronic access to government records, information, and services.
30 The plan shall be developed in accordance with the standards and
31 policies established by the office. The office shall seek the advice
32 of the board in the development of this plan.

33 The plan shall be updated as necessary and submitted to the
34 governor and the legislature.

35 (2) The office shall prepare a biennial state performance report
36 on information technology based on state agency performance reports
37 required under RCW 43.105.235 and other information deemed

1 appropriate by the office. The report shall include, but not be
2 limited to:

3 (a) An analysis, based upon agency portfolios, of the state's
4 information technology infrastructure, including its value,
5 condition, and capacity;

6 (b) An evaluation of performance relating to information
7 technology;

8 (c) An assessment of progress made toward implementing the state
9 strategic information technology plan, including progress toward
10 electronic access to public information and enabling citizens to have
11 two-way access to public records, information, and services; and

12 (d) An analysis of the success or failure, feasibility, progress,
13 costs, and timeliness of implementation of major information
14 technology projects under RCW 43.105.245. At a minimum, the portion
15 of the report regarding major technology projects must include:

16 (i) The total cost data for the entire life-cycle of the project,
17 including capital and operational costs, broken down by staffing
18 costs, contracted service, hardware purchase or lease, software
19 purchase or lease, travel, and training. The original budget must
20 also be shown for comparison;

21 (ii) The original proposed project schedule and the final actual
22 project schedule;

23 (iii) Data regarding progress towards meeting the original
24 ((goals)) projections and performance measures of the project;

25 (iv) Discussion of lessons learned on the project, performance of
26 any contractors used, and reasons for project delays or cost
27 increases; and

28 (v) Identification of benefits generated by major information
29 technology projects developed under RCW 43.105.245.

30 Copies of the report shall be distributed biennially to the
31 governor and the legislature. The major technology section of the
32 report must examine major information technology projects completed
33 in the previous biennium.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.105
35 RCW to read as follows:

36 (1) The consolidated technology services agency must:

37 (a) Enter into a partnership with the national institutes of
38 standards and technology, United States department of commerce to

1 coordinate and schedule cybersecurity excellence assessments of the
2 agency's operations every two years.

3 (b) Transmit completed cybersecurity excellence assessments and
4 feedback reports to pertinent legislative committees and the office
5 of the governor.

6 (2) The consolidated technology services agency's goal is to
7 progress toward achieving world-class performance by achieving a
8 sixty percent score within seven years of its first cybersecurity
9 excellence assessment. When it achieves a sixty percent score, it
10 shall apply for an award from the national institutes of standards
11 and technology, United States department of commerce for its
12 performance.

13 (3) If the consolidated technology services agency meets the goal
14 in subsection (2) of this section, it is not required to conduct a
15 cybersecurity excellence assessment every two years, but must conduct
16 an excellence assessment every four years.

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