

---

SENATE BILL 6928

---

State of Washington

60th Legislature

2008 Regular Session

By Senator Hargrove

Read first time 02/06/08. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to the children's administration's use of  
2 information services; and amending RCW 43.105.080, 43.105.170,  
3 43.105.180, 43.105.190, and 43.105.210.

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

5 **Sec. 1.** RCW 43.105.080 and 1999 c 80 s 8 are each amended to read  
6 as follows:

7 There is created a revolving fund to be known as the data  
8 processing revolving fund in the custody of the state treasurer. The  
9 revolving fund shall be used for the acquisition of equipment,  
10 software, supplies, and services and the payment of salaries, wages,  
11 and other costs incidental to the acquisition, development, operation,  
12 and administration of information services, telecommunications,  
13 systems, software, supplies and equipment, including the payment of  
14 principal and interest on bonds issued for capital projects, by the  
15 department, Washington State University's computer services center, the  
16 department of personnel's personnel information systems division, the  
17 office of financial management's financial systems management group,  
18 and other users as jointly determined by the department and the office  
19 of financial management. The revolving fund is subject to the

1 allotment procedure provided under chapter 43.88 RCW. Disbursements  
2 from the revolving fund for the services component of the department  
3 are not subject to appropriation. Disbursements for the strategic  
4 planning and policy component of the department are subject to  
5 appropriation. All disbursements from the fund are subject to the  
6 allotment procedures provided under chapter 43.88 RCW. The department  
7 shall establish and implement a billing structure to assure all  
8 agencies except the children's administration in the department of  
9 social and health services pay an equitable share of the costs.

10 As used in this section, the word "supplies" shall not be  
11 interpreted to delegate or abrogate the division of purchasing's  
12 responsibilities and authority to purchase supplies as described in RCW  
13 43.19.190 and 43.19.200.

14 **Sec. 2.** RCW 43.105.170 and 1999 c 80 s 10 are each amended to read  
15 as follows:

16 (1) Each agency shall develop an information technology portfolio  
17 consistent with RCW (~~(43.105.095)~~) 43.105.172. The superintendent of  
18 public instruction shall develop its portfolio in conjunction with  
19 educational service districts and statewide or regional providers of K-  
20 12 education information technology services.

21 (2) Agency portfolios shall include, but not be limited to, the  
22 following:

23 (a) A baseline assessment of the agency's information technology  
24 resources and capabilities that will serve as the benchmark for  
25 subsequent planning and performance measures;

26 (b) A statement of the agency's mission, goals, and objectives for  
27 information technology, including goals and objectives for achieving  
28 electronic access to agency records, information, and services;

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

32 (d) An implementation strategy to provide electronic access to  
33 public records and information. This implementation strategy must be  
34 assembled to include:

35 (i) Compliance with Title 40 RCW;

36 (ii) Adequate public notice and opportunity for comment;

1 (iii) Consideration of a variety of electronic technologies,  
2 including those that help transcend geographic locations, standard  
3 business hours, economic conditions of users, and disabilities;

4 (iv) Methods to educate both state employees and the public in the  
5 effective use of access technologies;

6 (e) Projects and resources required to meet the objectives of the  
7 portfolio; and

8 (f) Where feasible, estimated schedules and funding required to  
9 implement identified projects.

10 (3) Portfolios developed under subsection (1) of this section shall  
11 be submitted to the department for review and forwarded along with the  
12 department's recommendations to the board for review and approval. The  
13 board may reject, require modification to, or approve portfolios as  
14 deemed appropriate by the board. Portfolios submitted under this  
15 subsection shall be updated and submitted for review and approval as  
16 necessary.

17 (4) Each agency shall prepare and submit to the department a  
18 biennial performance report that evaluates progress toward the  
19 objectives articulated in its information technology portfolio. The  
20 superintendent of public instruction shall develop its portfolio in  
21 conjunction with educational service districts and statewide or  
22 regional providers of K-12 education information technology services.  
23 The report shall include:

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

26 (b) An assessment of progress made toward implementing the agency  
27 information technology portfolio;

28 (c) Progress toward electronic access to public information and  
29 enabling citizens to have two-way interaction for obtaining information  
30 and services from agencies; and

31 (d) An inventory of agency information services, equipment, and  
32 proprietary software.

33 (5) The department, with the approval of the board, shall establish  
34 standards, elements, form, and format for plans and reports developed  
35 under this section.

36 (6) Agency activities to increase electronic access to public  
37 records and information, as required by this section, must be

1 implemented within available resources and existing agency planning  
2 processes.

3 (7) For purposes of this section, "agency" shall not include the  
4 children's administration within the department of social and health  
5 services.

6 (8) The board may exempt any agency from any or all of the  
7 requirements of this section.

8 **Sec. 3.** RCW 43.105.180 and 1999 c 80 s 11 are each amended to read  
9 as follows:

10 Upon request of the office of financial management, the department  
11 shall evaluate agency budget requests for major information technology  
12 projects identified under RCW 43.105.190, including those proposed by  
13 the superintendent of public instruction, in conjunction with  
14 educational service districts, or statewide or regional providers of K-  
15 12 education information technology services. The department shall  
16 submit recommendations for funding all or part of such requests to the  
17 office of financial management.

18 The department, with the advice and approval of the office of  
19 financial management, shall establish criteria, consistent with  
20 portfolio-based information technology management, for the evaluation  
21 of agency budget requests under this section. These budget requests  
22 shall be made in the context of an agency's information technology  
23 portfolio; technology initiatives underlying budget requests are  
24 subject to board review. Criteria shall include, but not be limited  
25 to: Feasibility of the proposed projects, consistency with the state  
26 strategic information technology plan, consistency with information  
27 technology portfolios, appropriate provision for public electronic  
28 access to information and services, costs, and benefits.

29 For purposes of this section, "agency" shall not include the  
30 children's administration in the department of social and health  
31 services.

32 **Sec. 4.** RCW 43.105.190 and 2005 c 319 s 111 are each amended to  
33 read as follows:

34 (1) The department, with the approval of the board, shall establish  
35 standards and policies governing the planning, implementation, and  
36 evaluation of major information technology projects, including those

1 proposed by the superintendent of public instruction, in conjunction  
2 with educational service districts, or statewide or regional providers  
3 of K-12 education information technology services. The standards and  
4 policies shall:

5 (a) Establish criteria to identify projects which are subject to  
6 this section. Such criteria shall include, but not be limited to,  
7 significant anticipated cost, complexity, or statewide significance of  
8 the project; and

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

21 The director may terminate a major project if the director  
22 determines that the project is not meeting or is not expected to meet  
23 anticipated performance standards.

24 (2) The office of financial management shall establish policies and  
25 standards consistent with portfolio-based information technology  
26 management to govern the funding of projects developed under this  
27 section. The policies and standards shall provide for:

28 (a) Funding of a project under terms and conditions mutually agreed  
29 to by the director, the director of financial management, and the head  
30 of the agency proposing the project. However, the office of financial  
31 management may require incremental funding of a project on a phase-by-  
32 phase basis whereby funds for a given phase of a project may be  
33 released only when the office of financial management determines, with  
34 the advice of the department, that the previous phase is satisfactorily  
35 completed;

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

1 (c) Other elements deemed necessary by the office of financial  
2 management.

3 (3) The department shall evaluate projects based on the  
4 demonstrated business needs and benefits; cost; technology scope and  
5 feasibility; impact on the agency's information technology portfolio  
6 and on the statewide infrastructure; and final project implementation  
7 plan based upon available funding.

8 Copies of project evaluations conducted under this subsection shall  
9 be submitted to the office of financial management and the chairs,  
10 ranking minority members, and staff coordinators of the appropriations  
11 committees of the senate and house of representatives.

12 If there are projects that receive funding from a transportation  
13 fund or account, copies of those projects' evaluations conducted under  
14 this subsection must be submitted to the chairs and ranking minority  
15 members of the transportation committees of the senate and the house of  
16 representatives.

17 (4) This section shall not apply to the children's administration  
18 of the department of social and health services.

19 **Sec. 5.** RCW 43.105.210 and 1993 sp.s. c 1 s 903 are each amended  
20 to read as follows:

21 No state agency, except the children's administration in the  
22 department of social and health services, may expend any moneys for  
23 major information technology projects subject to review by the  
24 department of information services under RCW 43.105.190 unless  
25 specifically authorized by the legislature. An intentional or  
26 negligent violation of this section constitutes a violation of RCW  
27 43.88.290 and shall subject the head of the agency to forfeiture of  
28 office and other civil penalties as provided under RCW 43.88.300.

29 If the director of information services intentionally or  
30 negligently approved an expenditure in violation of this section, then  
31 all sanctions described in this section and RCW 43.88.300 shall also  
32 apply to the director of information services.

--- END ---