

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1629

67th Legislature
2022 Regular Session

Passed by the House February 15, 2022
Yeas 72 Nays 26

**Speaker of the House of
Representatives**

Passed by the Senate March 4, 2022
Yeas 40 Nays 8

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1629** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1629

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By House Community & Economic Development (originally sponsored by Representatives Dolan, Wylie, Shewmake, Duerr, Walen, and Chase)

READ FIRST TIME 01/24/22.

1 AN ACT Relating to a comprehensive study of aerial imaging
2 technology uses for state agencies, special purpose districts, and
3 local and tribal governments; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that aerial imagery
6 is a critically important tool that has wide applications in making
7 governmental decisions in a variety of settings. For example: (1) The
8 Washington state military department uses aerial imagery for
9 emergency management; (2) the department of transportation uses
10 aerial imagery for constructing roads and tracking culvert
11 replacement and fish migration; (3) the department of ecology uses
12 aerial imagery to create a coastal atlas to monitor oil spills in the
13 ocean and changes to the Washington coastline; (4) agencies that
14 monitor growth management and zoning use aerial imagery to monitor
15 urban density and to designate and protect critical areas; (5) the
16 department of natural resources uses aerial imagery to monitor forest
17 health, riparian buffers, and timber harvest; (6) conservation
18 districts use aerial imagery to plan salmon restoration projects and
19 to assess fire and flood damage; (7) the Nisqually tribe is using
20 aerial imagery to monitor the rerouting of the Nisqually river due to
21 inadequate water passage under the Nisqually bridge; (8) local

1 emergency management agencies use aerial imagery for public safety
2 efforts; (9) county assessors use aerial imagery as an integral part
3 of their valuation activities; (10) school districts use aerial
4 imagery to develop school safety plans and to site future buildings;
5 (11) state universities use aerial imagery for promotional material
6 and research purposes; (12) the emergency management division could
7 use aerial imagery to locate damaged structures and bridges and track
8 emergency detours; and (13) state parks could use aerial imagery to
9 track structures on park land and for land management.

10 The legislature also finds that state, local, and tribal
11 governments that currently use aerial imaging data are purchasing it
12 independently, often resulting in multiple payments for the same data
13 to be collected. The legislature intends to commission a study to
14 assess a more cost-effective way to purchase cutting-edge aerial
15 imagery at the state level, which would allow individual
16 jurisdictions that seek aerial imagery to purchase such data from the
17 state. The legislature also intends to identify the myriad uses for
18 which state agencies, special purpose districts, and local and tribal
19 governments could benefit from having aerial imaging data to conduct
20 everyday business, protect property, assist citizens, conduct
21 emergency planning, and respond to disasters.

22 As the use of aerial imaging by state, local, and tribal
23 governments becomes more prevalent, and pending the results of the
24 study, the legislature finds that it is important for the office of
25 the chief information officer to evaluate how aerial images are
26 protected against data breaches and unauthorized disclosure, as well
27 as how authorized users are identified for various types of aerial
28 imagery used by state agencies, local governments, special purpose
29 districts, and tribal governments. The legislature also finds that it
30 is important for the office of the chief information officer to
31 evaluate the range of privacy issues involved in aerial imaging and
32 how the privacy rights of Washingtonians might best be protected as
33 usage of aerial imaging by government proliferates.

34 NEW SECTION. **Sec. 2.** (1) Subject to the availability of amounts
35 appropriated for this specific purpose, the department of commerce,
36 in collaboration with the office of the chief information officer,
37 shall conduct a study for the use of aerial imaging technology for
38 state, local, special purpose district, and tribal government
39 purposes, leveraging the state's existing geospatial imaging program.

1 (2) The study conducted by the department of commerce must, at a
2 minimum:

3 (a) Include an assessment of:

4 (i) The ways in which state agencies, local governments, special
5 purpose districts, and tribal governments currently use aerial
6 imaging technology;

7 (ii) The ways in which state agencies, local governments, special
8 purpose districts, and tribal governments could benefit from having
9 access to aerial imaging technology, as determined by interviewing a
10 sample of state, local, special purpose district, and tribal
11 government officials to assess expectations for aerial imaging data;

12 (iii) The types of imagery currently used or needed; and

13 (iv) The frequency with which various types of imagery are
14 currently used or needed;

15 (b) Determine the minimum resolution level of aerial imaging that
16 would best serve the majority of users statewide;

17 (c) Estimate the current statewide expenditures by state, local,
18 and tribal governments, and special purpose districts, for aerial
19 image acquisition and organization;

20 (d) Estimate the cost of procuring, once per biennium, and
21 administering a high-quality aerial imagery program on a statewide
22 basis;

23 (e) Quantify the economies of scale between individual flights
24 procured by individual jurisdictions as compared to the cost of
25 procuring a single flight to obtain aerial imaging of the entire
26 state;

27 (f) Determine the best available mechanism for cost sharing
28 between jurisdictions for the acquisition and management of aerial
29 imagery; and

30 (g) Make recommendations about current sources that provide
31 imaging data, further steps to improve the collection of aerial
32 imaging data, and the steps necessary to implement a comprehensive,
33 cost-efficient, aerial imaging collection and distribution system to
34 serve state, local, special purpose district, and tribal officials
35 statewide through the state's existing geospatial program.

36 (3) In conducting the study pursuant to this section, the
37 department of commerce must convene and define the scope of the study
38 and assist in the design of information collection.

39 (4) In conducting the study pursuant to this section, the
40 department of commerce must also seek recommendations from the office

1 of the chief information officer regarding ways in which the use of
2 aerial imaging technology could be limited by state law to strike an
3 appropriate balance between effective and efficient utilization for
4 legitimate government purposes while doing no more imaging than is
5 necessary and at no higher resolution than is necessary.

6 (5) In implementing this section, the department of commerce may
7 complete the study directly or, at its discretion, contract the
8 study, or portions of the study, to a third party or parties chosen
9 by the department of commerce. However, the final delivered product
10 must be reported by the department of commerce.

11 (6) Consistent with RCW 43.01.036, the study required by this
12 section must be completed and the results reported to the legislature
13 by June 1, 2023.

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