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**SUBSTITUTE HOUSE BILL 1990**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Ryu, Reed, Ormsby, and Donaghy)

AN ACT Relating to the Washington state aerial imagery program; adding new sections to chapter 43.105 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that aerial imagery is a critically important tool that has wide applications in making governmental decisions in a variety of settings, including air quality monitoring, property value assessments, disaster recovery, economic development, emergency management, forestry and forest management, law enforcement, long-term planning, near-term planning, public health, public safety, shoreline management, site selection, transportation infrastructure, and utility infrastructure. The use of aerial imagery has an aggregate benefit of $159 million per year.

(2) The legislature also finds that current statewide imagery services offers a licensed six-inch orthoimagery product. Local governments, state agencies, special purpose districts, and tribal governments that use aerial imaging data often purchase it independently, resulting in multiple payments for similar data. The data is purchased based on availability and not on criteria important to the governmental agencies, such as time of year. In 2022, the legislature commissioned a study to assess a more cost-effective way to purchase cutting-edge aerial imagery at the state level, which would allow individual jurisdictions that use aerial imagery to acquire such data from the state to conduct business, protect property, assist citizens, conduct emergency planning, and respond to disasters. The legislature finds that for every $1.00 invested in aerial imagery, there is an $8.80 biannual benefit and a $7.35 return on investment over six years.

(3) The legislature also finds that the use of aerial imagery services by local governments, state agencies, special purpose districts, and tribal governments will continue to become more prevalent. As use of aerial imagery increases, it is important for the consolidated technology services agency to provide aerial imagery services to local governments, state agencies, special purpose districts, and tribal governments, and to continue to evaluate how the privacy rights of Washingtonians might best be protected. The legislature intends for the agency to implement the recommendations of the aerial imagery study conducted by the department of commerce pursuant to chapter 261, Laws of 2022.

NEW SECTION. **Sec.**  (1) The agency shall establish a Washington state aerial imagery program to provide aerial imagery services to local governments, state agencies, special purpose districts, and tribal governments.

(2) Subject to the availability of amounts appropriated for this specific purpose, the agency, in consultation with the department of commerce, shall establish the Washington state aerial imagery program through a phased approach.

NEW SECTION. **Sec.**  During the initial phase of the Washington state aerial imagery program, anticipated to take one year after the program is established, the agency must:

(1) Develop a plan to control aerial imagery characteristics, including imagery specifications to ensure the spatial accuracy of the captured images and acquisition of the aerial imagery viewing software;

(2) Hire staff to administer the program including, but not limited to, an aerial imagery program manager, technical support, tribal coordinator, and community relations coordinator;

(3) Select one or more vendors which can meet the requirements in section 4 of this act, after the agency conducts an industry review process to ensure vendor requirements are realistic, feasible, and biddable; and

(4) Conduct a formal privacy threshold analysis. If the formal privacy threshold analysis identifies personally identifiable information in the aerial images, the agency must conduct a privacy impact assessment and share the results with the appropriate legislative committees.

NEW SECTION. **Sec.**  The agency must implement the Washington state aerial imagery program by:

(1) Entering into a contract with a minimum term of four years and a maximum term of six years with one or more vendors that:

(a) Collects aerial images meeting the minimum technical specifications in this section;

(b) Allows alternating the collection of aerial images during leaf-on or leaf-off seasons;

(c) Provides the option for local governments, state agencies, special purpose districts, and tribal governments to buy-up derived products or enhanced imagery at reduced rates; and

(d) Provides the agency with discretion to use the images in perpetuity;

(2) Providing aerial images that meet the following minimum technical specifications:

(a) Aerial images must include:

(i) Six-inch ground separation distance (GSD) orthoimagery with four-band imagery statewide;

(ii) Three-inch ground separation distance (GSD) orthoimagery with four-band imagery, within urban growth areas and urban corridors;

(iii) Six-inch oblique air photos with three-band imagery statewide;

(iv) Three-inch oblique air photos with three-band imagery, within urban growth areas and urban corridors;

(v) Stereo pairs of orthoimagery;

(vi) Oblique air photo viewing tools or compatibility for measurement and calculations; and

(vii) Compatibility with software systems such as geographic information systems, computer assisted mass appraisal, and computer-aided design; and

(b) Aerial images shall be collected no less frequently than every two years;

(3) Allowing local governments, state agencies, special purpose districts, and tribal governments access to the aerial images without charge;

(4) Acquiring sufficient software and infrastructure for storing, distributing, viewing, and using the aerial images;

(5) Creating and maintaining a statewide control network that provides spatial and image quality control for planimetric mapping purposes in populated areas and general mapping purposes in the remaining areas of the state;

(6) Conducting a formal privacy threshold analysis every five years or when technical specifications are substantially changed. If the formal privacy threshold analysis identifies personally identifiable information in the aerial images, the agency must conduct a privacy impact assessment and share the results with the appropriate legislative committees; and

(7) Developing a process through collaboration with representatives of tribal governments to address participation in the state aerial imagery program.

(a) Tribal governments may opt-in to the collection and distribution of aerial images of tribal lands.

(b) The agency must identify the timeline and process for a tribal government to notify the agency of its intent to opt-in to the program.

(c) A participating tribal government must notify the agency whether the aerial images of tribal land may be accessed by local governments, state agencies, special purpose districts, or other tribal governments.

NEW SECTION. **Sec.**  The agency must provide a report to the legislature every five years, beginning in 2030, reviewing existing technology, providing a cost-benefit analysis of aerial imagery services, summarizing the formal privacy threshold analysis, and identifying any recommended modifications to the Washington state aerial imagery program.

NEW SECTION. **Sec.**  (1) The statewide imagery services account is created in the state treasury. Moneys in the account may be spent only after appropriation.

(2) Any amounts appropriated by the legislature to the account, private contributions, or any other source directed to the account, must be deposited into the account. Funds from sources outside the state, from private contributions, federal contributions, or other sources, may be directed to the specific purposes of the Washington state aerial imagery program.

(3) The legislature may appropriate moneys in the account only for the purposes of sections 2 through 5 of this act, the Washington state aerial imagery program.

NEW SECTION. **Sec.**  For the purposes of sections 2 through 6 of this act, the following definitions apply:

(1) "Aerial imagery services" means digital services that provide orthoimagery or oblique air photo images that can be used by software.

(2) "Oblique air photo image" means an air photo taken with the camera axis at a 35 to 50 degree angle to the surface of the earth.

(3) "Orthoimagery" means vertical photos seamed together and spatially connected.

(4) "Special purpose district" has the same meaning as in RCW 36.96.010.

(5) "Tribal government" means the governing body of an Indian tribe as defined in RCW 43.376.010.

NEW SECTION. **Sec.**  Sections 2 through 7 of this act are each added to chapter 43.105 RCW.

**--- END ---**