

HOUSE BILL REPORT

HB 1990

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to the Washington state aerial imagery program.

Brief Description: Concerning the Washington state aerial imagery program.

Sponsors: Representatives Ryu, Reed, Ormsby and Donaghy.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/10/24, 1/19/24 [DPS].

Brief Summary of Substitute Bill

- Directs the Consolidated Technology Services Agency to create an aerial imagery program for the purpose of providing aerial imagery services to state agencies, local governments, special purpose districts, and tribal governments.
- Provides specifications for vendor contracts and imagery characteristics.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Ramos, Chair; Stearns, Vice Chair; Cheney, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson, Low and Mena.

Staff: Connor Schiff (786-7093).

Background:

State, local, and tribal governments use aerial imagery for a variety of uses, including air

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quality monitoring, assessing property value, disaster recovery, economic development, emergency management, forestry management, law enforcement, long-term planning, near-term planning, public health, public safety, shoreline management, site selection, transportation infrastructure, and utility infrastructure. In Washington, state agencies, local governments, and special purpose districts purchase aerial imagery data independently.

In 2022 legislation was enacted that directed the Department of Commerce to conduct an aerial imagery study to assess the uses and needs from state agencies, local governments, special purpose districts, and tribal governments. The Department of Commerce was also directed to provide recommendations to improve the collection and distribution of aerial imaging data.

The aerial imagery study determined, among other findings, that a high-quality aerial imagery program would be beneficial and yield a positive return on investment. The study recommended a one-year startup phase to plan to control imagery characteristics; hire staff, including a tribal liaison; and begin a vendor selection process. Additionally, the study recommended that the program should include certain imagery to meet the majority of users' needs.

Privacy Threshold Analysis.

A formal privacy threshold analysis (PTA) is the standard method used by state agencies to evaluate privacy concerns. A PTA is a questionnaire used to determine if an information technology system contains personally identifiable information, and whether a privacy impact assessment is required. A PTA includes review of the type of information collected, the individuals involved, the data classification level, and data use and sharing.

Summary of Substitute Bill:

The Consolidated Technology Services Agency (CTSA), commonly referred to as WaTech, is directed to establish a state aerial imagery program to provide aerial imagery services to local governments, state agencies, special districts, and tribal governments. The CTSA is directed to implement the program in a phased approach, subject to the availability of funds and in consultation with the Department of Commerce.

During the initial year-long phase of the program, the CTSA must develop a plan to control aerial imagery characteristics, hire staff, select one or more vendors to provide aerial imaging services, and conduct a formal privacy threshold analysis (PTA).

To implement the program, the CTSA must:

- acquire software and infrastructure for storing, distributing, viewing, and using the aerial images;
- create and maintain a statewide control network that provides spatial and image quality control for planimetric mapping purposes;

- conduct a formal PTA every five years or when technical specifications substantially change;
- conduct a privacy impact assessment if the PTA identifies personally identifiable information in the aerial images;
- develop a process in collaboration with tribal governments for tribal governments to opt in to the collection and distribution of aerial images of tribal lands; and
- provide a report to the Legislature every five years, beginning in 2030, reviewing existing technology, providing a cost-benefit analysis of services, summarizing the formal PTA, and identifying recommended modifications to the program.

Tribal governments must notify the CTSA whether aerial images of tribal land may be accessed by local governments, state agencies, special purpose districts, or other tribal governments.

Aerial images must be collected at least every two years. Aerial image service users, which includes local governments, state agencies, special purpose districts, and tribal governments, must be able to access the aerial images without charge. Users have the option to buy up derived products or enhanced imagery at reduced rates.

The vendor contract must be a minimum of four years and a maximum of six years, allow seasonal collection of aerial images, and provide the CTSA with discretion to use the images in perpetuity.

Aerial images provided by the vendor must include:

- 6-inch oblique air photos and ground separation distance orthoimagery statewide;
- 3-inch oblique air photos and ground separate distance orthoimagery within urban growth areas and urban corridors;
- stereo pairs of orthoimagery;
- oblique air photo viewing tools or compatibility for measurement and calculations; and
- compatibility with software systems.

The Statewide Imagery Services Account is created in the State Treasury. Funds in the account may only be used for purposes of the state aerial imagery program.

Substitute Bill Compared to Original Bill:

The tribal consultation process is revised to allow tribal governments to opt in to the collection and distribution of aerial images of tribal lands. The Consolidated Technology Services Agency must identify a timeline and process for tribal governments to notify the agency of whether aerial images of tribal land can be accessed by local governments, state agencies, special purpose districts, or other tribal governments.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 19, 2024.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) A statewide program would allow counties with fewer resources to access aerial images and increase equity amongst counties. The program would increase efficiency and not require taxpayers to be paying twice for the same images. Fiscal and privacy concerns can be addressed. Counties that want to have additional flyovers would not be limited under this program. Program use is not mandatory. It would help all local governments throughout state. The program is supported by county assessors and county officials across the state. State agencies that do not currently have certain aerial images would not have to piece images together by reaching out to different counties.

(Opposed) None.

(Other) WaTech currently provides an aerial imagery service to state agencies and this program would expand service. WaTech can implement the structure but it would cost additional money. There needs to be clarification about how privacy analyses are implemented.

Persons Testifying: (In support) Representative Cindy Ryu, prime sponsor; Tom Konis, Spokane County; Steven Drew, Washington Association of Assessors; Mike Hoover, Washington State Association of Counties; and Michael Shaw, Washington Association of County Officials.

(Other) Angela Kleis, Consolidated Technology Services Agency.

Persons Signed In To Testify But Not Testifying: Eric Pratt.