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SENATE BILL 6009

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State of Washington                      55th Legislature                      1997 Regular Session

By Senator Finkbeiner

Read first time 02/26/97. Referred to Committee on Energy & Utilities.

1            AN ACT Relating to the information services; amending RCW  
2 43.105.020, 43.105.032, 43.105.047, 43.105.052, 43.105.160, 43.105.190,  
3 and 42.17.2401; reenacting and amending RCW 43.105.041, 43.105.041,  
4 43.105.170, and 43.105.180; adding new sections to chapter 44.48 RCW;  
5 adding a new section to chapter 43.105 RCW; creating a new section;  
6 providing an effective date; providing an expiration date; and  
7 declaring an emergency.

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

9            **Sec. 1.** RCW 43.105.020 and 1993 c 280 s 78 are each amended to  
10 read as follows:

11            As used in this chapter, unless the context indicates otherwise,  
12 the following definitions shall apply:

- 13            (1) "Department" means the department of information services;  
14            (2) "Board" means the information services board;  
15            (3) "Local governments" includes all municipal and quasi municipal  
16 corporations and political subdivisions, and all agencies of such  
17 corporations and subdivisions authorized to contract separately;  
18            (4) "Director" means the director of the department;

1       (5) "Executive director" means the executive director of the  
2 information services board;

3       (6) "Purchased services" means services provided by a vendor to  
4 accomplish routine, continuing, and necessary functions. This term  
5 includes, but is not limited to, services acquired for equipment  
6 maintenance and repair, operation of a physical plant, security,  
7 computer hardware and software installation and maintenance, data  
8 entry, keypunch services, programming services, and computer time-  
9 sharing;

10       (~~(6)~~) (7) "Backbone network" means the shared high-density  
11 portions of the state's telecommunications transmission facilities. It  
12 includes specially conditioned high-speed communications carrier lines,  
13 multiplexors, switches associated with such communications lines, and  
14 any equipment and software components necessary for management and  
15 control of the backbone network;

16       (~~(7)~~) (8) "Telecommunications" means the transmission of  
17 information by wire, radio, optical cable, electromagnetic, or other  
18 means;

19       (~~(8)~~) (9) "Information processing" means the electronic capture,  
20 collection, storage, manipulation, transmission, retrieval, and  
21 presentation of information in the form of data, text, voice, or image  
22 and includes telecommunications and office automation functions;

23       (~~(9)~~) (10) "Information services" means data processing,  
24 telecommunications, and office automation;

25       (~~(10)~~) (11) "Equipment" means the machines, devices, and  
26 transmission facilities used in information processing, such as  
27 computers, word processors, terminals, telephones, and cables;

28       (~~(11)~~) (12) "Proprietary software" means that software offered  
29 for sale or license;

30       (~~(12)~~) (13) "Video telecommunications" means the electronic  
31 interconnection of two or more sites for the purpose of transmitting  
32 and/or receiving visual and associated audio information. Video  
33 telecommunications shall not include existing public television  
34 broadcast stations as currently designated by the department of  
35 community, trade, and economic development under chapter 43.330 RCW.

36       **Sec. 2.** RCW 43.105.032 and 1996 c 137 s 10 are each amended to  
37 read as follows:

1        There is hereby created the Washington state information services  
2 board. The board shall be composed of thirteen members. Eight members  
3 shall be appointed by the governor, one of whom shall be a  
4 representative of higher education, (~~one of whom shall be a~~  
5 ~~representative of an agency under a state wide elected official other~~  
6 ~~than the governor, and two~~) who is from the discipline of computer  
7 technology, one of whom shall be the director of financial management,  
8 one of whom shall be the director of the department who shall be a  
9 voting member of the board, and five of whom shall be representatives  
10 of the private sector. One member shall represent the judicial branch  
11 and be appointed by the chief justice of the supreme court. ((One  
12 ~~member shall be the superintendent of public instruction or shall be~~  
13 ~~appointed by the superintendent of public instruction. One)) Two  
14 members shall represent the house of representatives and shall be  
15 selected by the speaker of the house of representatives, one from each  
16 of the two major political parties; ((one)) two members shall represent  
17 the senate and shall be appointed by the president of the senate, one  
18 from each of the two major political parties. ((The representatives of  
19 ~~the house of representatives and senate shall not be from the same~~  
20 ~~political party. One member shall be the director who shall be a~~  
21 ~~voting member of the board.))~~ These members shall constitute the  
22 membership of the board with full voting rights. Members of the board  
23 shall serve at the pleasure of the appointing authority. The board  
24 shall select a chairperson from among its members.~~

25        Vacancies shall be filled in the same manner that the original  
26 appointments were made.

27        A majority of the members of the board shall constitute a quorum  
28 for the transaction of business.

29        Members of the board shall be compensated for service on the board  
30 in accordance with RCW 43.03.240 and shall be reimbursed for travel  
31 expenses as provided in RCW 43.03.050 and 43.03.060.

32        **Sec. 3.** RCW 43.105.041 and 1996 c 171 s 7 and 1996 c 137 s 11 are  
33 each reenacted and amended to read as follows:

34        (1) The board shall have the following powers and duties related to  
35 information services:

36        (a) To develop standards governing the acquisition and disposition  
37 of equipment, proprietary software and purchased services, and  
38 confidentiality of computerized data;

1 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and  
2 maintain equipment, proprietary software, and purchased services, or to  
3 delegate to other agencies and institutions of state government, under  
4 appropriate standards, the authority to purchase, lease, rent, or  
5 otherwise acquire, dispose of, and maintain equipment, proprietary  
6 software, and purchased services: PROVIDED, That, agencies and  
7 institutions of state government, except as provided in RCW  
8 43.105.017(5) and section 507, chapter 14, Laws of 1995 2nd sp. sess.,  
9 are expressly prohibited from acquiring or disposing of equipment,  
10 proprietary software, and purchased services without such delegation of  
11 authority. The acquisition and disposition of equipment, proprietary  
12 software, and purchased services is exempt from RCW 43.19.1919 and, as  
13 provided in RCW 43.19.1901, from the provisions of RCW 43.19.190  
14 through 43.19.200. This subsection (1)(b) does not apply to the  
15 legislative branch;

16 (c) To review agency acquisition plans and requests;

17 (d) To develop and implement state-wide or interagency technical  
18 policies, standards, and procedures;

19 ~~((d))~~ (e) To develop a state strategic information technology  
20 plan and performance reports as required under RCW 43.105.160;

21 (f) To develop plans for the achievement of state-wide goals and  
22 objectives set forth in the state strategic information technology plan  
23 required under RCW 43.105.160. These plans shall address such services  
24 as telecommunications, central and distributed computing, local area  
25 networks, office automation, and end user computing. The board shall  
26 seek the advice of customer oversight committees in the development of  
27 these plans;

28 (g) In collaboration with the department of personnel and other  
29 agencies as may be appropriate, to develop training plans and  
30 coordinate training programs that are responsive to the needs of  
31 agencies;

32 (h) To identify opportunities for the effective use of information  
33 services and coordinate appropriate responses to those opportunities;

34 (i) To assess agencies' projects, acquisitions, plans, or overall  
35 information processing performance as requested by agencies, the  
36 director of financial management, or the legislature. Agencies may be  
37 required to reimburse the board for agency-requested reviews;

1        (j) To develop planning, budgeting, and expenditure reporting  
2 requirements, in conjunction with the office of financial management,  
3 for agencies to follow;

4        (k) To assist the office of financial management with budgetary and  
5 policy review of agency plans for information services;

6        (l) To review and approve standards and common specifications for  
7 new or expanded telecommunications networks proposed by agencies,  
8 public postsecondary education institutions, educational service  
9 districts, or state-wide or regional providers of K-12 information  
10 technology services, and to assure the cost-effective development and  
11 incremental implementation of a state-wide video telecommunications  
12 system to serve: Public schools; educational service districts;  
13 vocational-technical institutes; community colleges; colleges and  
14 universities; state and local government; and the general public  
15 through public affairs programming;

16        ~~((e))~~ (m) To provide direction concerning strategic planning  
17 goals and objectives for the state. The board shall seek input from  
18 the legislature and the judiciary;

19        ~~((f))~~ (n) To develop and implement a process for the resolution  
20 of appeals by:

21        (i) Vendors concerning the conduct of an acquisition process by an  
22 agency or the department; or

23        (ii) A customer agency concerning the provision of services by the  
24 department or by other state agency providers;

25        ~~((g))~~ (o) To establish policies for the periodic review by the  
26 department of agency performance which may include but are not limited  
27 to analysis of:

28        (i) Planning, management, control, and use of information services;

29        (ii) Training and education; and

30        (iii) Project management;

31        ~~((h))~~ (p) To set its meeting schedules and convene at scheduled  
32 times, or meet at the request of a majority of its members, the chair,  
33 or the director; ~~((and~~

34        ~~((i))~~ (q) To ensure compliance by state agencies with the board's  
35 standards and policies governing the planning, implementation, and  
36 evaluation of major information technology projects identified under  
37 RCW 43.105.190; and

1        (r) To review and approve that portion of the department's budget  
2 requests that ~~((provides for support))~~ relates to ~~((the))~~ board  
3 responsibilities.

4        (2) State-wide technical standards to promote and facilitate  
5 electronic information sharing and access are an essential component of  
6 acceptable and reliable public access service and complement content-  
7 related standards designed to meet those goals. The board shall:

8        (a) Establish technical standards to facilitate electronic access  
9 to government information and interoperability of information systems.  
10 Local governments are strongly encouraged to follow the standards  
11 established by the board; and

12        (b) Require agencies to consider electronic public access needs  
13 when planning new information systems or major upgrades of systems.

14        In developing these standards, the board is encouraged to include  
15 the state library, state archives, and appropriate representatives of  
16 state and local government.

17        **Sec. 4.** RCW 43.105.041 and 1996 c 171 s 8 and 1996 c 137 s 12 are  
18 each reenacted and amended to read as follows:

19        (1) The board shall have the following powers and duties related to  
20 information services:

21        (a) To develop standards governing the acquisition and disposition  
22 of equipment, proprietary software and purchased services, and  
23 confidentiality of computerized data;

24        (b) To purchase, lease, rent, or otherwise acquire, dispose of, and  
25 maintain equipment, proprietary software, and purchased services, or to  
26 delegate to other agencies and institutions of state government, under  
27 appropriate standards, the authority to purchase, lease, rent, or  
28 otherwise acquire, dispose of, and maintain equipment, proprietary  
29 software, and purchased services ~~((:—PROVIDED, That,))~~. However,  
30 agencies and institutions of state government are expressly prohibited  
31 from acquiring or disposing of equipment, proprietary software, and  
32 purchased services without such delegation of authority. The  
33 acquisition and disposition of equipment, proprietary software, and  
34 purchased services is exempt from RCW 43.19.1919 and, as provided in  
35 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.  
36 This subsection (1)(b) does not apply to the legislative branch;

37        (c) To review agency acquisitions and requests;

1        (d) To develop and implement state-wide or interagency technical  
2 policies, standards, and procedures;

3        ~~((d))~~ (e) To develop a state strategic information technology  
4 plan and performance reports as required under RCW 43.105.160;

5        (f) To develop plans for the achievement of state-wide goals and  
6 objectives set forth in the state strategic information technology plan  
7 required under RCW 43.105.160. These plans shall address such services  
8 as telecommunications, central and distributed computing, local area  
9 networks, office automation, and end user computing. The board shall  
10 seek the advice of customer oversight committees in the development of  
11 these plans;

12        (g) In collaboration with the department of personnel and other  
13 agencies as may be appropriate, to develop training plans and  
14 coordinate training programs that are responsive to the needs of  
15 agencies;

16        (h) To identify opportunities for the effective use of information  
17 services and coordinate appropriate responses to those opportunities;

18        (i) To assess agencies' projects, acquisitions, plans, or overall  
19 information processing performance as requested by agencies, the  
20 director of financial management, or the legislature. Agencies may be  
21 required to reimburse the board for agency-requested reviews;

22        (j) To develop planning, budgeting, and expenditure reporting  
23 requirements, in conjunction with the office of financial management,  
24 for agencies to follow;

25        (k) To assist the office of financial management with budgetary and  
26 policy review of agency plans for information services;

27        (l) To review and approve standards and common specifications for  
28 new or expanded telecommunications networks proposed by agencies,  
29 public postsecondary education institutions, educational service  
30 districts, or state-wide or regional providers of K-12 information  
31 technology services, and to assure the cost-effective development and  
32 incremental implementation of a state-wide video telecommunications  
33 system to serve: Public schools; educational service districts;  
34 vocational-technical institutes; community colleges; colleges and  
35 universities; state and local government; and the general public  
36 through public affairs programming;

37        ~~((e))~~ (m) To provide direction concerning strategic planning  
38 goals and objectives for the state. The board shall seek input from  
39 the legislature and the judiciary;

1       (~~(f)~~) (n) To develop and implement a process for the resolution  
2 of appeals by:

3       (i) Vendors concerning the conduct of an acquisition process by an  
4 agency or the department; or

5       (ii) A customer agency concerning the provision of services by the  
6 department or by other state agency providers;

7       (~~(g)~~) (o) To establish policies for the periodic review by the  
8 department of agency performance which may include but are not limited  
9 to analysis of:

10       (i) Planning, management, control, and use of information services;

11       (ii) Training and education; and

12       (iii) Project management;

13       (~~(h)~~) (p) To set its meeting schedules and convene at scheduled  
14 times, or meet at the request of a majority of its members, the chair,  
15 or the director; ~~(and~~

16       ~~(i)~~) (q) To ensure compliance by state agencies with the board's  
17 standards and policies governing the planning, implementation, and  
18 evaluation of major information technology projects identified under  
19 RCW 43.105.190; and

20       (r) To review and approve that portion of the department's budget  
21 requests that ~~(provides for support)~~ relates to ~~(the)~~ board  
22 responsibilities.

23       (2) State-wide technical standards to promote and facilitate  
24 electronic information sharing and access are an essential component of  
25 acceptable and reliable public access service and complement content-  
26 related standards designed to meet those goals. The board shall:

27       (a) Establish technical standards to facilitate electronic access  
28 to government information and interoperability of information systems.  
29 Local governments are strongly encouraged to follow the standards  
30 established by the board; and

31       (b) Require agencies to consider electronic public access needs  
32 when planning new information systems or major upgrades of systems.

33       In developing these standards, the board is encouraged to include  
34 the state library, state archives, and appropriate representatives of  
35 state and local government.

36       **Sec. 5.** RCW 43.105.047 and 1992 c 20 s 9 are each amended to read  
37 as follows:



1       There is created the department of information services. The  
2 department shall be headed by a director appointed by the governor with  
3 the consent of the senate. The director shall serve at the governor's  
4 pleasure and shall receive such salary as determined by the governor.  
5 The director shall:

6       (1) Appoint a confidential secretary and such deputy and assistant  
7 directors as needed to administer the department. However, the total  
8 number of deputy and assistant directors shall not exceed ~~((four))~~  
9 three;

10       ~~((2)) ~~Maintain and fund a planning component separate from the~~~~  
11 ~~services component of the department;~~

12       ~~((3)) ~~Appoint, after consulting with the board, the assistant~~~~  
13 ~~director for the planning component;~~

14       ~~((4))~~ Appoint such professional, technical, and clerical assistants  
15 and employees as may be necessary to perform the duties imposed by this  
16 chapter;

17       ~~((5))~~ (3) Report to the governor and the board any matters  
18 relating to abuses and evasions of this chapter; and

19       ~~((6))~~ (4) Recommend statutory changes to the governor and the  
20 board.

21       **Sec. 6.** RCW 43.105.052 and 1993 c 281 s 53 are each amended to  
22 read as follows:

23       The department shall:

24       ~~((1)) ~~Perform all duties and responsibilities the board delegates~~~~  
25 ~~to the department, including but not limited to:~~

26       ~~((a)) ~~The review of agency acquisition plans and requests; and~~~~

27       ~~((b)) ~~Implementation of state wide and interagency policies,~~~~  
28 ~~standards, and guidelines;~~

29       ~~((2))~~ Make available information services to state agencies and  
30 local governments on a full cost-recovery basis. These services may  
31 include, but are not limited to:

32       (a) Telecommunications services for voice, data, and video;

33       (b) Mainframe computing services;

34       (c) Support for departmental and microcomputer evaluation,  
35 installation, and use;

36       (d) Equipment acquisition assistance, including leasing, brokering,  
37 and establishing master contracts;

1 (e) Facilities management services for information technology  
2 equipment, equipment repair, and maintenance service;

3 (f) Negotiation with local cable companies and local governments to  
4 provide for connection to local cable services to allow for access to  
5 these public and educational channels in the state;

6 (g) Office automation services;

7 (h) System development services; and

8 (i) Training.

9 These services are for discretionary use by customers and customers  
10 may elect other alternatives for service if those alternatives are more  
11 cost-effective or provide better service. Agencies may be required to  
12 use the backbone network portions of the telecommunications services  
13 during an initial start-up period not to exceed three years;

14 ~~((3))~~ (2) Establish rates and fees for services provided by the  
15 department to assure that the services component of the department is  
16 self-supporting. A billing rate plan shall be developed for a two-year  
17 period to coincide with the budgeting process. The rate plan shall be  
18 subject to review at least annually by the customer oversight  
19 committees. The rate plan shall show the proposed rates by each cost  
20 center and will show the components of the rate structure as mutually  
21 determined by the department and the customer oversight committees.  
22 The same rate structure will apply to all user agencies of each cost  
23 center. The rate plan and any adjustments to rates shall be approved  
24 by the office of financial management. The services component shall  
25 not subsidize the operations of the planning component;

26 ~~((4) With the advice of the information services board and  
27 agencies, develop a state strategic information technology plan and  
28 performance reports as required under RCW 43.105.160;~~

29 ~~(5) Develop plans for the department's achievement of state-wide  
30 goals and objectives set forth in the state strategic information  
31 technology plan required under RCW 43.105.160. These plans shall  
32 address such services as telecommunications, central and distributed  
33 computing, local area networks, office automation, and end user  
34 computing. The department shall seek the advice of customer oversight  
35 committees and the board in the development of these plans;~~

36 ~~(6) Under direction of the information services board and in  
37 collaboration with the department of personnel, and other agencies as  
38 may be appropriate, develop training plans and coordinate training  
39 programs that are responsive to the needs of agencies;~~

1       ~~(7) Identify opportunities for the effective use of information~~  
2 ~~services and coordinate appropriate responses to those opportunities;~~  
3       ~~(8) Assess agencies' projects, acquisitions, plans, or overall~~  
4 ~~information processing performance as requested by the board, agencies,~~  
5 ~~the director of financial management, or the legislature. Agencies may~~  
6 ~~be required to reimburse the department for agency requested reviews;~~  
7       ~~(9) Develop planning, budgeting, and expenditure reporting~~  
8 ~~requirements, in conjunction with the office of financial management,~~  
9 ~~for agencies to follow;~~  
10       ~~(10) Assist the office of financial management with budgetary and~~  
11 ~~policy review of agency plans for information services;~~  
12       ~~(11) Provide staff support from the planning component to the board~~  
13 ~~for:~~  
14       ~~(a) Meeting preparation, notices, and minutes;~~  
15       ~~(b) Promulgation of policies, standards, and guidelines adopted by~~  
16 ~~the board;~~  
17       ~~(c) Supervision of studies and reports requested by the board;~~  
18       ~~(d) Conducting reviews and assessments as directed by the board;~~  
19       ~~(12))~~ (3) Be the lead agency in coordinating video  
20 telecommunications services for all state agencies and develop,  
21 pursuant to board policies, standards and common specifications for  
22 leased and purchased telecommunications equipment. The department  
23 shall not evaluate the merits of school curriculum, higher education  
24 course offerings, or other education and training programs proposed for  
25 transmission and/or reception using video telecommunications resources.  
26 Nothing in this section shall abrogate or abridge the legal  
27 responsibilities of licensees of telecommunications facilities as  
28 licensed by the federal communication commission on March 27, 1990; and  
29       ~~((13))~~ (4) Except as provided in RCW 43.105.041, perform all  
30 other matters and things necessary to carry out the purposes and  
31 provisions of this chapter.

32       **Sec. 7.** RCW 43.105.160 and 1996 c 171 s 9 are each amended to read  
33 as follows:

34       (1) The ~~((department))~~ board shall prepare a state strategic  
35 information technology plan ~~((which shall establish))~~ that establishes  
36 a state-wide mission, goals, and objectives for the use of information  
37 technology, including goals for electronic access to government  
38 records, information, and services. The plan shall be developed in

1 accordance with the standards and policies established by the board  
2 (~~and shall be submitted to the board for review, modification as~~  
3 ~~necessary, and approval. The department shall seek the advice of the~~  
4 ~~board in the development of this plan~~)).

5 The plan approved under this section shall be updated as necessary  
6 and submitted to the governor and the chairs and ranking minority  
7 members of the (~~appropriations~~) fiscal committees of the senate and  
8 the house of representatives.

9 (2) The (~~department~~) board shall prepare a biennial state  
10 performance report on information technology based on agency  
11 performance reports required under RCW 43.105.170 and other information  
12 deemed appropriate (~~by the department~~). The report shall include,  
13 but not be limited to:

14 (a) An evaluation of performance relating to information  
15 technology;

16 (b) An assessment of progress made toward implementing the state  
17 strategic information technology plan, including progress toward  
18 electronic access to public information and enabling citizens to have  
19 two-way access to public records, information, and services;

20 (c) An analysis of the success or failure, feasibility, progress,  
21 costs, and timeliness of implementation of major information technology  
22 projects under RCW 43.105.190;

23 (d) Identification of benefits, cost avoidance, and cost savings  
24 generated by major information technology projects developed under RCW  
25 43.105.190; and

26 (e) An inventory of state information services, equipment, and  
27 proprietary software.

28 Copies of the report shall be distributed biennially to the  
29 governor and the chairs and ranking minority members of the  
30 (~~appropriations~~) fiscal committees of the senate and the house of  
31 representatives.

32 **Sec. 8.** RCW 43.105.170 and 1996 c 171 s 10 and 1996 c 137 s 13 are  
33 each reenacted and amended to read as follows:

34 (1) Each agency shall develop an agency strategic information  
35 technology plan which establishes agency goals and objectives regarding  
36 the development and use of information technology. The superintendent  
37 of public instruction shall develop its plan in conjunction with  
38 educational service districts and state-wide or regional providers of

1 K-12 education information technology services. Plans shall include,  
2 but not be limited to, the following:

3 (a) A statement of the agency's mission, goals, and objectives for  
4 information technology, including goals and objectives for achieving  
5 electronic access to agency records, information, and services;

6 (b) An explanation of how the agency's mission, goals, and  
7 objectives for information technology support and conform to the state  
8 strategic information technology plan developed under RCW 43.105.160;

9 (c) An implementation strategy to provide electronic access to  
10 public records and information. This implementation strategy must be  
11 assembled to include:

12 (i) Compliance with Title 40 RCW;

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

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

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

19 (d) Projects and resources required to meet the objectives of the  
20 plan; and

21 (e) Where feasible, estimated schedules and funding required to  
22 implement identified projects.

23 (2) Plans developed under subsection (1) of this section shall be  
24 submitted to the (~~department for review and forwarded along with the~~  
25 ~~department's recommendations to the~~) board for review and approval.  
26 The board may reject, require modification to, or approve plans as  
27 deemed appropriate by the board. Plans submitted under this subsection  
28 shall be updated and submitted for review and approval as necessary.

29 (3) Each agency shall prepare and submit to the (~~department~~)  
30 board a biennial performance report. The superintendent of public  
31 instruction shall develop its plan in conjunction with educational  
32 service districts and state-wide or regional providers of K-12  
33 education information technology services. The report shall include:

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

36 (b) An assessment of progress made toward implementing the agency  
37 strategic information technology plan;

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

4 (d) An inventory of agency information services, equipment, and  
5 proprietary software.

6 (4) The ~~((department, with the approval of the))~~ board~~((7))~~ shall  
7 establish standards, elements, form, and format for plans and reports  
8 developed under this section.

9 (5) Agency activities to increase electronic access to public  
10 records and information, as required by this section, must be  
11 implemented within available resources and existing agency planning  
12 processes.

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

15 **Sec. 9.** RCW 43.105.180 and 1996 c 171 s 11 and 1996 c 137 s 14 are  
16 each reenacted and amended to read as follows:

17 ~~((Upon request of the office of financial management, the  
18 department shall evaluate agency budget requests for major information  
19 technology projects identified under RCW 43.105.190, including those  
20 proposed by the superintendent of public instruction, in conjunction  
21 with educational service districts, or state wide or regional providers  
22 of K-12 education information technology services. The department  
23 shall submit recommendations for funding all or part of such requests  
24 to the office of financial management.~~

25 ~~The department, with the advice and approval of the office of  
26 financial management, shall establish criteria for the evaluation of  
27 agency budget requests under this section. Criteria shall include, but  
28 not be limited to: Feasibility of the proposed projects, consistency  
29 with state and agency strategic information technology plans,  
30 consistency with agency goals and objectives, appropriate provision for  
31 public electronic access to information and services, costs, and  
32 benefits.))~~ The office of financial management and the board shall  
33 collaborate to evaluate agency budget requests for information  
34 technology projects of one and one-half million dollars or more. The  
35 evaluation process shall use a consistent methodology that includes the  
36 following components:

37 (1) Requests for funding shall be considered as proposed  
38 investments by the taxpayers of the state;

1 (2) Agencies submitting proposals subject to this section shall  
2 submit a cost-benefit analysis that quantifies the life-cycle costs and  
3 benefits of the proposed project and alternatives to the proposed  
4 project;

5 (3) An appropriate measure of return on investment, generated from  
6 the required cost-benefit analysis, shall be an important criterion for  
7 evaluating proposed projects;

8 (4) Other evaluation criteria including, but not limited to:  
9 Feasibility of the proposed projects, consistency with state and agency  
10 strategic information technology plans, and consistency with agency  
11 goals and objectives; and

12 (5) A summary of the results of the evaluation process for each  
13 proposed project shall be transmitted to the fiscal committees of the  
14 legislature.

15 **Sec. 10.** RCW 43.105.190 and 1996 c 137 s 15 are each amended to  
16 read as follows:

17 (1) The ~~((department, with the approval of the))~~ board~~((7))~~ shall  
18 establish standards and policies governing the planning,  
19 implementation, and evaluation of major information technology  
20 projects, including those proposed by the superintendent of public  
21 instruction, in conjunction with educational service districts, or  
22 state-wide or regional providers of K-12 education information  
23 technology services. The standards and policies shall:

24 (a) Establish criteria to identify projects which are subject to  
25 this section. Such criteria shall include, but not be limited to,  
26 significant anticipated cost, complexity, or state-wide significance of  
27 the project; and

28 (b) Establish a model process and procedures which agencies shall  
29 follow in developing and implementing project plans. Agencies may  
30 propose, for approval by the ~~((department))~~ board, a process and  
31 procedures unique to the agency. The ~~((department))~~ board may accept  
32 or require modification of such agency proposals or the ~~((department))~~  
33 board may reject such agency proposals and require use of the model  
34 process and procedures established under this subsection. Any process  
35 and procedures developed under this subsection shall require (i)  
36 distinct and identifiable phases upon which funding may be based, (ii)  
37 user validation of products through system demonstrations and testing

1 of prototypes and deliverables, and (iii) other elements identified by  
2 the board.

3 Project plans and any agreements established under such plans shall  
4 be approved and mutually agreed upon by the director, the director of  
5 financial management, and the head of the agency proposing the project.

6 The executive director may terminate a major project if the  
7 executive director determines that the project is not meeting or is not  
8 expected to meet anticipated performance standards.

9 (2) The office of financial management shall establish policies and  
10 standards governing the funding of projects developed under this  
11 section. The policies and standards shall provide for:

12 (a) Funding of a project under terms and conditions mutually agreed  
13 to by the director, the director of financial management, and the head  
14 of the agency proposing the project. However, the office of financial  
15 management may require incremental funding of a project on a phase-by-  
16 phase basis whereby funds for a given phase of a project may be  
17 released only when the office of financial management determines, with  
18 the advice of the ((department)) board, that the previous phase is  
19 satisfactorily completed;

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

22 (c) Other elements deemed necessary by the office of financial  
23 management.

24 (3) The ((department)) board shall evaluate projects at three  
25 stages of development as follows: (a) Initial needs assessment; (b)  
26 feasibility study including definition of scope, development of tasks  
27 and timelines, and estimated costs and benefits; and (c) final project  
28 implementation plan based upon available funding.

29 Copies of project evaluations conducted under this subsection shall  
30 be submitted to the office of financial management ((and)), the chairs,  
31 ranking minority members, and staff coordinators of the  
32 ((appropriations)) fiscal committees of the senate and house of  
33 representatives, and the policy committees of the senate and house of  
34 representatives with direct oversight responsibility for information  
35 technology projects.

36 NEW SECTION. Sec. 11. (1) All powers, duties, and functions of  
37 the department of information services pertaining to information  
38 technology planning, policies, and standards and oversight of agency



1 technology projects are transferred to the information services board.  
2 All references to the director or the department of information  
3 services in the Revised Code of Washington shall be construed to mean  
4 the executive director or the information services board when referring  
5 to the functions transferred in this section.

6 (2)(a) All reports, documents, surveys, books, records, files,  
7 papers, or written material in the possession of the department of  
8 information services pertaining to the powers, functions, and duties  
9 transferred shall be delivered to the custody of the information  
10 services board. All cabinets, furniture, office equipment, motor  
11 vehicles, and other tangible property employed by the department of  
12 information services in carrying out the powers, functions, and duties  
13 transferred shall be made available to the information services board.  
14 All funds, credits, or other assets held in connection with the powers,  
15 functions, and duties transferred shall be assigned to the information  
16 services board.

17 (b) Any appropriations made to the department of information  
18 services for carrying out the powers, functions, and duties transferred  
19 shall, on the effective date of this section, be transferred and  
20 credited to the information services board.

21 (c) Whenever any question arises as to the transfer of any  
22 personnel, funds, books, documents, records, papers, files, equipment,  
23 or other tangible property used or held in the exercise of the powers  
24 and the performance of the duties and functions transferred, the  
25 director of financial management shall make a determination as to the  
26 proper allocation and certify the same to the state agencies concerned.

27 (3) All employees of the department of information services engaged  
28 in performing the powers, functions, and duties transferred are  
29 transferred to the jurisdiction of the information services board. All  
30 employees classified under chapter 41.06 RCW, the state civil service  
31 law, are assigned to the information services board to perform their  
32 usual duties upon the same terms as formerly, without any loss of  
33 rights, subject to any action that may be appropriate thereafter in  
34 accordance with the laws and rules governing state civil service.

35 (4) All rules and all pending business before the department of  
36 information services pertaining to the powers, functions, and duties  
37 transferred shall be continued and acted upon by the information  
38 services board. All existing contracts and obligations shall remain in  
39 full force and shall be performed by the information services board.

1 (5) The transfer of the powers, duties, functions, and personnel of  
2 the department of information services shall not affect the validity of  
3 any act performed before the effective date of this section.

4 (6) If apportionments of budgeted funds are required because of the  
5 transfers directed by this section, the director of financial  
6 management shall certify the apportionments to the agencies affected,  
7 the state auditor, and the state treasurer. Each of these shall make  
8 the appropriate transfer and adjustments in funds and appropriation  
9 accounts and equipment records in accordance with the certification.

10 (7) Nothing contained in this section may be construed to alter any  
11 existing collective bargaining unit or the provisions of any existing  
12 collective bargaining agreement until the agreement has expired or  
13 until the bargaining unit has been modified by action of the personnel  
14 board as provided by law.

15 **Sec. 12.** RCW 42.17.2401 and 1996 c 186 s 504 are each amended to  
16 read as follows:

17 For the purposes of RCW 42.17.240, the term "executive state  
18 officer" includes:

19 (1) The chief administrative law judge, the director of  
20 agriculture, the administrator of the office of marine safety, the  
21 administrator of the Washington basic health plan, the director of the  
22 department of services for the blind, the director of the state system  
23 of community and technical colleges, the director of community, trade,  
24 and economic development, the secretary of corrections, the director of  
25 ecology, the commissioner of employment security, the chairman of the  
26 energy facility site evaluation council, the secretary of the state  
27 finance committee, the director of financial management, the director  
28 of fish and wildlife, the executive secretary of the forest practices  
29 appeals board, the director of the gambling commission, the director of  
30 general administration, the secretary of health, the administrator of  
31 the Washington state health care authority, the executive secretary of  
32 the health care facilities authority, the executive secretary of the  
33 higher education facilities authority, the executive secretary of the  
34 horse racing commission, the executive secretary of the human rights  
35 commission, the executive secretary of the indeterminate sentence  
36 review board, the director of the department of information services,  
37 the executive director of the information services board, the director  
38 of the interagency committee for outdoor recreation, the executive

1 director of the state investment board, the director of labor and  
2 industries, the director of licensing, the director of the lottery  
3 commission, the director of the office of minority and women's business  
4 enterprises, the director of parks and recreation, the director of  
5 personnel, the executive director of the public disclosure commission,  
6 the director of retirement systems, the director of revenue, the  
7 secretary of social and health services, the chief of the Washington  
8 state patrol, the executive secretary of the board of tax appeals, the  
9 secretary of transportation, the secretary of the utilities and  
10 transportation commission, the director of veterans affairs, the  
11 president of each of the regional and state universities and the  
12 president of The Evergreen State College, each district and each campus  
13 president of each state community college;

14 (2) Each professional staff member of the office of the governor;

15 (3) Each professional staff member of the legislature; and

16 (4) Central Washington University board of trustees, board of  
17 trustees of each community college, each member of the state board for  
18 community and technical colleges, state convention and trade center  
19 board of directors, committee for deferred compensation, Eastern  
20 Washington University board of trustees, Washington economic  
21 development finance authority, The Evergreen State College board of  
22 trustees, executive ethics board, forest practices appeals board,  
23 forest practices board, gambling commission, Washington health care  
24 facilities authority, each member of the Washington health services  
25 commission, higher education coordinating board, higher education  
26 facilities authority, horse racing commission, state housing finance  
27 commission, human rights commission, indeterminate sentence review  
28 board, board of industrial insurance appeals, (~~information services~~  
29 ~~board,~~) interagency committee for outdoor recreation, state investment  
30 board, commission on judicial conduct, legislative ethics board, liquor  
31 control board, lottery commission, marine oversight board, Pacific  
32 Northwest electric power and conservation planning council, parks and  
33 recreation commission, personnel appeals board, board of pilotage  
34 commissioners, pollution control hearings board, public disclosure  
35 commission, public pension commission, shorelines hearing board, public  
36 employees' benefits board, board of tax appeals, transportation  
37 commission, University of Washington board of regents, utilities and  
38 transportation commission, Washington state maritime commission,  
39 Washington personnel resources board, Washington public power supply

1 system executive board, Washington State University board of regents,  
2 Western Washington University board of trustees, and fish and wildlife  
3 commission.

4 NEW SECTION. **Sec. 13.** The public expects the legislature to  
5 address the increasing demand for information technology services while  
6 limiting the growth of state spending. It is imperative that the  
7 legislature become more aware of and knowledgeable about information  
8 technology and that the legislature assume a more proactive role in  
9 creating and monitoring information technology policy for all branches  
10 of state government. The legislature needs to know the extent to which  
11 information technology programs and activities are achieving their  
12 purposes and the extent to which these programs and activities are  
13 being provided at maximum value for the state.

14 The legislature recognizes that information technology, properly  
15 used, can be the state's primary tool both for improving delivery of  
16 services and for containing the costs of those services. In order to  
17 understand better both the state's current information technology  
18 investments and how the state should invest in the future, the  
19 legislature must develop a more comprehensive view of its information  
20 technology investments. A long-range information technology vision  
21 must be developed, and strategies to implement this vision must be  
22 formulated to provide substantial and sustainable improvements in state  
23 operations, including greater productivity and containment of costs.

24 NEW SECTION. **Sec. 14.** (1) The joint legislative committee on  
25 information technology is created to oversee the direction, management,  
26 and expenditures of the state's information technology programs and  
27 activities. The committee shall consist of four senators and four  
28 representatives from the legislature. The senate members of the  
29 committee shall be appointed by the president of the senate, and the  
30 house of representatives members of the committee shall be appointed by  
31 the speaker of the house of representatives. Not more than two members  
32 from each house shall be from the same political party. All members  
33 shall be appointed before the close of the 1997 session of the  
34 legislature and before the close of each regular session during an odd-  
35 numbered year thereafter. Members shall be subject to confirmation;  
36 the senate members by the senate and the house of representatives  
37 members by the house of representatives. Four members of the committee

1 constitute a quorum during meetings, and a majority of members in  
2 attendance concurring is sufficient for the decision of all matters and  
3 the transaction of all business to be decided or transacted by the  
4 committee.

5 (2) As used in sections 13 through 25 of this act, "committee"  
6 means the joint legislative committee on information technology.

7 NEW SECTION. **Sec. 15.** Members of the joint legislative committee  
8 on information technology who cease to be members of the senate or the  
9 house of representatives shall also cease to be members of the  
10 committee. Vacancies on the committee shall be filled by appointment  
11 by the remaining members. All such vacancies shall be filled from the  
12 same political party and from the same house as the member whose seat  
13 was vacated.

14 NEW SECTION. **Sec. 16.** On and after the commencement of a  
15 succeeding regular session of the legislature during an odd-numbered  
16 year, those members of the joint legislative committee on information  
17 technology who continue to be members of the senate and house of  
18 representatives, respectively, shall continue as members of the  
19 committee as provided for in section 15 of this act, and the committee  
20 shall continue with all its powers, duties, authorities, records,  
21 papers, personnel and staff, and all funds made available for its use.

22 NEW SECTION. **Sec. 17.** The members of the joint legislative  
23 committee on information technology shall serve without additional  
24 compensation, but shall be reimbursed in accordance with RCW 44.04.120  
25 while attending sessions of the committee or meetings of any  
26 subcommittee of the committee, or on other committee business  
27 authorized by the committee.

28 NEW SECTION. **Sec. 18.** All expenses incurred by the joint  
29 legislative committee on information technology, including salaries and  
30 expenses of employees, shall be paid upon voucher forms as provided by  
31 the administrator and signed by the chair or vice-chair of the  
32 committee. Vouchers may be drawn on funds appropriated by law for the  
33 committee, however the senate and the house of representatives may  
34 authorize the committee to draw on funds appropriated by the  
35 legislature for legislative expenses.

1        NEW SECTION.     **Sec. 19.**     The joint legislative committee on  
2 information technology shall appoint its own chair, vice-chair, and  
3 other officers and to make rules for orderly procedure.

4        NEW SECTION.     **Sec. 20.**     (1) The joint legislative committee on  
5 information technology shall examine, on a continuing basis, the status  
6 of information technology in state government, and recommend to the  
7 legislature ways to improve the management and use of information  
8 technology in state government. Overall, the committee shall serve as  
9 the focal point through which the legislature can understand and  
10 evaluate the rationale, benefits, drawbacks, and costs of various  
11 information technology visions, policies, and activities and take  
12 appropriate action. In particular, the committee may:

13        (a) Conduct oversight hearings, including the summoning of  
14 witnesses and other means to procure testimony, and investigations as  
15 necessary to inform the legislature about specific information  
16 technology activities or needs;

17        (b) Assist legislators and others in developing legislation  
18 relating to information technology;

19        (c) Present reports to the legislature and other bodies at such  
20 times as the committee deems appropriate; and

21        (d) Recommend and introduce legislation to improve the  
22 effectiveness and coordination of information technology programs or  
23 projects being proposed, implemented, or operated by departments or  
24 agencies of the state; this may include legislation to implement,  
25 modify, or terminate such programs or projects.

26        (2) The committee shall, with the department of information  
27 services and the information services board, review and examine:

28        (a) Major proposals and recommendations related to information  
29 technology;

30        (b) Action plans proposed by agencies to achieve information  
31 technology goals contained in the state strategic information  
32 technology plan adopted by the information services board; and

33        (c) Budget estimates proposed by agencies to implement their action  
34 plans and make recommendations thereon to the ways and means committee  
35 of the senate and the committee on appropriations of the house of  
36 representatives and for transportation agencies' budget estimates to  
37 the legislative transportation committee.

1        NEW SECTION.    **Sec. 21.**    The joint legislative committee on  
2 information technology may make reports to the legislature.    The  
3 committee shall keep complete minutes of its meetings and hearings.

4        NEW SECTION.    **Sec. 22.**    Each person who appears before the joint  
5 legislative committee on information technology, other than a state  
6 official or employee, may upon request receive for attendance the fees  
7 and mileage provided for witnesses in civil cases in courts of record  
8 in accordance with RCW 2.40.010, which shall be audited and paid upon  
9 the presentation of proper vouchers signed by the person and approved  
10 by the secretary and chair of the committee.

11       NEW SECTION.    **Sec. 23.**    (1) The joint legislative committee on  
12 information technology may appoint an officer to be known as the  
13 administrator, who shall be the executive and administrative head of  
14 the committee and shall assist in its duties and compile information  
15 for the committee.

16       (2) The committee may select and employ temporary and permanent  
17 personnel and fix their salaries.

18       (3) The duties of the administrator are to:

19       (a) Manage the committee's operations;

20       (b) Assist the several standing committees of the house of  
21 representatives and the senate; appear before other legislative  
22 committees; and assist any other entity upon instruction by the  
23 committee;

24       (c) Provide the legislature with information obtained under the  
25 direction of the committee; and

26       (d) Maintain a record of all work performed by the committee or  
27 under the direction of the committee and keep and make available all  
28 documents, data, and reports submitted to the committee by any other  
29 legislative committee.

30       NEW SECTION.    **Sec. 24.**    The joint legislative committee on  
31 information technology is exempt from chapter 43.105 RCW.

32       NEW SECTION.    **Sec. 25.**    The joint legislative committee on  
33 information technology shall cooperate, act, and function with  
34 Washington state legislative committees and may cooperate with the

1 councils or committees of other states similar to this committee and  
2 with other interstate research organizations.

3 NEW SECTION. **Sec. 26.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 27.** A new section is added to chapter 43.105  
8 RCW to read as follows:

9 The joint legislative committee on information technology is exempt  
10 from this chapter.

11 NEW SECTION. **Sec. 28.** Sections 13 through 25 of this act are each  
12 added to chapter 44.48 RCW.

13 NEW SECTION. **Sec. 29.** Section 3 of this act expires June 30,  
14 1999.

15 NEW SECTION. **Sec. 30.** Section 4 of this act takes effect June 30,  
16 1999.

17 NEW SECTION. **Sec. 31.** Except for section 4 of this act, this act  
18 is necessary for the immediate preservation of the public peace,  
19 health, or safety, or support of the state government and its existing  
20 public institutions, and takes effect immediately.

--- END ---