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HOUSE BILL 2787

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Hurst, Ericks, O'Brien, Morris, McCoy, Morrell, Anderson, Loomis, Simpson, and Goodman

Read first time 01/16/08.      Referred to Committee on Technology, Energy & Communications.

1            AN ACT Relating to achieving statewide radio communications  
2 interoperability; amending RCW 43.105.020, 43.105.041, and 43.105.330;  
3 and adding a new chapter to Title 43 RCW.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that the state needs  
6 to make significant investments in radio communications systems that  
7 are interoperable.      The legislature further finds that local  
8 governments, the most frequent users of radio communications systems,  
9 need to be part of the statewide solution.      Therefore, in an effort to  
10 establish a more coordinated and cohesive effort between state and  
11 local governments in achieving statewide radio communications  
12 interoperability, the legislature finds that it is the purpose of this  
13 chapter to create a new office within the office of the governor to be  
14 called the Washington interoperability office.

15            NEW SECTION.    **Sec. 2.** The Washington interoperability office,  
16 headed by the Washington interoperability coordinator, is established  
17 in the executive office of the governor for the purpose of establishing

1 an interoperable, statewide radio communications system. The  
2 interoperability coordinator shall report directly to the governor.  
3 The office shall:

4 (1) Establish statewide policies for wireless radio communications  
5 systems used by state, county, and local governments;

6 (2) Establish uniform technical requirements consistent, when  
7 possible, with federal guidelines and standards to be used by state,  
8 county, and local governments to ensure statewide interoperability  
9 between the different bands on the designated mutual aid frequencies;

10 (3) Review the statewide communications interoperability plan and  
11 adopt technical standards for wireless radio communications systems  
12 used by state, county, and local governments;

13 (4) Evaluate all interoperability projects within the state and  
14 make recommendations or decisions on federal and state funding, when  
15 appropriate;

16 (5) Ensure that state and federal funding is being spent in  
17 alignment with state technical standards for radio communications  
18 systems;

19 (6) Coordinate interoperability communications investments in the  
20 state;

21 (7) Coordinate and manage the licensing and use of state-designated  
22 and state-licensed radio frequencies, including the spectrum used for  
23 public safety and emergency communications, and serve as the point of  
24 contact with the federal communications commission on matters related  
25 to allocation, use, and licensing of radio spectrum for state agencies;

26 (8) Coordinate the purchasing of all state wireless radio  
27 communications system equipment to ensure that:

28 (a) After the transition from a radio over internet protocol  
29 network, any new trunked system is, at a minimum, project-25;

30 (b) Any new system that requires advanced digital features is, at  
31 a minimum, project-25;

32 (c) Any new system or equipment purchases is, at a minimum,  
33 project-25; and

34 (d) Any new system or equipment purchases contribute towards  
35 attaining a statewide, level-5 interoperability system;

36 (9) Certify when a state or local government achieves level-5  
37 interoperability and meets the technical requirements of the enhanced  
38 technical implementation plan;



1 (9) "Information" includes, but is not limited to, data, text,  
2 voice, and video;

3 (10) "Information processing" means the electronic capture,  
4 collection, storage, manipulation, transmission, retrieval, and  
5 presentation of information in the form of data, text, voice, or image  
6 and includes telecommunications and office automation functions;

7 (11) "Information services" means data processing,  
8 telecommunications, office automation, and computerized information  
9 systems;

10 (12) "Equipment" means the machines, devices, and transmission  
11 facilities used in information processing, such as computers, word  
12 processors, terminals, telephones, wireless communications system  
13 facilities, cables, and any physical facility necessary for the  
14 operation of such equipment;

15 (13) "Information technology portfolio" or "portfolio" means a  
16 strategic management process documenting relationships between agency  
17 missions and information technology and telecommunications investments;

18 (14) "Oversight" means a process of comprehensive risk analysis and  
19 management designed to ensure optimum use of information technology  
20 resources and telecommunications;

21 (15) "Proprietary software" means that software offered for sale or  
22 license;

23 (16) "Video telecommunications" means the electronic  
24 interconnection of two or more sites for the purpose of transmitting  
25 and/or receiving visual and associated audio information. Video  
26 telecommunications shall not include existing public television  
27 broadcast stations as currently designated by the department of  
28 community, trade, and economic development under chapter 43.330 RCW;

29 (17) "K-20 educational network board" or "K-20 board" means the K-  
30 20 educational network board created in RCW 43.105.800;

31 (18) "K-20 network technical steering committee" or "committee"  
32 means the K-20 network technical steering committee created in RCW  
33 43.105.810;

34 (19) "K-20 network" means the network established in RCW  
35 43.105.820;

36 (20) "Educational sectors" means those institutions of higher  
37 education, school districts, and educational service districts that use

1 the network for distance education, data transmission, and other uses  
2 permitted by the K-20 board;

3 (21) "Office" means the Washington interoperability office.

4 **Sec. 4.** RCW 43.105.041 and 2003 c 18 s 3 are each amended to read  
5 as follows:

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

8 (a) To develop standards and procedures governing the acquisition  
9 and disposition of equipment, proprietary software and purchased  
10 services, (~~licensing of the radio spectrum by or on behalf of state~~  
11 ~~agencies,~~) and confidentiality of computerized data;

12 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and  
13 maintain equipment, proprietary software, and purchased services, or to  
14 delegate to other agencies and institutions of state government, under  
15 appropriate standards, the authority to purchase, lease, rent, or  
16 otherwise acquire, dispose of, and maintain equipment, proprietary  
17 software, and purchased services: PROVIDED, That, agencies and  
18 institutions of state government are expressly prohibited from  
19 acquiring or disposing of equipment, proprietary software, and  
20 purchased services without such delegation of authority. The  
21 acquisition and disposition of equipment, proprietary software, and  
22 purchased services is exempt from RCW 43.19.1919 and, as provided in  
23 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.  
24 This subsection (1)(b) does not apply to the legislative branch;

25 (c) To develop statewide or interagency technical policies,  
26 standards, and procedures;

27 (d) 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 statewide or regional providers of K-12 information  
31 technology services, and to assure the cost-effective development and  
32 incremental implementation of a statewide 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;

1 (e) To provide direction concerning strategic planning goals and  
2 objectives for the state. The board shall seek input from the  
3 legislature and the judiciary;

4 (f) To develop and implement a process for the resolution of  
5 appeals by:

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

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

10 (g) To establish policies for the periodic review by the department  
11 of agency performance which may include but are not limited to analysis  
12 of:

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

14 (ii) Training and education; and

15 (iii) Project management;

16 (h) To set its meeting schedules and convene at scheduled times, or  
17 meet at the request of a majority of its members, the chair, or the  
18 director; and

19 (i) To review and approve that portion of the department's budget  
20 requests that provides for support to the board.

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

25 (a) Establish technical standards to facilitate electronic access  
26 to government information and interoperability of information  
27 systems(~~(, including wireless communications systems)~~). Local  
28 governments are strongly encouraged to follow the standards established  
29 by the board; and

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

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

35 (3)(a) The board, in consultation with the K-20 board, has the duty  
36 to govern, operate, and oversee the technical design, implementation,  
37 and operation of the K-20 network including, but not limited to, the  
38 following duties: Establishment and implementation of K-20 network

1 technical policy, including technical standards and conditions of use;  
2 review and approval of network design; procurement of shared network  
3 services and equipment; and resolving user/provider disputes concerning  
4 technical matters. The board shall delegate general operational and  
5 technical oversight to the K-20 network technical steering committee as  
6 appropriate.

7 (b) The board has the authority to adopt rules under chapter 34.05  
8 RCW to implement the provisions regarding the technical operations and  
9 conditions of use of the K-20 network.

10 **Sec. 5.** RCW 43.105.330 and 2006 c 76 s 2 are each amended to read  
11 as follows:

12 (1) (~~The board shall appoint~~) A state interoperability executive  
13 committee is established as an advisory committee to the Washington  
14 interoperability office, the membership of which must include, but not  
15 be limited to, representatives of the military department, the  
16 Washington state patrol, the department of transportation, the  
17 department of information services, the department of natural  
18 resources, city and county governments, state and local fire chiefs,  
19 police chiefs, and sheriffs, and state and local emergency management  
20 directors. The chair and legislative members of the board will serve  
21 as nonvoting ex officio members of the committee. Voting membership  
22 may not exceed fifteen members.

23 (2) The (~~chair of the board~~) Washington interoperability  
24 coordinator shall appoint the chair of the committee from among the  
25 voting members of the committee.

26 (3) The state interoperability executive committee has the  
27 following responsibilities:

28 (a) Develop policies and make recommendations to the (~~board~~)  
29 office for technical standards for state wireless radio communications  
30 systems, including emergency communications systems. The standards  
31 must address, among other things, the interoperability of systems,  
32 taking into account both existing and future systems and technologies;

33 (b) Coordinate and manage on behalf of the (~~board~~) office the  
34 licensing and use of state-designated and state-licensed radio  
35 frequencies, including the spectrum used for public safety and  
36 emergency communications, and serve as the point of contact with the

1 federal communications commission on matters relating to allocation,  
2 use, and licensing of radio spectrum;

3 ~~(c) ((Coordinate the purchasing of all state wireless radio  
4 communications system equipment to ensure that:~~

5 ~~(i) After the transition from a radio over internet protocol  
6 network, any new trunked system shall be, at a minimum, project 25;~~

7 ~~(ii) Any new system that requires advanced digital features shall  
8 be, at a minimum, project 25; and~~

9 ~~(iii) Any new system or equipment purchases shall be, at a minimum,  
10 upgradeable to project 25;~~

11 ~~(d) Seek support, including possible federal or other funding, for  
12 state sponsored wireless communications systems;~~

13 ~~(e) Develop recommendations for legislation that may be required to  
14 promote interoperability of state wireless communications systems;~~

15 ~~(f) Foster cooperation and coordination among public safety and  
16 emergency response organizations;~~

17 ~~(g) Work with wireless communications groups and associations to  
18 ensure interoperability among all public safety and emergency response  
19 wireless communications systems; and~~

20 ~~(h)) Advise the office in prioritizing grant applications  
21 submitted by local governments; and~~

22 (d) Perform such other duties as may be assigned by the ((board))  
23 office to promote interoperability of wireless communications systems.

24 NEW SECTION. Sec. 6. The public safety interoperability account  
25 is created in the custody of the state treasurer. The Washington  
26 interoperability office shall deposit into the account moneys received  
27 from legislative appropriations, gifts, grants, and endowments for  
28 investments establishing, operating, or maintaining radio  
29 communications systems that achieve high-level interoperability, or for  
30 related training. Only the Washington interoperability coordinator, or  
31 the coordinator's designee, may authorize expenditures from the  
32 account. The account is subject to allotment procedures under chapter  
33 43.88 RCW, but an appropriation is not required for expenditures.

34 NEW SECTION. Sec. 7. (1) Subject to the availability of funds  
35 appropriated for this purpose, the Washington interoperability office



1 shall establish a public safety interoperability grant program. The  
2 purpose of the grant program is to aid local governments in making  
3 investments in shared, interoperable radio communications systems.

4 (2) The office may only approve a grant application if it satisfies  
5 the following criteria:

6 (a) The applicant is a local government or a consortium of  
7 contiguous local governments;

8 (b) The applicant has entered into an interagency agreement with  
9 the participating local governments and the relevant state agencies  
10 regarding cost sharing, governance, and management of the proposed  
11 radio communications system;

12 (c) The applicant will manage and maintain the operations of the  
13 radio communications system, but will allow the state to use and access  
14 the system when necessary; and

15 (d) The proposed radio communications system is project-25  
16 compliant or upgradeable to project-25 and is consistent with  
17 applicable federal guidelines and standards for interoperability.

18 (3) The office may give preference to applications based on any of  
19 the following criteria:

20 (a) The proposed radio communications system will contribute  
21 towards the state achieving a statewide, level-5 interoperability  
22 system;

23 (b) The estimated population of the applicant is more than one  
24 hundred thousand; and

25 (c) The applicant has secured funding from other sources to support  
26 the project.

27 NEW SECTION. **Sec. 8.** Sections 1, 2, 6, and 7 of this act  
28 constitute a new chapter in Title 43 RCW.

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