

SSB 5723 - H COMM AMD
By Committee on Ways & Means

ADOPTED 04/14/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 28B.30.530 and 1984 c 77 s 1 are each amended to read
4 as follows:

5 (1) The board of regents of Washington State University shall
6 establish the Washington State University small business development
7 center.

8 (2) The center shall provide management and technical assistance
9 including but not limited to training, counseling, and research
10 services to small businesses throughout the state. The center shall
11 work with (~~public and private community development and economic~~
12 ~~assistance agencies and shall work towards the goal of coordinating~~
13 ~~activities with such agencies to avoid duplication of services~~) the
14 department of community, trade, and economic development, the state
15 board for community and technical colleges, the higher education
16 coordinating board, the workforce training and education coordinating
17 board, the employment security department, the Washington state
18 economic development commission, associate development organizations,
19 and workforce development councils to:

20 (a) Integrate small business development centers with other state
21 and local economic development and workforce development programs;

22 (b) Target the centers' services to small businesses;

23 (c) Tailor outreach and services at each center to the needs and
24 demographics of entrepreneurs and small businesses located within the
25 service area;

26 (d) Establish and expand small business development center
27 satellite offices when financially feasible; and

28 (e) Coordinate delivery of services to avoid duplication.

29 (3) The administrator of the center may contract with other public
30 or private entities for the provision of specialized services.

1 (4) The small business ((and)) development center may accept and
2 disburse federal grants or federal matching funds or other funds or
3 donations from any source when made, granted, or donated to carry out
4 the center's purposes. When drawing on funds from the business
5 assistance account created in section 3 of this act, the center must
6 first use the funds to make increased management and technical
7 assistance available to small and start-up businesses at satellite
8 offices. The funds may also be used to develop and expand assistance
9 programs such as small business planning workshops and small business
10 counseling.

11 (5) The legislature directs the small business development center
12 to request United States small business administration approval of a
13 special emphasis initiative, as permitted under 13 CFR 130.340(c) as of
14 April 1, 2009, to target assistance to Washington state's smaller
15 businesses. This initiative would be negotiated and included in the
16 first cooperative agreement application process that occurs after the
17 effective date of this section.

18 (6) By December 1, 2009, and December 1, 2010, respectively, the
19 center shall provide a written progress report and a final report to
20 the appropriate committees of the legislature with respect to the
21 requirements in subsections (2) and (5) of this section and the amount
22 and use of funding received through the business assistance account.
23 The reports must also include data on the number, location, staffing,
24 and budget levels of satellite offices; affiliations with community
25 colleges, associate development organizations or other local
26 organizations; the number, size, and type of small businesses assisted;
27 and the types of services provided. The reports must also include
28 information on the outcomes achieved, such as jobs created or retained,
29 private capital invested, and return on the investment of state and
30 federal dollars.

31 NEW SECTION. Sec. 2. A new section is added to chapter 28B.30 RCW
32 to read as follows:

33 The business assistance account is created in the custody of the
34 state treasurer. Expenditures from the account may be used only for
35 the expansion of business assistance services delivered by the small
36 business development center created in RCW 28B.30.530. Only the
37 administrator of the center or the administrator's designee may

1 authorize expenditures from the account. The account is subject to
2 allotment procedures under chapter 43.88 RCW, but an appropriation is
3 not required for expenditures.

4 **Sec. 3.** RCW 30.60.010 and 2008 c 240 s 1 are each amended to read
5 as follows:

6 (1) In conducting an examination of a bank chartered under Title 30
7 RCW, the director shall investigate and assess the record of
8 performance of the bank in meeting the credit needs of the bank's
9 entire community, including low and moderate-income neighborhoods. The
10 director shall accept, in lieu of an investigation or part of an
11 investigation required by this section, any report or document that the
12 bank is required to prepare or file with one or more federal agencies
13 by the act of Congress entitled the "Community Reinvestment Act of
14 1977" and the regulations promulgated in accordance with that act, to
15 the extent such reports or documents assist the director in making an
16 assessment based upon the factors outlined in subsection (2) of this
17 section.

18 (2) In making an investigation required under subsection (1) of
19 this section, the director shall consider, independent of any federal
20 determination, the following factors in assessing the bank's record of
21 performance:

22 (a) Activities conducted by the institution to ascertain credit
23 needs of its community, including the extent of the institution's
24 efforts to communicate with members of its community regarding the
25 credit services being provided by the institution;

26 (b) The extent of the institution's marketing and special credit
27 related programs to make members of the community aware of the credit
28 services offered by the institution;

29 (c) The extent of participation by the institution's board of
30 directors in formulating the institution's policies and reviewing its
31 performance with respect to the purposes of the Community Reinvestment
32 Act of 1977;

33 (d) Any practices intended to discourage applications for types of
34 credit set forth in the institution's community reinvestment act
35 statement(s);

36 (e) The geographic distribution of the institution's credit
37 extensions, credit applications, and credit denials;

1 (f) Evidence of prohibited discriminatory or other illegal credit
2 practices;

3 (g) The institution's record of opening and closing offices and
4 providing services at offices;

5 (h) The institution's participation, including investments, in
6 local community and microenterprise development projects;

7 (i) The institution's origination of residential mortgage loans,
8 housing rehabilitation loans, home improvement loans, and small
9 business or small farm loans within its community, or the purchase of
10 such loans originated in its community;

11 (j) The institution's participation in governmentally insured,
12 guaranteed, or subsidized loan programs for housing, small businesses,
13 or small farms;

14 (k) The institution's ability to meet various community credit
15 needs based on its financial condition, size, legal impediments, local
16 economic condition, and other factors;

17 (l) The institution's contribution of cash or in-kind support to
18 local or statewide organizations that provide counseling, training,
19 financing, or other services to small businesses; and

20 (m) Other factors that, in the judgment of the director, reasonably
21 bear upon the extent to which an institution is helping to meet the
22 credit needs of its entire community.

23 (3) The director shall include as part of the examination report,
24 a summary of the results of the assessment required under subsection
25 (1) of this section and shall assign annually to each bank a numerical
26 community reinvestment rating based on a one through five scoring
27 system. Such numerical scores shall represent performance assessments
28 as follows:

- 29 (a) Excellent performance: 1
- 30 (b) Good performance: 2
- 31 (c) Satisfactory performance: 3
- 32 (d) Inadequate performance: 4
- 33 (e) Poor performance: 5

34 NEW SECTION. **Sec. 4.** If any part of this act is found to be in
35 conflict with federal requirements that are a prescribed condition to
36 the allocation of federal funds to the state, the conflicting part of

1 this act is inoperative solely to the extent of the conflict and with
2 respect to the agencies directly affected, and this finding does not
3 affect the operation of the remainder of this act in its application to
4 the agencies concerned. Rules adopted under this act must meet federal
5 requirements, including guidelines set by the United States small
6 business administration, that are a necessary condition to the receipt
7 of federal funds by the state.

8 NEW SECTION. **Sec. 5.** In addition to providing integrated,
9 tailored management and technical assistance services to Washington
10 small businesses, the legislature intends that the state shall further
11 support them by developing procurement policies, procedures, and
12 materials that encourage and facilitate state agency purchase of
13 products and services from Washington small businesses.

14 **Sec. 6.** RCW 39.29.006 and 2002 c 354 s 235 are each amended to
15 read as follows:

16 As used in this chapter:

17 (1) "Agency" means any state office or activity of the executive
18 and judicial branches of state government, including state agencies,
19 departments, offices, divisions, boards, commissions, and educational,
20 correctional, and other types of institutions.

21 (2) "Client services" means services provided directly to agency
22 clients including, but not limited to, medical and dental services,
23 employment and training programs, residential care, and subsidized
24 housing.

25 (3) "Common vendor registration and bid notification system" means
26 the internet-based vendor registration and bid notification system
27 maintained by and housed within the department of general
28 administration. The requirements contained in chapter . . . , Laws of
29 2009 (this act) shall continue to apply to this system, regardless of
30 future changes to its name or management structure.

31 (4) "Competitive solicitation" means a documented formal process
32 providing an equal and open opportunity to qualified parties and
33 culminating in a selection based on criteria which may include such
34 factors as the consultant's fees or costs, ability, capacity,
35 experience, reputation, responsiveness to time limitations,
36 responsiveness to solicitation requirements, quality of previous

1 performance, and compliance with statutes and rules relating to
2 contracts or services. "Competitive solicitation" includes posting of
3 the contract opportunity on the state's common vendor registration and
4 bid notification system.

5 ((+4)) (5) "Consultant" means an independent individual or firm
6 contracting with an agency to perform a service or render an opinion or
7 recommendation according to the consultant's methods and without being
8 subject to the control of the agency except as to the result of the
9 work. The agency monitors progress under the contract and authorizes
10 payment.

11 ((+5)) (6) "Emergency" means a set of unforeseen circumstances
12 beyond the control of the agency that either:

13 (a) Present a real, immediate threat to the proper performance of
14 essential functions; or

15 (b) May result in material loss or damage to property, bodily
16 injury, or loss of life if immediate action is not taken.

17 ((+6)) (7) "Evidence of competition" means documentation
18 demonstrating that the agency has solicited responses from multiple
19 firms in selecting a consultant. "Evidence of competition" includes
20 documentation that the agency has posted the contract opportunity on
21 the state's common vendor registration and bid notification system.

22 ((+7)) (8) "Personal service" means professional or technical
23 expertise provided by a consultant to accomplish a specific study,
24 project, task, or other work statement. This term does not include
25 purchased services as defined under subsection ((+9)) (10) of this
26 section. This term does include client services.

27 ((+8)) (9) "Personal service contract" means an agreement, or any
28 amendment thereto, with a consultant for the rendering of personal
29 services to the state which is consistent with RCW 41.06.142.

30 ((+9)) (10) "Purchased services" means services provided by a
31 vendor to accomplish routine, continuing and necessary functions. This
32 term includes, but is not limited to, services acquired under RCW
33 43.19.190 or 43.105.041 for equipment maintenance and repair; operation
34 of a physical plant; security; computer hardware and software
35 maintenance; data entry; key punch services; and computer time-sharing,
36 contract programming, and analysis.

37 ((+10)) (11) "Small business" means an in-state business,
38 including a sole proprietorship, corporation, partnership, or other

1 legal entity that is owned and operated independently from all other
2 businesses and has either (a) fifty or fewer employees, or (b) a gross
3 revenue of less than seven million dollars annually as reported on its
4 federal income tax return or its return filed with the department of
5 revenue over the previous three consecutive years. As used in this
6 definition, "in-state business" means a business that has its principal
7 office located in Washington and its officers domiciled in Washington.

8 (12) "Sole source" means a consultant providing professional or
9 technical expertise of such a unique nature that the consultant is
10 clearly and justifiably the only practicable source to provide the
11 service. The justification shall be based on either the uniqueness of
12 the service or sole availability at the location required.

13 **Sec. 7.** RCW 39.29.011 and 1998 c 101 s 3 are each amended to read
14 as follows:

15 All personal service contracts shall be entered into pursuant to
16 competitive solicitation, except for:

- 17 (1) Emergency contracts;
- 18 (2) Sole source contracts;
- 19 (3) Contract amendments;
- 20 (4) Contracts between a consultant and an agency of less than
21 twenty thousand dollars. However, contracts of five thousand dollars
22 or greater but less than twenty thousand dollars shall have documented
23 evidence of competition, which must include agency posting of the
24 contract opportunity on the state's common vendor registration and bid
25 notification system. Agencies shall not structure contracts to evade
26 these requirements; and

27 (5) Other specific contracts or classes or groups of contracts
28 exempted from the competitive solicitation process by the director of
29 the office of financial management when it has been determined that a
30 competitive solicitation process is not appropriate or cost-effective.

31 **Sec. 8.** RCW 39.29.018 and 1998 c 101 s 5 are each amended to read
32 as follows:

33 (1) Sole source contracts shall be filed with the office of
34 financial management and made available for public inspection at least
35 ten working days prior to the proposed starting date of the contract.
36 Documented justification for sole source contracts shall be provided to

1 the office of financial management when the contract is filed, and must
2 include evidence that the agency posted the contract opportunity on the
3 state's common vendor registration and bid notification system. For
4 sole source contracts of twenty thousand dollars or more, documented
5 justification shall also include evidence that the agency attempted to
6 identify potential consultants by advertising through statewide or
7 regional newspapers.

8 (2) The office of financial management shall approve sole source
9 contracts of twenty thousand dollars or more before any such contract
10 becomes binding and before any services may be performed under the
11 contract. These requirements shall also apply to sole source contracts
12 of less than twenty thousand dollars if the total amount of such
13 contracts between an agency and the same consultant is twenty thousand
14 dollars or more within a fiscal year. Agencies shall ensure that the
15 costs, fees, or rates negotiated in filed sole source contracts of
16 twenty thousand dollars or more are reasonable.

17 **Sec. 9.** RCW 39.29.065 and 1998 c 101 s 9 are each amended to read
18 as follows:

19 To implement this chapter, the director of the office of financial
20 management shall establish procedures for the competitive solicitation
21 and award of personal service contracts, recordkeeping requirements,
22 and procedures for the reporting and filing of contracts. The director
23 shall develop procurement policies and procedures, such as unbundled
24 contracting and subcontracting, that encourage and facilitate the
25 purchase of products and services by state agencies and institutions
26 from Washington small businesses to the maximum extent practicable and
27 consistent with international trade agreement commitments. For
28 reporting purposes, the director may establish categories for grouping
29 of contracts. The procedures required under this section shall also
30 include the criteria for amending personal service contracts. At the
31 beginning of each biennium, the director may, by administrative policy,
32 adjust the dollar thresholds prescribed in RCW 39.29.011, 39.29.018,
33 and 39.29.040(~~(, and 39.29.068)~~) to levels not to exceed the percentage
34 increase in the implicit price deflator. Adjusted dollar thresholds
35 shall be rounded to the nearest five hundred dollar increment.

1 **Sec. 10.** RCW 43.19.1905 and 2008 c 215 s 4 are each amended to
2 read as follows:

3 (1) The director of general administration shall establish overall
4 state policy for compliance by all state agencies, including
5 educational institutions, regarding the following purchasing and
6 material control functions:

7 (a) Development of a state commodity coding system, including
8 common stock numbers for items maintained in stores for reissue;

9 (b) Determination where consolidations, closures, or additions of
10 stores operated by state agencies and educational institutions should
11 be initiated;

12 (c) Institution of standard criteria for determination of when and
13 where an item in the state supply system should be stocked;

14 (d) Establishment of stock levels to be maintained in state stores,
15 and formulation of standards for replenishment of stock;

16 (e) Formulation of an overall distribution and redistribution
17 system for stock items which establishes sources of supply support for
18 all agencies, including interagency supply support;

19 (f) Determination of what function data processing equipment,
20 including remote terminals, shall perform in statewide purchasing and
21 material control for improvement of service and promotion of economy;

22 (g) Standardization of records and forms used statewide for supply
23 system activities involving purchasing, receiving, inspecting, storing,
24 requisitioning, and issuing functions, including a standard
25 notification form for state agencies to report cost-effective direct
26 purchases, which shall at least identify the price of the goods as
27 available through the division of purchasing, the price of the goods as
28 available from the alternative source, the total savings, and the
29 signature of the notifying agency's director or the director's
30 designee;

31 (h) Screening of supplies, material, and equipment excess to the
32 requirements of one agency for overall state need before sale as
33 surplus;

34 (i) Establishment of warehouse operation and storage standards to
35 achieve uniform, effective, and economical stores operations;

36 (j) Establishment of time limit standards for the issuing of
37 material in store and for processing requisitions requiring purchase;

1 (k) Formulation of criteria for determining when centralized rather
2 than decentralized purchasing shall be used to obtain maximum benefit
3 of volume buying of identical or similar items, including procurement
4 from federal supply sources;

5 (l) Development of criteria for use of leased, rather than state
6 owned, warehouse space based on relative cost and accessibility;

7 (m) Institution of standard criteria for purchase and placement of
8 state furnished materials, carpeting, furniture, fixtures, and nonfixed
9 equipment, in newly constructed or renovated state buildings;

10 (n) Determination of how transportation costs incurred by the state
11 for materials, supplies, services, and equipment can be reduced by
12 improved freight and traffic coordination and control;

13 (o) Establishment of a formal certification program for state
14 employees who are authorized to perform purchasing functions as agents
15 for the state under the provisions of chapter 43.19 RCW;

16 (p) Development of performance measures for the reduction of total
17 overall expense for material, supplies, equipment, and services used
18 each biennium by the state;

19 (q) Establishment of a standard system for all state organizations
20 to record and report dollar savings and cost avoidance which are
21 attributable to the establishment and implementation of improved
22 purchasing and material control procedures;

23 (r) Development of procedures for mutual and voluntary cooperation
24 between state agencies, including educational institutions, and
25 political subdivisions for exchange of purchasing and material control
26 services;

27 (s) Resolution of all other purchasing and material matters which
28 require the establishment of overall statewide policy for effective and
29 economical supply management;

30 (t) Development of guidelines and criteria for the purchase of
31 vehicles, high gas mileage vehicles, alternate vehicle fuels and
32 systems, equipment, and materials that reduce overall energy-related
33 costs and energy use by the state, including investigations into all
34 opportunities to aggregate the purchasing of clean technologies by
35 state and local governments, and including the requirement that new
36 passenger vehicles purchased by the state meet the minimum standards
37 for passenger automobile fuel economy established by the United States

1 secretary of transportation pursuant to the energy policy and
2 conservation act (15 U.S.C. Sec. 2002);

3 (u) Development of goals for state use of recycled or
4 environmentally preferable products through specifications for products
5 and services, processes for requests for proposals and requests for
6 qualifications, contractor selection, and contract negotiations;

7 (v) Development of procurement policies and procedures, such as
8 unbundled contracting and subcontracting, that encourage and facilitate
9 the purchase of products and services by state agencies and
10 institutions from Washington small businesses to the maximum extent
11 practicable and consistent with international trade agreement
12 commitments;

13 (w) Development of food procurement procedures and materials that
14 encourage and facilitate the purchase of Washington grown food by state
15 agencies and institutions to the maximum extent practicable and
16 consistent with international trade agreement commitments; and

17 ~~((+w))~~ (x) Development of policies requiring all food contracts to
18 include a plan to maximize to the extent practicable and consistent
19 with international trade agreement commitments the availability of
20 Washington grown food purchased through the contract.

21 ~~((As used in this section,))~~ The department of general
22 administration shall convene a working group including representatives
23 of the office of financial management, the department of information
24 services, and the state printer. The purpose of the working group is
25 to work collaboratively to develop common policies and procedures that
26 encourage and facilitate state government purchases from Washington
27 small businesses, as required in subsection (1)(v) of this section, and
28 in RCW 39.29.065, 43.78.110, and 43.105.041(1)(j). By December 1,
29 2009, these central services agencies shall jointly provide a written
30 progress report to the governor and legislature on actions taken and
31 planned, barriers identified, and solutions recommended to reach this
32 goal.

33 (3) The definitions in this subsection apply throughout this
34 section and RCW 43.19.1908.

35 (a) "Common vendor registration and bid notification system" has
36 the definition in RCW 39.29.006.

37 (b) "Small business" has the definition in RCW 39.29.006.

38 (c) "Washington grown" has the definition in RCW 15.64.060.

1 **Sec. 11.** RCW 43.19.1908 and 2006 c 363 s 2 are each amended to
2 read as follows:

3 Competitive bidding required by RCW 43.19.190 through 43.19.1939
4 shall be solicited by public notice, by posting of the contract
5 opportunity on the state's common vendor registration and bid
6 notification system, and through the sending of notices by mail,
7 electronic transmission, or other means to bidders on the appropriate
8 list of bidders who shall have qualified by application to the division
9 of purchasing. Bids may be solicited by the purchasing division from
10 any source thought to be of advantage to the state. All bids shall be
11 in written or electronic form and conform to rules of the division of
12 purchasing.

13 **Sec. 12.** RCW 43.78.110 and 1993 c 379 s 107 are each amended to
14 read as follows:

15 (1) Whenever in the judgment of the public printer certain
16 printing, ruling, binding, or supplies can be secured from private
17 sources more economically than by doing the work or preparing the
18 supplies in the state printing plant, the public printer may obtain
19 such work or supplies from such private sources. The solicitation for
20 the contract opportunity must be posted on the state's common vendor
21 registration and bid notification system. The public printer shall
22 develop procurement policies and procedures, such as unbundled
23 contracting and subcontracting, that encourage and facilitate the
24 purchase of such services or supplies from Washington small businesses
25 to the maximum extent practicable and consistent with international
26 trade agreement commitments.

27 (2) In event any work or supplies are secured on behalf of the
28 state under this section the state printing plant shall be entitled to
29 add up to five percent to the cost thereof to cover the handling of the
30 orders which shall be added to the bills and charged to the respective
31 authorities ordering the work or supplies. The five percent handling
32 charge shall not apply to contracts with institutions of higher
33 education.

34 (3) The definitions in this subsection apply throughout this
35 section.

36 (a) "Common vendor registration and bid notification system" has
37 the definition in RCW 39.29.006.

1 (b) "Small business" has the definition in RCW 39.29.006.

2 **Sec. 13.** RCW 43.105.041 and 2003 c 18 s 3 are each amended to read
3 as follows:

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

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

10 (b) To purchase, lease, rent, or otherwise acquire, dispose of, and
11 maintain equipment, proprietary software, and purchased services, or to
12 delegate to other agencies and institutions of state government, under
13 appropriate standards, the authority to purchase, lease, rent, or
14 otherwise acquire, dispose of, and maintain equipment, proprietary
15 software, and purchased services: PROVIDED, That, agencies and
16 institutions of state government are expressly prohibited from
17 acquiring or disposing of equipment, proprietary software, and
18 purchased services without such delegation of authority. The
19 acquisition and disposition of equipment, proprietary software, and
20 purchased services is exempt from RCW 43.19.1919 and, as provided in
21 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200,
22 except that the board, the department, and state agencies, as
23 delegated, must post notices of technology procurement bids on the
24 state's common vendor registration and bid notification system. This
25 subsection (1)(b) does not apply to the legislative branch;

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

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

21 (j) To develop procurement policies and procedures, such as
22 unbundled contracting and subcontracting, that encourage and facilitate
23 the purchase of products and services by state agencies and
24 institutions from Washington small businesses to the maximum extent
25 practicable and consistent with international trade agreement
26 commitments.

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

31 (a) Establish technical standards to facilitate electronic access
32 to government information and interoperability of information systems,
33 including wireless communications systems. Local governments are
34 strongly encouraged to follow the standards established by the board;
35 and

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

1 In developing these standards, the board is encouraged to include
2 the state library, state archives, and appropriate representatives of
3 state and local government.

4 (3)(a) The board, in consultation with the K-20 board, has the duty
5 to govern, operate, and oversee the technical design, implementation,
6 and operation of the K-20 network including, but not limited to, the
7 following duties: Establishment and implementation of K-20 network
8 technical policy, including technical standards and conditions of use;
9 review and approval of network design; procurement of shared network
10 services and equipment; and resolving user/provider disputes concerning
11 technical matters. The board shall delegate general operational and
12 technical oversight to the K-20 network technical steering committee as
13 appropriate.

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

17 **Sec. 14.** RCW 43.105.020 and 2003 c 18 s 2 are each amended to read
18 as follows:

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

21 (1) "Department" means the department of information services;

22 (2) "Board" means the information services board;

23 (3) "Committee" means the state interoperability executive
24 committee;

25 (4) "Local governments" includes all municipal and quasi municipal
26 corporations and political subdivisions, and all agencies of such
27 corporations and subdivisions authorized to contract separately;

28 (5) "Director" means the director of the department;

29 (6) "Purchased services" means services provided by a vendor to
30 accomplish routine, continuing, and necessary functions. This term
31 includes, but is not limited to, services acquired for equipment
32 maintenance and repair, operation of a physical plant, security,
33 computer hardware and software installation and maintenance,
34 telecommunications installation and maintenance, data entry, keypunch
35 services, programming services, and computer time-sharing;

36 (7) "Backbone network" means the shared high-density portions of
37 the state's telecommunications transmission facilities. It includes

1 specially conditioned high-speed communications carrier lines,
2 multiplexors, switches associated with such communications lines, and
3 any equipment and software components necessary for management and
4 control of the backbone network;

5 (8) "Telecommunications" means the transmission of information by
6 wire, radio, optical cable, electromagnetic, or other means;

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

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

13 (11) "Information services" means data processing,
14 telecommunications, office automation, and computerized information
15 systems;

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

21 (13) "Information technology portfolio" or "portfolio" means a
22 strategic management process documenting relationships between agency
23 missions and information technology and telecommunications investments;

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

27 (15) "Proprietary software" means that software offered for sale or
28 license;

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

35 (17) "K-20 educational network board" or "K-20 board" means the K-
36 20 educational network board created in RCW 43.105.800;

37 (18) "K-20 network technical steering committee" or "committee"

1 means the K-20 network technical steering committee created in RCW
2 43.105.810;

3 (19) "K-20 network" means the network established in RCW
4 43.105.820;

5 (20) "Educational sectors" means those institutions of higher
6 education, school districts, and educational service districts that use
7 the network for distance education, data transmission, and other uses
8 permitted by the K-20 board.

9 (21) "Common vendor registration and bid notification system" has
10 the definition in RCW 39.29.006.

11 (22) "Small business" has the definition in RCW 39.29.006."

12 Correct the title.

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