
SUBSTITUTE HOUSE BILL 1841

State of Washington

62nd Legislature

2011 Regular Session

By House Technology, Energy & Communications (originally sponsored by Representatives McCoy, Crouse, Dunshee, Short, Clibborn, Hudgins, Tharinger, and Ormsby; by request of Governor Gregoire)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to management and consolidation of information
2 technology; amending RCW 43.105.835, 42.17A.705, 42.17.2401,
3 43.105.290, 28A.650.015, 40.14.020, 42.17.460, 42.17.467, 42.17.469,
4 42.17.471, 42.17A.060, 43.88.092, 43.105.410, 43.105.020, 43.105.047,
5 43.105.052, 43.105.080, 43.19.190, 43.105.057, 43.105.060, 19.34.231,
6 19.34.420, 43.19A.022, 46.20.157, 2.36.054, 29A.08.760, 43.63A.550,
7 43.105.370, 43.105.372, 43.105.374, 43.105.376, 43.105.380, 43.105.382,
8 43.105.390, and 43.105.400; reenacting and amending RCW 39.94.040 and
9 39.29.040; adding a new section to chapter 41.06 RCW; adding new
10 sections to chapter 43.105 RCW; adding a new section to chapter 41.80
11 RCW; adding new sections to chapter 43.330 RCW; adding a new chapter to
12 Title 43 RCW; recodifying RCW 43.105.172, 43.105.250, 43.105.260,
13 43.105.270, 43.105.280, 43.105.290, 43.105.310, 43.105.835, 43.105.410,
14 43.105.370, 43.105.372, 43.105.374, 43.105.376, 43.105.380, 43.105.382,
15 43.105.390, 43.105.400, and 43.105.905; repealing RCW 2.36.057,
16 2.36.0571, 41.06.094, 43.105.005, 43.105.013, 43.105.019, 43.105.032,
17 43.105.041, 43.105.095, 43.105.105, 43.105.160, 43.105.170, 43.105.178,
18 43.105.180, 43.105.190, 43.105.200, 43.105.210, 43.105.300, 43.105.320,
19 43.105.330, 43.105.340, 43.105.360, 43.105.805, 43.105.815, 43.105.820,
20 and 43.105.825; providing effective dates; providing expiration dates;

1 and declaring an emergency.

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

3 **PART I**

4 **CREATING THE OFFICE OF CHIEF INFORMATION OFFICER**

5 NEW SECTION. **Sec. 101.** Information technology is a tool used by
6 state agencies to improve their ability to deliver public services
7 efficiently and effectively. Advances in information technology -
8 including advances in hardware, software, and business processes for
9 implementing and managing these resources - offer new opportunities to
10 improve the level of support provided to citizens and state agencies
11 and to reduce the per-transaction cost of these services. These
12 advances are one component in the process of reengineering how
13 government delivers services to citizens.

14 To fully realize the service improvements and cost efficiency from
15 the effective application of information technology to its business
16 processes, state government must establish decision-making structures
17 that connect business processes and information technology in an
18 operating model. Many of these business practices transcend individual
19 agency processes and should be worked at the enterprise level. To do
20 this requires an effective partnership of executive management,
21 business processes owners, and providers of support functions necessary
22 to efficiently and effectively deliver services to citizens.

23 To maximize the potential for information technology to contribute
24 to government business process reengineering the state must establish
25 clear central authority to plan, set enterprise standards, and provide
26 project oversight and management analysis of the various aspects of a
27 business process.

28 Establishing the office of chief information officer and partnering
29 it with the director of financial management will provide state
30 government with the cohesive structure necessary to develop improved
31 operating models with agency directors and reengineer business process
32 to enhance service delivery while capturing savings.

33 NEW SECTION. **Sec. 102.** (1) The office of the chief information
34 officer is created within the office of financial management.

1 (2) Powers, duties, and functions assigned to the department of
2 information services as specified in this chapter shall be transferred
3 to the office of chief information officer as provided in this chapter.

4 (3) The primary duties of the office are:

5 (a) To prepare and lead the implementation of a strategic direction
6 and enterprise architecture for information technology for state
7 government;

8 (b) To enable the standardization and consolidation of information
9 technology infrastructure across all state agencies to support
10 enterprise-based system development and improve and maintain service
11 delivery;

12 (c) To establish standards and policies for the consistent and
13 efficient operation of information technology services throughout state
14 government;

15 (d) To establish statewide enterprise architecture that will serve
16 as the organizing standard for information technology for state
17 agencies;

18 (e) Educate and inform state managers and policymakers on
19 technological developments, industry trends and best practices,
20 industry benchmarks that strengthen decision making and professional
21 development, and industry understanding for public managers and
22 decision makers.

23 (4) In the case of institutions of higher education, the powers of
24 the office and the provisions of this chapter apply to business and
25 administrative applications but do not apply to academic and research
26 applications.

27 (5) The legislature and the judiciary, which are constitutionally
28 recognized as separate branches of government, are strongly encouraged
29 to coordinate with the office and participate in shared services
30 initiatives and the development of enterprise-based strategies, where
31 appropriate.

32 NEW SECTION. **Sec. 103.** (1) The executive head and appointing
33 authority of the office is the chief information officer. The chief
34 information officer shall be appointed by the governor, subject to
35 confirmation by the senate. The chief information officer shall serve
36 at the pleasure of the governor. The chief information officer shall
37 be paid a salary fixed by the governor. If a vacancy occurs in the

1 position of chief information officer while the senate is not in
2 session, the governor shall make a temporary appointment until the next
3 meeting of the senate at which time he or she shall present to that
4 body his or her nomination for the position.

5 (2) The chief information officer may employ staff members, some of
6 whom may be exempt from chapter 41.06 RCW, and any additional staff
7 members as are necessary to administer this chapter, and such other
8 duties as may be authorized by law. The chief information officer may
9 delegate any power or duty vested in him or her by this chapter or
10 other law.

11 (3) The internal affairs of the office shall be under the control
12 of the chief information officer in order that the chief information
13 officer may manage the office in a flexible and intelligent manner as
14 dictated by changing contemporary circumstances. Unless specifically
15 limited by law, the chief information officer shall have complete
16 charge and supervisory powers over the office. The chief information
17 officer may create such administrative structures as the chief
18 information officer deems appropriate, except as otherwise specified by
19 law, and the chief information officer may employ staff members as may
20 be necessary in accordance with chapter 41.06 RCW, except as otherwise
21 provided by law.

22 NEW SECTION. **Sec. 104.** The chief information officer shall:

23 (1) Supervise and administer the activities of the office of chief
24 information officer;

25 (2) Exercise all the powers and perform all the duties prescribed
26 by law with respect to the administration of this chapter including:

27 (a) Appoint such professional, technical, and clerical assistants
28 and employees as may be necessary to perform the duties imposed by this
29 chapter; and

30 (b) Report to the governor any matters relating to abuses and
31 evasions of this chapter.

32 (3) In addition to other powers and duties granted, the chief
33 information officer has the following powers and duties:

34 (a) Enter into contracts on behalf of the state to carry out the
35 purposes of this chapter;

36 (b) Accept and expend gifts and grants that are related to the

1 purposes of this chapter, whether such grants be of federal or other
2 funds;

3 (c) Apply for grants from public and private entities, and receive
4 and administer any grant funding received for the purpose and intent of
5 this chapter;

6 (d) Adopt rules in accordance with chapter 34.05 RCW and perform
7 all other functions necessary and proper to carry out the purposes of
8 this chapter;

9 (e) Delegate powers, duties, and functions as the chief information
10 officer deems necessary for efficient administration, but the chief
11 information officer shall be responsible for the official acts of the
12 officers and employees of the office; and

13 (f) Perform other duties as are necessary and consistent with law.

14 NEW SECTION. **Sec. 105.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires otherwise.

16 (1) "Backbone network" means the shared high-density portions of
17 the state's telecommunications transmission facilities. It includes
18 specially conditioned high-speed communications carrier lines,
19 multiplexors, switches associated with such communications lines, and
20 any equipment and software components necessary for management and
21 control of the backbone network.

22 (2) "Board" means the information technology advisory board.

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

25 (4) "Educational sectors" means those institutions of higher
26 education, school districts, and educational service districts that use
27 the network for distance education, data transmission, and other uses
28 permitted by the board.

29 (5) "Enterprise architecture" means an ongoing program for
30 translating business vision and strategy into effective enterprise
31 change. It is a continuous activity. Enterprise architecture creates,
32 communicates, and improves the key principles and models that describe
33 the enterprise's future state and enable its evolution.

34 (6) "Equipment" means the machines, devices, and transmission
35 facilities used in information processing, including but not limited to
36 computers, terminals, telephones, wireless communications system

1 facilities, cables, and any physical facility necessary for the
2 operation of such equipment.

3 (7) "Information" includes, but is not limited to, data, text,
4 voice, and video.

5 (8) "Information technology" includes, but is not limited to, all
6 electronic technology systems and services, automated information
7 handling, system design and analysis, conversion of data, computer
8 programming, information storage and retrieval, telecommunications,
9 requisite system controls, simulation, electronic commerce, and all
10 related interactions between people and machines.

11 (9) "Information technology portfolio" or "portfolio" means a
12 strategic management process documenting relationships between agency
13 missions and information technology and telecommunications investments.

14 (10) "K-20 network" means the network established in section 118 of
15 this act.

16 (11) "Local governments" includes all municipal and quasi-municipal
17 corporations and political subdivisions, and all agencies of such
18 corporations and subdivisions authorized to contract separately.

19 (12) "Office" means the office of the chief information officer.

20 (13) "Oversight" means a process of comprehensive risk analysis and
21 management designed to ensure optimum use of information technology
22 resources and telecommunications.

23 (14) "Proprietary software" means that software offered for sale or
24 license.

25 (15) "State agency" or "agency" means every state office,
26 department, division, bureau, board, commission, or other state agency,
27 including offices headed by a statewide elected official.

28 (16) "Telecommunications" includes, but is not limited to, wireless
29 or wired systems for transport of voice, video, and data
30 communications, network systems, requisite facilities, equipment,
31 system controls, simulation, electronic commerce, and all related
32 interactions between people and machines. "Telecommunications" does
33 not include public safety communications.

34 **STANDARDS AND POLICIES**

35 NEW SECTION. **Sec. 106.** (1) The chief information officer shall

1 establish standards and policies to govern information technology in
2 the state of Washington.

3 (2) The office shall have the following powers and duties related
4 to information services:

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

9 (b) To develop statewide or interagency technical policies,
10 standards, and procedures;

11 (c) To review and approve standards and common specifications for
12 new or expanded telecommunications networks proposed by agencies,
13 public postsecondary education institutions, educational service
14 districts, or statewide or regional providers of K-12 information
15 technology services;

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

19 (e) To establish policies for the periodic review by the office of
20 agency performance which may include but are not limited to analysis
21 of:

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

23 (ii) Training and education; and

24 (iii) Project management.

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

29 (a) Establish technical standards to facilitate electronic access
30 to government information and interoperability of information systems,
31 including wireless communications systems; and

32 (b) Require agencies to include an evaluation of electronic public
33 access needs when planning new information systems or major upgrades of
34 systems.

35 In developing these standards, the office is encouraged to include
36 the state library, state archives, and appropriate representatives of
37 state and local government.

1 (4) The office shall perform other matters and things necessary to
2 carry out the purposes and provisions of this chapter.

3 **STRATEGIC PLANNING**

4 NEW SECTION. **Sec. 107.** (1) The office shall prepare a state
5 strategic information technology plan which shall establish a statewide
6 mission, goals, and objectives for the use of information technology,
7 including goals for electronic access to government records,
8 information, and services. The plan shall be developed in accordance
9 with the standards and policies established by the office. The office
10 shall seek the advice of the board in the development of this plan.

11 The plan shall be updated as necessary and submitted to the
12 governor and the legislature.

13 (2) The office shall prepare a biennial state performance report on
14 information technology based on agency performance reports required
15 under section 110 of this act and other information deemed appropriate
16 by the office. The report shall include, but not be limited to:

17 (a) An analysis, based upon agency portfolios, of the state's
18 information technology infrastructure, including its value, condition,
19 and capacity;

20 (b) An evaluation of performance relating to information
21 technology;

22 (c) An assessment of progress made toward implementing the state
23 strategic information technology plan, including progress toward
24 electronic access to public information and enabling citizens to have
25 two-way access to public records, information, and services; and

26 (d) An analysis of the success or failure, feasibility, progress,
27 costs, and timeliness of implementation of major information technology
28 projects under section 112 of this act. At a minimum, the portion of
29 the report regarding major technology projects must include:

30 (i) The total cost data for the entire life-cycle of the project,
31 including capital and operational costs, broken down by staffing costs,
32 contracted service, hardware purchase or lease, software purchase or
33 lease, travel, and training. The original budget must also be shown
34 for comparison;

35 (ii) The original proposed project schedule and the final actual
36 project schedule;

1 (iii) Data regarding progress towards meeting the original goals
2 and performance measures of the project;

3 (iv) Discussion of lessons learned on the project, performance of
4 any contractors used, and reasons for project delays or cost increases;
5 and

6 (v) Identification of benefits generated by major information
7 technology projects developed under section 112 of this act.

8 Copies of the report shall be distributed biennially to the
9 governor and the legislature. The major technology section of the
10 report must examine major information technology projects completed in
11 the previous biennium.

12 PORTFOLIO MANAGEMENT

13 NEW SECTION. **Sec. 108.** Management of information technology
14 across state government requires managing resources and business
15 processes across multiple agencies. It is no longer sufficient to
16 pursue efficiencies within agency or individual business process
17 boundaries. The state must manage the business process changes and
18 information technology in support of business processes as a statewide
19 portfolio. The chief information officer will use agency information
20 technology portfolio planning as input to develop a statewide portfolio
21 to guide resource allocation and prioritization decisions.

22 NEW SECTION. **Sec. 109.** An agency information technology portfolio
23 shall serve as the basis for making information technology decisions
24 and plans which may include, but are not limited to:

- 25 (1) System refurbishment, acquisitions, and development efforts;
- 26 (2) Setting goals and objectives for using information technology;
- 27 (3) Assessments of information processing performance, resources,
28 and capabilities;
- 29 (4) Ensuring the appropriate transfer of technological expertise
30 for the operation of new systems developed using external resources;
- 31 (5) Guiding new investment demand, prioritization, selection,
32 performance, and asset value of technology and telecommunications; and
- 33 (6) Progress toward providing electronic access to public
34 information.

1 NEW SECTION. **Sec. 110.** (1) Each agency shall develop an
2 information technology portfolio consistent with RCW 43.105.172 (as
3 recodified by this act). The superintendent of public instruction
4 shall develop its portfolio in conjunction with educational service
5 districts and statewide or regional providers of K-12 education
6 information technology services.

7 (2) Agency portfolios shall include, but not be limited to, the
8 following:

9 (a) A baseline assessment of the agency's information technology
10 resources and capabilities that will serve as the benchmark for
11 subsequent planning and performance measures;

12 (b) A statement of the agency's mission, goals, and objectives for
13 information technology, including goals and objectives for achieving
14 electronic access to agency records, information, and services;

15 (c) An explanation of how the agency's mission, goals, and
16 objectives for information technology support and conform to the state
17 strategic information technology plan developed under section 107 of
18 this act;

19 (d) An implementation strategy to provide electronic access to
20 public records and information. This implementation strategy must be
21 assembled to include:

22 (i) Compliance with Title 40 RCW;

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

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

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

29 (e) Projects and resources required to meet the objectives of the
30 portfolio; and

31 (f) Where feasible, estimated schedules and funding required to
32 implement identified projects.

33 (3) Portfolios developed under subsection (1) of this section shall
34 be submitted to the office for review and approval. The chief
35 information officer may reject, require modification to, or approve
36 portfolios as deemed appropriate. Portfolios submitted under this
37 subsection shall be updated and submitted for review and approval as
38 necessary.

1 (4) Each agency shall prepare and submit to the office a biennial
2 performance report that evaluates progress toward the objectives
3 articulated in its information technology portfolio and the strategic
4 priorities of the state. The superintendent of public instruction
5 shall develop its portfolio in conjunction with educational service
6 districts and statewide or regional providers of K-12 education
7 information technology services. The report shall include:

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

10 (b) An assessment of progress made toward implementing the agency
11 information technology portfolio;

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

15 (d) An inventory of agency information services, equipment, and
16 proprietary software.

17 (5) The office shall establish standards, elements, form, and
18 format for plans and reports developed under this section.

19 (6) Agency activities to increase electronic access to public
20 records and information, as required by this section, must be
21 implemented within available resources and existing agency planning
22 processes.

23 (7) The office may exempt any agency from any or all of the
24 requirements of this section.

25 BUDGET REVIEW

26 NEW SECTION. **Sec. 111.** (1) At the request of the director of
27 financial management, the office shall evaluate both state agency
28 information technology current spending and technology budget requests,
29 including those proposed by the superintendent of public instruction,
30 in conjunction with educational service districts, or statewide or
31 regional providers of K-12 education information technology services.
32 The office shall submit recommendations for funding all or part of such
33 requests to the director of financial management. The office shall
34 also submit recommendations regarding consolidation and coordination of
35 similar proposals or other efficiencies it finds in reviewing
36 proposals.

1 (2) The office shall establish criteria, consistent with portfolio-
2 based information technology management, for the evaluation of agency
3 budget requests under this section. Technology budget requests shall
4 be evaluated in the context of the state's information technology
5 portfolio; technology initiatives underlying budget requests are
6 subject to review by the office. Criteria shall include, but not be
7 limited to: Feasibility of the proposed projects, consistency with the
8 state strategic information technology plan and the state enterprise
9 architecture, consistency with information technology portfolios,
10 appropriate provision for public electronic access to information,
11 evidence of business process streamlining and gathering of business and
12 technical requirements, services, duration of investment, costs, and
13 benefits.

14 **PROJECT MANAGEMENT OVERSIGHT**

15 NEW SECTION. **Sec. 112.** (1) The office shall establish standards
16 and policies governing the planning, implementation, and evaluation of
17 major information technology projects, including those proposed by the
18 superintendent of public instruction, in conjunction with educational
19 service districts, or statewide or regional providers of K-12 education
20 information technology services. The standards and policies shall:

21 (a) Establish criteria to identify projects which are subject to
22 this section. Such criteria shall include, but not be limited to,
23 significant anticipated cost, complexity, or statewide significance of
24 the project; and

25 (b) Establish a model process and procedures which state agencies
26 shall follow in developing and implementing projects within their
27 information technology portfolios. This process may include project
28 oversight experts or panels, as appropriate. Agencies may propose, for
29 approval by the office, a process and procedures unique to the agency.
30 The office may accept or require modification of such agency proposals
31 or the office may reject such agency proposals and require use of the
32 model process and procedures established under this subsection. Any
33 process and procedures developed under this subsection shall require
34 (i) distinct and identifiable phases upon which funding may be based,
35 (ii) user validation of products through system demonstrations and

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

3 The chief information officer may suspend or terminate a major
4 project, and direct that the project funds be placed into unallotted
5 reserve status, if the chief information officer determines that the
6 project is not meeting or is not expected to meet anticipated
7 performance standards.

8 (2) The office of financial management shall establish policies and
9 standards consistent with portfolio-based information technology
10 management to govern 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 chief information officer, the director of financial
14 management, and the head of the agency proposing the project. However,
15 the office of financial management may require incremental funding of
16 a project on a phase-by-phase basis whereby funds for a given phase of
17 a project may be released only when the office of financial management
18 determines, with the advice of the office, that the previous phase is
19 satisfactorily completed; and

20 (b) Other elements deemed necessary by the office of financial
21 management.

22 NEW SECTION. **Sec. 113.** (1) Prior to making a commitment to
23 purchase, acquire, or develop a major information technology project or
24 service, state agencies must provide a proposal to the office outlining
25 the business case of the proposed product or service, including the
26 upfront and ongoing cost of the proposal.

27 (2) Within sixty days of receipt of a proposal, the office shall
28 approve the proposal, reject it, or propose modifications.

29 (3) In reviewing a proposal, the office must determine whether the
30 product or service is consistent with:

31 (a) The standards and policies developed by the office pursuant to
32 section 106 of this act; and

33 (b) The state's enterprise-based strategy.

34 (4) If a substantially similar product or service is offered by the
35 consolidated technology services agency established in RCW 43.105.047,
36 the office may require the agency to procure the product or service

1 through the consolidated technology services agency, if doing so would
2 benefit the state as an enterprise.

3 (5) The office shall provide guidance to agencies as to what
4 threshold of information technology spending constitutes a major
5 information technology product or service under this section.

6 **ENTERPRISE ARCHITECTURE**

7 NEW SECTION. **Sec. 114.** (1) The office shall develop an
8 enterprise-based strategy for information technology in state
9 government informed by portfolio management planning and information
10 technology expenditure information collected from state agencies
11 pursuant to RCW 43.88.092.

12 (2)(a) The office shall develop an ongoing enterprise architecture
13 program for translating business vision and strategy into effective
14 enterprise change. This program will create, communicate, and improve
15 the key principles and models that describe the enterprise's future
16 state and enable its evolution, in keeping with the priorities of
17 government and the information technology strategic plan.

18 (b) The enterprise architecture program will facilitate business
19 process collaboration among agencies statewide; improving the
20 reliability, interoperability, and sustainability of the business
21 processes that state agencies use.

22 In developing an enterprise-based strategy for the state, the
23 office is encouraged to consider the following strategies as possible
24 opportunities for achieving greater efficiency:

25 (i) Developing evaluation criteria for deciding which common
26 enterprise-wide business processes should become managed as enterprise
27 services;

28 (ii) Developing a roadmap of priorities for creating enterprise
29 services;

30 (iii) Developing decision criteria for determining implementation
31 criteria for centralized or decentralized enterprise services;

32 (iv) Developing evaluation criteria for deciding which technology
33 investments to continue, hold, or drop; and

34 (v) Performing such other duties as may be assigned by the office
35 to promote effective enterprise change.

1 (c) The program will establish performance measurement criteria for
2 each of its initiatives; will measure the success of those initiatives;
3 and will assess its quarterly results with the chief information
4 officer to determine whether to continue, revise, or disband the
5 initiative.

6 **ADVISORY BOARD--CREATION AND DUTIES**

7 NEW SECTION. **Sec. 115.** (1) The information technology advisory
8 board is created within the office of chief information officer. The
9 board shall be composed of nine members appointed by the governor. The
10 board members shall consist of:

11 (a) The chief information officer, who shall serve as the board
12 chair;

13 (b) No more than four members who are representatives of state
14 agencies, at least one of whom must have direct experience using the
15 software projects overseen by the office or reasonably expects to use
16 the new software developed under the oversight of the office; and

17 (c) At least four members who are representatives of the private
18 sector.

19 (2)(a) Members shall serve three-year terms. Members may not serve
20 more than two consecutive terms.

21 (b) Of the initial members, two must be appointed for a one-year
22 term, three must be appointed for a two-year term, and three must be
23 appointed for a three-year term. Thereafter, members must be appointed
24 for three-year terms.

25 (c) Vacancies shall be filled in the same manner that the original
26 appointments were made for the remainder of the member's term.

27 (3) Members of the board shall be reimbursed for travel expenses as
28 provided in RCW 43.03.050 and 43.03.060.

29 (4) The office shall provide staff support to the board.

30 NEW SECTION. **Sec. 116.** The board shall advise the chief
31 information officer on information technology related matters and:

32 (1) Review policies and standards brought by the chief information
33 officer or requested by a board member, receive comments from agency
34 executives on the implications of proposed policies and standards, and
35 provide recommendations to the chief information officer;

1 (2) Provide a forum to solicit external expertise and perspective
2 on developments in information technology, enterprise architecture,
3 standards, and policy development; and

4 (3) Provide a forum where ideas and issues related to information
5 technology plans, policies, and standards can be reviewed.

6 **INTEROPERABILITY COMMITTEE--TRANSFER FROM DEPARTMENT OF**
7 **INFORMATION SERVICES**

8 NEW SECTION. **Sec. 117.** (1) The chief information officer shall
9 appoint a state interoperability executive committee, the membership of
10 which must include, but not be limited to, representatives of the
11 military department, the Washington state patrol, the department of
12 transportation, the office of the chief information officer, the
13 department of natural resources, city and county governments, state and
14 local fire chiefs, police chiefs, and sheriffs, and state and local
15 emergency management directors. The chair and legislative members of
16 the board will serve as nonvoting ex officio members of the committee.
17 Voting membership may not exceed fifteen members.

18 (2) The chief information officer shall appoint the chair of the
19 committee from among the voting members of the committee.

20 (3) The state interoperability executive committee has the
21 following responsibilities:

22 (a) Develop policies and make recommendations to the office for
23 technical standards for state wireless radio communications systems,
24 including emergency communications systems. The standards must
25 address, among other things, the interoperability of systems, taking
26 into account both existing and future systems and technologies;

27 (b) Coordinate and manage on behalf of the office the licensing and
28 use of state-designated and state-licensed radio frequencies, including
29 the spectrum used for public safety and emergency communications, and
30 serve as the point of contact with the federal communications
31 commission on matters relating to allocation, use, and licensing of
32 radio spectrum;

33 (c) Coordinate the purchasing of all state wireless radio
34 communications system equipment to ensure that:

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

1 (ii) Any new system that requires advanced digital features shall
2 be, at a minimum, project-25; and

3 (iii) Any new system or equipment purchases shall be, at a minimum,
4 upgradeable to project-25;

5 (d) Seek support, including possible federal or other funding, for
6 state-sponsored wireless communications systems;

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

9 (f) Foster cooperation and coordination among public safety and
10 emergency response organizations;

11 (g) Work with wireless communications groups and associations to
12 ensure interoperability among all public safety and emergency response
13 wireless communications systems; and

14 (h) Perform such other duties as may be assigned by the office to
15 promote interoperability of wireless communications systems.

16 (4) The office shall provide administrative support to the
17 committee.

18 **K-20 GOVERNANCE AND OPERATIONS OVERSIGHT--TRANSFER FROM**
19 **DEPARTMENT OF INFORMATION SERVICES**

20 NEW SECTION. **Sec. 118.** (1) The office has the duty to govern and
21 oversee the technical design, implementation, and operation of the K-20
22 network including, but not limited to, the following duties:
23 Establishment and implementation of K-20 network technical policy,
24 including technical standards and conditions of use; review and
25 approval of network design; and resolving user/provider disputes.

26 (2) The office has the following powers and duties:

27 (a) In cooperation with the educational sectors and other
28 interested parties, to establish goals and measurable objectives for
29 the network;

30 (b) To ensure that the goals and measurable objectives of the
31 network are the basis for any decisions or recommendations regarding
32 the technical development and operation of the network;

33 (c) To adopt, modify, and implement policies to facilitate network
34 development, operation, and expansion. Such policies may include but
35 need not be limited to the following issues: Quality of educational
36 services; access to the network by recognized organizations and

1 accredited institutions that deliver educational programming, including
2 public libraries; prioritization of programming within limited
3 resources; prioritization of access to the system and the sharing of
4 technological advances; network security; identification and evaluation
5 of emerging technologies for delivery of educational programs; future
6 expansion or redirection of the system; network fee structures; and
7 costs for the development and operation of the network;

8 (d) To prepare and submit to the governor and the legislature a
9 coordinated budget for network development, operation, and expansion.
10 The budget shall include the chief information officer's
11 recommendations on (i) any state funding requested for network
12 transport and equipment, distance education facilities and hardware or
13 software specific to the use of the network, and proposed new network
14 end sites, (ii) annual copayments to be charged to public educational
15 sector institutions and other public entities connected to the network,
16 and (iii) charges to nongovernmental entities connected to the network;

17 (e) To adopt and monitor the implementation of a methodology to
18 evaluate the effectiveness of the network in achieving the educational
19 goals and measurable objectives;

20 (f) To establish by rule acceptable use policies governing user
21 eligibility for participation in the K-20 network, acceptable uses of
22 network resources, and procedures for enforcement of such policies.
23 The office shall set forth appropriate procedures for enforcement of
24 acceptable use policies, that may include suspension of network
25 connections and removal of shared equipment for violations of network
26 conditions or policies. The office shall have sole responsibility for
27 the implementation of enforcement procedures relating to technical
28 conditions of use.

29 NEW SECTION. **Sec. 119.** The office shall maintain, in consultation
30 with the K-20 network users, the K-20 operations cooperative, which
31 shall be responsible for day-to-day network management, technical
32 network status monitoring, technical problem response coordination, and
33 other duties as agreed to by the office and the educational sectors.
34 Funding for the K-20 operations cooperative shall be provided from the
35 education technology revolving fund under RCW 43.105.835 (as recodified
36 by this act).

1 NEW SECTION. **Sec. 120.** The chief information officer, in
2 conjunction with the K-20 network users, shall maintain a technical
3 plan of the K-20 telecommunications system and ongoing system
4 enhancements. The office shall ensure that the technical plan adheres
5 to the goals and objectives established under section 106 of this act.
6 The technical plan shall provide for:

7 (1) A telecommunications backbone connecting educational service
8 districts, the main campuses of public baccalaureate institutions, the
9 branch campuses of public research institutions, and the main campuses
10 of community colleges and technical colleges.

11 (2)(a) Connection to the K-20 network by entities that include, but
12 need not be limited to: School districts, public higher education off-
13 campus and extension centers, and branch campuses of community colleges
14 and technical colleges, as prioritized by the chief information
15 officer; (b) distance education facilities and components for entities
16 listed in this subsection and subsection (1) of this section; and (c)
17 connection for independent nonprofit institutions of higher education,
18 provided that:

19 (i) The chief information officer and each independent nonprofit
20 institution of higher education to be connected agree in writing to
21 terms and conditions of connectivity. The terms and conditions shall
22 ensure, among other things, that the provision of K-20 services does
23 not violate Article VIII, section 5 of the state Constitution and that
24 the institution shall adhere to K-20 network policies; and

25 (ii) The chief information officer determines that inclusion of the
26 independent nonprofit institutions of higher education will not
27 significantly affect the network's eligibility for federal universal
28 service fund discounts or subsidies.

29 (3) Subsequent phases may include, but need not be limited to,
30 connections to public libraries, state and local governments, community
31 resource centers, and the private sector.

32 NEW SECTION. **Sec. 121.** (1) In overseeing the technical aspects of
33 the K-20 network, the office is not intended to duplicate the statutory
34 responsibilities of the higher education coordinating board, the
35 superintendent of public instruction, the state librarian, or the
36 governing boards of the institutions of higher education.

1 (2) The office may not interfere in any curriculum or legally
2 offered programming offered over the K-20 network.

3 (3) The responsibility to review and approve standards and common
4 specifications for the K-20 network remains the responsibility of the
5 office under section 106 of this act.

6 (4) The coordination of telecommunications planning for the common
7 schools remains the responsibility of the superintendent of public
8 instruction. Except as set forth in section 106(2)(e) of this act, the
9 office may recommend, but not require, revisions to the
10 superintendent's telecommunications plans.

11 **Sec. 122.** RCW 43.105.835 and 2004 c 276 s 910 are each amended to
12 read as follows:

13 (1) The education technology revolving fund is created in the
14 custody of the state treasurer. All receipts from billings under
15 subsection (2) of this section must be deposited in the revolving fund.
16 Only the (~~director of the department of information services or the~~
17 ~~director's designee~~) chief information officer or the chief
18 information officer's designee may authorize expenditures from the
19 fund. The revolving fund shall be used to pay for K-20 network
20 operations, transport, equipment, software, supplies, and services,
21 maintenance and depreciation of on-site data, and shared
22 infrastructure, and other costs incidental to the development,
23 operation, and administration of shared educational information
24 technology services, telecommunications, and systems. The revolving
25 fund shall not be used for the acquisition, maintenance, or operations
26 of local telecommunications infrastructure or the maintenance or
27 depreciation of on-premises video equipment specific to a particular
28 institution or group of institutions.

29 (2) The revolving fund and all disbursements from the revolving
30 fund are subject to the allotment procedure under chapter 43.88 RCW,
31 but an appropriation is not required for expenditures. The
32 (~~department of information services~~) office shall, (~~in consultation~~
33 ~~with entities connected to the network under RCW 43.105.820 and~~)
34 subject to the review and approval of the office of financial
35 management, establish and implement a billing structure for network
36 services identified in subsection (1) of this section.

1 director of early learning, the director of ecology, the commissioner
2 of employment security, the chair of the energy facility site
3 evaluation council, the secretary of the state finance committee, the
4 director of financial management, the director of fish and wildlife,
5 the executive secretary of the forest practices appeals board, the
6 director of the gambling commission, the director of general
7 administration, the secretary of health, the administrator of the
8 Washington state health care authority, the executive secretary of the
9 health care facilities authority, the executive secretary of the higher
10 education facilities authority, the executive secretary of the horse
11 racing commission, the executive secretary of the human rights
12 commission, the executive secretary of the indeterminate sentence
13 review board, the director of the (~~department of information~~
14 ~~services~~) consolidated technology services agency, the executive
15 director of the state investment board, the director of labor and
16 industries, the director of licensing, the director of the lottery
17 commission, the director of the office of minority and women's business
18 enterprises, the director of parks and recreation, the director of
19 personnel, the executive director of the public disclosure commission,
20 the executive director of the Puget Sound partnership, the director of
21 the recreation and conservation office, the director of retirement
22 systems, the director of revenue, the secretary of social and health
23 services, the chief of the Washington state patrol, the executive
24 secretary of the board of tax appeals, the secretary of transportation,
25 the secretary of the utilities and transportation commission, the
26 director of veterans affairs, the president of each of the regional and
27 state universities and the president of The Evergreen State College,
28 and each district and each campus president of each state community
29 college;

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

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

32 (4) Central Washington University board of trustees, the boards of
33 trustees of each community college and each technical college, each
34 member of the state board for community and technical colleges, state
35 convention and trade center board of directors, Eastern Washington
36 University board of trustees, Washington economic development finance
37 authority, Washington energy northwest executive board, The Evergreen
38 State College board of trustees, executive ethics board, fish and

1 wildlife commission, forest practices appeals board, forest practices
2 board, gambling commission, Washington health care facilities
3 authority, higher education coordinating board, higher education
4 facilities authority, horse racing commission, state housing finance
5 commission, human rights commission, indeterminate sentence review
6 board, board of industrial insurance appeals, (~~information services~~
7 ~~board,~~) state investment board, commission on judicial conduct,
8 legislative ethics board, life sciences discovery fund authority board
9 of trustees, liquor control board, lottery commission, Pacific
10 Northwest electric power and conservation planning council, parks and
11 recreation commission, Washington personnel resources board, board of
12 pilotage commissioners, pollution control hearings board, public
13 disclosure commission, public employees' benefits board, recreation and
14 conservation funding board, salmon recovery funding board, shorelines
15 hearings board, board of tax appeals, transportation commission,
16 University of Washington board of regents, utilities and transportation
17 commission, Washington State University board of regents, and Western
18 Washington University board of trustees.

19 **Sec. 125.** RCW 42.17.2401 and 2009 c 565 s 24 are each amended to
20 read as follows:

21 For the purposes of RCW 42.17.240, the term "executive state
22 officer" includes:

23 (1) The chief administrative law judge, the director of
24 agriculture, the administrator of the Washington basic health plan, the
25 director of the department of services for the blind, the chief
26 information officer of the office of the chief information officer, the
27 director of the state system of community and technical colleges, the
28 director of commerce, the secretary of corrections, the director of
29 early learning, the director of ecology, the commissioner of employment
30 security, the chair of the energy facility site evaluation council, the
31 secretary of the state finance committee, the director of financial
32 management, the director of fish and wildlife, the executive secretary
33 of the forest practices appeals board, the director of the gambling
34 commission, the director of general administration, the secretary of
35 health, the administrator of the Washington state health care
36 authority, the executive secretary of the health care facilities
37 authority, the executive secretary of the higher education facilities

1 authority, the executive secretary of the horse racing commission, the
2 executive secretary of the human rights commission, the executive
3 secretary of the indeterminate sentence review board, the director of
4 the ((~~department of information services~~)) consolidated technology
5 services agency, the executive director of the state investment board,
6 the director of labor and industries, the director of licensing, the
7 director of the lottery commission, the director of the office of
8 minority and women's business enterprises, the director of parks and
9 recreation, the director of personnel, the executive director of the
10 public disclosure commission, the executive director of the Puget Sound
11 partnership, the director of the recreation and conservation office,
12 the director of retirement systems, the director of revenue, the
13 secretary of social and health services, the chief of the Washington
14 state patrol, the executive secretary of the board of tax appeals, the
15 secretary of transportation, the secretary of the utilities and
16 transportation commission, the director of veterans affairs, the
17 president of each of the regional and state universities and the
18 president of The Evergreen State College, and each district and each
19 campus president of each state community college;

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

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

22 (4) Central Washington University board of trustees, the boards of
23 trustees of each community college and each technical college, each
24 member of the state board for community and technical colleges, state
25 convention and trade center board of directors, committee for deferred
26 compensation, Eastern Washington University board of trustees,
27 Washington economic development finance authority, The Evergreen State
28 College board of trustees, executive ethics board, forest practices
29 appeals board, forest practices board, gambling commission, life
30 sciences discovery fund authority board of trustees, Washington health
31 care facilities authority, each member of the Washington health
32 services commission, higher education coordinating board, higher
33 education facilities authority, horse racing commission, state housing
34 finance commission, human rights commission, indeterminate sentence
35 review board, board of industrial insurance appeals, ((~~information~~
36 ~~services board,~~)) recreation and conservation funding board, state
37 investment board, commission on judicial conduct, legislative ethics
38 board, liquor control board, lottery commission, marine oversight

1 board, Pacific Northwest electric power and conservation planning
2 council, parks and recreation commission, board of pilotage
3 commissioners, pollution control hearings board, public disclosure
4 commission, public pension commission, shorelines hearings board,
5 public employees' benefits board, salmon recovery funding board, board
6 of tax appeals, transportation commission, University of Washington
7 board of regents, utilities and transportation commission, Washington
8 state maritime commission, Washington personnel resources board,
9 Washington public power supply system executive board, Washington State
10 University board of regents, Western Washington University board of
11 trustees, and fish and wildlife commission.

12 **Sec. 126.** RCW 43.105.290 and 1996 c 171 s 13 are each amended to
13 read as follows:

14 The state library, with the assistance of the (~~department of~~
15 ~~information services~~) office and the state archives, shall establish
16 a pilot project to design and test an electronic information locator
17 system, allowing members of the public to locate and access electronic
18 public records. In designing the system, the following factors shall
19 be considered: (1) Ease of operation by citizens; (2) access through
20 multiple technologies, such as direct dial and toll-free numbers,
21 kiosks, and the internet; (3) compatibility with private online
22 services; and (4) capability of expanding the electronic public records
23 included in the system. The pilot project may restrict the type and
24 quality of electronic public records that are included in the system to
25 test the feasibility of making electronic public records and
26 information widely available to the public.

27 **Sec. 127.** RCW 28A.650.015 and 2009 c 556 s 17 are each amended to
28 read as follows:

29 (1) The superintendent of public instruction, to the extent funds
30 are appropriated, shall develop and implement a Washington state K-12
31 education technology plan. The technology plan shall be updated on at
32 least a biennial basis, shall be developed to coordinate and expand the
33 use of education technology in the common schools of the state. The
34 plan shall be consistent with applicable provisions of chapter 43.105
35 RCW. The plan, at a minimum, shall address:

1 (a) The provision of technical assistance to schools and school
2 districts for the planning, implementation, and training of staff in
3 the use of technology in curricular and administrative functions;

4 (b) The continued development of a network to connect school
5 districts, institutions of higher learning, and other sources of online
6 information; and

7 (c) Methods to equitably increase the use of education technology
8 by students and school personnel throughout the state.

9 (2) The superintendent of public instruction shall appoint an
10 educational technology advisory committee to assist in the development
11 and implementation of the technology plan in subsection (1) of this
12 section. The committee shall include, but is not limited to, persons
13 representing: The (~~department of information services~~) office of the
14 chief information officer, educational service districts, school
15 directors, school administrators, school principals, teachers,
16 classified staff, higher education faculty, parents, students,
17 business, labor, scientists and mathematicians, the higher education
18 coordinating board, the workforce training and education coordinating
19 board, and the state library.

20 (3) The plan adopted and implemented under this section may not
21 impose on school districts any requirements that are not specifically
22 required by federal law or regulation, including requirements to
23 maintain eligibility for the federal schools and libraries program of
24 the universal service fund.

25 **Sec. 128.** RCW 39.94.040 and 2010 1st sp.s. c 36 s 6015 and 2010
26 1st sp.s. c 35 s 406 are each reenacted and amended to read as follows:

27 (1) Except as provided in RCW 28B.10.022, the state may not enter
28 into any financing contract for itself if the aggregate principal
29 amount payable thereunder is greater than an amount to be established
30 from time to time by the state finance committee or participate in a
31 program providing for the issuance of certificates of participation,
32 including any contract for credit enhancement, without the prior
33 approval of the state finance committee. Except as provided in RCW
34 28B.10.022, the state finance committee shall approve the form of all
35 financing contracts or a standard format for all financing contracts.
36 The state finance committee also may:

1 (a) Consolidate existing or potential financing contracts into
2 master financing contracts with respect to property acquired by one or
3 more agencies, departments, instrumentalities of the state, the state
4 board for community and technical colleges, or a state institution of
5 higher learning; or to be acquired by an other agency;

6 (b) Approve programs providing for the issuance of certificates of
7 participation in master financing contracts for the state or for other
8 agencies;

9 (c) Enter into agreements with trustees relating to master
10 financing contracts; and

11 (d) Make appropriate rules for the performance of its duties under
12 this chapter.

13 (2) In the performance of its duties under this chapter, the state
14 finance committee may consult with representatives from the department
15 of general administration, the office of financial management, and the
16 (~~department of information services~~) office of the chief information
17 officer.

18 (3) With the approval of the state finance committee, the state
19 also may enter into agreements with trustees relating to financing
20 contracts and the issuance of certificates of participation.

21 (4) Except for financing contracts for real property used for the
22 purposes described under chapter 28B.140 RCW, the state may not enter
23 into any financing contract for real property of the state without
24 prior approval of the legislature. For the purposes of this
25 requirement, a financing contract must be treated as used for real
26 property if it is being entered into by the state for the acquisition
27 of land; the acquisition of an existing building; the construction of
28 a new building; or a major remodeling, renovation, rehabilitation, or
29 rebuilding of an existing building. Prior approval of the legislature
30 is not required under this chapter for a financing contract entered
31 into by the state under this chapter for energy conservation
32 improvements to existing buildings where such improvements include:
33 (a) Fixtures and equipment that are not part of a major remodeling,
34 renovation, rehabilitation, or rebuilding of the building, or (b) other
35 improvements to the building that are being performed for the primary
36 purpose of energy conservation. Such energy conservation improvements
37 must be determined eligible for financing under this chapter by the

1 office of financial management in accordance with financing guidelines
2 established by the state treasurer, and are to be treated as personal
3 property for the purposes of this chapter.

4 (5) The state may not enter into any financing contract on behalf
5 of an other agency without the approval of such a financing contract by
6 the governing body of the other agency.

7 **Sec. 129.** RCW 40.14.020 and 2002 c 358 s 4 are each amended to
8 read as follows:

9 All public records shall be and remain the property of the state of
10 Washington. They shall be delivered by outgoing officials and
11 employees to their successors and shall be preserved, stored,
12 transferred, destroyed or disposed of, and otherwise managed, only in
13 accordance with the provisions of this chapter. In order to insure the
14 proper management and safeguarding of public records, the division of
15 archives and records management is established in the office of the
16 secretary of state. The state archivist, who shall administer the
17 division and have reasonable access to all public records, wherever
18 kept, for purposes of information, surveying, or cataloguing, shall
19 undertake the following functions, duties, and responsibilities:

20 (1) To manage the archives of the state of Washington;

21 (2) To centralize the archives of the state of Washington, to make
22 them available for reference and scholarship, and to insure their
23 proper preservation;

24 (3) To inspect, inventory, catalog, and arrange retention and
25 transfer schedules on all record files of all state departments and
26 other agencies of state government;

27 (4) To insure the maintenance and security of all state public
28 records and to establish safeguards against unauthorized removal or
29 destruction;

30 (5) To establish and operate such state record centers as may from
31 time to time be authorized by appropriation, for the purpose of
32 preserving, servicing, screening and protecting all state public
33 records which must be preserved temporarily or permanently, but which
34 need not be retained in office space and equipment;

35 (6) To adopt rules under chapter 34.05 RCW:

36 (a) Setting standards for the durability and permanence of public
37 records maintained by state and local agencies;

1 (b) Governing procedures for the creation, maintenance,
2 transmission, cataloging, indexing, storage, or reproduction of
3 photographic, optical, electronic, or other images of public documents
4 or records in a manner consistent with current standards, policies, and
5 procedures of the (~~department of information services~~) office of the
6 chief information officer for the acquisition of information
7 technology;

8 (c) Governing the accuracy and durability of, and facilitating
9 access to, photographic, optical, electronic, or other images used as
10 public records; or

11 (d) To carry out any other provision of this chapter;

12 (7) To gather and disseminate to interested agencies information on
13 all phases of records management and current practices, methods,
14 procedures, techniques, and devices for efficient and economical
15 management and preservation of records;

16 (8) To operate a central microfilming bureau which will microfilm,
17 at cost, records approved for filming by the head of the office of
18 origin and the archivist; to approve microfilming projects undertaken
19 by state departments and all other agencies of state government; and to
20 maintain proper standards for this work;

21 (9) To maintain necessary facilities for the review of records
22 approved for destruction and for their economical disposition by sale
23 or burning; directly to supervise such destruction of public records as
24 shall be authorized by the terms of this chapter;

25 (10) To assist and train state and local agencies in the proper
26 methods of creating, maintaining, cataloging, indexing, transmitting,
27 storing, and reproducing photographic, optical, electronic, or other
28 images used as public records;

29 (11) To solicit, accept, and expend donations as provided in RCW
30 43.07.037 for the purpose of the archive program. These purposes
31 include, but are not limited to, acquisition, accession,
32 interpretation, and display of archival materials. Donations that do
33 not meet the criteria of the archive program may not be accepted.

34 **Sec. 130.** RCW 42.17.460 and 1999 c 401 s 1 are each amended to
35 read as follows:

36 It is the intent of the legislature to ensure that the commission
37 provide the general public timely access to all contribution and

1 expenditure reports submitted by candidates, continuing political
2 committees, bona fide political parties, lobbyists, and lobbyists'
3 employers. The legislature finds that failure to meet goals for full
4 and timely disclosure threatens to undermine our electoral process.

5 Furthermore, the legislature intends for the commission to consult
6 with the (~~department of information services~~) office of the chief
7 information officer as it seeks to implement chapter 401, Laws of 1999,
8 and that the commission follow the standards and procedures established
9 by the (~~department of information services~~) office of the chief
10 information officer in chapter 43.105 RCW as they relate to information
11 technology.

12 **Sec. 131.** RCW 42.17.467 and 1999 c 401 s 5 are each amended to
13 read as follows:

14 In preparing the information technology plan, the commission shall
15 consult with affected state agencies, the (~~department of information~~
16 ~~services~~) office of the chief information officer, and stakeholders in
17 the commission's work, including representatives of political
18 committees, bona fide political parties, news media, and the general
19 public.

20 **Sec. 132.** RCW 42.17.469 and 1999 c 401 s 6 are each amended to
21 read as follows:

22 The commission shall submit the information technology plan to the
23 senate and house of representatives fiscal committees, the governor,
24 the senate state and local government committee, the house of
25 representatives state government committee, and the (~~department of~~
26 ~~information services~~) office of the chief information officer by
27 February 1, 2000. It is the intent of the legislature that the
28 commission thereafter comply with the requirements of chapter 43.105
29 RCW with respect to preparation and submission of biennial performance
30 reports on the commission's information technology.

31 **Sec. 133.** RCW 42.17.471 and 1999 c 401 s 7 are each amended to
32 read as follows:

33 The commission shall prepare and submit to the (~~department of~~
34 ~~information services~~) office of the chief information officer a
35 biennial performance report (~~in accordance with chapter 43.105 RCW~~).

1 The report must include:

2 (1) An evaluation of the agency's performance relating to
3 information technology;

4 (2) An assessment of progress made toward implementing the agency
5 information technology plan;

6 (3) An analysis of the commission's performance measures, set forth
7 in RCW 42.17.463, that relate to the electronic filing of reports and
8 timely public access to those reports via the commission's web site;

9 (4) A comprehensive description of the methods by which citizens
10 may interact with the agency in order to obtain information and
11 services from the commission; and

12 (5) An inventory of agency information services, equipment, and
13 proprietary software.

14 **Sec. 134.** RCW 42.17A.060 and 1999 c 401 s 1 are each amended to
15 read as follows:

16 It is the intent of the legislature to ensure that the commission
17 provide the general public timely access to all contribution and
18 expenditure reports submitted by candidates, continuing political
19 committees, bona fide political parties, lobbyists, and lobbyists'
20 employers. The legislature finds that failure to meet goals for full
21 and timely disclosure threatens to undermine our electoral process.

22 Furthermore, the legislature intends for the commission to consult
23 with the ((~~department of information services~~)) office of the chief
24 information officer as it seeks to implement chapter 401, Laws of 1999,
25 and that the commission follow the standards and procedures established
26 by the ((~~department of information services~~)) office of the chief
27 information officer in chapter 43.105 RCW as they relate to information
28 technology.

29 **Sec. 135.** RCW 43.88.092 and 2010 c 282 s 3 are each amended to
30 read as follows:

31 (1) As part of the biennial budget process, the office of financial
32 management shall collect from agencies, and agencies shall provide,
33 information to produce reports, summaries, and budget detail sufficient
34 to allow review, analysis, and documentation of all current and
35 proposed expenditures for information technology by state agencies.

1 Information technology budget detail must be included as part of the
2 budget submittal documentation required pursuant to RCW 43.88.030.

3 (2) The office of financial management must collect, and present as
4 part of the biennial budget documentation, information for all existing
5 information technology projects as defined by information services
6 board policy. The office of financial management must work with the
7 (~~department of information services~~) office of the chief information
8 officer to maximize the ability to draw this information from the
9 information technology portfolio management data collected by the
10 department of information services pursuant to RCW 43.105.170.
11 Connecting project information collected through the portfolio
12 management process with financial data developed under subsection (1)
13 of this section provides transparency regarding expenditure data for
14 existing technology projects.

15 (3) The biennial budget documentation submitted by the office of
16 financial management pursuant to RCW 43.88.030 must include an
17 information technology plan identifying proposed large information
18 technology projects. This plan must be presented using a method
19 similar to the capital budget, identifying project costs through stages
20 of the project and across fiscal periods and biennia from project
21 initiation to implementation. This information must be submitted
22 electronically, in a format to be determined by the office of financial
23 management and the legislative evaluation and accountability program
24 committee.

25 (4) The office of financial management shall also institute a
26 method of accounting for information technology-related expenditures,
27 including creating common definitions for what constitutes an
28 information technology investment.

29 **Sec. 136.** RCW 43.105.410 and 2010 c 282 s 2 are each amended to
30 read as follows:

31 (1) State agencies that are purchasing wireless devices or services
32 must make such purchases through the state master contract, unless the
33 state agency provides to the office of (~~financial management~~) the
34 chief information officer evidence that the state agency is securing
35 its wireless devices or services from another source for a lower cost
36 than through participation in the state master contract.

1 (2) For the purposes of this section, "state agency" means any
2 office, department, board, commission, or other unit of state
3 government, but does not include a unit of state government headed by
4 a statewide elected official, an institution of higher education as
5 defined in RCW 28B.10.016, the higher education coordinating board, the
6 state board for community and technical colleges, or agencies of the
7 legislative or judicial branches of state government.

8 **STATE DATA CENTER**

9 NEW SECTION. **Sec. 137.** (1) Except as provided by subsection (2)
10 of this section, state agencies shall locate all existing and new
11 servers in the state data center.

12 (2) Agencies with a service requirement that requires servers to be
13 located outside the state data center must receive a waiver from the
14 office. Waivers must be based upon written justification from the
15 requesting agency citing specific service or performance requirements
16 for locating servers outside the state's common platform.

17 (3) The office, in consultation with the office of financial
18 management, shall continue to develop the business plan and migration
19 schedule for moving all state agencies into the state data center.

20 (4) The legislature and the judiciary, which are constitutionally
21 recognized as separate branches of government, may enter into an
22 interagency agreement with the office to migrate its servers into the
23 state data center.

24 (5) This section does not apply to institutions of higher
25 education.

26 **MIGRATION TO A CENTRAL SERVICE PROVIDER**

27 NEW SECTION. **Sec. 138.** (1) The office shall conduct a needs
28 assessment and develop a migration strategy to ensure that, over time,
29 all state agencies are moving towards using the consolidated technology
30 services agency established in RCW 43.105.047 as their central service
31 provider for all utility-based infrastructure services, including
32 centralized PC and infrastructure support. Agency specific application
33 services shall remain managed within individual agencies.

1 (2) The office shall develop short-term and long-term objectives as
2 part of the migration strategy.

3 (3) For the purposes of this section, "utility-based infrastructure
4 services" includes personal computer and portable device support,
5 servers and server administration, security administration, network
6 administration, telephony, e-mail, and other information technology
7 services commonly utilized by state agencies.

8 (4) This section does not apply to institutions of higher
9 education.

10 **PART II**

11 **CREATING THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

12 NEW SECTION. **Sec. 201.** A new section is added to chapter 43.105
13 RCW to read as follows:

14 To achieve maximum benefit from advances in information technology
15 the state establishes a centralized provider and procurer of certain
16 information technology services as an agency to support the needs of
17 state agencies. This agency shall be known as the consolidated
18 technology services agency. To ensure maximum benefit to the state,
19 state agencies shall rely on the consolidated technology services
20 agency for those services with a business case of broad use,
21 uniformity, scalability, and price sensitivity to aggregation and
22 volume.

23 To successfully meet agency needs and meet its obligation as the
24 primary service provider for these services, the consolidated
25 technology services agency must offer high quality services at the
26 lowest possible price. It must be able to attract an adaptable and
27 competitive workforce, be authorized to procure services where the
28 business case justifies it, and be accountable to its customers for the
29 efficient and effective delivery of critical business services.

30 The consolidated technology services agency is established as an
31 agency in state government. The agency is established with clear
32 accountability to the agencies it serves and to the public. This
33 accountability will come through enhanced transparency in the agency's
34 operation and performance. The agency is also established with broad
35 flexibility to adapt its operations and service catalog to address the

1 needs of customer agencies, and to do so in the most cost-effective
2 ways.

3 **Sec. 202.** RCW 43.105.020 and 2010 1st sp.s. c 7 s 64 are each
4 amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) (~~"Administrator" means the community technology opportunity~~
8 ~~program administrator designated by the department.~~

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

15 (3) ~~"Board" means the information services board.~~

16 (4) ~~"Broadband" means a high speed, high capacity transmission~~
17 ~~medium, using land based, satellite, wireless, or any other mechanism,~~
18 ~~that can carry either signals or transmit data, or both, over long~~
19 ~~distances by using a wide range of frequencies.~~

20 (5) ~~"Committee" means the state interoperability executive~~
21 ~~committee.~~

22 (6) ~~"Common vendor registration and bid notification system" has~~
23 ~~the definition in RCW 39.29.006.~~

24 (7) ~~"Community technology programs" means programs that are engaged~~
25 ~~in diffusing information and communications technology in local~~
26 ~~communities, particularly in unserved and underserved areas of the~~
27 ~~state. These programs may include, but are not limited to, programs~~
28 ~~that provide education and skill building opportunities, hardware and~~
29 ~~software, internet connectivity, digital media literacy, development of~~
30 ~~locally relevant content, and delivery of vital services through~~
31 ~~technology.~~

32 (8) ~~"Council" means the advisory council on digital inclusion~~
33 ~~created in RCW 43.105.400.~~

34 (9) ~~"Department" means the department of information services.~~

35 (10)) "Agency" means the consolidated technology services agency.

36 (2) "Board" means the consolidated technology services board.

1 (3) "Customer agencies" means all entities that purchase or use
2 information technology resources, telecommunications, or services from
3 the consolidated technology services agency.

4 (4) "Director" means the director of the ((department))
5 consolidated technology services agency.

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

10 ~~(12))~~ (5) "Equipment" means the machines, devices, and
11 transmission facilities used in information processing, ((such as))
12 including but not limited to computers, ((word processors,)) terminals,
13 telephones, wireless communications system facilities, cables, and any
14 physical facility necessary for the operation of such equipment.

15 ~~((13) "High speed internet" means broadband.~~

16 ~~(14) "Information" includes, but is not limited to, data, text,~~
17 ~~voice, and video.~~

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

22 ~~(16) "Information services" means data processing,~~
23 ~~telecommunications, office automation, and computerized information~~
24 ~~systems.~~

25 ~~(17))~~ "Enterprise architecture" means an ongoing program for
26 translating business vision and strategy into effective enterprise
27 change. It is a continuous activity. Enterprise architecture creates,
28 communicates, and improves the key principles and models that describe
29 the enterprise's future state and enable its evolution.

30 (7) "Information technology" includes, but is not limited to, all
31 electronic technology systems and services, automated information
32 handling, system design and analysis, conversion of data, computer
33 programming, information storage and retrieval, telecommunications,
34 requisite system controls, simulation, electronic commerce, and all
35 related interactions between people and machines.

36 (8) "Information technology portfolio" or "portfolio" means a
37 strategic management process documenting relationships between agency
38 missions and information technology and telecommunications investments.

1 ~~((18) "K-20 network" means the network established in RCW~~
2 ~~43.105.820.~~

3 ~~(19))~~ (9) "Local governments" includes all municipal and quasi
4 municipal corporations and political subdivisions, and all agencies of
5 such corporations and subdivisions authorized to contract separately.

6 ~~((20))~~ (10) "Oversight" means a process of comprehensive risk
7 analysis and management designed to ensure optimum use of information
8 technology resources and telecommunications.

9 ~~((21))~~ (11) "Proprietary software" means that software offered
10 for sale or license.

11 ~~((22) "Purchased services" means services provided by a vendor to~~
12 ~~accomplish routine, continuing, and necessary functions. This term~~
13 ~~includes, but is not limited to, services acquired for equipment~~
14 ~~maintenance and repair, operation of a physical plant, security,~~
15 ~~computer hardware and software installation and maintenance,~~
16 ~~telecommunications installation and maintenance, data entry, keypunch~~
17 ~~services, programming services, and computer time sharing.~~

18 ~~(23) "Small business" has the definition in RCW 39.29.006.~~

19 ~~(24) "Telecommunications" means the transmission of information by~~
20 ~~wire, radio, optical cable, electromagnetic, or other means.~~

21 ~~(25) "Video telecommunications" means the electronic~~
22 ~~interconnection of two or more sites for the purpose of transmitting~~
23 ~~and/or receiving visual and associated audio information. Video~~
24 ~~telecommunications shall not include existing public television~~
25 ~~broadcast stations as currently designated by the department of~~
26 ~~commerce under chapter 43.330 RCW.))~~ (12) "Telecommunications"

27 includes, but is not limited to, wireless or wired systems for
28 transport of voice, video, and data communications, network systems,
29 requisite facilities, equipment, system controls, simulation,
30 electronic commerce, and all related interactions between people and
31 machines. "Telecommunications" does not include public safety
32 communications.

33 **Sec. 203.** RCW 43.105.047 and 1999 c 80 s 5 are each amended to
34 read as follows:

35 There is created the ~~((department of information services))~~
36 consolidated technology services agency, an agency of state government.
37 The ~~((department))~~ agency shall be headed by a director appointed by

1 the governor with the consent of the senate. The director shall serve
2 at the governor's pleasure and shall receive such salary as determined
3 by the governor. The director shall:

4 (1) Appoint a confidential secretary and such deputy and assistant
5 directors as needed to administer the ((department)) agency; and

6 ~~(2) ((Maintain and fund a strategic planning and policy component
7 separate from the services component of the department;~~

8 ~~(3) Appoint, after consulting with the board, the assistant or
9 deputy director for the planning component;~~

10 (4)) Appoint such professional, technical, and clerical assistants
11 and employees as may be necessary to perform the duties imposed by this
12 chapter((+

13 ~~(5) Report to the governor and the board any matters relating to
14 abuses and evasions of this chapter; and~~

15 ~~(6) Recommend statutory changes to the governor and the board)).~~

16 **Sec. 204.** RCW 43.105.052 and 2010 1st sp.s. c 7 s 16 are each
17 amended to read as follows:

18 The ((department)) agency shall:

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

21 ~~(a) The review of agency information technology portfolios and
22 related requests; and~~

23 ~~(b) Implementation of statewide and interagency policies,
24 standards, and guidelines;~~

25 (2)) Make available information services to state agencies and
26 local governments and public benefit nonprofit corporations ((~~on a full
27 cost-recovery basis~~)). For the purposes of this section "public
28 benefit nonprofit corporation" means a public benefit nonprofit
29 corporation as defined in RCW 24.03.005 that is receiving local, state,
30 or federal funds either directly or through a public agency other than
31 an Indian tribe or political subdivision of another state((~~.—These
32 services may include, but are not limited to:~~

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

34 ~~(b) Mainframe computing services;~~

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

1 ~~(d) Equipment acquisition assistance, including leasing, brokering,~~
2 ~~and establishing master contracts;~~

3 ~~(e) Facilities management services for information technology~~
4 ~~equipment, equipment repair, and maintenance service;~~

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

8 ~~(g) Office automation services;~~

9 ~~(h) System development services; and~~

10 ~~(i) Training.~~

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

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

29 ~~((+4))~~ (3) With the advice of the ~~((information services))~~ board
30 and customer agencies, develop a state strategic information technology
31 plan and performance reports as required under ~~((RCW 43.105.160))~~
32 section 107 of this act;

33 ~~((+5))~~ (4) Develop plans for the ~~((department's))~~ agency's
34 achievement of statewide goals and objectives set forth in the state
35 strategic information technology plan required under ~~((RCW 43.105.160.~~
36 ~~These plans shall address such services as telecommunications, central~~
37 ~~and distributed computing, local area networks, office automation, and~~

1 ~~end user computing. The department shall seek the advice of the board~~
2 ~~in the development of these plans;~~

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

7 ~~(7) Identify opportunities for the effective use of information~~
8 ~~services and coordinate appropriate responses to those opportunities;~~

9 ~~(8) Assess agencies' projects, acquisitions, plans, information~~
10 ~~technology portfolios, or overall information processing performance as~~
11 ~~requested by the board, agencies, the director of financial management,~~
12 ~~or the legislature. Agencies may be required to reimburse the~~
13 ~~department for agency requested reviews)) section 107 of this act;~~

14 ~~((9) Develop planning, budgeting, and expenditure reporting~~
15 ~~requirements, in conjunction with the office of financial management,~~
16 ~~for agencies to follow;~~

17 ~~(10) Assist the office of financial management with budgetary and~~
18 ~~policy review of agency plans for information services;~~

19 ~~(11) Provide staff support from the strategic planning and policy~~
20 ~~component to the board for:~~

21 ~~(a) Meeting preparation, notices, and minutes;~~

22 ~~(b) Promulgation of policies, standards, and guidelines adopted by~~
23 ~~the board;~~

24 ~~(c) Supervision of studies and reports requested by the board;~~

25 ~~(d) Conducting reviews and assessments as directed by the board;~~

26 ~~(12) Be the lead agency in coordinating video telecommunications~~
27 ~~services for all state agencies and develop, pursuant to board~~
28 ~~policies, standards and common specifications for leased and purchased~~
29 ~~telecommunications equipment. The department shall not evaluate the~~
30 ~~merits of school curriculum, higher education course offerings, or~~
31 ~~other education and training programs proposed for transmission and/or~~
32 ~~reception using video telecommunications resources. Nothing in this~~
33 ~~section shall abrogate or abridge the legal responsibilities of~~
34 ~~licensees of telecommunications facilities as licensed by the federal~~
35 ~~communication commission on March 27, 1990;)) and~~

36 ~~((13)) (5) Perform all other matters and things necessary to~~
37 ~~carry out the purposes and provisions of this chapter.~~

1 **Sec. 205.** RCW 43.105.080 and 2010 1st sp.s. c 37 s 931 are each
2 amended to read as follows:

3 There is created a revolving fund to be known as the data
4 processing revolving fund in the custody of the state treasurer. The
5 revolving fund shall be used for the acquisition of equipment,
6 software, supplies, and services and the payment of salaries, wages,
7 and other costs incidental to the acquisition, development, operation,
8 and administration of information services, telecommunications,
9 systems, software, supplies and equipment, including the payment of
10 principal and interest on bonds issued for capital projects, by the
11 department, Washington State University's computer services center, the
12 department of personnel's personnel information systems division, the
13 office of financial management's financial systems management group,
14 and other users as jointly determined by the ((department)) agency and
15 the office of financial management. The revolving fund is subject to
16 the allotment procedure provided under chapter 43.88 RCW.
17 Disbursements from the revolving fund for the services component of the
18 department are not subject to appropriation. ((Disbursements for the
19 strategic planning and policy component of the department are subject
20 to appropriation.)) All disbursements from the fund are subject to the
21 allotment procedures provided under chapter 43.88 RCW. The
22 ((department)) agency shall establish and implement a billing structure
23 to assure all agencies pay an equitable share of the costs.

24 ((During the 2009-2011 fiscal biennium, the legislature may
25 transfer from the data processing revolving account to the state
26 general fund such amounts as reflect the excess fund balance associated
27 with the information technology pool.))

28 As used in this section, the word "supplies" shall not be
29 interpreted to delegate or abrogate the division of purchasing's
30 responsibilities and authority to purchase supplies as described in RCW
31 43.19.190 and 43.19.200.

32 NEW SECTION. **Sec. 206.** A new section is added to chapter 43.105
33 RCW to read as follows:

34 (1) There is hereby created the consolidated technology services
35 board. The board shall be composed of eleven members appointed by the
36 governor. Seven of the board members shall consist of customer
37 representatives either in the position of chief executive officer,

1 chief financial officer, or chief information officer. Four of the
2 board members shall be legislators, who serve as ex officio, nonvoting
3 members of the board.

4 (2)(a) Nonlegislative members shall serve three-year terms.
5 Members may not serve more than two consecutive terms.

6 (b) Of the initial nonlegislative members, two must be appointed
7 for a one-year term, two must be appointed for a two-year term, and
8 three must be appointed for a three-year term. Thereafter, members
9 must be appointed for three-year terms.

10 (c) Vacancies shall be filled in the same manner that the original
11 appointments were made for the remainder of the member's term.

12 (3)(a) Of the initial legislative members, the president of the
13 senate and the speaker of the house of representatives shall make the
14 appointments.

15 (b) The president of the senate shall appoint one member from each
16 of the two largest caucuses in the senate.

17 (c) The speaker of the house of representatives shall appoint one
18 member from each of the two largest caucuses of the house of
19 representatives.

20 (4) A majority of the members of the board shall constitute a
21 quorum for the transaction of business.

22 **Sec. 207.** RCW 43.19.190 and 2002 c 200 s 3 are each amended to
23 read as follows:

24 The director of general administration, through the state
25 purchasing and material control director, shall:

26 (1) Establish and staff such administrative organizational units
27 within the division of purchasing as may be necessary for effective
28 administration of the provisions of RCW 43.19.190 through 43.19.1939;

29 (2) Purchase all material, supplies, services, and equipment needed
30 for the support, maintenance, and use of all state institutions,
31 colleges, community colleges, technical colleges, college districts,
32 and universities, the offices of the elective state officers, the
33 supreme court, the court of appeals, the administrative and other
34 departments of state government, and the offices of all appointive
35 officers of the state: PROVIDED, That the provisions of RCW 43.19.190
36 through 43.19.1937 do not apply in any manner to the operation of the
37 state legislature except as requested by the legislature: PROVIDED,

1 That the provisions of this section and RCW 43.19.1901 through
2 43.19.1925 do not apply to the consolidated technology services agency
3 created in RCW 43.105.047: PROVIDED, That any agency may purchase
4 material, supplies, services, and equipment for which the agency has
5 notified the purchasing and material control director that it is more
6 cost-effective for the agency to make the purchase directly from the
7 vendor: PROVIDED, That primary authority for the purchase of
8 specialized equipment, instructional, and research material for their
9 own use shall rest with the colleges, community colleges, and
10 universities: PROVIDED FURTHER, That universities operating hospitals
11 and the state purchasing and material control director, as the agent
12 for state hospitals as defined in RCW 72.23.010, and for health care
13 programs provided in state correctional institutions as defined in RCW
14 72.65.010(3) and veterans' institutions as defined in RCW 72.36.010 and
15 72.36.070, may make purchases for hospital operation by participating
16 in contracts for materials, supplies, and equipment entered into by
17 nonprofit cooperative hospital group purchasing organizations:
18 PROVIDED FURTHER, That primary authority for the purchase of materials,
19 supplies, and equipment for resale to other than public agencies shall
20 rest with the state agency concerned: PROVIDED FURTHER, That authority
21 to purchase services as included herein does not apply to personal
22 services as defined in chapter 39.29 RCW, unless such organization
23 specifically requests assistance from the division of purchasing in
24 obtaining personal services and resources are available within the
25 division to provide such assistance: PROVIDED FURTHER, That the
26 authority for the purchase of insurance and bonds shall rest with the
27 risk manager under RCW (~~(43.19.1935)~~) 43.41.310: PROVIDED FURTHER,
28 That, except for the authority of the risk manager to purchase
29 insurance and bonds, the director is not required to provide purchasing
30 services for institutions of higher education that choose to exercise
31 independent purchasing authority under RCW 28B.10.029: PROVIDED
32 FURTHER, That the authority to purchase interpreter services and
33 interpreter brokerage services on behalf of limited-English speaking or
34 sensory-impaired applicants and recipients of public assistance shall
35 rest with the department of social and health services;

36 (3) Have authority to delegate to state agencies authorization to
37 purchase or sell, which authorization shall specify restrictions as to
38 dollar amount or to specific types of material, equipment, services,

1 and supplies. Acceptance of the purchasing authorization by a state
2 agency does not relieve such agency from conformance with other
3 sections of RCW 43.19.190 through 43.19.1939, or from policies
4 established by the director. Also, delegation of such authorization to
5 a state agency, including an educational institution to which this
6 section applies, to purchase or sell material, equipment, services, and
7 supplies shall not be granted, or otherwise continued under a previous
8 authorization, if such agency is not in substantial compliance with
9 overall state purchasing and material control policies as established
10 herein;

11 (4) Contract for the testing of material, supplies, and equipment
12 with public and private agencies as necessary and advisable to protect
13 the interests of the state;

14 (5) Prescribe the manner of inspecting all deliveries of supplies,
15 materials, and equipment purchased through the division;

16 (6) Prescribe the manner in which supplies, materials, and
17 equipment purchased through the division shall be delivered, stored,
18 and distributed;

19 (7) Provide for the maintenance of a catalogue library,
20 manufacturers' and wholesalers' lists, and current market information;

21 (8) Provide for a commodity classification system and may, in
22 addition, provide for the adoption of standard specifications;

23 (9) Provide for the maintenance of inventory records of supplies,
24 materials, and other property;

25 (10) Prepare rules and regulations governing the relationship and
26 procedures between the division of purchasing and state agencies and
27 vendors;

28 (11) Publish procedures and guidelines for compliance by all state
29 agencies, including those educational institutions to which this
30 section applies, which implement overall state purchasing and material
31 control policies;

32 (12) Advise state agencies, including educational institutions,
33 regarding compliance with established purchasing and material control
34 policies under existing statutes.

35 NEW SECTION. **Sec. 208.** A new section is added to chapter 43.105
36 RCW to read as follows:

37 The board has the following powers and duties:

- 1 (1) Approve rates for services offered by the agency;
- 2 (2) Approve the budget proposal to the office of financial
3 management for the agency;
- 4 (3) Approve the catalog of services to be provided or procured for
5 client agencies;
- 6 (4) Prepare and submit an annual performance evaluation of the
7 director to the governor;
- 8 (5) Prepare and submit a performance assessment of the agency to
9 the governor annually; and
- 10 (6) Advise the director on operational issues and plans brought
11 before the board by the director.

12 NEW SECTION. **Sec. 209.** A new section is added to chapter 43.105
13 RCW to read as follows:

14 The director in consultation with the board shall set performance
15 targets and approve plans for achieving measurable and specific goals
16 for the agency. By January 2012, the appropriate organizational
17 performance and accountability measures and performance targets shall
18 be submitted to the governor. These measures and targets shall include
19 measures of performance demonstrating specific and measurable
20 improvements related to service delivery and costs, operational
21 efficiencies, and overall customer satisfaction. The agency shall
22 develop a dashboard of key performance measures that will be updated
23 quarterly and made available on the agency public web site.

24 The director shall report to the governor on agency performance at
25 least quarterly. The reports shall be included on the agency's web
26 site and accessible to the public.

27 **Sec. 210.** RCW 43.105.057 and 1992 c 20 s 11 are each amended to
28 read as follows:

29 The (~~department of information services and the information~~
30 ~~services board, respectively,~~) agency shall adopt rules as necessary
31 under chapter 34.05 RCW to implement the provisions of this chapter.

32 **Sec. 211.** RCW 43.105.060 and 1987 c 504 s 10 are each amended to
33 read as follows:

34 State and local government agencies are authorized to enter into
35 any contracts with the (~~department or its successor~~) agency which may

1 be necessary or desirable to effectuate the purposes and policies of
2 this chapter or for maximum utilization of facilities and services
3 which are the subject of this chapter.

4 **Sec. 212.** RCW 39.29.040 and 2002 c 260 s 11 and 2002 c 200 s 2 are
5 each reenacted and amended to read as follows:

6 This chapter does not apply to:

7 (1) Contracts specifying a fee of less than five thousand dollars
8 if the total of the contracts from that agency with the contractor
9 within a fiscal year does not exceed five thousand dollars;

10 (2) Contracts awarded to companies that furnish a service where the
11 tariff is established by the utilities and transportation commission or
12 other public entity;

13 (3) Intergovernmental agreements awarded to any governmental
14 entity, whether federal, state, or local and any department, division,
15 or subdivision thereof;

16 (4) Contracts awarded for services to be performed for a standard
17 fee, when the standard fee is established by the contracting agency or
18 any other governmental entity and a like contract is available to all
19 qualified applicants;

20 (5) Contracts for services that are necessary to the conduct of
21 collaborative research if prior approval is granted by the funding
22 source;

23 (6) Contracts for client services except as otherwise indicated in
24 this chapter;

25 (7) Contracts for architectural and engineering services as defined
26 in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW;

27 (8) Contracts for the employment of expert witnesses for the
28 purposes of litigation;

29 (9) Contracts for bank supervision authorized under RCW 30.38.040;
30 (~~and~~)

31 (10) Contracts for interpreter services and interpreter brokerage
32 services on behalf of limited-English speaking or sensory-impaired
33 applicants and recipients of public assistance; and

34 (11) Contracts awarded by the consolidated technology services
35 agency.

1 **Sec. 213.** RCW 19.34.231 and 1999 c 287 s 12 are each amended to
2 read as follows:

3 (1) If a signature of a unit of state or local government,
4 including its appropriate officers or employees, is required by
5 statute, administrative rule, court rule, or requirement of the office
6 of financial management, that unit of state or local government shall
7 become a subscriber to a certificate issued by a licensed certification
8 authority for purposes of conducting official public business with
9 electronic records.

10 (2) A city or county may become a licensed certification authority
11 under RCW 19.34.100 for purposes of providing services to local
12 government, if authorized by ordinance adopted by the city or county
13 legislative authority.

14 (3) A unit of state government, except the secretary (~~and the~~
15 ~~department of information services~~), may not act as a certification
16 authority.

17 **Sec. 214.** RCW 19.34.420 and 1998 c 33 s 2 are each amended to read
18 as follows:

19 (1) The following information, when in the possession of the
20 secretary(~~, the department of information services,~~) or the state
21 auditor for purposes of this chapter, shall not be made available for
22 public disclosure, inspection, or copying, unless the request is made
23 under an order of a court of competent jurisdiction based upon an
24 express written finding that the need for the information outweighs any
25 reason for maintaining the privacy and confidentiality of the
26 information or records:

27 (a) A trade secret, as defined by RCW 19.108.010; and

28 (b) Information regarding design, security, or programming of a
29 computer system used for purposes of licensing or operating a
30 certification authority or repository under this chapter.

31 (2) The state auditor, or an authorized agent, must be given access
32 to all information referred to in subsection (1) of this section for
33 the purpose of conducting audits under this chapter or under other law,
34 but shall not make that information available for public inspection or
35 copying except as provided in subsection (1) of this section.

1 **Sec. 215.** RCW 43.19A.022 and 2009 c 356 s 2 are each amended to
2 read as follows:

3 (1) By December 31, 2009, all state agencies shall purchase one
4 hundred percent recycled content white cut sheet bond paper used in
5 office printers and copiers. State agencies are encouraged to give
6 priority to purchasing from companies that produce paper in facilities
7 that generate energy from a renewable energy source.

8 (2) State agencies that utilize office printers and copiers that,
9 after reasonable attempts, cannot be calibrated to utilize such paper
10 referenced in subsection (1) of this section, must for those models of
11 equipment:

12 (a) Purchase paper at the highest recycled content that can be
13 utilized efficiently by the copier or printer;

14 (b) At the time of lease renewal or at the end of the life-cycle,
15 either lease or purchase a model that will efficiently utilize one
16 hundred percent recycled content white cut sheet bond paper;

17 (3) Printed projects that require the use of high volume production
18 inserters or high-speed digital devices, such as those used by the
19 state printer(~~(, department of information services,)~~) and the
20 department of general administration, are not required to meet the one
21 hundred percent recycled content white cut sheet bond paper standard,
22 but must utilize the highest recycled content that can be utilized
23 efficiently by such equipment and not impede the business of agencies.

24 (4) The state printer(~~(,)~~) and the department of general
25 administration(~~(, and department of information services)~~) shall work
26 together to identify for use by agencies one hundred percent recycled
27 paper products that process efficiently through high-speed production
28 equipment and do not impede the business of agencies.

29 **Sec. 216.** RCW 46.20.157 and 1999 c 6 s 21 are each amended to read
30 as follows:

31 (1) Except as provided in subsection (2) of this section, the
32 department shall annually provide to the (~~department of information~~
33 ~~services~~) consolidated technology services agency an electronic data
34 file. The data file must:

35 (a) Contain information on all licensed drivers and identicard
36 holders who are eighteen years of age or older and whose records have
37 not expired for more than two years;

1 (b) Be provided at no charge; and

2 (c) Contain the following information on each such person: Full
3 name, date of birth, residence address including county, sex, and most
4 recent date of application, renewal, replacement, or change of driver's
5 license or identicard.

6 (2) Before complying with subsection (1) of this section, the
7 department shall remove from the file the names of any certified
8 participants in the Washington state address confidentiality program
9 under chapter 40.24 RCW that have been identified to the department by
10 the secretary of state.

11 **Sec. 217.** RCW 2.36.054 and 1993 c 408 s 3 are each amended to read
12 as follows:

13 Unless otherwise specified by rule of the supreme court, the jury
14 source list and master jury list for each county shall be created as
15 provided by this section.

16 (1) The superior court of each county, after consultation with the
17 county clerk and county auditor of that jurisdiction, shall annually
18 notify the (~~department of information services~~) consolidated
19 technology services agency not later than March 1 of each year of its
20 election to use either a jury source list that is merged by the county
21 or a jury source list that is merged by the (~~department of information~~
22 ~~services~~) consolidated technology services agency. The (~~department~~
23 ~~of information services~~) consolidated technology services agency shall
24 annually furnish at no charge to the superior court of each county a
25 separate list of the registered voters residing in that county as
26 supplied annually by the secretary of state and a separate list of
27 driver's license and identicard holders residing in that county as
28 supplied annually by the department of licensing, or a merged list of
29 all such persons residing in that county, in accordance with the annual
30 notification required by this subsection. The lists provided by the
31 (~~department of information services~~) consolidated technology services
32 agency shall be in an electronic format mutually agreed upon by the
33 superior court requesting it and the department of information
34 services. The annual merger of the list of registered voters residing
35 in each county with the list of licensed drivers and identicard holders
36 residing in each county to form a jury source list for each county
37 shall be in accordance with the standards and methodology established

1 in this chapter or by superseding court rule whether the merger is
2 accomplished by the (~~department of information services~~) consolidated
3 technology services agency or by a county.

4 (2) Persons on the lists of registered voters and driver's license
5 and identicard holders shall be identified by a minimum of last name,
6 first name, middle initial where available, date of birth, gender, and
7 county of residence. Identifying information shall be used when
8 merging the lists to ensure to the extent reasonably possible that
9 persons are only listed once on the merged list. Conflicts in
10 addresses are to be resolved by using the most recent record by date of
11 last vote in a general election, date of driver's license or identicard
12 address change or date of voter registration.

13 (3) The (~~department of information services~~) consolidated
14 technology services agency shall provide counties that elect to receive
15 a jury source list merged by (~~department of information services~~) the
16 consolidated technology services agency with a list of names which are
17 possible duplicates that cannot be resolved based on the identifying
18 information required under subsection (2) of this section. If a
19 possible duplication cannot subsequently be resolved satisfactorily
20 through reasonable efforts by the county receiving the merged list, the
21 possible duplicate name shall be stricken from the jury source list
22 until the next annual jury source list is prepared.

23 **Sec. 218.** RCW 29A.08.760 and 2009 c 369 s 35 are each amended to
24 read as follows:

25 The secretary of state shall provide a duplicate copy of the master
26 statewide computer file or electronic data file of registered voters to
27 the (~~department of information services~~) consolidated technology
28 services agency for purposes of creating the jury source list without
29 cost. Restrictions as to the commercial use of the information on the
30 statewide computer tape or data file of registered voters, and
31 penalties for its misuse, shall be the same as provided in RCW
32 29A.08.720 and 29A.08.740.

33 **Sec. 219.** RCW 43.63A.550 and 1998 c 245 s 71 are each amended to
34 read as follows:

35 (1) The department shall assist in the process of inventorying and
36 collecting data on public and private land for the acquisition of data

1 describing land uses, demographics, infrastructure, critical areas,
2 transportation corridors physical features, housing, and other
3 information useful in managing growth throughout the state. For this
4 purpose the department (~~(shall)~~) may contract with the (~~(department of~~
5 ~~information services)~~) consolidated technology services agency and
6 shall form an advisory group consisting of representatives from state,
7 local, and federal agencies, colleges and universities, and private
8 firms with expertise in land planning, and geographic information
9 systems.

10 (2) The department shall establish a sequence for acquiring data,
11 giving priority to rapidly growing areas. The data shall be retained
12 in a manner to facilitate its use in preparing maps, aggregating with
13 data from multiple jurisdictions, and comparing changes over time.
14 Data shall further be retained in a manner which permits its access via
15 computer.

16 (3) The department shall work with other state agencies, local
17 governments, and private organizations that are inventorying public and
18 private lands to ensure close coordination and to ensure that
19 duplication of efforts does not occur.

20 NEW SECTION. **Sec. 220.** A new section is added to chapter 41.80
21 RCW to read as follows:

22 (1) The bargaining units of employees at the department of
23 information services existing on the effective date of this section
24 shall be considered appropriate units at the consolidated technology
25 services agency and will be so certified by the public employment
26 relations commission.

27 (2) The exclusive bargaining representatives recognized as
28 representing the bargaining units of employees at the department of
29 information services existing on the effective date of this section
30 shall continue as the exclusive bargaining representatives of the
31 transferred bargaining units without the necessity of an election.

32 **PART III**

33 **NECESSARY FOR IMPLEMENTATION**

34 **Sec. 301.** RCW 43.105.370 and 2009 c 509 s 2 are each amended to
35 read as follows:

1 (1) The broadband mapping account is established in the custody of
2 the state treasurer. The department shall deposit into the account
3 such funds received from legislative appropriation, federal (~~grants~~
4 ~~authorized under the federal broadband data improvement act, P.L. 110-~~
5 ~~385, Title I~~) funding, and donated funds from private and public
6 sources. Expenditures from the account may be used only for the
7 purposes of RCW 43.105.372 through 43.105.376 (as recodified by this
8 act). Only the director of the department or the director's designee
9 may authorize expenditures from the account. The account is subject to
10 the allotment procedures under chapter 43.88 RCW, but an appropriation
11 is not required for expenditures.

12 (2) The department (~~of information services~~) is the single
13 eligible entity in the state for purposes of the federal broadband
14 (~~data improvement act, P.L. 110-385, Title I~~) mapping activities.

15 (3) Federal funding received by the department (~~under the federal~~
16 ~~broadband data improvement act, P.L. 110-385, Title I,~~) for broadband
17 mapping activities must be used in accordance with (~~the~~) any federal
18 requirements (~~of that act~~) and, subject to those requirements, may be
19 distributed by the department on a competitive basis to other entities
20 in the state (~~to achieve the purposes of that act~~).

21 (4) The department (~~of information services~~) shall consult with
22 (~~the department of community, trade, and economic development or its~~
23 ~~successor agency,~~) the office of financial management(~~(7)~~) and the
24 utilities and transportation commission in coordinating broadband
25 mapping activities. In carrying out any broadband mapping activities,
26 the provisions of P.L. 110-385, Title I, regarding trade secrets,
27 commercial or financial information, and privileged or confidential
28 information submitted by the federal communications commission or a
29 broadband provider are deemed to encompass the consulted agencies.

30 **Sec. 302.** RCW 43.105.372 and 2009 c 509 s 3 are each amended to
31 read as follows:

32 (1) Subject to the availability of federal or state funding, the
33 department may:

34 (a) Develop an interactive web site to allow residents to self-
35 report whether high-speed internet is available at their home or
36 residence and at what speed; and

1 (b) Conduct a detailed survey of all high-speed internet
2 infrastructure owned or leased by state agencies and (~~creating~~
3 ~~ferreate~~) create a geographic information system map of all high-speed
4 internet infrastructure owned or leased by the state.

5 (2) State agencies responding to a survey request from the
6 department under subsection (1)(b) of this section shall respond in a
7 reasonable and timely manner, not to exceed one hundred twenty days.
8 The department shall request of state agencies, at a minimum:

9 (a) The total bandwidth of high-speed internet infrastructure owned
10 or leased;

11 (b) The cost of maintaining that high-speed internet
12 infrastructure, if owned, or the price paid for the high-speed internet
13 infrastructure, if leased; and

14 (c) The leasing entity, if applicable.

15 (3) The department may adopt rules as necessary to carry out the
16 provisions of this section.

17 (4) For purposes of this section, "state agency" includes every
18 state office, department, division, bureau, board, commission, or other
19 state agency.

20 **Sec. 303.** RCW 43.105.374 and 2009 c 509 s 4 are each amended to
21 read as follows:

22 (1) The department is authorized, through a competitive bidding
23 process, to procure on behalf of the state a geographic information
24 system map detailing high-speed internet infrastructure, service
25 availability, and adoption. This geographic information system map may
26 include adoption information, availability information, type of high-
27 speed internet deployment technology, and available speed tiers for
28 high-speed internet based on any publicly available data.

29 (2) The department may procure this map either by:

30 (a) Contracting for and purchasing a completed map or updates to a
31 map from a third party; or

32 (b) Working directly with the federal communications commission to
33 accept publicly available data.

34 (3) The department shall establish an accountability and oversight
35 structure to ensure that there is transparency in the bidding and
36 contracting process and full financial and technical accountability for

1 any information or actions taken by a third-party contractor creating
2 this map.

3 (4) In contracting for purchase of the map or updates to a map in
4 subsection (2)(a) of this section, the department may take no action,
5 nor impose any condition on the third party, that causes any record
6 submitted by a public or private broadband service provider to the
7 third party to meet the standard of a public record as defined in RCW
8 42.56.010. This prohibition does not apply to any records delivered to
9 the department by the third party as a component of the ((completed))
10 map. For the purpose of RCW 42.56.010((+2+)) (3), the purchase by the
11 department of a completed map or updates to a map may not be deemed use
12 or ownership by the department of the underlying information used by
13 the third party to complete the map.

14 (5) Data or information that is publicly available as of July 1,
15 2009, will not cease to be publicly available due to any provision of
16 chapter 509, Laws of 2009.

17 **Sec. 304.** RCW 43.105.376 and 2009 c 509 s 5 are each amended to
18 read as follows:

19 (1) The department, in coordination with ((~~the department of~~
20 ~~community, trade, and economic development and~~)) the utilities and
21 transportation commission, and such advisors as the department chooses,
22 may prepare regular reports that identify the following:

23 (a) The geographic areas of greatest priority for the deployment of
24 advanced telecommunications infrastructure in the state;

25 (b) A detailed explanation of how any amount of funding received
26 from the federal government for the purposes of broadband mapping,
27 deployment, and adoption will be or have been used; and

28 (c) A determination of how nonfederal sources may be utilized to
29 achieve the purposes of broadband mapping, deployment, and adoption
30 activities in the state.

31 (2) To the greatest extent possible, the initial report should be
32 based upon the information identified in the geographic system maps
33 developed under the requirements of this chapter.

34 (3) The initial report should be delivered to the appropriate
35 committees of the legislature as soon as feasible, but no later than
36 January 18, 2010.

1 (4) Any future reports prepared by the department based upon the
2 requirements of subsection (1) of this section should be delivered to
3 the appropriate committees of the legislature by January 15th of each
4 year.

5 **Sec. 305.** RCW 43.105.380 and 2009 c 509 s 6 are each amended to
6 read as follows:

7 The community technology opportunity program is created to support
8 the efforts of community technology programs throughout the state. The
9 community technology opportunity program must be administered by the
10 department (~~(of information services)~~). The department may contract
11 for services in order to carry out the department's obligations under
12 this section.

13 (1) In implementing the community technology opportunity program
14 the (~~administrator~~) director must, to the extent funds are
15 appropriated for this purpose:

16 (a) Provide organizational and capacity building support to
17 community technology programs throughout the state, and identify and
18 facilitate the availability of other public and private sources of
19 funds to enhance the purposes of the program and the work of community
20 technology programs. No more than fifteen percent of funds received by
21 the (~~administrator~~) director for the program may be expended on these
22 functions;

23 (b) Establish a competitive grant program and provide grants to
24 community technology programs to provide training and skill-building
25 opportunities; access to hardware and software; internet connectivity;
26 digital media literacy; assistance in the adoption of information and
27 communication technologies in low-income and underserved areas of the
28 state; and development of locally relevant content and delivery of
29 vital services through technology.

30 (2) Grant applicants must:

31 (a) Provide evidence that the applicant is a nonprofit entity or a
32 public entity that is working in partnership with a nonprofit entity;

33 (b) Define the geographic area or population to be served;

34 (c) Include in the application the results of a needs assessment
35 addressing, in the geographic area or among the population to be
36 served: The impact of inadequacies in technology access or knowledge,
37 barriers faced, and services needed;

1 (d) Explain in detail the strategy for addressing the needs
2 identified and an implementation plan including objectives, tasks, and
3 benchmarks for the applicant and the role that other organizations will
4 play in assisting the applicant's efforts;

5 (e) Provide evidence of matching funds and resources, which are
6 equivalent to at least one-quarter of the grant amount committed to the
7 applicant's strategy;

8 (f) Provide evidence that funds applied for, if received, will be
9 used to provide effective delivery of community technology services in
10 alignment with the goals of this program and to increase the
11 applicant's level of effort beyond the current level; and

12 (g) Comply with such other requirements as the ((~~administrator~~))
13 director establishes.

14 (3) The ((~~administrator~~)) director may use no more than ten percent
15 of funds received for the community technology opportunity program to
16 cover administrative expenses.

17 (4) The ((~~administrator~~)) director must establish expected program
18 outcomes for each grant recipient and must require grant recipients to
19 provide an annual accounting of program outcomes.

20 **Sec. 306.** RCW 43.105.382 and 2009 c 509 s 8 are each amended to
21 read as follows:

22 The Washington community technology opportunity account is
23 established in the state treasury. The governor or the governor's
24 designee and the director or the director's designee shall deposit into
25 the account federal grants to the state ((~~authorized under Division B,~~
26 ~~Title VI of the American recovery and reinvestment act of 2009~~)),
27 legislative appropriations, and donated funds from private and public
28 sources for purposes related to broadband deployment and adoption,
29 including matching funds required by the act. Donated funds from
30 private and public sources may be deposited into the account.
31 Expenditures from the account may be used only as matching funds for
32 federal and other grants to fund the operation of the community
33 technology opportunity program under this chapter, and to fund other
34 broadband-related activities authorized in chapter 509, Laws of 2009.
35 Only the director or the director's designee may authorize expenditures
36 from the account.

1 **Sec. 307.** RCW 43.105.390 and 2009 c 509 s 9 are each amended to
2 read as follows:

3 (1) The governor may take all appropriate steps to (~~carry out the~~
4 ~~purposes of Division B, Title VI of the American recovery and~~
5 ~~reinvestment act of 2009, P.L. 111-5, and~~) seek federal funding in
6 order to maximize investment in broadband deployment and adoption in
7 the state of Washington (~~consistent with chapter 509, Laws of 2009~~).
8 Such steps may include the designation of a broadband deployment and
9 adoption coordinator; review and prioritization of grant applications
10 by public and private entities as directed by the national
11 telecommunications and information administration, the rural utility
12 services, and the federal communications commission; disbursement of
13 block grant funding; and direction to state agencies to provide
14 staffing as necessary to carry out this section. The authority for
15 overseeing broadband adoption and deployment efforts on behalf of the
16 state is vested in the department.

17 (2) The department may apply for federal funds and other grants or
18 donations, may deposit such funds in the Washington community
19 technology opportunity account created in RCW 43.105.382 (as recodified
20 by this act), may oversee implementation of federally funded or
21 mandated broadband programs for the state and may adopt rules to
22 administer the programs. These programs may include but are not
23 limited to the following:

24 (a) Engaging in periodic statewide surveys of residents,
25 businesses, and nonprofit organizations concerning their use and
26 adoption of high-speed internet, computer, and related information
27 technology for the purpose of identifying barriers to adoption;

28 (b) Working with communities to identify barriers to the adoption
29 of broadband service and related information technology services by
30 individuals, nonprofit organizations, and businesses;

31 (c) Identifying broadband demand opportunities in communities by
32 working cooperatively with local organizations, government agencies,
33 and businesses;

34 (d) Creating, implementing, and administering programs to improve
35 computer ownership, technology literacy, digital media literacy, and
36 high-speed internet access for populations not currently served or
37 underserved in the state. This may include programs to provide low-
38 income families, community-based nonprofit organizations, nonprofit

1 entities, and public entities that work in partnership with nonprofit
2 entities to provide increased access to computers and broadband, with
3 reduced cost internet access;

4 (e) Administering the community technology opportunity program
5 under RCW 43.105.380 and 43.105.382 (as recodified by this act);

6 (f) Creating additional programs to spur the development of high-
7 speed internet resources in the state;

8 (g) Establishing technology literacy and digital inclusion programs
9 and establishing low-cost hardware, software, and internet purchasing
10 programs that may include allowing participation by community
11 technology programs in state purchasing programs; and

12 (h) Developing technology loan programs targeting small businesses
13 or businesses located in unserved and underserved areas.

14 **Sec. 308.** RCW 43.105.400 and 2009 c 509 s 10 are each amended to
15 read as follows:

16 ~~((1))~~ Subject to the availability of federal or state funding,
17 the department may ~~((reconvene the high-speed internet work group
18 previously established by chapter 262, Laws of 2008. The work group is
19 renamed the advisory council on digital inclusion, and is))~~ convene an
20 advisory group ~~((to the department))~~ on digital inclusion and
21 technology planning. The ~~((council must))~~ advisory group may include,
22 but is not limited to, volunteer representatives from community
23 technology organizations, telecommunications providers, higher
24 education institutions, K-12 education institutions, public health
25 institutions, public housing entities, and local government and other
26 governmental entities that are engaged in community technology
27 activities.

28 ~~((2) The council shall prepare a report by January 15th of each
29 year and submit it to the department, the governor, and the appropriate
30 committees of the legislature. The report must contain:~~

31 ~~(a) An analysis of how support from public and private sector
32 partnerships, the philanthropic community, and other not-for-profit
33 organizations in the community, along with strong relationships with
34 the state board for community and technical colleges, the higher
35 education coordinating board, and higher education institutions, could
36 establish a variety of high-speed internet access alternatives for
37 citizens;~~

1 ~~(b) Proposed strategies for continued broadband deployment and~~
2 ~~adoption efforts, as well as further development of advanced~~
3 ~~telecommunications applications;~~

4 ~~(c) Recommendations on methods for maximizing the state's research~~
5 ~~and development capacity at universities and in the private sector for~~
6 ~~developing advanced telecommunications applications and services, and~~
7 ~~recommendations on incentives to stimulate the demand for and~~
8 ~~development of these applications and services;~~

9 ~~(d) An identification of barriers that hinder the advancement of~~
10 ~~technology entrepreneurship in the state; and~~

11 ~~(e) An evaluation of programs designed to advance digital literacy~~
12 ~~and computer access that are made available by the federal government,~~
13 ~~local agencies, telecommunications providers, and business and~~
14 ~~charitable entities.))~~

15 **PART IV**

16 **ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS**

17 NEW SECTION. **Sec. 401.** Sections 101 through 121, 137, and 138 of
18 this act constitute a new chapter in Title 43 RCW to be codified as
19 chapter 43.41A RCW.

20 NEW SECTION. **Sec. 402.** RCW 43.105.172, 43.105.250, 43.105.260,
21 43.105.270, 43.105.280, 43.105.290, 43.105.310, 43.105.835, and
22 43.105.410 are each recodified as sections in chapter 43.--- RCW (the
23 new chapter created in section 401 of this act).

24 NEW SECTION. **Sec. 403.** RCW 43.105.370, 43.105.372, 43.105.374,
25 43.105.376, 43.105.380, 43.105.382, 43.105.390, 43.105.400, and
26 43.105.905 are each recodified as sections in chapter 43.330 RCW.

27 NEW SECTION. **Sec. 404.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 2.36.057 (Expanded jury source list--Court rules) and 1993
30 c 408 s 1;

31 (2) RCW 2.36.0571 (Jury source list--Master jury list--Adoption of
32 rules for implementation of methodology and standards by agencies) and
33 1993 c 408 s 2;

1 (3) RCW 41.06.094 (Department of information services--Certain
2 personnel exempted from chapter) and 1987 c 504 s 7;
3 (4) RCW 43.105.005 (Purpose) and 1990 c 208 s 1 & 1987 c 504 s 1;
4 (5) RCW 43.105.013 (Finding--Intent) and 2010 c 282 s 1;
5 (6) RCW 43.105.019 (Enterprise-based strategy--Coordination with
6 legislative and judicial branches) and 2010 c 282 s 10;
7 (7) RCW 43.105.032 (Information services board--Members--
8 Chairperson--Vacancies--Quorum--Compensation and travel expenses) and
9 2007 c 158 s 1, 1999 c 241 s 2, 1996 c 137 s 10, 1992 c 20 s 8, 1987 c
10 504 s 4, 1984 c 287 s 86, 1975-'76 2nd ex.s. c 34 s 128, & 1973 1st
11 ex.s. c 219 s 5;
12 (8) RCW 43.105.041 (Powers and duties of board) and 2010 1st sp.s.
13 c 7 s 65, 2009 c 486 s 13, 2003 c 18 s 3, & 1999 c 285 s 5;
14 (9) RCW 43.105.095 (Management and oversight structure) and 1999 c
15 80 s 3;
16 (10) RCW 43.105.105 (Information technology decisions and plans)
17 and 1999 c 80 s 4;
18 (11) RCW 43.105.160 (Strategic information technology plan--
19 Biennial state performance report on information technology) and 2010
20 c 282 s 9, 2005 c 319 s 110, 1999 c 80 s 9, 1998 c 177 s 3, 1996 c 171
21 s 9, & 1992 c 20 s 1;
22 (12) RCW 43.105.170 (Information technology portfolios--Contents--
23 Performance reports) and 1999 c 80 s 10;
24 (13) RCW 43.105.178 (Information technology assets--Inventory) and
25 2010 c 282 s 12;
26 (14) RCW 43.105.180 (Evaluation of budget requests for information
27 technology projects) and 2010 c 282 s 6 & 1999 c 80 s 11;
28 (15) RCW 43.105.190 (Major information technology projects
29 standards and policies--Project evaluation and reporting) and 2005 c
30 319 s 111, 1999 c 80 s 12, 1998 c 177 s 4, 1996 c 137 s 15, & 1992 c 20
31 s 4;
32 (16) RCW 43.105.200 (Application to institutions of higher
33 education) and 1992 c 20 s 5;
34 (17) RCW 43.105.210 (Data processing expenditures--Authorization--
35 Penalties) and 1993 sp.s. c 1 s 903;
36 (18) RCW 43.105.300 (Education in use of technology encouraged)
37 and 1996 c 171 s 14;

1 (19) RCW 43.105.320 (Departmental authority as certification
2 authority for electronic authentication) and 1999 c 287 s 18 & 1997 c
3 27 s 29;

4 (20) RCW 43.105.330 (State interoperability executive committee)
5 and 2006 c 76 s 2 & 2003 c 18 s 4;

6 (21) RCW 43.105.340 (Consumer protection web site) and 2008 c 151
7 s 2;

8 (22) RCW 43.105.360 (Web directory--Public community technology
9 programs) and 2008 c 262 s 5;

10 (23) RCW 43.105.805 (Information services board--Powers and duties)
11 and 2010 1st sp.s. c 9 s 1, 2010 1st sp.s. c 7 s 66, & 1999 c 285 s 3;

12 (24) RCW 43.105.815 (K-20 operations cooperative--Ongoing
13 management) and 1999 c 285 s 8;

14 (25) RCW 43.105.820 (K-20 telecommunication system--Technical plan)
15 and 2010 1st sp.s. c 7 s 67, 1999 c 285 s 11, & 1996 c 137 s 8; and

16 (26) RCW 43.105.825 (K-20 network--Oversight--Coordination of
17 telecommunications planning) and 2004 c 275 s 62 & 1999 c 285 s 7.

18 NEW SECTION. **Sec. 405.** Section 124 of this act takes effect
19 January 1, 2012.

20 NEW SECTION. **Sec. 406.** Section 125 of this act expires January 1,
21 2012.

22 NEW SECTION. **Sec. 407.** Sections 130 through 133 of this act
23 expire January 1, 2012.

24 NEW SECTION. **Sec. 408.** Section 134 of this act takes effect
25 January 1, 2012.

26 NEW SECTION. **Sec. 409.** Except for sections 124 and 134 of this
27 act, this act is necessary for the immediate preservation of the public
28 peace, health, or safety, or support of the state government and its
29 existing public institutions, and takes effect July 1, 2011.

--- END ---