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**SUBSTITUTE SENATE BILL 5455**

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**State of Washington                      65th Legislature                      2017 Regular Session**

**By** Senate State Government (originally sponsored by Senators Miloscia, Zeiger, and Pearson)

READ FIRST TIME 02/17/17.

1            AN ACT Relating to enhancing statewide cybersecurity performance  
2 through information assessment; amending RCW 43.105.020, 43.105.052,  
3 43.105.111, and 43.105.220; adding a new section to chapter 43.105  
4 RCW; and creating a new section.

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

6            NEW SECTION.    **Sec. 1.** The legislature intends to develop world-  
7 class cybersecurity performance management and assessment systems  
8 that can be duplicated in other states. The legislature finds that  
9 this is best accomplished through coordination of a series of  
10 performance assessments by independent examiners and enhanced  
11 executive branch communication with the legislature regarding  
12 cybersecurity infrastructure, performance, and posture.

13            **Sec. 2.** RCW 43.105.020 and 2016 c 237 s 2 are each amended to  
14 read as follows:

15            The definitions in this section apply throughout this chapter  
16 unless the context clearly requires otherwise.

17            (1) "Agency" means the consolidated technology services agency.

18            (2) "Board" means the technology services board.

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

4 (4) "Director" means the state chief information officer, who is  
5 the director of the consolidated technology services agency.

6 (5) "Enterprise architecture" means an ongoing activity for  
7 translating business vision and strategy into effective enterprise  
8 change. It is a continuous activity. Enterprise architecture creates,  
9 communicates, and improves the key principles and models that  
10 describe the enterprise's future state and enable its evolution.

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

16 (7) "Excellence assessment" means an assessment of enterprise  
17 cybersecurity operational performance using a framework approved by  
18 the national institutes of standards and technology, United States  
19 department of commerce.

20 (8) "Information" includes, but is not limited to, data, text,  
21 voice, and video.

22 ((+8)) (9) "Information security" means the protection of  
23 communication and information resources from unauthorized access,  
24 use, disclosure, disruption, modification, or destruction in order  
25 to:

26 (a) Prevent improper information modification or destruction;

27 (b) Preserve authorized restrictions on information access and  
28 disclosure;

29 (c) Ensure timely and reliable access to and use of information;  
30 and

31 (d) Maintain the confidentiality, integrity, and availability of  
32 information.

33 ((+9)) (10) "Information technology" includes, but is not  
34 limited to, all electronic technology systems and services, automated  
35 information handling, system design and analysis, conversion of data,  
36 computer programming, information storage and retrieval,  
37 telecommunications, requisite system controls, simulation, electronic  
38 commerce, radio technologies, and all related interactions between  
39 people and machines.

1        (~~(10)~~) (11) "Information technology portfolio" or "portfolio"  
2 means a strategic management process documenting relationships  
3 between agency missions and information technology and  
4 telecommunications investments.

5        (~~(11)~~) (12) "K-20 network" means the network established in RCW  
6 43.41.391.

7        (~~(12)~~) (13) "Local governments" includes all municipal and  
8 quasi-municipal corporations and political subdivisions, and all  
9 agencies of such corporations and subdivisions authorized to contract  
10 separately.

11       (~~(13)~~) (14) "Office" means the office of the state chief  
12 information officer within the consolidated technology services  
13 agency.

14       (~~(14)~~) (15) "Oversight" means a process of comprehensive risk  
15 analysis and management designed to ensure optimum use of information  
16 technology resources and telecommunications.

17       (~~(15)~~) (16) "Proprietary software" means that software offered  
18 for sale or license.

19       (~~(16)~~) (17) "Public agency" means any agency of this state or  
20 another state; any political subdivision or unit of local government  
21 of this state or another state including, but not limited to,  
22 municipal corporations, quasi-municipal corporations, special purpose  
23 districts, and local service districts; any public benefit nonprofit  
24 corporation; any agency of the United States; and any Indian tribe  
25 recognized as such by the federal government.

26       (~~(17)~~) (18) "Public benefit nonprofit corporation" means a  
27 public benefit nonprofit corporation as defined in RCW 24.03.005 that  
28 is receiving local, state, or federal funds either directly or  
29 through a public agency other than an Indian tribe or political  
30 subdivision of another state.

31       (~~(18)~~) (19) "Public record" has the definitions in RCW  
32 42.56.010 and chapter 40.14 RCW and includes legislative records and  
33 court records that are available for public inspection.

34       (~~(19)~~) (20) "Security incident" means an accidental or  
35 deliberative event that results in or constitutes an imminent threat  
36 of the unauthorized access, loss, disclosure, modification,  
37 disruption, or destruction of communication and information  
38 resources.

1       (~~(20)~~)   (21) "State agency" means every state office,  
2 department, division, bureau, board, commission, or other state  
3 agency, including offices headed by a statewide elected official.

4       (~~(21)~~)   (22) "Telecommunications" includes, but is not limited  
5 to, wireless or wired systems for transport of voice, video, and data  
6 communications, network systems, requisite facilities, equipment,  
7 system controls, simulation, electronic commerce, and all related  
8 interactions between people and machines.

9       (~~(22)~~)   (23) "Utility-based infrastructure services" includes  
10 personal computer and portable device support, servers and server  
11 administration, security administration, network administration,  
12 telephony, email, and other information technology services commonly  
13 used by state agencies.

14       **Sec. 3.** RCW 43.105.052 and 2015 3rd sp.s. c 1 s 104 are each  
15 amended to read as follows:

16       The agency shall:

17       (1) Make available information services to public agencies and  
18 public benefit nonprofit corporations;

19       (2) Establish rates and fees for services provided by the agency;

20       (3) Develop a billing rate plan for a two-year period to coincide  
21 with the budgeting process. The rate plan must be subject to review  
22 at least annually by the office of financial management. The rate  
23 plan must show the proposed rates by each cost center and show the  
24 components of the rate structure as mutually determined by the agency  
25 and the office of financial management. The rate plan and any  
26 adjustments to rates must be approved by the office of financial  
27 management;

28       (4) Develop a detailed business plan for any service or activity  
29 to be contracted under RCW 41.06.142(7)(b);

30       (5) Develop plans for the agency's achievement of statewide goals  
31 and objectives set forth in the state strategic information  
32 technology plan required under RCW 43.105.220;

33       (6) Mutually develop procedures with the legislature, including  
34 enforceable nondisclosure agreements, for providing information about  
35 the state's cybersecurity infrastructure, performance, and posture  
36 with members of the state legislature to enable them to effectively  
37 perform their constitutional duties;

38       (7) Enable the standardization and consolidation of information  
39 technology infrastructure across all state agencies to support

1 enterprise-based system development and improve and maintain service  
2 delivery; and  
3 ~~((7))~~ (8) Perform all other matters and things necessary to  
4 carry out the purposes and provisions of this chapter.

5 **Sec. 4.** RCW 43.105.111 and 2015 3rd sp.s. c 1 s 105 are each  
6 amended to read as follows:

7 The director shall set one-year and five-year performance  
8 ~~((targets))~~ projections and approve plans for achieving those  
9 measurable and specific ~~((goals))~~ projections for the agency. By  
10 January 2017, the appropriate organizational performance and  
11 accountability measures and performance ~~((targets))~~ projections shall  
12 be submitted to the governor. These measures and ~~((targets))~~  
13 projections shall include measures of performance demonstrating  
14 specific and measurable improvements related to service delivery and  
15 costs, operational efficiencies, and overall customer satisfaction.  
16 The agency shall develop a dashboard of key performance measures that  
17 will be updated quarterly and made available on the agency public web  
18 site.

19 The director shall report to the governor on agency performance  
20 at least quarterly and to the appropriate legislative committees on  
21 agency performance at least annually. The reports shall be included  
22 on the agency's web site and accessible to the public.

23 **Sec. 5.** RCW 43.105.220 and 2015 3rd sp.s. c 1 s 203 are each  
24 amended to read as follows:

25 (1) The office shall prepare a state strategic information  
26 technology plan which shall establish a statewide mission, ~~((goals))~~  
27 one-year and five-year projections, and objectives for the use of  
28 information technology, including ~~((goals))~~ projections for  
29 electronic access to government records, information, and services.  
30 The plan shall be developed in accordance with the standards and  
31 policies established by the office. The office shall seek the advice  
32 of the board in the development of this plan.

33 The plan shall be updated as necessary and submitted to the  
34 governor and the legislature.

35 (2) The office shall prepare a biennial state performance report  
36 on information technology based on state agency performance reports  
37 required under RCW 43.105.235 and other information deemed

1 appropriate by the office. The report shall include, but not be  
2 limited to:

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

6 (b) An evaluation of performance relating to information  
7 technology;

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

12 (d) An analysis of the success or failure, feasibility, progress,  
13 costs, and timeliness of implementation of major information  
14 technology projects under RCW 43.105.245. At a minimum, the portion  
15 of the report regarding major technology projects must include:

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

21 (ii) The original proposed project schedule and the final actual  
22 project schedule;

23 (iii) Data regarding progress towards meeting the original  
24 ~~((goals))~~ projections and performance measures of the project;

25 (iv) Discussion of lessons learned on the project, performance of  
26 any contractors used, and reasons for project delays or cost  
27 increases; and

28 (v) Identification of benefits generated by major information  
29 technology projects developed under RCW 43.105.245.

30 Copies of the report shall be distributed biennially to the  
31 governor and the legislature. The major technology section of the  
32 report must examine major information technology projects completed  
33 in the previous biennium.

34 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.105  
35 RCW to read as follows:

36 (1) The consolidated technology services agency must:

37 (a) Provide excellence assessments of the agency's operations  
38 every two years;

1 (b) Transmit completed excellence assessments and feedback  
2 reports to pertinent legislative committees and the office of the  
3 governor.

4 (2) The consolidated technology services agency's goal is to  
5 progress toward achieving world-class performance by achieving a  
6 sixty percent score within seven years of its first excellence  
7 assessment. When it achieves a sixty percent score, it shall apply  
8 for an award from the national institutes of science and technology  
9 for its performance.

10 (3) If the consolidated technology services agency meets the goal  
11 in subsection (2) of this section, it is not required to conduct an  
12 excellence assessment every two years, but must conduct an excellence  
13 assessment every four years.

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