

2SSB 5662 - S AMD 384  
By Senator Palumbo

ADOPTED 03/12/2019

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

3 **"Sec. 1.** RCW 43.105.020 and 2017 c 92 s 2 are each amended to  
4 read as follows:

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

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

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

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

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

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

19 (6) "Equipment" means the machines, devices, and transmission  
20 facilities used in information processing, including but not limited  
21 to computers, terminals, telephones, wireless communications system  
22 facilities, cables, and any physical facility necessary for the  
23 operation of such equipment.

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

26 (8) "Information security" means the protection of communication  
27 and information resources from unauthorized access, use, disclosure,  
28 disruption, modification, or destruction in order to:

29 (a) Prevent improper information modification or destruction;

30 (b) Preserve authorized restrictions on information access and  
31 disclosure;

1 (c) Ensure timely and reliable access to and use of information;  
2 and

3 (d) Maintain the confidentiality, integrity, and availability of  
4 information.

5 (9) "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, radio  
10 technologies, and all related interactions between people and  
11 machines.

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

16 (11) "K-20 network" means the network established in RCW  
17 43.41.391.

18 (12) "Local governments" includes all municipal and quasi-  
19 municipal corporations and political subdivisions, and all agencies  
20 of such corporations and subdivisions authorized to contract  
21 separately.

22 (13) "Office" means the office of the state chief information  
23 officer within the consolidated technology services agency.

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

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

29 (16) "Public agency" means any agency of this state or another  
30 state; any political subdivision or unit of local government of this  
31 state or another state including, but not limited to, municipal  
32 corporations, quasi-municipal corporations, special purpose  
33 districts, and local service districts; any public benefit nonprofit  
34 corporation; any agency of the United States; and any Indian tribe  
35 recognized as such by the federal government.

36 (17) "Public benefit nonprofit corporation" means a public  
37 benefit nonprofit corporation as defined in RCW 24.03.005 that is  
38 receiving local, state, or federal funds either directly or through a  
39 public agency other than an Indian tribe or political subdivision of  
40 another state.

1 (18) "Public record" has the definitions in RCW 42.56.010 and  
2 chapter 40.14 RCW and includes legislative records and court records  
3 that are available for public inspection.

4 (19) "Public safety" refers to any entity or services that ensure  
5 the welfare and protection of the public.

6 (20) "Security incident" means an accidental or deliberative  
7 event that results in or constitutes an imminent threat of the  
8 unauthorized access, loss, disclosure, modification, disruption, or  
9 destruction of communication and information resources.

10 (21) "State agency" means every state office, department,  
11 division, bureau, board, commission, or other state agency, including  
12 offices headed by a statewide elected official.

13 (22) "Telecommunications" includes, but is not limited to,  
14 wireless or wired systems for transport of voice, video, and data  
15 communications, network systems, requisite facilities, equipment,  
16 system controls, simulation, electronic commerce, and all related  
17 interactions between people and machines.

18 (23) "Utility-based infrastructure services" includes personal  
19 computer and portable device support, servers and server  
20 administration, security administration, network administration,  
21 telephony, email, and other information technology services commonly  
22 used by state agencies.

23 (24) "Cloud computing" has the same meaning as provided by the  
24 special publication 800-145 issued by the national institute of  
25 standards and technology of the United States department of commerce  
26 as of September 2011.

27 NEW SECTION. Sec. 2. A new section is added to chapter 43.105  
28 RCW to read as follows:

29 (1) State agencies must adopt third-party, commercial cloud  
30 computing solutions for any new information technology or  
31 telecommunications investments except as provided in subsection (2)  
32 of this section. Prior to selecting and implementing a cloud  
33 computing solution, state agencies must evaluate:

34 (a) The ability of the cloud computing solution to meet security  
35 and compliance requirements for all workload types including low,  
36 moderate, and high impact data, leveraging defined federal  
37 authorization or accreditation programs to the fullest extent  
38 possible; and

1 (b) The portability of data, should the state agency choose to  
2 discontinue use of the cloud service.

3 (2) State agencies must receive a waiver from the office if there  
4 is a service requirement that prohibits the adoption of a cloud  
5 computing solution, as required in subsection (1) of this section.

6 (a) Waivers must be based on written justification from the  
7 requesting state agency citing specific services or performance  
8 requirements for not utilizing a cloud computing solution.

9 (b) Information on waiver applications, requested and granted,  
10 must be submitted by the office to the appropriate committees of the  
11 legislature by December 30th each calendar year.

12 (3) State agencies are prohibited from installing and operating  
13 servers, storage, networking, and related hardware in agency-operated  
14 facilities unless a waiver is granted by the office or otherwise  
15 allowed by statewide policy.

16 (4) Subject to the availability of amounts appropriated for this  
17 specific purpose, the office must conduct a statewide cloud computing  
18 readiness assessment to prepare for the migration of core services to  
19 cloud services, including ways it can leverage cloud computing to  
20 reduce costs. The assessment must:

21 (a) Inventory state agency assets, associated service contracts,  
22 and other relevant information;

23 (b) Identify impacts to state agency staffing resulting from the  
24 migration to cloud computing including: (i) Skill gaps between  
25 current on-premises computing practices and how cloud services are  
26 procured, secured, administered, maintained, and developed; and (ii)  
27 necessary retraining and ongoing training and development to ensure  
28 state agency staff maintain the skills necessary to effectively  
29 maintain information security and understand changes to enterprise  
30 architectures; and

31 (c) Identify additional resources needed by the agency to enable  
32 sufficient cloud migration support to state agencies.

33 (5) By June 30, 2020, the office must submit a report to the  
34 governor and the appropriate committees of the legislature that  
35 summarizes statewide cloud migration readiness and makes  
36 recommendations for migration goals.

37 (6) Subject to the availability of amounts appropriated for this  
38 specific purpose, the agency must oversee and provide technical  
39 specifications to the department of enterprise services who must  
40 conduct competitive procurements processes to identify no more than

1 three contracts per procurement to provide cloud computing services  
2 and to provide system migration support. The procurement process must  
3 be reopened and contracts must be renegotiated at a minimum every  
4 five years.

5 (7) This section does not apply to institutions of higher  
6 education.

7 NEW SECTION. **Sec. 3.** RCW 43.105.375 (Use of state data center—  
8 Business plan and migration schedule for state agencies—Exceptions)  
9 and 2015 3rd sp.s. c 1 s 219 & 2011 1st sp.s. c 43 s 735 are each  
10 repealed."

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11 On page 1, line 1 of the title, after "solutions;" strike the  
12 remainder of the title and insert "amending RCW 43.105.020; adding a  
13 new section to chapter 43.105 RCW; and repealing RCW 43.105.375."

**EFFECT:** Removes the requirement for state agencies to submit a cloud migration plan by December 31, 2020. Modifies the requirements for the statewide assessment. Removes the requirement for the OCIO to submit a cloud migration progress report to the Legislature every six months. Removes the reporting requirements for state agencies, the OCIO, and agency directors of human resources on dislocated workers. Removes the creation of a training program for dislocated workers.

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