

SUBSTITUTE HOUSE BILL 1947

State of Washington

68th Legislature

2024 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Street, Couture, Ryu, Gregerson, Reed, Ormsby, and Reeves; by request of Consolidated Technology Services)

READ FIRST TIME 01/22/24.

1 AN ACT Relating to governance of technology services in state
2 government; amending RCW 43.105.006, 43.105.007, 43.105.020,
3 43.105.025, 43.105.052, 43.105.054, 43.105.220, 43.105.240,
4 43.105.245, 43.105.255, 43.105.265, 43.105.285, 43.105.287,
5 43.105.342, 43.105.359, 43.105.369, 43.105.375, 43.105.385,
6 43.105.450, 43.105.331, 2.36.054, 2.36.057, 2.36.0571, 2.68.060,
7 19.27.076, 29A.08.760, 38.52.040, 39.26.090, 39.26.100, 39.26.235,
8 40.14.020, 40.26.020, 41.05.031, 41.06.070, 41.06.094, 41.06.142,
9 41.07.020, 42.17A.060, 42.17A.705, 43.41.391, 43.41.440, 43.41.442,
10 43.41.444, 43.63A.550, 43.70.054, 43.88.090, 43.88.092, 43.371.090,
11 43.42A.030, 43.41.430, 43.330.534, 43.371.020, 44.68.065, 46.20.037,
12 46.20.157, 70A.02.110, and 71.24.898; reenacting and amending RCW
13 39.94.040, 43.88.160, and 50A.25.070; adding a new section to chapter
14 38.52 RCW; recodifying RCW 43.105.331; and repealing RCW 41.06.101
15 and 43.105.205.

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

17 **Sec. 1.** RCW 43.105.006 and 2011 1st sp.s. c 43 s 801 are each
18 amended to read as follows:

19 To achieve maximum benefit from advances in information
20 technology the state establishes a centralized provider and procurer
21 of certain information technology services as an agency to support

1 the needs of state agencies. This agency shall be known as ((the
2 ~~consolidated technology services agency~~) Washington technology
3 solutions). To ensure maximum benefit to the state, state agencies
4 shall rely on ((the ~~consolidated technology services agency~~)
5 Washington technology solutions for those services with a business
6 case of broad use, uniformity, scalability, and price sensitivity to
7 aggregation and volume. The agency shall also establish clear
8 policies and standards for efficient and acceptable use of technology
9 in state government, providing guidance and leadership to state
10 agencies in deploying technology to meet their business objectives.

11 To successfully meet agency needs and meet its obligation as the
12 primary service provider for these services, ((the ~~consolidated~~
13 ~~technology services agency~~) Washington technology solutions must
14 offer high quality services at the lowest possible price. It must be
15 able to attract an adaptable and competitive workforce, be authorized
16 to procure services where the business case justifies it, create
17 policy and standards to address changes in the technology industry,
18 and be accountable to its customers for the efficient and effective
19 delivery of critical business services.

20 ((The ~~consolidated technology services agency~~) Washington
21 technology solutions is established as an agency in state government.
22 The agency is established with clear accountability to the agencies
23 it serves and to the public. This accountability will come through
24 enhanced transparency in the agency's operation and performance. The
25 agency is also established with broad flexibility to adapt its
26 operations, policies and standards, and service catalog to address
27 the needs of customer agencies, and to do so in the most cost-
28 effective ways.

29 **Sec. 2.** RCW 43.105.007 and 2015 3rd sp.s. c 1 s 101 are each
30 amended to read as follows:

31 Information technology is a tool used by state agencies to
32 improve their ability to deliver public services efficiently and
33 effectively. Advances in information technology, including advances
34 in hardware, software, and business processes for implementing and
35 managing these resources, offer new opportunities to improve the
36 level of support provided to citizens and state agencies and to
37 reduce the per-transaction cost of these services. These advances are
38 one component in the process of reengineering how government delivers
39 services to citizens.

1 To fully realize the service improvements and cost efficiency
2 from the effective application of information technology to its
3 business processes, state government must establish decision-making
4 structures that connect business processes and information technology
5 in an operating model. Many of these business practices transcend
6 individual agency processes and should be worked at the enterprise
7 level. To do this requires an effective partnership of executive
8 management, business processes owners, and providers of support
9 functions necessary to efficiently and effectively deliver services
10 to citizens.

11 To maximize the potential for information technology to
12 contribute to government business process reengineering, the state
13 must establish clear central authority to plan, set enterprise
14 policies and standards, and provide project oversight and management
15 analysis of the various aspects of a business process.

16 Establishing (~~(a state chief information officer as the director~~
17 ~~of the consolidated technology services agency)) Washington
18 technology solutions will provide state government with the cohesive
19 structure necessary to develop improved operating models with agency
20 directors and reengineer business process to enhance service delivery
21 while capturing savings.~~

22 To achieve maximum benefit from advances in information
23 technology, the state establishes a centralized provider and procurer
24 of certain information technology services as an agency to support
25 the needs of public agencies. This agency shall be known as (~~the~~
26 ~~consolidated technology services agency)) Washington technology
27 solutions. To ensure maximum benefit to the state, state agencies
28 shall rely on (~~the consolidated technology services agency))
29 Washington technology solutions for those services with a business
30 case of broad use, uniformity, scalability, and price sensitivity to
31 aggregation and volume.~~~~

32 To successfully meet public agency needs and meet its obligation
33 as the primary service provider for these services, (~~the~~
34 ~~consolidated technology services agency)) Washington technology
35 solutions must offer high quality services at the best value. It must
36 be able to attract an adaptable and competitive workforce, be
37 authorized to procure services where the business case justifies it,
38 and be accountable to its customers for the efficient and effective
39 delivery of critical business services.~~

1 (~~The consolidated technology services agency~~) Washington
2 technology solutions is established with clear accountability to the
3 agencies it serves and to the public. This accountability will come
4 through enhanced transparency in the agency's operation and
5 performance. The agency is also established with broad flexibility to
6 adapt its operations and service catalog to address the needs of
7 customer agencies, and to do so in the most cost-effective ways.

8 **Sec. 3.** RCW 43.105.020 and 2023 c 124 s 1 are each amended to
9 read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Agency" means (~~the consolidated technology services~~
13 ~~agency~~) Washington technology solutions.

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

15 (3) "Cloud computing" has the same meaning as provided by the
16 special publication 800-145 issued by the national institute of
17 standards and technology of the United States department of commerce
18 as of September 2011 or its successor publications.

19 (4) "Customer agencies" means all entities that purchase or use
20 information technology resources, telecommunications, or services
21 from (~~the consolidated technology services agency~~) Washington
22 technology solutions.

23 (5) "Director" means the state chief information officer, who is
24 the director of (~~the consolidated technology services agency~~)
25 Washington technology solutions.

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

31 (7) "Equipment" means the machines, devices, and transmission
32 facilities used in information processing, including but not limited
33 to computers, terminals, telephones, wireless communications system
34 facilities, cables, and any physical facility necessary for the
35 operation of such equipment.

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

1 (9) "Information security" means the protection of communication
2 and information resources from unauthorized access, use, disclosure,
3 disruption, modification, or destruction in order to:

4 (a) Prevent improper information modification or destruction;

5 (b) Preserve authorized restrictions on information access and
6 disclosure;

7 (c) Ensure timely and reliable access to and use of information;
8 and

9 (d) Maintain the confidentiality, integrity, and availability of
10 information.

11 (10) "Information technology" includes, but is not limited to,
12 all electronic technology systems and services, automated information
13 handling, system design and analysis, conversion of data, computer
14 programming, information storage and retrieval, telecommunications,
15 requisite system controls, simulation, electronic commerce, radio
16 technologies, and all related interactions between people and
17 machines.

18 (11) "Information technology portfolio" or "portfolio" means a
19 strategic management process documenting relationships between agency
20 missions and information technology and telecommunications
21 investments.

22 (12) "K-20 network" means the network established in RCW
23 43.41.391.

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

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

30 ~~(15))~~ (15) "Oversight" means a process of comprehensive risk analysis
31 and management designed to ensure optimum use of information
32 technology resources and telecommunications.

33 (~~(16))~~ (16) "Proprietary software" means that software offered
34 for sale or license.

35 (~~(17))~~ (17) "Public agency" means any agency of this state or
36 another state; any political subdivision or unit of local government
37 of this state or another state including, but not limited to,
38 municipal corporations, quasi-municipal corporations, special purpose
39 districts, and local service districts; any public benefit nonprofit

1 corporation; any agency of the United States; and any Indian tribe
2 recognized as such by the federal government.

3 ~~((18))~~ (17) "Public benefit nonprofit corporation" means a
4 public benefit nonprofit corporation as defined in RCW 24.03A.245
5 that is receiving local, state, or federal funds either directly or
6 through a public agency other than an Indian tribe or political
7 subdivision of another state.

8 ~~((19))~~ (18) "Public record" has the definitions in RCW
9 42.56.010 and chapter 40.14 RCW and includes legislative records and
10 court records that are available for public inspection.

11 ~~((20))~~ (19) "Public safety" refers to any entity or services
12 that ensure the welfare and protection of the public.

13 ~~((21))~~ (20) "Ransomware" means a type of malware that attempts
14 to deny a user or organization access to data or systems, usually
15 through encryption, until a sum of money or other currency is paid or
16 the user or organization is forced to take a specific action.

17 ~~((22))~~ (21) "Security incident" means an accidental or
18 deliberative event that results in or constitutes an imminent threat
19 of the unauthorized access, loss, disclosure, modification,
20 disruption, or destruction of communication and information
21 resources.

22 ~~((23))~~ (22) "State agency" means every state office,
23 department, division, bureau, board, commission, or other state
24 agency, including offices headed by a statewide elected official.

25 ~~((24))~~ (23) "Telecommunications" includes, but is not limited
26 to, wireless or wired systems for transport of voice, video, and data
27 communications, network systems, requisite facilities, equipment,
28 system controls, simulation, electronic commerce, and all related
29 interactions between people and machines.

30 ~~((25))~~ (24) "Utility-based infrastructure services" includes
31 personal computer and portable device support, servers and server
32 administration, security administration, network administration,
33 telephony, email, and other information technology services commonly
34 used by state agencies.

35 **Sec. 4.** RCW 43.105.025 and 2015 3rd sp.s. c 1 s 103 are each
36 amended to read as follows:

37 (1) There is created ~~((the consolidated technology services
38 agency))~~ Washington technology solutions, an agency of state
39 government. The agency shall be headed by a director, who is the

1 state chief information officer. The director shall be appointed by
2 the governor with the consent of the senate. The director shall serve
3 at the governor's pleasure and shall receive such salary as
4 determined by the governor. If a vacancy occurs in the position while
5 the senate is not in session, the governor shall make a temporary
6 appointment until the next meeting of the senate at which time he or
7 she shall present to that body his or her nomination for the
8 position.

9 (2) The director shall:

10 (a) Appoint a confidential secretary and such deputy and
11 assistant directors as needed to administer the agency; ~~((and))~~

12 (b) Appoint such professional, technical, and clerical assistants
13 and employees as may be necessary to perform the duties imposed by
14 this chapter in accordance with chapter 41.06 RCW, except as
15 otherwise provided by law; and

16 (c) Establish standards and policies to govern information
17 technology in the state of Washington.

18 (3) The director may create such administrative structures as he
19 or she deems appropriate and may delegate any power or duty vested in
20 him or her by this chapter or other law.

21 (4) The director shall exercise all the powers and perform all
22 the duties prescribed by law with respect to the administration of
23 this chapter including:

24 (a) Reporting to the governor any matters relating to abuses and
25 evasions of this chapter;

26 (b) Accepting and expending gifts and grants that are related to
27 the purposes of this chapter;

28 (c) Applying for grants from public and private entities, and
29 receiving and administering any grant funding received for the
30 purpose and intent of this chapter; and

31 (d) Performing other duties as are necessary and consistent with
32 law.

33 **Sec. 5.** RCW 43.105.052 and 2015 3rd sp.s. c 1 s 104 are each
34 amended to read as follows:

35 (1) The agency shall:

36 ~~((1))~~ (a) Make available information services to public
37 agencies and public benefit nonprofit corporations;

38 ~~((2))~~ (b) Establish rates and fees for services provided by the
39 agency;

1 ~~((3))~~ (c) Develop a billing rate plan for a two-year period to
2 coincide with the budgeting process. The rate plan must be subject to
3 review at least annually by the office of financial management. The
4 rate plan must show the proposed rates by each cost center and show
5 the components of the rate structure as mutually determined by the
6 agency and the office of financial management. The rate plan and any
7 adjustments to rates must be approved by the office of financial
8 management;

9 ~~((4))~~ (d) Develop a detailed business plan for any service or
10 activity to be contracted under RCW 41.06.142~~((7))~~ (11)(b);

11 ~~((5))~~ (e) Develop plans for the agency's achievement of
12 statewide goals and objectives set forth in the state strategic
13 information technology plan required under RCW 43.105.220;

14 ~~((6))~~ (f) Enable the standardization and consolidation of
15 information technology infrastructure across all state agencies to
16 support enterprise-based system development and improve and maintain
17 service delivery; ~~(and~~

18 ~~(7))~~ (g) Prepare and lead the implementation of a strategic
19 direction and enterprise architecture for information technology for
20 state government;

21 (h) Establish standards and policies for the consistent and
22 efficient operation of information technology services throughout
23 state government;

24 (i) Establish statewide enterprise architecture that will serve
25 as the organizing standard for information technology for state
26 agencies;

27 (j) Educate and inform state managers and policymakers on
28 technological developments, industry trends and best practices,
29 industry benchmarks that strengthen decision making and professional
30 development, and industry understanding for public managers and
31 decision makers; and

32 (k) Perform all other matters and things necessary to carry out
33 the purposes and provisions of this chapter.

34 (2) In the case of institutions of higher education, the powers
35 of the agency and the provisions of this chapter apply to business
36 and administrative applications but do not apply to: (a) Academic and
37 research applications; and (b) medical, clinical, and health care
38 applications, including the business and administrative applications
39 for such operations. However, institutions of higher education must
40 disclose to the agency any proposed academic applications that are

1 enterprise-wide in nature relative to the needs and interests of
2 other institutions of higher education. Institutions of higher
3 education shall provide to the director sufficient data and
4 information on proposed expenditures on business and administrative
5 applications to permit the director to evaluate the proposed
6 expenditures pursuant to RCW 43.88.092(3).

7 (3) The legislature and the judiciary, which are constitutionally
8 recognized as separate branches of government, are strongly
9 encouraged to coordinate with the agency and participate in shared
10 services initiatives and the development of enterprise-based
11 strategies, where appropriate. Legislative and judicial agencies of
12 the state may consult with the director on proposed information
13 technology expenditures, where appropriate, to allow the director to
14 provide feedback on an advisory basis.

15 **Sec. 6.** RCW 43.105.054 and 2021 c 291 s 9 are each amended to
16 read as follows:

17 ~~(1) ((The director shall establish standards and policies to~~
18 ~~govern information technology in the state of Washington.~~

19 ~~(2))~~ The ((office)) agency shall have the following powers and
20 duties related to the governance of information services:

21 (a) To develop statewide standards and policies governing the:

22 (i) Acquisition of equipment, software, and technology-related
23 services;

24 (ii) Disposition of equipment;

25 (iii) Licensing of the radio spectrum by or on behalf of state
26 agencies; and

27 (iv) Confidentiality of computerized data;

28 (b) To develop statewide and interagency technical policies,
29 standards, and procedures;

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

35 (d) With input from the legislature and the judiciary, to provide
36 direction concerning strategic planning goals and objectives for the
37 state;

1 (e) To establish policies for the periodic review by the director
2 of state agency performance which may include but are not limited to
3 analysis of:

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

6 (ii) Training and education;

7 (iii) Project management; and

8 (iv) Cybersecurity, in coordination with the office of
9 cybersecurity;

10 (f) To coordinate with state agencies with an annual information
11 technology expenditure that exceeds ten million dollars to implement
12 a technology business management program to identify opportunities
13 for savings and efficiencies in information technology expenditures
14 and to monitor ongoing financial performance of technology
15 investments;

16 (g) (~~In conjunction with the consolidated technology services~~
17 ~~agency, to~~) To develop statewide standards for agency purchases of
18 technology networking equipment and services;

19 (h) To implement a process for detecting, reporting, and
20 responding to security incidents consistent with the information
21 security standards, policies, and guidelines adopted by the director;

22 (i) To develop plans and procedures to ensure the continuity of
23 commerce for information resources that support the operations and
24 assets of state agencies in the event of a security incident; and

25 (j) To work with the office of cybersecurity, department of
26 commerce, and other economic development stakeholders to facilitate
27 the development of a strategy that includes key local, state, and
28 federal assets that will create Washington as a national leader in
29 cybersecurity. The (~~office~~) agency shall collaborate with,
30 including but not limited to, community colleges, universities, the
31 national guard, the department of defense, the department of energy,
32 and national laboratories to develop the strategy.

33 (~~(3)~~) (2) Statewide technical standards to promote and
34 facilitate electronic information sharing and access are an essential
35 component of acceptable and reliable public access service and
36 complement content-related standards designed to meet those goals.
37 The (~~office~~) agency shall:

38 (a) Establish technical standards to facilitate electronic access
39 to government information and interoperability of information
40 systems, including wireless communications systems; and

1 (b) Require agencies to include an evaluation of electronic
2 public access needs when planning new information systems or major
3 upgrades of systems.

4 In developing these standards, the ((office)) agency is
5 encouraged to include the state library, state archives, and
6 appropriate representatives of state and local government.

7 (3) Each state agency must annually certify to the agency that it
8 is in compliance with the policies and standards developed under this
9 chapter.

10 **Sec. 7.** RCW 43.105.220 and 2015 3rd sp.s. c 1 s 203 are each
11 amended to read as follows:

12 (1) The ((office)) agency shall prepare a state strategic
13 information technology plan which shall establish a statewide
14 mission, goals, and objectives for the use of information technology,
15 including goals for electronic access to government records,
16 information, and services. The plan shall be developed in accordance
17 with the standards and policies established by the ((office)) agency.
18 The ((office)) agency shall seek the advice of the board in the
19 development of this plan.

20 The plan shall be updated as necessary and submitted to the
21 governor and the legislature.

22 (2) The ((office)) agency shall prepare a biennial state
23 performance report on information technology based on state agency
24 performance reports required under RCW 43.105.235 and other
25 information deemed appropriate by the ((office)) agency. The report
26 shall include, but not be limited to:

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

30 (b) An evaluation of performance relating to information
31 technology;

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

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

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

6 (ii) The original proposed project schedule and the final actual
7 project schedule;

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

10 (iv) Discussion of lessons learned on the project, performance of
11 any contractors used, and reasons for project delays or cost
12 increases; and

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

15 (3) Copies of the report shall be distributed biennially to the
16 governor and the legislature. The major technology section of the
17 report must examine major information technology projects completed
18 in the previous biennium.

19 **Sec. 8.** RCW 43.105.240 and 2015 3rd sp.s. c 1 s 207 are each
20 amended to read as follows:

21 (1) Pursuant to RCW 43.88.092(3), at the request of the director
22 of financial management, the ((office)) agency shall evaluate both
23 state agency information technology current spending and technology
24 budget requests, including those proposed by the superintendent of
25 public instruction, in conjunction with educational service
26 districts, or statewide or regional providers of K-12 education
27 information technology services. The ((office)) agency shall submit
28 recommendations for funding all or part of such requests to the
29 director of financial management. The ((office)) agency shall also
30 submit recommendations regarding consolidation and coordination of
31 similar proposals or other efficiencies it finds in reviewing
32 proposals.

33 (2) The ((office)) agency shall establish criteria, consistent
34 with portfolio-based information technology management, for the
35 evaluation of agency budget requests under this section. Technology
36 budget requests shall be evaluated in the context of the state's
37 information technology portfolio; technology initiatives underlying
38 budget requests are subject to review by the ((office)) agency.
39 Criteria shall include, but not be limited to: Feasibility of the

1 proposed projects, consistency with the state strategic information
2 technology plan and the state enterprise architecture, consistency
3 with information technology portfolios, appropriate provision for
4 public electronic access to information, evidence of business process
5 streamlining and gathering of business and technical requirements,
6 services, duration of investment, costs, and benefits.

7 **Sec. 9.** RCW 43.105.245 and 2015 3rd sp.s. c 1 s 208 are each
8 amended to read as follows:

9 (1) (a) The ~~((office))~~ agency shall establish standards and
10 policies governing the planning, implementation, and evaluation of
11 major information technology projects, including those proposed by
12 the superintendent of public instruction, in conjunction with
13 educational service districts, or statewide or regional providers of
14 K-12 education information technology services. The standards and
15 policies shall:

16 ~~((a))~~ (i) Establish criteria to identify projects which are
17 subject to this section. Such criteria shall include, but not be
18 limited to, significant anticipated cost, complexity, or statewide
19 significance of the project; and

20 ~~((b))~~ (ii) Establish a model process and procedures which state
21 agencies shall follow in developing and implementing projects within
22 their information technology portfolios. This process may include
23 project oversight experts or panels, as appropriate. State agencies
24 may propose, for approval by the ~~((office))~~ agency, a process and
25 procedures unique to the agency. The ~~((office))~~ agency may accept or
26 require modification of such agency proposals or the ~~((office))~~
27 agency may reject those proposals and require use of the model
28 process and procedures established under this subsection. Any process
29 and procedures developed under this subsection shall require ~~((i))~~
30 (A) distinct and identifiable phases upon which funding may be based,
31 ~~((ii))~~ (B) user validation of products through system
32 demonstrations and testing of prototypes and deliverables, and
33 ~~((iii))~~ (C) other elements identified by the ~~((office))~~ agency.

34 (b) The director may suspend or terminate a major project ~~((, and
35 direct that the project funds be placed into unallotted reserve
36 status,))~~ if the director determines that the project is not meeting
37 or is not expected to meet the project's anticipated performance
38 standards. Upon suspension or termination of a major project, the

1 director of the office of financial management shall direct that the
2 project funds be placed into unallotted reserved status.

3 (2) The (~~office of financial management~~) agency shall establish
4 policies and standards consistent with portfolio-based information
5 technology management to govern the funding of projects developed
6 under this section. The policies and standards shall provide for:

7 (a) Funding of a project under terms and conditions mutually
8 agreed to by the director, the director of financial management, and
9 the head of the agency proposing the project. However, the (~~office~~
10 ~~of financial management~~) agency, in consultation with the office of
11 financial management, may require incremental funding of a project on
12 a phase-by-phase basis whereby funds for a given phase of a project
13 may be released only when the (~~office of financial management~~)
14 agency determines, with the advice of the director, that the previous
15 phase is satisfactorily completed; and

16 (b) Other elements deemed necessary by the (~~office of financial~~
17 ~~management~~) agency.

18 **Sec. 10.** RCW 43.105.255 and 2015 3rd sp.s. c 1 s 209 are each
19 amended to read as follows:

20 (1) Prior to making a commitment to purchase, acquire, or develop
21 a major information technology project or service, state agencies
22 must provide a proposal to the (~~office~~) agency outlining the
23 business case of the proposed product or service, including the up-
24 front and ongoing cost of the proposal.

25 (2) Within thirty days of receipt of a proposal, the (~~office~~)
26 agency shall approve the proposal, reject it, or propose
27 modifications.

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

30 (a) The standards and policies developed by the director pursuant
31 to RCW 43.105.054 and 43.105.025; and

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

33 (4) If a substantially similar product or service is offered by
34 the agency, the director may require the state agency to procure the
35 product or service through the agency, if doing so would benefit the
36 state as an enterprise.

37 (5) The (~~office~~) agency shall provide guidance to state
38 agencies as to what threshold of information technology spending

1 constitutes a major information technology product or service under
2 this section.

3 **Sec. 11.** RCW 43.105.265 and 2015 3rd sp.s. c 1 s 210 are each
4 amended to read as follows:

5 (1) The (~~office~~) agency shall develop an enterprise-based
6 strategy for information technology in state government informed by
7 portfolio management planning and information technology expenditure
8 information collected from state agencies pursuant to RCW 43.88.092.

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

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

20 (c) In developing an enterprise-based strategy for the state, the
21 (~~office~~) agency is encouraged to consider the following strategies
22 as possible opportunities for achieving greater efficiency:

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

26 (ii) Developing a road map of priorities for creating enterprise
27 services;

28 (iii) Developing decision criteria for determining implementation
29 criteria for centralized or decentralized enterprise services;

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

32 (v) Performing such other duties as may be needed to promote
33 effective enterprise change.

34 (~~(e)~~) (d) The (~~office~~) agency will establish performance
35 measurement criteria for each of its initiatives; will measure the
36 success of those initiatives; and will assess its quarterly results
37 with the director to determine whether to continue, revise, or
38 disband the initiative.

1 **Sec. 12.** RCW 43.105.285 and 2015 3rd sp.s. c 1 s 211 are each
2 amended to read as follows:

3 (1) The technology services board is created within the agency.

4 (2) (a) The board shall be composed of thirteen members. Six
5 members shall be appointed by the governor, three of whom shall be
6 representatives of state agencies or institutions, and three of whom
7 shall be representatives of the private sector. Of the state agency
8 representatives, at least one of the representatives must have direct
9 experience using the software projects overseen by the board or
10 reasonably expect to use the new software developed under the
11 oversight of the board. Two members shall represent the house of
12 representatives and shall be selected by the speaker of the house of
13 representatives with one representative chosen from each major caucus
14 of the house of representatives; two members shall represent the
15 senate and shall be appointed by the president of the senate with one
16 representative chosen from each major caucus of the senate. One
17 member shall be the director who shall be a voting member of the
18 board and serve as chair. Two nonvoting members with information
19 technology expertise must be appointed by the governor as follows:

20 ~~((a))~~ (i) One member representing state agency bargaining units
21 shall be selected from a list of three names submitted by each of the
22 general government exclusive bargaining representatives; and

23 ~~((b))~~ (ii) One member representing local governments shall be
24 selected from a list of three names submitted by commonly recognized
25 local government organizations.

26 (b) The governor may reject all recommendations and request new
27 recommendations.

28 (3) Of the initial members, three must be appointed for a one-
29 year term, three must be appointed for a two-year term, and four must
30 be appointed for a three-year term. Thereafter, members must be
31 appointed for three-year terms.

32 (4) Vacancies shall be filled in the same manner that the
33 original appointments were made for the remainder of the member's
34 term.

35 (5) Members of the board shall be reimbursed for travel expenses
36 as provided in RCW 43.03.050 and 43.03.060.

37 (6) The ~~((office))~~ agency shall provide staff support to the
38 board.

1 **Sec. 13.** RCW 43.105.287 and 2015 3rd sp.s. c 1 s 212 are each
2 amended to read as follows:

3 The board shall have the following powers and duties related to
4 information services:

5 (1) To review and approve standards and policies, developed by
6 the (~~office~~) agency, governing the acquisition and disposition of
7 equipment, proprietary software, and purchased services, licensing of
8 the radio spectrum by or on behalf of state agencies, and
9 confidentiality of computerized data;

10 (2) To review and approve statewide or interagency technical
11 policies and standards developed by the (~~office~~) agency;

12 (3) To review, approve, and provide oversight of major
13 information technology projects to ensure that no major information
14 technology project proposed by a state agency is approved or
15 authorized funding by the board without consideration of the
16 technical and financial business case for the project, including a
17 review of:

18 (a) The total cost of ownership across the life of the project;

19 (b) All major technical options and alternatives analyzed, and
20 reviewed, if necessary, by independent technical sources; and

21 (c) Whether the project is technically and financially
22 justifiable when compared against the state's enterprise-based
23 strategy, long-term technology trends, and existing or potential
24 partnerships with private providers or vendors;

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

35 (5) To develop a policy to determine whether a proposed project,
36 product, or service should undergo an independent technical and
37 financial analysis prior to submitting a request to the office of
38 financial management for the inclusion in any proposed operating,
39 capital, or transportation budget;

1 (6) To approve contracting for services and activities under RCW
2 41.06.142(~~((7))~~) (11) for the agency. To approve any service or
3 activity to be contracted under RCW 41.06.142(~~((7))~~) (11)(b), the
4 board must also review the proposed business plan and recommendation
5 submitted by the (~~(office)~~) agency;

6 (7) To consider, on an ongoing basis, ways to promote strategic
7 investments in enterprise-level information technology projects that
8 will result in service improvements and cost efficiency;

9 (8) To provide a forum to solicit external expertise and
10 perspective on developments in information technology, enterprise
11 architecture, standards, and policy development; and

12 (9) To provide a forum where ideas and issues related to
13 information technology plans, policies, and standards can be
14 reviewed.

15 **Sec. 14.** RCW 43.105.342 and 2015 3rd sp.s. c 1 s 501 are each
16 amended to read as follows:

17 (1) The (~~(consolidated—technology—services)~~) Washington
18 technology solutions revolving account is created in the custody of
19 the state treasurer. All receipts from agency fees and charges for
20 services collected from public agencies must be deposited into the
21 account. The account must be used for the:

22 (a) Acquisition of equipment, software, supplies, and services;
23 and

24 (b) Payment of salaries, wages, and other costs incidental to the
25 acquisition, development, maintenance, operation, and administration
26 of: (i) Information services; (ii) telecommunications; (iii) systems;
27 (iv) software; (v) supplies; and (vi) equipment, including the
28 payment of principal and interest on debt by the agency and other
29 users as determined by the office of financial management.

30 (2) The director or the director's designee, with the approval of
31 the technology services board, is authorized to expend up to one
32 million dollars per fiscal biennium for the technology services board
33 to conduct independent technical and financial analysis of proposed
34 information technology projects.

35 (3) Only the director or the director's designee may authorize
36 expenditures from the account. The account is subject to allotment
37 procedures under chapter 43.88 RCW, but no appropriation is required
38 for expenditures except as provided in subsection (4) of this
39 section.

1 (4) Expenditures for the strategic planning and policy component
2 of the agency are subject to appropriation.

3 **Sec. 15.** RCW 43.105.359 and 2011 1st sp.s. c 43 s 724 are each
4 amended to read as follows:

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

18 **Sec. 16.** RCW 43.105.369 and 2016 c 195 s 2 are each amended to
19 read as follows:

20 (1) The office of privacy and data protection is created within
21 the (~~office of the state chief information officer~~) agency. The
22 purpose of the office of privacy and data protection is to serve as a
23 central point of contact for state agencies on policy matters
24 involving data privacy and data protection.

25 (2) The director shall appoint the chief privacy officer, who is
26 the director of the office of privacy and data protection.

27 (3) The primary duties of the office of privacy and data
28 protection with respect to state agencies are:

29 (a) To conduct an annual privacy review;

30 (b) To conduct an annual privacy training for state agencies and
31 employees;

32 (c) To articulate privacy principles and best practices;

33 (d) To coordinate data protection in cooperation with the agency;
34 and

35 (e) To participate with the (~~office of the state chief~~
36 ~~information officer~~) agency in the review of major state agency
37 projects involving personally identifiable information.

1 (4) The office of privacy and data protection must serve as a
2 resource to local governments and the public on data privacy and
3 protection concerns by:

4 (a) Developing and promoting the dissemination of best practices
5 for the collection and storage of personally identifiable
6 information, including establishing and conducting a training program
7 or programs for local governments; and

8 (b) Educating consumers about the use of personally identifiable
9 information on mobile and digital networks and measures that can help
10 protect this information.

11 (5) By December 1, 2016, and every four years thereafter, the
12 office of privacy and data protection must prepare and submit to the
13 legislature a report evaluating its performance. The office of
14 privacy and data protection must establish performance measures in
15 its 2016 report to the legislature and, in each report thereafter,
16 demonstrate the extent to which performance results have been
17 achieved. These performance measures must include, but are not
18 limited to, the following:

19 (a) The number of state agencies and employees who have
20 participated in the annual privacy training;

21 (b) A report on the extent of the office of privacy and data
22 protection's coordination with international and national experts in
23 the fields of data privacy, data protection, and access equity;

24 (c) A report on the implementation of data protection measures by
25 state agencies attributable in whole or in part to the office of
26 privacy and data protection's coordination of efforts; and

27 (d) A report on consumer education efforts, including but not
28 limited to the number of consumers educated through public outreach
29 efforts, as indicated by how frequently educational documents were
30 accessed, the office of privacy and data protection's participation
31 in outreach events, and inquiries received back from consumers via
32 telephone or other media.

33 (6) Within one year of June 9, 2016, the office of privacy and
34 data protection must submit to the joint legislative audit and review
35 committee for review and comment the performance measures developed
36 under subsection (5) of this section and a data collection plan.

37 (7) The office of privacy and data protection shall submit a
38 report to the legislature on the: (a) Extent to which
39 telecommunications providers in the state are deploying advanced
40 telecommunications capability; and (b) existence of any inequality in

1 access to advanced telecommunications infrastructure experienced by
2 residents of tribal lands, rural areas, and economically distressed
3 communities. The report may be submitted at a time within the
4 discretion of the office of privacy and data protection, at least
5 once every four years, and only to the extent the office of privacy
6 and data protection is able to gather and present the information
7 within existing resources.

8 **Sec. 17.** RCW 43.105.375 and 2021 c 40 s 3 are each amended to
9 read as follows:

10 (1) Except as provided by subsection (2) of this section, state
11 agencies shall locate all existing and new information or
12 telecommunications investments in the state data center or within
13 third-party, commercial cloud computing services.

14 (2) State agencies with a service requirement that precludes them
15 from complying with subsection (1) of this section must receive a
16 waiver from the ((office)) agency. Waivers must be based upon written
17 justification from the requesting state agency citing specific
18 service or performance requirements for locating servers outside the
19 state's common platform.

20 (3) 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)) agency to migrate its
23 servers into the state data center or third-party, commercial cloud
24 computing services.

25 ((~~(5)~~—~~(4)~~)) (4) This section does not apply to institutions of
26 higher education.

27 **Sec. 18.** RCW 43.105.385 and 2015 3rd sp.s. c 1 s 220 are each
28 amended to read as follows:

29 (1) The ((office)) agency shall conduct a needs assessment and
30 develop a migration strategy to ensure that, over time, all state
31 agencies are moving towards using the agency as their central service
32 provider for all utility-based infrastructure services, including
33 centralized PC and infrastructure support. State agency-specific
34 application services shall remain managed within individual agencies.

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

37 (3) This section does not apply to institutions of higher
38 education.

1 **Sec. 19.** RCW 43.105.450 and 2021 c 291 s 1 are each amended to
2 read as follows:

3 (1) The office of cybersecurity is created within the (~~office of~~
4 ~~the chief information officer~~) agency.

5 (2) The director shall appoint a state chief information security
6 officer, who is the director of the office of cybersecurity.

7 (3) The primary duties of the office of cybersecurity are:

8 (a) To establish security standards and policies to protect the
9 state's information technology systems and infrastructure, to provide
10 appropriate governance and application of the standards and policies
11 across information technology resources used by the state, and to
12 ensure the confidentiality, availability, and integrity of the
13 information transacted, stored, or processed in the state's
14 information technology systems and infrastructure;

15 (b) To develop a centralized cybersecurity protocol for
16 protecting and managing state information technology assets and
17 infrastructure;

18 (c) To detect and respond to security incidents consistent with
19 information security standards and policies;

20 (d) To create a model incident response plan for agency adoption,
21 with the office of cybersecurity as the incident response coordinator
22 for incidents that: (i) Impact multiple agencies; (ii) impact more
23 than 10,000 citizens; (iii) involve a nation state actor; or (iv) are
24 likely to be in the public domain;

25 (e) To ensure the continuity of state business and information
26 resources that support the operations and assets of state agencies in
27 the event of a security incident;

28 (f) To provide formal guidance to agencies on leading practices
29 and applicable standards to ensure a whole government approach to
30 cybersecurity, which shall include, but not be limited to, guidance
31 regarding: (i) The configuration and architecture of agencies'
32 information technology systems, infrastructure, and assets; (ii)
33 governance, compliance, and oversight; and (iii) incident
34 investigation and response;

35 (g) To serve as a resource for local and municipal governments in
36 Washington in the area of cybersecurity;

37 (h) To develop a service catalog of cybersecurity services to be
38 offered to state and local governments;

39 (i) To collaborate with state agencies in developing standards,
40 functions, and services in order to ensure state agency regulatory

1 environments are understood and considered as part of an enterprise
2 cybersecurity response;

3 (j) To define core services that must be managed by agency
4 information technology security programs; and

5 (k) To perform all other matters and things necessary to carry
6 out the purposes of this chapter.

7 (4) In performing its duties, the office of cybersecurity must
8 address the highest levels of security required to protect
9 confidential information transacted, stored, or processed in the
10 state's information technology systems and infrastructure that is
11 specifically protected from disclosure by state or federal law and
12 for which strict handling requirements are required.

13 (5) In executing its duties under subsection (3) of this section,
14 the office of cybersecurity shall use or rely upon existing, industry
15 standard, widely adopted cybersecurity standards, with a preference
16 for United States federal standards.

17 (6) Each state agency, institution of higher education, the
18 legislature, and the judiciary must develop an information technology
19 security program consistent with the office of cybersecurity's
20 standards and policies.

21 (7)(a) Each state agency information technology security program
22 must adhere to the office of cybersecurity's security standards and
23 policies. Each state agency must review and update its program
24 annually, certify to the office of cybersecurity that its program is
25 in compliance with the office of cybersecurity's security standards
26 and policies, and provide the office of cybersecurity with a list of
27 the agency's cybersecurity business needs and agency program metrics.

28 (b) The office of cybersecurity shall require a state agency to
29 obtain an independent compliance audit of its information technology
30 security program and controls at least once every three years to
31 determine whether the state agency's information technology security
32 program is in compliance with the standards and policies established
33 by the agency and that security controls identified by the state
34 agency in its security program are operating efficiently.

35 (c) If a review or an audit conducted under (a) or (b) of this
36 subsection identifies any failure to comply with the standards and
37 policies of the office of cybersecurity or any other material
38 cybersecurity risk, the office of cybersecurity must require the
39 state agency to formulate and implement a plan to resolve the failure
40 or risk. On an annual basis, the office of cybersecurity must provide

1 a confidential report to the governor and appropriate committees of
2 the legislature identifying and describing the cybersecurity risk or
3 failure to comply with the office of cybersecurity's security policy
4 or implementing cybersecurity standards and policies, as well as the
5 agency's plan to resolve such failure or risk. Risks that are not
6 mitigated are to be tracked by the office of cybersecurity and
7 reviewed with the governor and the chair and ranking member of the
8 appropriate committees of the legislature on a quarterly basis.

9 (d) The reports produced, and information compiled, pursuant to
10 this subsection (7) are confidential and may not be disclosed under
11 chapter 42.56 RCW.

12 (8) In the case of institutions of higher education, the
13 judiciary, and the legislature, each information technology security
14 program must be comparable to the intended outcomes of the office of
15 cybersecurity's security standards and policies.

16 **Sec. 20.** RCW 43.105.331 and 2017 c 92 s 1 are each amended to
17 read as follows:

18 (1) The director shall appoint a state interoperability executive
19 committee, the membership of which must include, but not be limited
20 to, representatives of the military department, the Washington state
21 patrol, the department of transportation, (~~the office of the state~~
22 ~~chief information officer~~) Washington technology solutions, the
23 department of natural resources, the department of fish and wildlife,
24 the department of health, the department of corrections, city and
25 county governments, state and local fire chiefs, police chiefs, and
26 sheriffs, state and local emergency management directors, tribal
27 nations, and public safety answering points, commonly known as 911
28 call centers. The chair and legislative members of the board will
29 serve as nonvoting ex officio members of the committee. Voting
30 membership may not exceed twenty-two members.

31 (2) The director shall appoint the chair of the committee from
32 among the voting members of the committee.

33 (3) The state interoperability executive committee has the
34 following responsibilities:

35 (a) Develop policies and make recommendations (~~to the office~~)
36 for technical standards for state wireless radio communications
37 systems, including emergency communications systems. The standards
38 must address, among other things, the interoperability of systems,

1 taking into account both existing and future systems and
2 technologies;

3 (b) Coordinate and manage on behalf of the ((office)) department
4 the licensing and use of state-designated and state-licensed radio
5 frequencies, including the spectrum used for public safety and
6 emergency communications, and serve as the point of contact with the
7 federal communications commission and the first responders network
8 authority on matters relating to allocation, use, and licensing of
9 radio spectrum;

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

12 (i) Any new trunked radio system shall be, at a minimum,
13 project-25; and

14 (ii) Any new land-mobile radio system that requires advanced
15 digital features shall be, at a minimum, project-25;

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

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

20 (f) Foster cooperation and coordination among public safety and
21 emergency response organizations;

22 (g) Work with wireless communications groups and associations to
23 ensure interoperability among all public safety and emergency
24 response wireless communications systems; and

25 (h) Perform such other duties as may be assigned by the director
26 to promote interoperability of wireless communications systems.

27 (4) The ((office)) department shall provide administrative
28 support to the committee.

29 **Sec. 21.** RCW 2.36.054 and 2023 c 316 s 4 are each amended to
30 read as follows:

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

34 (1) The superior court of each county, after consultation with
35 the county clerk and county auditor of that jurisdiction, shall
36 annually notify ((the consolidated technology services agency))
37 Washington technology solutions not later than March 1st of each year
38 of its election to use either a jury source list that is merged by
39 the county or a jury source list that is merged by ((the consolidated

1 ~~technology services agency~~) Washington technology solutions. ((The
2 ~~consolidated technology services agency~~) Washington technology
3 solutions shall annually furnish at no charge to the superior court
4 of each county a separate list of the registered voters residing in
5 that county as supplied annually by the secretary of state and a
6 separate list of driver's license and identicard holders residing in
7 that county as supplied annually by the department of licensing, or a
8 merged list of all such persons residing in that county, in
9 accordance with the annual notification required by this subsection.
10 The lists provided by ((~~the consolidated technology services agency~~)
11 Washington technology solutions shall be in an electronic format
12 mutually agreed upon by the superior court requesting it and ((~~the~~
13 ~~consolidated technology services agency~~) Washington technology
14 solutions. The annual merger of the list of registered voters
15 residing in each county with the list of licensed drivers and
16 identicard holders residing in each county to form a jury source list
17 for each county shall be in accordance with the standards and
18 methodology established in this chapter or by superseding court rule
19 whether the merger is accomplished by ((~~the consolidated technology~~
20 ~~services agency~~) Washington technology solutions or by a county.

21 (2) (a) Persons on the lists of registered voters and driver's
22 license and identicard holders shall be identified by a minimum of
23 last name, first name, middle initial where available, date of birth,
24 gender, and county of residence. Identifying information shall be
25 used when merging the lists to ensure to the extent reasonably
26 possible that persons are only listed once on the merged list.
27 Conflicts in addresses are to be resolved by using the most recent
28 record by date of last vote in a general election, date of driver's
29 license or identicard address change or date of voter registration.

30 (b) After July 1, 2024, persons who:

31 (i) Apply for a driver's license or identicard in this state
32 shall have the ability to opt in to allow the department of licensing
33 to share the person's email address with ((~~the consolidated~~
34 ~~technology services agency~~) Washington technology solutions for the
35 purpose of electronically receiving jury summons and other
36 communications related to jury service; and

37 (ii) Apply online to ((~~the~~)) register to vote shall, immediately
38 after completing the voter registration transaction, be directed by
39 the secretary of state to a website where the person shall have the
40 ability to opt in to share the person's email address with ((~~the~~

1 ~~consolidated technology services agency~~) Washington technology
2 solutions for the purpose of electronically receiving jury summons
3 and other communications related to jury service. The provisions of
4 (~~the [this]~~) this subsection (2)(b)(ii) are subject to
5 appropriation.

6 (3) (~~The consolidated technology services agency~~) Washington
7 technology solutions shall provide counties that elect to receive a
8 jury source list merged by (~~the consolidated technology services~~
9 ~~agency~~) Washington technology solutions with a list of names which
10 are possible duplicates that cannot be resolved based on the
11 identifying information required under subsection (2) of this
12 section. If a possible duplication cannot subsequently be resolved
13 satisfactorily through reasonable efforts by the county receiving the
14 merged list, the possible duplicate name shall be stricken from the
15 jury source list until the next annual jury source list is prepared.

16 **Sec. 22.** RCW 2.36.057 and 2015 3rd sp.s. c 1 s 401 are each
17 amended to read as follows:

18 The supreme court is requested to adopt court rules regarding
19 methodology and standards for merging the list of registered voters
20 in Washington state with the list of licensed drivers and identicard
21 holders in Washington state for purposes of creating an expanded jury
22 source list. The rules should specify the standard electronic format
23 or formats in which the lists will be provided to requesting superior
24 courts by (~~the consolidated technology services agency~~) Washington
25 technology solutions. In the interim, and until such court rules
26 become effective, the methodology and standards provided in RCW
27 2.36.054 shall apply. An expanded jury source list shall be available
28 to the courts for use by September 1, 1994.

29 **Sec. 23.** RCW 2.36.0571 and 2015 3rd sp.s. c 1 s 402 are each
30 amended to read as follows:

31 The secretary of state, the department of licensing, and (~~the~~
32 ~~consolidated technology services agency~~) Washington technology
33 solutions shall adopt administrative rules as necessary to provide
34 for the implementation of the methodology and standards established
35 pursuant to RCW 2.36.057 and 2.36.054 or by supreme court rule.

36 **Sec. 24.** RCW 2.68.060 and 2015 3rd sp.s. c 1 s 403 are each
37 amended to read as follows:

1 The administrative office of the courts, under the direction of
2 the judicial information system committee, shall:

3 (1) Develop a judicial information system information technology
4 portfolio consistent with the provisions of RCW 43.105.341;

5 (2) Participate in the development of an enterprise-based
6 statewide information technology strategy;

7 (3) Ensure the judicial information system information technology
8 portfolio is organized and structured to clearly indicate
9 participation in and use of enterprise-wide information technology
10 strategies;

11 (4) As part of the biennial budget process, submit the judicial
12 information system information technology portfolio to the chair and
13 ranking member of the ways and means committees of the house of
14 representatives and the senate, the office of financial management,
15 and ~~((the consolidated technology services agency))~~ Washington
16 technology solutions.

17 **Sec. 25.** RCW 19.27.076 and 2018 c 207 s 6 are each amended to
18 read as follows:

19 The building code council, in consultation with ~~((the office of~~
20 ~~the chief information officer))~~ Washington technology solutions,
21 shall assess the costs and benefits of the potential acquisition and
22 implementation of open public access information technologies to
23 enhance the council's code adoption process and report back to the
24 appropriate committees of the legislature by November 15, 2018.

25 **Sec. 26.** RCW 29A.08.760 and 2023 c 361 s 9 are each amended to
26 read as follows:

27 The secretary of state shall provide a duplicate copy of the
28 master statewide computer file or electronic data file of registered
29 voters to ~~((the consolidated technology services agency))~~ Washington
30 technology solutions for purposes of creating the jury source list
31 without cost. The information contained in a voter registration
32 application is exempt from inclusion until the applicant reaches age
33 eighteen. Disclosure of information on individuals under the age of
34 18 is subject to RCW 29A.08.725. Restrictions as to the commercial
35 use of the information on the statewide computer data file of
36 registered voters, and penalties for its misuse, shall be the same as
37 provided in RCW 29A.08.720 and 29A.08.740.

1 **Sec. 27.** RCW 38.52.040 and 2023 c 124 s 2 are each amended to
2 read as follows:

3 (1) There is hereby created the emergency management council
4 (hereinafter called the council), to consist of not more than 21
5 members who shall be appointed by the adjutant general. The
6 membership of the council shall include, but not be limited to,
7 representatives of city and county governments, two representatives
8 of federally recognized tribes, sheriffs and police chiefs, county
9 coroners and medical examiners, the Washington state patrol, the
10 military department, the department of ecology, state and local fire
11 chiefs, seismic safety experts, state and local emergency management
12 directors, search and rescue volunteers, medical professions who have
13 expertise in emergency medical care, building officials, private
14 industry, and the office of the superintendent of public instruction.
15 The representatives of private industry shall include persons
16 knowledgeable in emergency and hazardous materials management. The
17 councilmembers shall elect a chair from within the council
18 membership. The members of the council shall serve without
19 compensation, but may be reimbursed for their travel expenses
20 incurred in the performance of their duties in accordance with RCW
21 43.03.050 and 43.03.060 as now existing or hereafter amended.

22 (2) The emergency management council shall advise the governor
23 and the director on all matters pertaining to state and local
24 emergency management. The council may appoint such ad hoc committees,
25 subcommittees, and working groups as are required to develop specific
26 recommendations for the improvement of emergency management
27 practices, standards, policies, or procedures. The council shall
28 ensure that the governor receives an annual assessment of statewide
29 emergency preparedness including, but not limited to, specific
30 progress on hazard mitigation and reduction efforts, implementation
31 of seismic safety improvements, reduction of flood hazards,
32 mitigation of cybersecurity risks to critical infrastructure, and
33 coordination of hazardous materials planning and response activities.
34 The council shall review administrative rules governing state and
35 local emergency management practices and recommend necessary
36 revisions to the director.

37 (3) The council or a council subcommittee shall serve and
38 periodically convene in special session as the state emergency
39 response commission required by the emergency planning and community
40 right-to-know act (42 U.S.C. Sec. 11001 et seq.). The state emergency

1 response commission shall conduct those activities specified in
2 federal statutes and regulations and state administrative rules
3 governing the coordination of hazardous materials policy including,
4 but not limited to, review of local emergency planning committee
5 emergency response plans for compliance with the planning
6 requirements in the emergency planning and community right-to-know
7 act (42 U.S.C. Sec. 11001 et seq.). Committees shall annually review
8 their plans to address changed conditions, and submit their plans to
9 the state emergency response commission for review when updated, but
10 not less than at least once every five years. The department may
11 employ staff to assist local emergency planning committees in the
12 development and annual review of these emergency response plans, with
13 an initial focus on the highest risk communities through which trains
14 that transport oil in bulk travel. By March 1, 2018, the department
15 shall report to the governor and legislature on progress towards
16 compliance with planning requirements. The report must also provide
17 budget and policy recommendations for continued support of local
18 emergency planning.

19 (4) (a) The cybersecurity advisory committee is created and is a
20 subcommittee of the emergency management council. The purpose of the
21 cybersecurity advisory committee is to provide advice and
22 recommendations that strengthen cybersecurity in both industry and
23 public sectors across all critical infrastructure sectors.

24 (b) The cybersecurity advisory committee shall bring together
25 organizations with expertise and responsibility for cybersecurity and
26 incident response among local government, tribes, state agencies,
27 institutions of higher education, the technology sector, and first
28 responders with the goal of providing recommendations on building and
29 sustaining the state's capability to identify and mitigate
30 cybersecurity risk and to respond to and recover from cybersecurity-
31 related incidents, including but not limited to ransomware incidents.
32 With respect to critical infrastructure, the cybersecurity advisory
33 committee shall work with relevant federal agencies, state agencies,
34 institutions of higher education as defined in chapter 28B.92 RCW,
35 industry experts, and technical specialists to:

36 (i) Identify which local, tribal, and industry infrastructure
37 sectors are at the greatest risk of cyberattacks and need the most
38 enhanced cybersecurity measures;

39 (ii) Use federal guidance to analyze categories of critical
40 infrastructure in the state that could reasonably result in

1 catastrophic consequences if unauthorized cyber access to the
2 infrastructure occurred;

3 (iii) Recommend cyber incident response exercises that relate to
4 risk and risk mitigation in the water, transportation,
5 communications, health care, elections, agriculture, energy, and
6 higher education sectors, or other sectors as the cybersecurity
7 advisory committee deems appropriate, in consultation with
8 appropriate state agencies including, but not limited to, the energy
9 resilience and emergency management office at the department of
10 commerce and the secretary of state's office; and

11 (iv) Examine the inconsistencies between state and federal law
12 regarding cybersecurity.

13 (c) In fulfilling its duties under this section, the military
14 department and the cybersecurity advisory committee shall collaborate
15 with ~~((the consolidated technology services agency))~~ Washington
16 technology solutions and the technology services board security
17 subcommittee created in RCW 43.105.291.

18 (d) In order to protect sensitive security topics and
19 information, the cybersecurity advisory committee must follow
20 C.F.R. Part 29, as it existed on July 23, 2023, procedures for
21 handling critical infrastructure information. The reports produced,
22 and information compiled, pursuant to this subsection are
23 confidential and may not be disclosed under chapter 42.56 RCW.

24 (e) The cybersecurity advisory committee must contribute, as
25 appropriate, to the emergency management council annual report and
26 must meet quarterly. The cybersecurity advisory committee shall hold
27 a joint meeting once a year with the technology services board
28 security subcommittee created in RCW 43.105.291.

29 (f) For the purpose of this subsection, "ransomware" has the same
30 meaning as in RCW 43.105.020.

31 (5)(a) The intrastate mutual aid committee is created and is a
32 subcommittee of the emergency management council. The intrastate
33 mutual aid committee consists of not more than five members who must
34 be appointed by the council chair from council membership. The chair
35 of the intrastate mutual aid committee is the military department
36 representative appointed as a member of the council. Meetings of the
37 intrastate mutual aid committee must be held at least annually.

38 (b) In support of the intrastate mutual aid system established in
39 chapter 38.56 RCW, the intrastate mutual aid committee shall develop
40 and update guidelines and procedures to facilitate implementation of

1 the intrastate mutual aid system by member jurisdictions, including
2 but not limited to the following: Projected or anticipated costs;
3 checklists and forms for requesting and providing assistance;
4 recordkeeping; reimbursement procedures; and other implementation
5 issues. These guidelines and procedures are not subject to the rule-
6 making requirements of chapter 34.05 RCW.

7 (6) On emergency management issues that involve early learning,
8 kindergarten through twelfth grade, or higher education, the
9 emergency management council must consult with representatives from
10 the following organizations: The department of children, youth, and
11 families; the office of the superintendent of public instruction; the
12 state board for community and technical colleges; and an association
13 of public baccalaureate degree-granting institutions.

14 **Sec. 28.** RCW 39.26.090 and 2012 c 224 s 10 are each amended to
15 read as follows:

16 The director shall:

17 (1) Establish overall state policies, standards, and procedures
18 regarding the procurement of goods and services by all state
19 agencies;

20 (2) Develop policies and standards for the use of credit cards or
21 similar methods to make purchases;

22 (3) Establish procurement processes for information technology
23 goods and services, using technology standards and policies
24 established by ~~((the office of the chief information officer))~~
25 Washington technology solutions under chapter ~~((43.41A))~~ 43.105 RCW;

26 (4) Enter into contracts or delegate the authority to enter into
27 contracts on behalf of the state to facilitate the purchase, lease,
28 rent, or otherwise acquire all goods and services and equipment
29 needed for the support, maintenance, and use of all state agencies,
30 except as provided in RCW 39.26.100;

31 (5) Have authority to delegate to agencies authorization to
32 purchase goods and services. The authorization must specify
33 restrictions as to dollar amount or to specific types of goods and
34 services, based on a risk assessment process developed by the
35 department. Acceptance of the purchasing authorization by an agency
36 does not relieve the agency from conformance with this chapter or
37 from policies established by the director. Also, the director may not
38 delegate to a state agency the authorization to purchase goods and

1 services if the agency is not in substantial compliance with overall
2 procurement policies as established by the director;

3 (6) Develop procurement policies and procedures, such as
4 unbundled contracting and subcontracting, that encourage and
5 facilitate the purchase of goods and services from Washington small
6 businesses, microbusinesses, and minibusinesses, and minority and
7 women-owned businesses to the maximum extent practicable and
8 consistent with international trade agreement commitments;

9 (7) Develop and implement an enterprise system for electronic
10 procurement;

11 (8) Provide for a commodity classification system and provide for
12 the adoption of goods and services commodity standards;

13 (9) Establish overall state policy for compliance by all agencies
14 regarding:

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

19 (b) Policies requiring all food contracts to include a plan to
20 maximize to the extent practicable and consistent with international
21 trade agreement commitments the availability of Washington grown food
22 purchased through the contract;

23 (10) Develop guidelines and criteria for the purchase of
24 vehicles, high gas mileage vehicles, and alternate vehicle fuels and
25 systems, equipment, and materials, that reduce overall energy-related
26 costs and energy use by the state, including investigations into all
27 opportunities to aggregate the purchasing of clean technologies by
28 state and local governments, and including the requirement that new
29 passenger vehicles purchased by the state meet the minimum standards
30 for passenger automobile fuel economy established by the United
31 States secretary of transportation pursuant to the energy policy and
32 conservation act (15 U.S.C. Sec. 2002); and

33 (11) Develop and enact rules to implement the provisions of this
34 chapter.

35 **Sec. 29.** RCW 39.26.100 and 2019 c 152 s 2 are each amended to
36 read as follows:

37 (1) The provisions of this chapter do not apply in any manner to
38 the operation of the state legislature except as requested by the
39 legislature.

1 (2) The provisions of this chapter do not apply to the
2 contracting for services, equipment, and activities that are
3 necessary to establish, operate, or manage the state data center,
4 including architecture, design, engineering, installation, and
5 operation of the facility, that are approved by the technology
6 services board or the acquisition of proprietary software, equipment,
7 and information technology services necessary for or part of the
8 provision of services offered by (~~the consolidated technology~~
9 ~~services agency~~) Washington technology solutions.

10 (3) Primary authority for the purchase of specialized equipment,
11 and instructional and research material, for their own use rests with
12 the institutions of higher education as defined in RCW 28B.10.016.

13 (4) Universities operating hospitals with approval from the
14 director, as the agent for state hospitals as defined in RCW
15 72.23.010, and for health care programs provided in state
16 correctional institutions as defined in RCW 72.65.010(3) and
17 veterans' institutions as defined in RCW 72.36.010 and 72.36.070, may
18 make purchases for hospital operation by participating in contracts
19 for materials, supplies, and equipment entered into by nonprofit
20 cooperative hospital group purchasing organizations if documented to
21 be more cost-effective.

22 (5) Primary authority for the purchase of materials, supplies,
23 and equipment, for resale to other than public agencies, rests with
24 the state agency concerned.

25 (6) The authority for the purchase of insurance and bonds rests
26 with the risk manager under RCW 43.19.769, except for institutions of
27 higher education that choose to exercise independent purchasing
28 authority under RCW 28B.10.029.

29 (7) The provisions of this chapter do not apply to information
30 technology purchases by state agencies, other than institutions of
31 higher education and agencies of the judicial branch, if (a) the
32 purchase is less than one hundred thousand dollars, (b) the initial
33 purchase is approved by the chief information officer of the state,
34 and (c) the agency director and the chief information officer of the
35 state jointly prepare a public document providing a detailed
36 justification for the expenditure.

37 (8) The authority to purchase interpreter services on behalf of
38 applicants and recipients of public assistance who are sensory-
39 impaired rests with the department of social and health services and
40 the health care authority.

1 **Sec. 30.** RCW 39.26.235 and 2012 c 229 s 584 are each amended to
2 read as follows:

3 (1) State agencies that are purchasing wireless devices or
4 services must make such purchases through the state master contract,
5 unless the state agency provides to (~~the office of the chief~~
6 ~~information officer~~) Washington technology solutions evidence that
7 the state agency is securing its wireless devices or services from
8 another source for a lower cost than through participation in the
9 state master contract.

10 (2) For the purposes of this section, "state agency" means any
11 office, department, board, commission, or other unit of state
12 government, but does not include a unit of state government headed by
13 a statewide elected official, an institution of higher education as
14 defined in RCW 28B.10.016, the student achievement council, the state
15 board for community and technical colleges, or agencies of the
16 legislative or judicial branches of state government.

17 **Sec. 31.** RCW 39.94.040 and 2011 1st sp.s. c 43 s 726 and 2011 c
18 151 s 7 are each reenacted and amended to read as follows:

19 (1) Except as provided in RCW 28B.10.022, the state may not enter
20 into any financing contract for itself if the aggregate principal
21 amount payable thereunder is greater than an amount to be established
22 from time to time by the state finance committee or participate in a
23 program providing for the issuance of certificates of participation,
24 including any contract for credit enhancement, without the prior
25 approval of the state finance committee. Except as provided in RCW
26 28B.10.022, the state finance committee shall approve the form of all
27 financing contracts or a standard format for all financing contracts.
28 The state finance committee also may:

29 (a) Consolidate existing or potential financing contracts into
30 master financing contracts with respect to property acquired by one
31 or more agencies, departments, instrumentalities of the state, the
32 state board for community and technical colleges, or a state
33 institution of higher learning; or to be acquired by another agency;

34 (b) Approve programs providing for the issuance of certificates
35 of participation in master financing contracts for the state or for
36 other agencies;

37 (c) Enter into agreements with trustees relating to master
38 financing contracts; and

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

3 (2) In the performance of its duties under this chapter, the
4 state finance committee may consult with representatives from the
5 department of general administration, the office of financial
6 management, and (~~the office of the chief information officer~~)
7 Washington technology solutions.

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

11 (4) Except for financing contracts for real property used for the
12 purposes described under chapter 28B.140 RCW, the state may not enter
13 into any financing contract for real property of the state without
14 prior approval of the legislature. For the purposes of this
15 requirement, a financing contract must be treated as used for real
16 property if it is being entered into by the state for the acquisition
17 of land; the acquisition of an existing building; the construction of
18 a new building; or a major remodeling, renovation, rehabilitation, or
19 rebuilding of an existing building. Prior approval of the legislature
20 is not required under this chapter for a financing contract entered
21 into by the state under this chapter for energy conservation
22 improvements to existing buildings where such improvements include:
23 (a) Fixtures and equipment that are not part of a major remodeling,
24 renovation, rehabilitation, or rebuilding of the building, or (b)
25 other improvements to the building that are being performed for the
26 primary purpose of energy conservation. Such energy conservation
27 improvements must be determined eligible for financing under this
28 chapter by the office of financial management in accordance with
29 financing guidelines established by the state treasurer, and are to
30 be treated as personal property for the purposes of this chapter.

31 (5) The state may not enter into any financing contract on behalf
32 of another agency without the approval of such a financing contract
33 by the governing body of the other agency.

34 **Sec. 32.** RCW 40.14.020 and 2011 1st sp.s. c 43 s 727 are each
35 amended to read as follows:

36 All public records shall be and remain the property of the state
37 of Washington. They shall be delivered by outgoing officials and
38 employees to their successors and shall be preserved, stored,
39 transferred, destroyed or disposed of, and otherwise managed, only in

1 accordance with the provisions of this chapter. In order to insure
2 the proper management and safeguarding of public records, the
3 division of archives and records management is established in the
4 office of the secretary of state. The state archivist, who shall
5 administer the division and have reasonable access to all public
6 records, wherever kept, for purposes of information, surveying, or
7 cataloguing, shall undertake the following functions, duties, and
8 responsibilities:

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

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

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

16 (4) To insure the maintenance and security of all state public
17 records and to establish safeguards against unauthorized removal or
18 destruction;

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

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

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

27 (b) Governing procedures for the creation, maintenance,
28 transmission, cataloging, indexing, storage, or reproduction of
29 photographic, optical, electronic, or other images of public
30 documents or records in a manner consistent with current standards,
31 policies, and procedures of (~~the office of the chief information~~
32 ~~officer~~) Washington technology solutions for the acquisition of
33 information technology;

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

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

38 (7) To gather and disseminate to interested agencies information
39 on all phases of records management and current practices, methods,

1 procedures, techniques, and devices for efficient and economical
2 management and preservation of records;

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

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

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

16 (11) To solicit, accept, and expend donations as provided in RCW
17 43.07.037 for the purpose of the archive program. These purposes
18 include, but are not limited to, acquisition, accession,
19 interpretation, and display of archival materials. Donations that do
20 not meet the criteria of the archive program may not be accepted.

21 **Sec. 33.** RCW 40.26.020 and 2017 2nd sp.s. c 1 s 1 are each
22 amended to read as follows:

23 (1) Unless authorized by law, an agency may not collect, capture,
24 purchase, or otherwise obtain a biometric identifier without first
25 providing notice and obtaining the individual's consent, as follows:

26 (a) The notice provided must clearly specify the purpose and use
27 of the biometric identifier; and

28 (b) The consent obtained must be specific to the terms of the
29 notice, and must be recorded and maintained by the agency for the
30 duration of the retention of the biometric identifier.

31 (2) Any biometric identifier obtained by an agency:

32 (a) May not be sold;

33 (b) May only be used consistent with the terms of the notice and
34 consent obtained under subsection (1) of this section, or as
35 authorized by law; and

36 (c) May be shared, including with other state agencies or local
37 governments, only:

1 (i) As needed to execute the purposes of the collection,
2 consistent with the notice and consent obtained under subsection (1)
3 of this section, or as authorized by law; or

4 (ii) If such sharing is specified within the original consent.

5 (3) An agency that collects, purchases, or otherwise obtains
6 biometric identifiers must:

7 (a) Establish security policies that ensure the integrity and
8 appropriate confidentiality of the biometric identifiers;

9 (b) Address biometric identifiers in the agency's privacy
10 policies;

11 (c) Only retain biometric identifiers necessary to fulfill the
12 original purpose and use, as specified in the notice and consent
13 obtained under subsection (1) of this section, or as authorized by
14 law;

15 (d) Set record retention schedules tailored to the original
16 purpose of the collection of biometric identifiers;

17 (e) Otherwise minimize the review and retention of the biometric
18 identifiers, consistent with state record retention requirements; and

19 (f) Design a biometric policy to ensure that the agency is
20 minimizing the collection of biometric identifiers to the fewest
21 number necessary to accomplish the agency mission.

22 (4) The use and storage of biometric identifiers obtained by an
23 agency must comply with all other applicable state and federal laws
24 and regulations, including the health insurance portability and
25 accountability act (HIPAA), the family educational rights and privacy
26 act (FERPA), regulations regarding data breach notifications and
27 individual privacy protections, and any policies or standards
28 published by ~~((the office of the chief information officer))~~
29 Washington technology solutions.

30 (5) Biometric identifiers may not be disclosed under the public
31 records act, chapter 42.56 RCW.

32 (6) Agency policies, regulations, guidance, and retention
33 schedules regarding biometric identifiers must be reviewed annually
34 to incorporate any new technology, as appropriate, and respond to
35 citizen complaints.

36 (7) The definitions in this subsection apply throughout this
37 section unless the context requires otherwise.

38 (a) "Agency" means every state office, department, division,
39 bureau, board, commission, or other state agency.

1 (b) "Biometric identifier" means any information, regardless of
2 how it is captured, converted, stored, or shared, based on an
3 individual's retina or iris scan, fingerprint, voiceprint, DNA, or
4 scan of hand or face geometry, except when such information is
5 derived from:

6 (i) Writing samples, written signatures, photographs, human
7 biological samples used for valid scientific testing or screening,
8 demographic data, tattoo descriptions, or physical descriptions such
9 as height, weight, hair color, or eye color;

10 (ii) Donated organ tissues or parts, or blood or serum stored on
11 behalf of recipients or potential recipients of living or cadaveric
12 transplants and obtained or stored by a federally designated organ
13 procurement agency;

14 (iii) Information captured from a patient in a health care
15 setting or information collected, used, or stored for health care
16 treatment, payment, or operations under the federal health insurance
17 portability and accountability act of 1996; or

18 (iv) X-ray, roentgen process, computed tomography, magnetic
19 resonance imaging (MRI), positron emission tomography (PET) scan,
20 mammography, or other image or film of the human anatomy used to
21 diagnose, develop a prognosis for, or treat an illness or other
22 medical condition or to further validate scientific testing or
23 screening.

24 (8) Subsection (1) of this section does not apply to general
25 authority Washington law enforcement agencies, as defined under RCW
26 10.93.020.

27 (9)(a) For purposes of the restrictions and obligations in
28 subsection (1) of this section, "biometric identifier" does not
29 include fingerprints or DNA for the following:

30 (i) Limited authority Washington law enforcement agencies, as
31 defined under RCW 10.93.020;

32 (ii) Agencies authorized by statute to confine a person
33 involuntarily, or to petition for such confinement; and

34 (iii) The attorney general's office when obtaining or using
35 biometric identifiers is necessary for law enforcement, legal advice,
36 or legal representation.

37 (b) When an agency listed under (a) of this subsection has a need
38 to collect, capture, purchase, or otherwise obtain a biometric
39 identifier other than a fingerprint or DNA to fulfill a purpose
40 authorized by law, for either an individual circumstance or a

1 categorical circumstance, the requirements of subsection (1) of this
2 section are waived upon such agency providing prompt written notice
3 to the state's chief privacy officer and to the appropriate
4 committees of the legislature, stating the type of biometric
5 identifier at issue and the general circumstances requiring the
6 waiver.

7 **Sec. 34.** RCW 41.05.031 and 2023 c 51 s 7 are each amended to
8 read as follows:

9 The Washington state health information technology office is
10 located within the authority. The following state agencies are
11 directed to cooperate with the authority to establish appropriate
12 health care information systems in their programs: The department of
13 social and health services, the department of health, the department
14 of labor and industries, the basic health plan, the department of
15 veterans affairs, the department of corrections, the department of
16 children, youth, and families, and the superintendent of public
17 instruction.

18 The authority, in conjunction with these agencies and in
19 collaboration with (~~the consolidated technology services agency~~)
20 Washington technology solutions, shall determine:

- 21 (1) Definitions of health care services;
22 (2) Health care data elements common to all agencies;
23 (3) Health care data elements unique to each agency; and
24 (4) A mechanism for program and budget review of health care
25 data.

26 **Sec. 35.** RCW 41.06.070 and 2023 c 148 s 3 are each amended to
27 read as follows:

- 28 (1) The provisions of this chapter do not apply to:
29 (a) The members of the legislature or to any employee of, or
30 position in, the legislative branch of the state government including
31 members, officers, and employees of the legislative council, joint
32 legislative audit and review committee, statute law committee, and
33 any interim committee of the legislature;
34 (b) The justices of the supreme court, judges of the court of
35 appeals, judges of the superior courts or of the inferior courts, or
36 to any employee of, or position in the judicial branch of state
37 government;

1 (c) Officers, academic personnel, and employees of technical
2 colleges;

3 (d) The officers of the Washington state patrol;

4 (e) Elective officers of the state;

5 (f) The chief executive officer of each agency;

6 (g) In the departments of employment security and social and
7 health services, the director and the director's confidential
8 secretary; in all other departments, the executive head of which is
9 an individual appointed by the governor, the director, his or her
10 confidential secretary, and his or her statutory assistant directors;

11 (h) In the case of a multimember board, commission, or committee,
12 whether the members thereof are elected, appointed by the governor or
13 other authority, serve ex officio, or are otherwise chosen:

14 (i) All members of such boards, commissions, or committees;

15 (ii) If the members of the board, commission, or committee serve
16 on a part-time basis and there is a statutory executive officer: The
17 secretary of the board, commission, or committee; the chief executive
18 officer of the board, commission, or committee; and the confidential
19 secretary of the chief executive officer of the board, commission, or
20 committee;

21 (iii) If the members of the board, commission, or committee serve
22 on a full-time basis: The chief executive officer or administrative
23 officer as designated by the board, commission, or committee; and a
24 confidential secretary to the chair of the board, commission, or
25 committee;

26 (iv) If all members of the board, commission, or committee serve
27 ex officio: The chief executive officer; and the confidential
28 secretary of such chief executive officer;

29 (i) The confidential secretaries and administrative assistants in
30 the immediate offices of the elective officers of the state;

31 (j) Assistant attorneys general;

32 (k) Commissioned and enlisted personnel in the military service
33 of the state;

34 (l) Inmate, student, and temporary employees, and part-time
35 professional consultants, as defined by the director;

36 (m) Officers and employees of the Washington state fruit
37 commission;

38 (n) Officers and employees of the Washington apple commission;

39 (o) Officers and employees of the Washington state dairy products
40 commission;

1 (p) Officers and employees of the Washington tree fruit research
2 commission;

3 (q) Officers and employees of the Washington state beef
4 commission;

5 (r) Officers and employees of the Washington grain commission;

6 (s) Officers and employees of any commission formed under chapter
7 15.66 RCW;

8 (t) Officers and employees of agricultural commissions formed
9 under chapter 15.65 RCW;

10 (u) Executive assistants for personnel administration and labor
11 relations in all state agencies employing such executive assistants
12 including but not limited to all departments, offices, commissions,
13 committees, boards, or other bodies subject to the provisions of this
14 chapter and this subsection shall prevail over any provision of law
15 inconsistent herewith unless specific exception is made in such law;

16 (v) In each agency with fifty or more employees: Deputy agency
17 heads, assistant directors or division directors, and not more than
18 three principal policy assistants who report directly to the agency
19 head or deputy agency heads;

20 (w) Staff employed by the department of commerce to administer
21 energy policy functions;

22 (x) The manager of the energy facility site evaluation council;

23 (y) A maximum of ten staff employed by the department of commerce
24 to administer innovation and policy functions, including the three
25 principal policy assistants exempted under (v) of this subsection;

26 (z) Staff employed by Washington State University to administer
27 energy education, applied research, and technology transfer programs
28 under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

29 (aa) Officers and employees of (~~the consolidated technology~~
30 ~~services agency~~) Washington technology solutions created in RCW
31 43.105.006 that perform the following functions or duties: Systems
32 integration; data center engineering and management; network systems
33 engineering and management; information technology contracting;
34 information technology customer relations management; and network and
35 systems security;

36 (bb) The executive director of the Washington statewide reentry
37 council.

38 (2) The following classifications, positions, and employees of
39 institutions of higher education and related boards are hereby
40 exempted from coverage of this chapter:

1 (a) Members of the governing board of each institution of higher
2 education and related boards, all presidents, vice presidents, and
3 their confidential secretaries, administrative, and personal
4 assistants; deans, directors, and chairs; academic personnel; and
5 executive heads of major administrative or academic divisions
6 employed by institutions of higher education; principal assistants to
7 executive heads of major administrative or academic divisions; other
8 managerial or professional employees in an institution or related
9 board having substantial responsibility for directing or controlling
10 program operations and accountable for allocation of resources and
11 program results, or for the formulation of institutional policy, or
12 for carrying out personnel administration or labor relations
13 functions, legislative relations, public information, development,
14 senior computer systems and network programming, or internal audits
15 and investigations; and any employee of a community college district
16 whose place of work is one which is physically located outside the
17 state of Washington and who is employed pursuant to RCW 28B.50.092
18 and assigned to an educational program operating outside of the state
19 of Washington;

20 (b) The governing board of each institution, and related boards,
21 may also exempt from this chapter classifications involving research
22 activities, counseling of students, extension or continuing education
23 activities, graphic arts or publications activities requiring
24 prescribed academic preparation or special training as determined by
25 the board: PROVIDED, That no nonacademic employee engaged in office,
26 clerical, maintenance, or food and trade services may be exempted by
27 the board under this provision;

28 (c) Printing craft employees in the department of printing at the
29 University of Washington.

30 (3) In addition to the exemptions specifically provided by this
31 chapter, the director may provide for further exemptions pursuant to
32 the following procedures. The governor or other appropriate elected
33 official may submit requests for exemption to the office of financial
34 management stating the reasons for requesting such exemptions. The
35 director shall hold a public hearing, after proper notice, on
36 requests submitted pursuant to this subsection. If the director
37 determines that the position for which exemption is requested is one
38 involving substantial responsibility for the formulation of basic
39 agency or executive policy or one involving directing and controlling
40 program operations of an agency or a major administrative division

1 thereof, or is a senior expert in enterprise information technology
2 infrastructure, engineering, or systems, the director shall grant the
3 request. The total number of additional exemptions permitted under
4 this subsection shall not exceed one percent of the number of
5 employees in the classified service not including employees of
6 institutions of higher education and related boards for those
7 agencies not directly under the authority of any elected public
8 official other than the governor, and shall not exceed a total of
9 twenty-five for all agencies under the authority of elected public
10 officials other than the governor.

11 (4) The salary and fringe benefits of all positions presently or
12 hereafter exempted except for the chief executive officer of each
13 agency, full-time members of boards and commissions, administrative
14 assistants and confidential secretaries in the immediate office of an
15 elected state official, and the personnel listed in subsections
16 (1)(j) through (t) and (2) of this section, shall be determined by
17 the director. Changes to the classification plan affecting exempt
18 salaries must meet the same provisions for classified salary
19 increases resulting from adjustments to the classification plan as
20 outlined in RCW 41.06.152.

21 (5)(a) Any person holding a classified position subject to the
22 provisions of this chapter shall, when and if such position is
23 subsequently exempted from the application of this chapter, be
24 afforded the following rights: If such person previously held
25 permanent status in another classified position, such person shall
26 have a right of reversion to the highest class of position previously
27 held, or to a position of similar nature and salary.

28 (b) Any classified employee having civil service status in a
29 classified position who accepts an appointment in an exempt position
30 shall have the right of reversion to the highest class of position
31 previously held, or to a position of similar nature and salary.

32 (c) A person occupying an exempt position who is terminated from
33 the position for gross misconduct or malfeasance does not have the
34 right of reversion to a classified position as provided for in this
35 section.

36 (6)(a) Notwithstanding the provisions of subsection (5) of this
37 section, a person cannot exercise the right of reversion to a
38 classified position if the employee has been given written notice
39 that they are the subject of an active workplace investigation in
40 which the allegations being investigated, if founded, could result in

1 a finding of gross misconduct or malfeasance. The right of reversion
2 is suspended during the pendency of the investigation. For the
3 purposes of this subsection, written notice includes notice sent by
4 email to the employee's work email address.

5 (b) The office of financial management must adopt rules
6 implementing this section.

7 **Sec. 36.** RCW 41.06.094 and 2015 c 225 s 54 are each amended to
8 read as follows:

9 In addition to the exemptions under RCW 41.06.070, the provisions
10 of this chapter shall not apply in (~~the consolidated technology~~
11 ~~services agency~~) Washington technology solutions to the chief
12 information officer, the chief information officer's confidential
13 secretary, and assistant directors, and up to twelve positions in the
14 planning component involved in policy development and/or senior
15 professionals.

16 **Sec. 37.** RCW 41.06.142 and 2020 c 269 s 2 are each amended to
17 read as follows:

18 (1) If any department, agency, or institution of higher education
19 intends to contract for services that, on or after July 1, 2005, have
20 been customarily and historically provided by, and would displace or
21 relocate, employees in the classified service under this chapter, a
22 department, agency, or institution of higher education may do so by
23 contracting with individuals, nonprofit organizations, businesses,
24 employee business units, or other entities if the following criteria
25 are met:

26 (a) A comprehensive impact assessment is completed by the agency,
27 department, or institution of higher education to assist it in
28 determining whether the decision to contract out is beneficial.

29 (i) The comprehensive impact assessment must include at a minimum
30 the following analysis:

31 (A) An estimate of the cost of performance of the service by
32 employees, including the fully allocated costs of the service, the
33 cost of the employees' salaries and benefits, space, equipment,
34 materials, and other costs necessary to perform the function. The
35 estimate must not include the state's indirect overhead costs unless
36 those costs can be attributed directly to the function in question
37 and would not exist if that function were not performed in state
38 service;

1 (B) An estimate of the cost of performance of the services if
2 contracted out, including the cost of administration of the program
3 and allocating sufficient employee staff time and resources to
4 monitor the contract and ensure its proper performance by the
5 contractor;

6 (C) The reason for proposing to contract out, including the
7 objective the agency would like to achieve; and

8 (D) The reasons for the determination made under (e) of this
9 subsection.

10 (ii) When the contract will result in termination of state
11 employees or elimination of state positions, the comprehensive impact
12 assessment may also include an assessment of the potential adverse
13 impacts on the public from outsourcing the contract, such as loss of
14 employment, effect on social services and public assistance programs,
15 economic impacts on local businesses and local tax revenues, and
16 environmental impacts;

17 (b) The invitation for bid or request for proposal contains
18 measurable standards for the performance of the contract;

19 (c) Employees whose positions or work would be displaced by the
20 contract are provided an opportunity to offer alternatives to
21 purchasing services by contract and, if these alternatives are not
22 accepted, compete for the contract under competitive contracting
23 procedures in subsection (7) of this section;

24 (d) The department, agency, or institution of higher education
25 has established a contract monitoring process to measure contract
26 performance, costs, service delivery quality, and other contract
27 standards, and to cancel contracts that do not meet those standards;
28 and

29 (e) The department, agency, or institution of higher education
30 has determined that the contract results in savings or efficiency
31 improvements. The contracting agency, department, or institution of
32 higher education must consider the consequences and potential
33 mitigation of improper or failed performance by the contractor.

34 (2) (a) The agency, department, or institution of higher education
35 must post on its website the request for proposal, the contract or a
36 statement that the agency, department, or institution of higher
37 education did not move forward with contracting out, and the
38 comprehensive impact assessment pursuant to subsection (1) of this
39 section.

1 (b) The agency, department, or institution of higher education
2 must maintain the information in (a) of this subsection in its files
3 in accordance with the record retention schedule under RCW 40.14.060.

4 (3) Every five years or upon completion of the contract,
5 whichever comes first, the agency, department, or institution of
6 higher education must prepare and maintain in the contract file a
7 report, which must include at a minimum the following information:

8 (a) Documentation of the contractor's performance as measured by
9 the itemized performance standards;

10 (b) Itemization of any contract extensions or change orders that
11 resulted in a change in the dollar value or cost of the contract; and

12 (c) A report of any remedial actions that were taken to enforce
13 compliance with the contract, together with an estimate of the cost
14 incurred by the agency, department, or institution of higher
15 education in enforcing such compliance.

16 (4) In addition to any other terms required by law, the terms of
17 any agreement to contract out a service pursuant to this section must
18 include terms that address the following:

19 (a) The contract's contract management provision must allow
20 review of the contractor's performance;

21 (b) The contract's termination clauses must allow termination of
22 the contract if the contractor fails to meet the terms of the
23 contract, including failure to meet performance standards or failure
24 to provide the services at the contracted price;

25 (c) The contract's damages provision must allow recovery of
26 direct damages and, when applicable, indirect damages that the
27 agency, department, or institution of higher education incurs due to
28 the contractor's breach of the agreement;

29 (d) If the contractor will be using a subcontractor for
30 performance of services under the contract, the contract must allow
31 the agency, department, or institution of higher education to obtain
32 information about the subcontractor, as applicable to the performance
33 of services under the agreement; and

34 (e) A provision requiring the contractor to consider employment
35 of employees who may be displaced by the contract, if the contract is
36 with an entity other than an employee business unit.

37 (5) Any provision contrary to or in conflict with this section in
38 any collective bargaining agreement in effect on July 1, 2005, is not
39 effective beyond the expiration date of the agreement.

1 (6) When contracting out for services as authorized in this
2 section the agency, department, or institution of higher education
3 must ensure firms adhere to the values of the state of Washington
4 under RCW 49.60.030, which provide its citizens freedom from
5 discrimination. Any relationship with a potential or current industry
6 partner that is found to have violated RCW 49.60.030 by the attorney
7 general shall not be considered and must be immediately terminated
8 unless:

9 (a) The industry partner has fulfilled the conditions or
10 obligations associated with any court order or settlement resulting
11 from that violation; or

12 (b) The industry partner has taken significant and meaningful
13 steps to correct the violation, as determined by the Washington state
14 human rights commission.

15 (7) Competitive contracting shall be implemented as follows:

16 (a) At least ninety days prior to the date the contracting
17 agency, department, or institution of higher education requests bids
18 from private entities for a contract for services provided by
19 employees, the contracting agency, department, or institution of
20 higher education shall notify the employees whose positions or work
21 would be displaced by the contract. The employees shall have sixty
22 days from the date of notification to offer alternatives to
23 purchasing services by contract, and the agency, department, or
24 institution of higher education shall consider the alternatives
25 before requesting bids.

26 (b) If the employees decide to compete for the contract, they
27 shall notify the contracting agency, department, or institution of
28 higher education of their decision. Employees must form one or more
29 employee business units for the purpose of submitting a bid or bids
30 to perform the services.

31 (c) The department of enterprise services, with the advice and
32 assistance of the office of financial management, shall develop and
33 make available to employee business units training in the bidding
34 process and general bid preparation.

35 (d) The director of enterprise services, with the advice and
36 assistance of the office of financial management, shall, by rule,
37 establish procedures to ensure that bids are submitted and evaluated
38 in a fair and objective manner and that there exists a competitive
39 market for the service. Such rules shall include, but not be limited
40 to: (i) Prohibitions against participation in the bid evaluation

1 process by employees who prepared the business unit's bid or who
2 perform any of the services to be contracted; (ii) provisions to
3 ensure no bidder receives an advantage over other bidders and that
4 bid requirements are applied equitably to all parties; and (iii)
5 procedures that require the contracting agency, department, or
6 institution of higher education to receive complaints regarding the
7 bidding process and to consider them before awarding the contract.
8 Appeal of an agency's, department's, or institution of higher
9 education's actions under this subsection is an adjudicative
10 proceeding and subject to the applicable provisions of chapter 34.05
11 RCW, the administrative procedure act, with the final decision to be
12 rendered by an administrative law judge assigned under chapter 34.12
13 RCW.

14 (e) An employee business unit's bid must include the fully
15 allocated costs of the service, including the cost of the employees'
16 salaries and benefits, space, equipment, materials, and other costs
17 necessary to perform the function. An employee business unit's cost
18 shall not include the state's indirect overhead costs unless those
19 costs can be attributed directly to the function in question and
20 would not exist if that function were not performed in state service.

21 (f) A department, agency, or institution of higher education may
22 contract with the department of enterprise services to conduct the
23 bidding process.

24 (8) (a) As used in this section:

25 (i) "Employee business unit" means a group of employees who
26 perform services to be contracted under this section and who submit a
27 bid for the performance of those services under subsection (7) of
28 this section.

29 (ii) "Indirect overhead costs" means the pro rata share of
30 existing agency administrative salaries and benefits, and rent,
31 equipment costs, utilities, and materials associated with those
32 administrative functions.

33 (iii) "Competitive contracting" means the process by which
34 employees of a department, agency, or institution of higher education
35 compete with businesses, individuals, nonprofit organizations, or
36 other entities for contracts authorized by subsection (1) of this
37 section.

38 (b) Unless otherwise specified, for the purpose of chapter 269,
39 Laws of 2020, "employee" means state employees in the classified

1 service under this chapter except employees in the Washington
2 management service as defined under RCW 41.06.022 and 41.06.500.

3 (9) The processes set forth in subsections (1)(a), (2), (3), and
4 (4)(a) through (d) of this section do not apply to contracts:

5 (a) Awarded for the purposes of or by the department of
6 transportation;

7 (b) With an estimated cost of contract performance of twenty
8 thousand dollars or less;

9 (c) With an estimated cost of contract performance that exceeds
10 five hundred thousand dollars for public work as defined by RCW
11 39.04.010; or

12 (d) Relating to mechanical, plumbing as described in chapter
13 18.106 RCW, and electrical as described in chapter 19.28 RCW,
14 procured to install systems for new construction or life-cycle
15 replacement with an estimated cost of contract performance of
16 seventy-five thousand dollars or more.

17 (10) The processes set forth in subsections (1) through (4), (7),
18 and (8) of this section do not apply to:

19 (a) RCW 74.13.031(6);

20 (b) The acquisition of printing services by a state agency; and

21 (c) Contracts for services expressly mandated by the legislature,
22 including contracts for fire suppression awarded by the department of
23 natural resources under RCW 76.04.181, or authorized by law prior to
24 July 1, 2005, including contracts and agreements between public
25 entities.

26 (11) The processes set forth in subsections (1) through (4), (7),
27 and (8) of this section do not apply to (~~the consolidated technology~~
28 ~~services agency~~) Washington technology solutions when contracting
29 for services or activities as follows:

30 (a) Contracting for services and activities that are necessary to
31 establish, operate, or manage the state data center, including
32 architecture, design, engineering, installation, and operation of the
33 facility that are approved by the technology services board created
34 in RCW 43.105.285.

35 (b) Contracting for services and activities recommended by the
36 chief information officer through a business plan and approved by the
37 technology services board created in RCW 43.105.285.

38 **Sec. 38.** RCW 41.07.020 and 2019 c 146 s 1 are each amended to
39 read as follows:

1 The office of financial management is authorized to administer,
2 maintain, and operate the central personnel-payroll system and to
3 provide its services for any state agency designated by the director
4 of financial management.

5 State agencies shall convert personnel and payroll processing to
6 the central personnel-payroll system as soon as administratively and
7 technically feasible as determined by the office of financial
8 management and ~~((the consolidated technology services agency))~~
9 Washington technology solutions. It is the intent of the legislature
10 to provide, through the central personnel-payroll system, for uniform
11 reporting to the office of financial management and to the
12 legislature regarding salaries and related costs, and to reduce
13 present costs of manual procedures in personnel and payroll
14 recordkeeping and reporting.

15 **Sec. 39.** RCW 42.17A.060 and 2011 1st sp.s. c 43 s 732 are each
16 amended to read as follows:

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

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

30 **Sec. 40.** RCW 42.17A.705 and 2017 3rd sp.s. c 6 s 111 are each
31 amended to read as follows:

32 For the purposes of RCW 42.17A.700, "executive state officer"
33 includes:

34 (1) The chief administrative law judge, the director of
35 agriculture, the director of the department of services for the
36 blind, the secretary of children, youth, and families, the director
37 of the state system of community and technical colleges, the director
38 of commerce, the director of ~~((the consolidated technology services~~

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

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

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

31 (4) Central Washington University board of trustees, the boards
32 of trustees of each community college and each technical college,
33 each member of the state board for community and technical colleges,
34 state convention and trade center board of directors, Eastern
35 Washington University board of trustees, Washington economic
36 development finance authority, Washington energy northwest executive
37 board, The Evergreen State College board of trustees, executive
38 ethics board, fish and wildlife commission, forest practices appeals
39 board, forest practices board, gambling commission, Washington health
40 care facilities authority, student achievement council, higher

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

16 **Sec. 41.** RCW 43.41.391 and 2015 3rd sp.s. c 1 s 214 are each
17 amended to read as follows:

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

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

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

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

31 (c) To adopt, modify, and implement policies to facilitate
32 network development, operation, and expansion. Such policies may
33 include but need not be limited to the following issues: Quality of
34 educational services; access to the network by recognized
35 organizations and accredited institutions that deliver educational
36 programming, including public libraries; prioritization of
37 programming within limited resources; prioritization of access to the
38 system and the sharing of technological advances; network security;
39 identification and evaluation of emerging technologies for delivery

1 of educational programs; future expansion or redirection of the
2 system; network fee structures; and costs for the development and
3 operation of the network;

4 (d) To prepare and submit to the governor and the legislature a
5 coordinated budget for network development, operation, and expansion.
6 The budget shall include the recommendations of the director of (~~the~~
7 ~~consolidated—technology—services—agency's—recommendations~~)
8 Washington technology solutions on (i) any state funding requested
9 for network transport and equipment, distance education facilities
10 and hardware or software specific to the use of the network, and
11 proposed new network end sites, (ii) annual copayments to be charged
12 to public educational sector institutions and other public entities
13 connected to the network, and (iii) charges to nongovernmental
14 entities connected to the network;

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

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

27 **Sec. 42.** RCW 43.41.440 and 2015 3rd sp.s. c 1 s 502 are each
28 amended to read as follows:

29 (1) The statewide information technology system development
30 revolving account is created in the custody of the state treasurer.
31 All receipts from legislative appropriations and assessments to
32 agencies for the development and acquisition of enterprise
33 information technology systems must be deposited into the account.
34 Moneys in the account may be spent only after appropriation. The
35 account must be used solely for the development and acquisition of
36 enterprise information technology systems that are consistent with
37 the enterprise-based strategy established by (~~the—consolidated~~
38 ~~technology—services—agency~~) Washington technology solutions in RCW
39 43.105.025. Expenditures from the account may not be used for

1 maintenance and operations of enterprise information technology
2 systems. The account may be used for the payment of salaries, wages,
3 and other costs directly related to the development and acquisition
4 of enterprise information technology systems.

5 (2) All payment of principal and interest on debt issued for
6 enterprise information technology systems must be paid from the
7 account.

8 (3) The office may contract for the development or acquisition of
9 enterprise information technology systems.

10 (4) For the purposes of this section and RCW 43.41.442,
11 "enterprise information technology system" means an information
12 technology system that serves agencies with a certain business need
13 or process that are required to use the system unless the agency has
14 received a waiver from the state chief information officer.
15 "Enterprise information technology system" also includes projects
16 that are of statewide significance including enterprise-level
17 solutions, enterprise resource planning, and shared services
18 initiatives.

19 **Sec. 43.** RCW 43.41.442 and 2015 3rd sp.s. c 1 s 503 are each
20 amended to read as follows:

21 (1) The statewide information technology system maintenance and
22 operations revolving account is created in the custody of the state
23 treasurer. All receipts from fees, charges for services, and
24 assessments to agencies for the maintenance and operations of
25 enterprise information technology systems must be deposited into the
26 account. The account must be used solely for the maintenance and
27 operations of enterprise information technology systems.

28 (2) Only the director or the director's designee may authorize
29 expenditures from the account. The account is subject to allotment
30 procedures under chapter 43.88 RCW, but no appropriation is required
31 for expenditure.

32 (3) The office may contract with (~~the consolidated technology~~
33 ~~services agency~~) Washington technology solutions for the billing of
34 fees, charges for services, and assessments to agencies, and for the
35 maintenance and operations of enterprise information technology
36 systems.

37 (4) "Enterprise information technology system" has the definition
38 in RCW 43.41.440.

1 **Sec. 44.** RCW 43.41.444 and 2015 3rd sp.s. c 1 s 504 are each
2 amended to read as follows:

3 (1) The shared information technology system revolving account is
4 created in the custody of the state treasurer. All receipts from
5 fees, charges for services, and assessments to agencies for shared
6 information technology systems must be deposited into the account.

7 (2) Only the director or the director's designee may authorize
8 expenditures from the account. The account is subject to allotment
9 procedures under chapter 43.88 RCW, but no appropriation is required
10 for expenditure.

11 (3) The office may contract with (~~the consolidated technology~~
12 ~~services agency~~) Washington technology solutions for the billing of
13 fees, charges for services, and assessments to agencies, and for the
14 development, maintenance, and operations of shared information
15 technology systems.

16 (4) For the purposes of this section, "shared information
17 technology system" means an information technology system that is
18 available to, but not required for use by, agencies.

19 **Sec. 45.** RCW 43.63A.550 and 2011 1st sp.s. c 43 s 814 are each
20 amended to read as follows:

21 (1) The department shall assist in the process of inventorying
22 and collecting data on public and private land for the acquisition of
23 data describing land uses, demographics, infrastructure, critical
24 areas, transportation corridors physical features, housing, and other
25 information useful in managing growth throughout the state. For this
26 purpose the department may contract with (~~the consolidated~~
27 ~~technology services agency~~) Washington technology solutions and
28 shall form an advisory group consisting of representatives from
29 state, local, and federal agencies, colleges and universities, and
30 private firms with expertise in land planning, and geographic
31 information systems.

32 (2) The department shall establish a sequence for acquiring data,
33 giving priority to rapidly growing areas. The data shall be retained
34 in a manner to facilitate its use in preparing maps, aggregating with
35 data from multiple jurisdictions, and comparing changes over time.
36 Data shall further be retained in a manner which permits its access
37 via computer.

38 (3) The department shall work with other state agencies, local
39 governments, and private organizations that are inventorying public

1 and private lands to ensure close coordination and to ensure that
2 duplication of efforts does not occur.

3 **Sec. 46.** RCW 43.70.054 and 2015 3rd sp.s. c 1 s 408 are each
4 amended to read as follows:

5 (1) To promote the public interest consistent with chapter 267,
6 Laws of 1995, the department of health, in cooperation with the
7 director of (~~the consolidated technology services agency~~)
8 Washington technology solutions established in RCW 43.105.025, shall
9 develop health care data standards to be used by, and developed in
10 collaboration with, consumers, purchasers, health carriers,
11 providers, and state government as consistent with the intent of
12 chapter 492, Laws of 1993 as amended by chapter 267, Laws of 1995, to
13 promote the delivery of quality health services that improve health
14 outcomes for state residents. The data standards shall include
15 content, coding, confidentiality, and transmission standards for all
16 health care data elements necessary to support the intent of this
17 section, and to improve administrative efficiency and reduce cost.
18 Purchasers, as allowed by federal law, health carriers, health
19 facilities and providers as defined in chapter 48.43 RCW, and state
20 government shall utilize the data standards. The information and data
21 elements shall be reported as the department of health directs by
22 rule in accordance with data standards developed under this section.

23 (2) The health care data collected, maintained, and studied by
24 the department under this section or any other entity: (a) Shall
25 include a method of associating all information on health care costs
26 and services with discrete cases; (b) shall not contain any means of
27 determining the personal identity of any enrollee, provider, or
28 facility; (c) shall only be available for retrieval in original or
29 processed form to public and private requesters; (d) shall be
30 available within a reasonable period of time after the date of
31 request; and (e) shall give strong consideration to data standards
32 that achieve national uniformity.

33 (3) The cost of retrieving data for state officials and agencies
34 shall be funded through state general appropriation. The cost of
35 retrieving data for individuals and organizations engaged in research
36 or private use of data or studies shall be funded by a fee schedule
37 developed by the department that reflects the direct cost of
38 retrieving the data or study in the requested form.

1 (4) All persons subject to this section shall comply with
2 departmental requirements established by rule in the acquisition of
3 data, however, the department shall adopt no rule or effect no policy
4 implementing the provisions of this section without an act of law.

5 (5) The department shall submit developed health care data
6 standards to the appropriate committees of the legislature by
7 December 31, 1995.

8 **Sec. 47.** RCW 43.88.090 and 2015 3rd sp.s. c 1 s 409 are each
9 amended to read as follows:

10 (1) For purposes of developing budget proposals to the
11 legislature, the governor shall have the power, and it shall be the
12 governor's duty, to require from proper agency officials such
13 detailed estimates and other information in such form and at such
14 times as the governor shall direct. The governor shall communicate
15 statewide priorities to agencies for use in developing biennial
16 budget recommendations for their agency and shall seek public
17 involvement and input on these priorities. The estimates for the
18 legislature and the judiciary shall be transmitted to the governor
19 and shall be included in the budget without revision. The estimates
20 for state pension contributions shall be based on the rates provided
21 in chapter 41.45 RCW. Copies of all such estimates shall be
22 transmitted to the standing committees on ways and means of the house
23 and senate at the same time as they are filed with the governor and
24 the office of financial management.

25 The estimates shall include statements or tables which indicate,
26 by agency, the state funds which are required for the receipt of
27 federal matching revenues. The estimates shall be revised as
28 necessary to reflect legislative enactments and adopted
29 appropriations and shall be included with the initial biennial
30 allotment submitted under RCW 43.88.110. The estimates must reflect
31 that the agency considered any alternatives to reduce costs or
32 improve service delivery identified in the findings of a performance
33 audit of the agency by the joint legislative audit and review
34 committee. Nothing in this subsection requires performance audit
35 findings to be published as part of the budget.

36 (2) Each state agency shall define its mission and establish
37 measurable goals for achieving desirable results for those who
38 receive its services and the taxpayers who pay for those services.
39 Each agency shall also develop clear strategies and timelines to

1 achieve its goals. This section does not require an agency to develop
2 a new mission or goals in place of identifiable missions or goals
3 that meet the intent of this section. The mission and goals of each
4 agency must conform to statutory direction and limitations.

5 (3) For the purpose of assessing activity performance, each state
6 agency shall establish quality and productivity objectives for each
7 major activity in its budget. The objectives must be consistent with
8 the missions and goals developed under this section. The objectives
9 must be expressed to the extent practicable in outcome-based,
10 objective, and measurable form unless an exception to adopt a
11 different standard is granted by the office of financial management
12 and approved by the legislative committee on performance review.
13 Objectives must specifically address the statutory purpose or intent
14 of the program or activity and focus on data that measure whether the
15 agency is achieving or making progress toward the purpose of the
16 activity and toward statewide priorities. The office of financial
17 management shall provide necessary professional and technical
18 assistance to assist state agencies in the development of strategic
19 plans that include the mission of the agency and its programs,
20 measurable goals, strategies, and performance measurement systems.

21 (4) Each state agency shall adopt procedures for and perform
22 continuous self-assessment of each activity, using the mission,
23 goals, objectives, and measurements required under subsections (2)
24 and (3) of this section. The assessment of the activity must also
25 include an evaluation of major information technology systems or
26 projects that may assist the agency in achieving or making progress
27 toward the activity purpose and statewide priorities. The evaluation
28 of proposed major information technology systems or projects shall be
29 in accordance with the standards and policies established by the
30 technology services board. Agencies' progress toward the mission,
31 goals, objectives, and measurements required by subsections (2) and
32 (3) of this section is subject to review as set forth in this
33 subsection.

34 (a) The office of financial management shall regularly conduct
35 reviews of selected activities to analyze whether the objectives and
36 measurements submitted by agencies demonstrate progress toward
37 statewide results.

38 (b) The office of financial management shall consult with: (i)
39 The four-year institutions of higher education in those reviews that
40 involve four-year institutions of higher education; and (ii) the

1 state board for community and technical colleges in those reviews
2 that involve two-year institutions of higher education.

3 (c) The goal is for all major activities to receive at least one
4 review each year.

5 (d) (~~The consolidated technology services agency~~) Washington
6 technology solutions shall review major information technology
7 systems in use by state agencies periodically.

8 (5) It is the policy of the legislature that each agency's budget
9 recommendations must be directly linked to the agency's stated
10 mission and program, quality, and productivity goals and objectives.
11 Consistent with this policy, agency budget proposals must include
12 integration of performance measures that allow objective
13 determination of an activity's success in achieving its goals. When a
14 review under subsection (4) of this section or other analysis
15 determines that the agency's objectives demonstrate that the agency
16 is making insufficient progress toward the goals of any particular
17 program or is otherwise underachieving or inefficient, the agency's
18 budget request shall contain proposals to remedy or improve the
19 selected programs. The office of financial management shall develop a
20 plan to merge the budget development process with agency performance
21 assessment procedures. The plan must include a schedule to integrate
22 agency strategic plans and performance measures into agency budget
23 requests and the governor's budget proposal over three fiscal
24 biennia. The plan must identify those agencies that will implement
25 the revised budget process in the 1997-1999 biennium, the 1999-2001
26 biennium, and the 2001-2003 biennium. In consultation with the
27 legislative fiscal committees, the office of financial management
28 shall recommend statutory and procedural modifications to the state's
29 budget, accounting, and reporting systems to facilitate the
30 performance assessment procedures and the merger of those procedures
31 with the state budget process. The plan and recommended statutory and
32 procedural modifications must be submitted to the legislative fiscal
33 committees by September 30, 1996.

34 (6) In reviewing agency budget requests in order to prepare the
35 governor's biennial budget request, the office of financial
36 management shall consider the extent to which the agency's activities
37 demonstrate progress toward the statewide budgeting priorities, along
38 with any specific review conducted under subsection (4) of this
39 section.

1 (7) In the year of the gubernatorial election, the governor shall
2 invite the governor-elect or the governor-elect's designee to attend
3 all hearings provided in RCW 43.88.100; and the governor shall
4 furnish the governor-elect or the governor-elect's designee with such
5 information as will enable the governor-elect or the governor-elect's
6 designee to gain an understanding of the state's budget requirements.
7 The governor-elect or the governor-elect's designee may ask such
8 questions during the hearings and require such information as the
9 governor-elect or the governor-elect's designee deems necessary and
10 may make recommendations in connection with any item of the budget
11 which, with the governor-elect's reasons therefor, shall be presented
12 to the legislature in writing with the budget document. Copies of all
13 such estimates and other required information shall also be submitted
14 to the standing committees on ways and means of the house and senate.

15 **Sec. 48.** RCW 43.88.092 and 2015 3rd sp.s. c 1 s 410 are each
16 amended to read as follows:

17 (1) As part of the biennial budget process, the office of
18 financial management shall collect from agencies, and agencies shall
19 provide, information to produce reports, summaries, and budget detail
20 sufficient to allow review, analysis, and documentation of all
21 current and proposed expenditures for information technology by state
22 agencies. Information technology budget detail must be included as
23 part of the budget submittal documentation required pursuant to RCW
24 43.88.030.

25 (2) The office of financial management must collect, and present
26 as part of the biennial budget documentation, information for all
27 existing information technology projects as defined by technology
28 services board policy. The office of financial management must work
29 with the office of the state chief information officer to maximize
30 the ability to draw this information from the information technology
31 portfolio management data collected by (~~the consolidated technology~~
32 ~~services agency~~) Washington technology solutions. Connecting project
33 information collected through the portfolio management process with
34 financial data developed under subsection (1) of this section
35 provides transparency regarding expenditure data for existing
36 technology projects.

37 (3) The director of (~~the consolidated technology services~~
38 ~~agency~~) Washington technology solutions shall evaluate proposed
39 information technology expenditures and establish priority ranking

1 categories of the proposals. No more than one-third of the proposed
2 expenditures shall be ranked in the highest priority category.

3 (4) The biennial budget documentation submitted by the office of
4 financial management pursuant to RCW 43.88.030 must include an
5 information technology plan and a technology budget for the state
6 identifying current baseline funding for information technology,
7 proposed and ongoing major information technology projects, and their
8 associated costs. This plan and technology budget must be presented
9 using a method similar to the capital budget, identifying project
10 costs through stages of the project and across fiscal periods and
11 biennia from project initiation to implementation. This information
12 must be submitted electronically, in a format to be determined by the
13 office of financial management and the legislative evaluation and
14 accountability program committee.

15 (5) The office of financial management shall also institute a
16 method of accounting for information technology-related expenditures,
17 including creating common definitions for what constitutes an
18 information technology investment.

19 (6) For the purposes of this section, "major information
20 technology projects" includes projects that have a significant
21 anticipated cost, complexity, or are of statewide significance, such
22 as enterprise-level solutions, enterprise resource planning, and
23 shared services initiatives.

24 **Sec. 49.** RCW 43.88.160 and 2015 3rd sp.s. c 1 s 303 and 2015 3rd
25 sp.s. c 1 s 109 are each reenacted and amended to read as follows:

26 This section sets forth the major fiscal duties and
27 responsibilities of officers and agencies of the executive branch.
28 The regulations issued by the governor pursuant to this chapter shall
29 provide for a comprehensive, orderly basis for fiscal management and
30 control, including efficient accounting and reporting therefor, for
31 the executive branch of the state government and may include, in
32 addition, such requirements as will generally promote more efficient
33 public management in the state.

34 (1) Governor; director of financial management. The governor,
35 through the director of financial management, shall devise and
36 supervise a modern and complete accounting system for each agency to
37 the end that all revenues, expenditures, receipts, disbursements,
38 resources, and obligations of the state shall be properly and
39 systematically accounted for. The accounting system shall include the

1 development of accurate, timely records and reports of all financial
2 affairs of the state. The system shall also provide for central
3 accounts in the office of financial management at the level of detail
4 deemed necessary by the director to perform central financial
5 management. The director of financial management shall adopt and
6 periodically update an accounting procedures manual. Any agency
7 maintaining its own accounting and reporting system shall comply with
8 the updated accounting procedures manual and the rules of the
9 director adopted under this chapter. An agency may receive a waiver
10 from complying with this requirement if the waiver is approved by the
11 director. Waivers expire at the end of the fiscal biennium for which
12 they are granted. The director shall forward notice of waivers
13 granted to the appropriate legislative fiscal committees. The
14 director of financial management may require such financial,
15 statistical, and other reports as the director deems necessary from
16 all agencies covering any period.

17 (2) Except as provided in chapter 43.88C RCW, the director of
18 financial management is responsible for quarterly reporting of
19 primary operating budget drivers such as applicable workloads,
20 caseload estimates, and appropriate unit cost data. These reports
21 shall be transmitted to the legislative fiscal committees or by
22 electronic means to the legislative evaluation and accountability
23 program committee. Quarterly reports shall include actual monthly
24 data and the variance between actual and estimated data to date. The
25 reports shall also include estimates of these items for the remainder
26 of the budget period.

27 (3) The director of financial management shall report at least
28 annually to the appropriate legislative committees regarding the
29 status of all appropriated capital projects, including transportation
30 projects, showing significant cost overruns or underruns. If funds
31 are shifted from one project to another, the office of financial
32 management shall also reflect this in the annual variance report.
33 Once a project is complete, the report shall provide a final summary
34 showing estimated start and completion dates of each project phase
35 compared to actual dates, estimated costs of each project phase
36 compared to actual costs, and whether or not there are any
37 outstanding liabilities or unsettled claims at the time of
38 completion.

39 (4) In addition, the director of financial management, as agent
40 of the governor, shall:

1 (a) Develop and maintain a system of internal controls and
2 internal audits comprising methods and procedures to be adopted by
3 each agency that will safeguard its assets, check the accuracy and
4 reliability of its accounting data, promote operational efficiency,
5 and encourage adherence to prescribed managerial policies for
6 accounting and financial controls. The system developed by the
7 director shall include criteria for determining the scope and
8 comprehensiveness of internal controls required by classes of
9 agencies, depending on the level of resources at risk.

10 (i) For those agencies that the director determines internal
11 audit is required, the agency head or authorized designee shall be
12 assigned the responsibility and authority for establishing and
13 maintaining internal audits following professional audit standards
14 including generally accepted government auditing standards or
15 standards adopted by the institute of internal auditors, or both.

16 (ii) For those agencies that the director determines internal
17 audit is not required, the agency head or authorized designee may
18 establish and maintain internal audits following professional audit
19 standards including generally accepted government auditing standards
20 or standards adopted by the institute of internal auditors, or both,
21 but at a minimum must comply with policies as established by the
22 director to assess the effectiveness of the agency's systems of
23 internal controls and risk management processes;

24 (b) Make surveys and analyses of agencies with the object of
25 determining better methods and increased effectiveness in the use of
26 manpower and materials; and the director shall authorize expenditures
27 for employee training to the end that the state may benefit from
28 training facilities made available to state employees;

29 (c) Establish policies for allowing the contracting of child care
30 services;

31 (d) Report to the governor with regard to duplication of effort
32 or lack of coordination among agencies;

33 (e) Review any pay and classification plans, and changes
34 thereunder, developed by any agency for their fiscal impact:
35 PROVIDED, That none of the provisions of this subsection shall affect
36 merit systems of personnel management now existing or hereafter
37 established by statute relating to the fixing of qualifications
38 requirements for recruitment, appointment, or promotion of employees
39 of any agency. The director shall advise and confer with agencies
40 including appropriate standing committees of the legislature as may

1 be designated by the speaker of the house and the president of the
2 senate regarding the fiscal impact of such plans and may amend or
3 alter the plans, except that for the following agencies no amendment
4 or alteration of the plans may be made without the approval of the
5 agency concerned: Agencies headed by elective officials;

6 (f) Fix the number and classes of positions or authorized
7 employee years of employment for each agency and during the fiscal
8 period amend the determinations previously fixed by the director
9 except that the director shall not be empowered to fix the number or
10 the classes for the following: Agencies headed by elective officials;

11 (g) Adopt rules to effectuate provisions contained in (a) through
12 (f) of this subsection.

13 (5) The treasurer shall:

14 (a) Receive, keep, and disburse all public funds of the state not
15 expressly required by law to be received, kept, and disbursed by some
16 other persons: PROVIDED, That this subsection shall not apply to
17 those public funds of the institutions of higher learning which are
18 not subject to appropriation;

19 (b) Receive, disburse, or transfer public funds under the
20 treasurer's supervision or custody;

21 (c) Keep a correct and current account of all moneys received and
22 disbursed by the treasurer, classified by fund or account;

23 (d) Coordinate agencies' acceptance and use of credit cards and
24 other payment methods, if the agencies have received authorization
25 under RCW 43.41.180;

26 (e) Perform such other duties as may be required by law or by
27 regulations issued pursuant to this law.

28 It shall be unlawful for the treasurer to disburse public funds
29 in the treasury except upon forms or by alternative means duly
30 prescribed by the director of financial management. These forms or
31 alternative means shall provide for authentication and certification
32 by the agency head or the agency head's designee that the services
33 have been rendered or the materials have been furnished; or, in the
34 case of loans or grants, that the loans or grants are authorized by
35 law; or, in the case of payments for periodic maintenance services to
36 be performed on state owned equipment, that a written contract for
37 such periodic maintenance services is currently in effect; and the
38 treasurer shall not be liable under the treasurer's surety bond for
39 erroneous or improper payments so made. When services are lawfully
40 paid for in advance of full performance by any private individual or

1 business entity other than equipment maintenance providers or as
2 provided for by RCW 42.24.035, such individual or entity other than
3 central stores rendering such services shall make a cash deposit or
4 furnish surety bond coverage to the state as shall be fixed in an
5 amount by law, or if not fixed by law, then in such amounts as shall
6 be fixed by the director of the department of enterprise services but
7 in no case shall such required cash deposit or surety bond be less
8 than an amount which will fully indemnify the state against any and
9 all losses on account of breach of promise to fully perform such
10 services. No payments shall be made in advance for any equipment
11 maintenance services to be performed more than twelve months after
12 such payment except that institutions of higher education as defined
13 in RCW 28B.10.016 and (~~the consolidated technology services agency~~)
14 Washington technology solutions created in RCW 43.105.006 may make
15 payments in advance for equipment maintenance services to be
16 performed up to sixty months after such payment. Any such bond so
17 furnished shall be conditioned that the person, firm or corporation
18 receiving the advance payment will apply it toward performance of the
19 contract. The responsibility for recovery of erroneous or improper
20 payments made under this section shall lie with the agency head or
21 the agency head's designee in accordance with rules issued pursuant
22 to this chapter. Nothing in this section shall be construed to permit
23 a public body to advance funds to a private service provider pursuant
24 to a grant or loan before services have been rendered or material
25 furnished.

26 (6) The state auditor shall:

27 (a) Report to the legislature the results of current post audits
28 that have been made of the financial transactions of each agency; to
29 this end the auditor may, in the auditor's discretion, examine the
30 books and accounts of any agency, official, or employee charged with
31 the receipt, custody, or safekeeping of public funds. Where feasible
32 in conducting examinations, the auditor shall utilize data and
33 findings from the internal control system prescribed by the office of
34 financial management. The current post audit of each agency may
35 include a section on recommendations to the legislature as provided
36 in (c) of this subsection.

37 (b) Give information to the legislature, whenever required, upon
38 any subject relating to the financial affairs of the state.

39 (c) Make the auditor's official report on or before the thirty-
40 first of December which precedes the meeting of the legislature. The

1 report shall be for the last complete fiscal period and shall include
2 determinations as to whether agencies, in making expenditures,
3 complied with the laws of this state. The state auditor is authorized
4 to perform or participate in performance verifications and
5 performance audits as expressly authorized by the legislature in the
6 omnibus biennial appropriations acts or in the performance audit work
7 plan approved by the joint legislative audit and review committee.
8 The state auditor, upon completing an audit for legal and financial
9 compliance under chapter 43.09 RCW or a performance verification, may
10 report to the joint legislative audit and review committee or other
11 appropriate committees of the legislature, in a manner prescribed by
12 the joint legislative audit and review committee, on facts relating
13 to the management or performance of governmental programs where such
14 facts are discovered incidental to the legal and financial audit or
15 performance verification. The auditor may make such a report to a
16 legislative committee only if the auditor has determined that the
17 agency has been given an opportunity and has failed to resolve the
18 management or performance issues raised by the auditor. If the
19 auditor makes a report to a legislative committee, the agency may
20 submit to the committee a response to the report. This subsection (6)
21 shall not be construed to authorize the auditor to allocate other
22 than de minimis resources to performance audits except as expressly
23 authorized in the appropriations acts or in the performance audit
24 work plan. The results of a performance audit conducted by the state
25 auditor that has been requested by the joint legislative audit and
26 review committee must only be transmitted to the joint legislative
27 audit and review committee.

28 (d) Be empowered to take exception to specific expenditures that
29 have been incurred by any agency or to take exception to other
30 practices related in any way to the agency's financial transactions
31 and to cause such exceptions to be made a matter of public record,
32 including disclosure to the agency concerned and to the director of
33 financial management. It shall be the duty of the director of
34 financial management to cause corrective action to be taken within
35 six months, such action to include, as appropriate, the withholding
36 of funds as provided in RCW 43.88.110. The director of financial
37 management shall annually report by December 31st the status of audit
38 resolution to the appropriate committees of the legislature, the
39 state auditor, and the attorney general. The director of financial
40 management shall include in the audit resolution report actions taken

1 as a result of an audit including, but not limited to, types of
2 personnel actions, costs and types of litigation, and value of
3 recouped goods or services.

4 (e) Promptly report any irregularities to the attorney general.

5 (f) Investigate improper governmental activity under chapter
6 42.40 RCW.

7 In addition to the authority given to the state auditor in this
8 subsection (6), the state auditor is authorized to conduct
9 performance audits identified in RCW 43.09.470. Nothing in this
10 subsection (6) shall limit, impede, or restrict the state auditor
11 from conducting performance audits identified in RCW 43.09.470.

12 (7) The joint legislative audit and review committee may:

13 (a) Make post audits of the financial transactions of any agency
14 and management surveys and program reviews as provided for in chapter
15 44.28 RCW as well as performance audits and program evaluations. To
16 this end the joint committee may in its discretion examine the books,
17 accounts, and other records of any agency, official, or employee.

18 (b) Give information to the legislature or any legislative
19 committee whenever required upon any subject relating to the
20 performance and management of state agencies.

21 (c) Make a report to the legislature which shall include at least
22 the following:

23 (i) Determinations as to the extent to which agencies in making
24 expenditures have complied with the will of the legislature and in
25 this connection, may take exception to specific expenditures or
26 financial practices of any agencies; and

27 (ii) Such plans as it deems expedient for the support of the
28 state's credit, for lessening expenditures, for promoting frugality
29 and economy in agency affairs, and generally for an improved level of
30 fiscal management.

31 **Sec. 50.** RCW 43.371.090 and 2019 c 319 s 9 are each amended to
32 read as follows:

33 (1) To ensure the database is meeting the needs of state agencies
34 and other data users, the authority shall convene a state agency
35 coordinating structure, consisting of state agencies with related
36 data needs and the Washington health benefit exchange to ensure
37 effectiveness of the database and the agencies' programs. The
38 coordinating structure must collaborate in a private/public manner
39 with the lead organization and other partners key to the broader

1 success of the database. The coordinating structure shall advise the
2 authority and lead organization on the development of any database
3 policies and rules relevant to agency data needs.

4 (2) The office must participate as a key part of the coordinating
5 structure and evaluate progress towards meeting the goals of the
6 database, and, as necessary, recommend strategies for maintaining and
7 promoting the progress of the database in meeting the intent of this
8 section, and report its findings biennially to the governor and the
9 legislature. The authority shall facilitate the office obtaining the
10 information needed to complete the report in a manner that is
11 efficient and not overly burdensome for the parties. The authority
12 must provide the office with access to database processes,
13 procedures, nonproprietary methodologies, and outcomes to conduct the
14 review and issue the biennial report. The biennial review shall
15 assess, at a minimum the following:

16 (a) The list of approved agency use case projects and related
17 data requirements under RCW 43.371.050(4);

18 (b) Successful and unsuccessful data requests and outcomes
19 related to agency and nonagency health researchers pursuant to RCW
20 43.371.050(4);

21 (c) Online data portal access and effectiveness related to
22 research requests and data provider review and reconsideration;

23 (d) Adequacy of data security and policy consistent with the
24 policy of (~~the office of the chief information officer~~) Washington
25 technology solutions; and

26 (e) Timeliness, adequacy, and responsiveness of the database with
27 regard to requests made under RCW 43.371.050(4) and for potential
28 improvements in data sharing, data processing, and communication.

29 (3) To promote the goal of improving health outcomes through
30 better cost and quality information, the authority, in consultation
31 with the agency coordinating structure, the office, lead
32 organization, and data vendor shall make recommendations to the
33 Washington state performance measurement coordinating committee as
34 necessary to improve the effectiveness of the state common measure
35 set as adopted under RCW 70.320.030.

36 **Sec. 51.** RCW 43.42A.030 and 2014 c 68 s 4 are each amended to
37 read as follows:

38 (1) To provide meaningful customer service that informs project
39 planning and decision making by the citizens and businesses served,

1 each agency must make available to permit applicants the following
2 information through a link from the agency's website to the office's
3 website, as provided in subsection (4) of this section:

4 (a) A list of the types of permit assistance available and how
5 such assistance may be accessed;

6 (b) An estimate of the time required by the agency to process a
7 permit application and issue a decision;

8 (c) Other tools to help applicants successfully complete a
9 thorough application, such as:

10 (i) Examples of model completed applications;

11 (ii) Examples of approved applications, appropriately redacted to
12 remove sensitive information; and

13 (iii) Checklists for ensuring a complete application.

14 (2) Each agency shall update at reasonable intervals the
15 information it posts pursuant to this section.

16 (3) (a) Agencies must post the information required under
17 subsection (1) of this section for all permits as soon as
18 practicable, and no later than the deadlines established in this
19 section.

20 (b) The agency shall post the permit inventory for that agency
21 and the information required under subsection (1)(a) and (c) of this
22 section no later than June 30, 2014.

23 (c) The agency shall post the estimates of application completion
24 and permit decision times required under subsection (1)(b) of this
25 section based on actual data for calendar year 2015 by March 1, 2016,
26 and update this information for the previous calendar year, by March
27 1st of each year thereafter.

28 (d) Agencies must consider the customer experience in ensuring
29 all permit assistance information is simple to use, easy to access,
30 and designed in a customer-friendly manner.

31 (4) To ensure agencies can post the required information online
32 with minimal expenditure of agency resources, (~~the office of the~~
33 ~~chief information officer~~) Washington technology solutions shall, in
34 consultation with the office of regulatory assistance, establish a
35 central repository of this information, hosted on the office of
36 regulatory assistance's website. Each agency shall include at least
37 one link to the central repository from the agency's website.
38 Agencies shall place the link or links in such locations as the
39 agency deems will be most customer-friendly and maximize
40 accessibility of the information to users of the website.

1 (5) The office shall ensure the searchability of the information
2 posted on the central repository, applying industry best practices
3 such as search engine optimization, to ensure that the permit
4 performance and assistance information is readily findable and
5 accessible by members of the public.

6 **Sec. 52.** RCW 43.41.430 and 2013 2nd sp.s. c 33 s 5 are each
7 amended to read as follows:

8 (1) Subject to funds appropriated for this specific purpose, the
9 office of financial management may establish an information
10 technology investment pool and may enter into financial contracts for
11 the acquisition of information technology projects for state
12 agencies. Information technology projects funded under this section
13 must meet the following requirements:

14 (a) The project begins or continues replacement of information
15 technology systems with modern and more efficient information
16 technology systems;

17 (b) The project improves the ability of an agency to recover from
18 major disaster; or

19 (c) The project provides future savings and efficiencies for an
20 agency through reduced operating costs, improved customer service, or
21 increased revenue collections.

22 (2) Preference for project approval under this section must be
23 given to an agency that has prior project approval from (~~the office~~
24 ~~of the chief information officer~~) Washington technology solutions
25 and an approved business plan, and the primary hurdle to project
26 funding is the lack of funding capacity.

27 (3) The office of financial management with assistance from (~~the~~
28 ~~office of the chief information officer~~) Washington technology
29 solutions shall report to the governor and the fiscal committees of
30 the legislature by November 1st of each year on the status of
31 distributions and expenditures on information technology projects and
32 improved statewide or agency performance results achieved by project
33 funding.

34 **Sec. 53.** RCW 43.330.534 and 2022 c 265 s 303 are each amended to
35 read as follows:

36 (1) The office has the power and duty to:

37 (a) Serve as the central broadband planning body for the state of
38 Washington;

1 (b) Coordinate with local governments, tribes, public and private
2 entities, public housing agencies, nonprofit organizations, and
3 consumer-owned and investor-owned utilities to develop strategies and
4 plans promoting deployment of broadband infrastructure and greater
5 broadband access, while protecting proprietary information;

6 (c) Review existing broadband initiatives, policies, and public
7 and private investments;

8 (d) Develop, recommend, and implement a statewide plan to
9 encourage cost-effective broadband access and to make recommendations
10 for increased usage, particularly in rural and other unserved areas;

11 (e) Update the state's broadband goals and definitions for
12 broadband service in unserved areas as technology advances, except
13 that the state's definition for broadband service may not be actual
14 speeds less than twenty-five megabits per second download and three
15 megabits per second upload; and

16 (f) Encourage public-private partnerships to increase deployment
17 and adoption of broadband services and applications.

18 (2) When developing plans or strategies for broadband deployment,
19 the office must consider:

20 (a) Partnerships between communities, tribes, nonprofit
21 organizations, local governments, consumer-owned and investor-owned
22 utilities, and public and private entities;

23 (b) Funding opportunities that provide for the coordination of
24 public, private, state, and federal funds for the purposes of making
25 broadband infrastructure or broadband services available to rural and
26 unserved areas of the state;

27 (c) Barriers to the deployment, adoption, and utilization of
28 broadband service, including affordability of service and project
29 coordination logistics; and

30 (d) Requiring minimum broadband service of twenty-five megabits
31 per second download and three megabits per second upload speed, that
32 is scalable to faster service.

33 (3) The office may assist applicants for the grant and loan
34 program created in RCW 43.155.160, the digital equity opportunity
35 program created in RCW 43.330.412, and the digital equity planning
36 grant program created in RCW 43.330.5393 with seeking federal funding
37 or matching grants and other grant opportunities for deploying or
38 increasing adoption of broadband services.

39 (4) The office may take all appropriate steps to seek and apply
40 for federal funds for which the office is eligible, and other grants,

1 and accept donations, and must deposit these funds in the statewide
2 broadband account created in RCW 43.155.165.

3 (5) The office shall coordinate an outreach effort to hard-to-
4 reach communities and low-income communities across the state to
5 provide information about broadband programs available to consumers
6 of these communities. The outreach effort must include, but is not
7 limited to, providing information to applicable communities about the
8 federal lifeline program and other low-income broadband benefit
9 programs. The outreach effort must be reviewed by the office of
10 equity annually. The office may contract with other public or private
11 entities to conduct outreach to communities as provided under this
12 subsection.

13 (6) In carrying out its purpose, the office may collaborate with
14 the utilities and transportation commission, (~~the office of the~~
15 ~~chief information officer~~) Washington technology solutions, the
16 department of commerce, the community economic revitalization board,
17 the department of transportation, the public works board, the state
18 librarian, and all other relevant state agencies.

19 **Sec. 54.** RCW 43.371.020 and 2019 c 319 s 3 are each amended to
20 read as follows:

21 (1) The office shall establish a statewide all-payer health care
22 claims database. On January 1, 2020, the office must transfer
23 authority and oversight for the database to the authority. The office
24 and authority must develop a transition plan that sustains operations
25 by July 1, 2019. The database shall support transparent public
26 reporting of health care information. The database must improve
27 transparency to: Assist patients, providers, and hospitals to make
28 informed choices about care; enable providers, hospitals, and
29 communities to improve by benchmarking their performance against that
30 of others by focusing on best practices; enable purchasers to
31 identify value, build expectations into their purchasing strategy,
32 and reward improvements over time; and promote competition based on
33 quality and cost. The database must systematically collect all
34 medical claims and pharmacy claims from private and public payers,
35 with data from all settings of care that permit the systematic
36 analysis of health care delivery.

37 (2) The authority shall use a competitive procurement process, in
38 accordance with chapter 39.26 RCW, to select a lead organization from

1 among the best potential bidders to coordinate and manage the
2 database.

3 (a)(i) In conducting the competitive procurement, the authority
4 must ensure that no state officer or state employee participating in
5 the procurement process:

6 (A) Has a current relationship or had a relationship within the
7 last three years with any organization that bids on the procurement
8 that would constitute a conflict with the proper discharge of
9 official duties under chapter 42.52 RCW; or

10 (B) Is a compensated or uncompensated member of a bidding
11 organization's board of directors, advisory committee, or has held
12 such a position in the past three years.

13 (ii) If any relationship or interest described in (a)(i) of this
14 subsection is discovered during the procurement process, the officer
15 or employee with the prohibited relationship must withdraw from
16 involvement in the procurement process.

17 (b) Due to the complexities of the all-payer claims database and
18 the unique privacy, quality, and financial objectives, the authority
19 must give strong consideration to the following elements in
20 determining the appropriate lead organization contractor: (i) The
21 organization's degree of experience in health care data collection,
22 analysis, analytics, and security; (ii) whether the organization has
23 a long-term self-sustainable financial model; (iii) the
24 organization's experience in convening and effectively engaging
25 stakeholders to develop reports, especially among groups of health
26 providers, carriers, and self-insured purchasers; (iv) the
27 organization's experience in meeting budget and timelines for report
28 generations; and (v) the organization's ability to combine cost and
29 quality data to assess total cost of care.

30 (c) The successful lead organization must apply to be certified
31 as a qualified entity pursuant to 42 C.F.R. Sec. 401.703(a) by the
32 centers for medicare and medicaid services.

33 (d) The authority may not select a lead organization that:

34 (i) Is a health plan as defined by and consistent with the
35 definitions in RCW 48.43.005;

36 (ii) Is a hospital as defined in RCW 70.41.020;

37 (iii) Is a provider regulated under Title 18 RCW;

38 (iv) Is a third-party administrator as defined in RCW 70.290.010;

39 or

1 (v) Is an entity with a controlling interest in any entity
2 covered in (d) (i) through (iv) of this subsection.

3 (3) As part of the competitive procurement process referenced in
4 subsection (2) of this section, the lead organization shall enter
5 into a contract with a data vendor or multiple data vendors to
6 perform data collection, processing, aggregation, extracts, and
7 analytics. A data vendor must:

8 (a) Establish a secure data submission process with data
9 suppliers;

10 (b) Review data submitters' files according to standards
11 established by the authority;

12 (c) Assess each record's alignment with established format,
13 frequency, and consistency criteria;

14 (d) Maintain responsibility for quality assurance, including, but
15 not limited to: (i) The accuracy and validity of data suppliers'
16 data; (ii) accuracy of dates of service spans; (iii) maintaining
17 consistency of record layout and counts; and (iv) identifying
18 duplicate records;

19 (e) Assign unique identifiers, as defined in RCW 43.371.010, to
20 individuals represented in the database;

21 (f) Ensure that direct patient identifiers, indirect patient
22 identifiers, and proprietary financial information are released only
23 in compliance with the terms of this chapter;

24 (g) Demonstrate internal controls and affiliations with separate
25 organizations as appropriate to ensure safe data collection, security
26 of the data with state of the art encryption methods, actuarial
27 support, and data review for accuracy and quality assurance;

28 (h) Store data on secure servers that are compliant with the
29 federal health insurance portability and accountability act and
30 regulations, with access to the data strictly controlled and limited
31 to staff with appropriate training, clearance, and background checks;
32 and

33 (i) Maintain state of the art security standards for transferring
34 data to approved data requestors.

35 (4) The lead organization and data vendor must submit detailed
36 descriptions to (~~the office of the chief information officer~~)
37 Washington technology solutions to ensure robust security methods are
38 in place. (~~The office of the chief information officer~~) Washington
39 technology solutions must report its findings to the authority and
40 the appropriate committees of the legislature.

1 (5) The lead organization is responsible for internal governance,
2 management, funding, and operations of the database. At the direction
3 of the authority, the lead organization shall work with the data
4 vendor to:

5 (a) Collect claims data from data suppliers as provided in RCW
6 43.371.030;

7 (b) Design data collection mechanisms with consideration for the
8 time and cost incurred by data suppliers and others in submission and
9 collection and the benefits that measurement would achieve, ensuring
10 the data submitted meet quality standards and are reviewed for
11 quality assurance;

12 (c) Ensure protection of collected data and store and use any
13 data in a manner that protects patient privacy and complies with this
14 section. All patient-specific information must be deidentified with
15 an up-to-date industry standard encryption algorithm;

16 (d) Consistent with the requirements of this chapter, make
17 information from the database available as a resource for public and
18 private entities, including carriers, employers, providers,
19 hospitals, and purchasers of health care;

20 (e) Report performance on cost and quality pursuant to RCW
21 43.371.060 using, but not limited to, the performance measures
22 developed under RCW 41.05.690;

23 (f) Develop protocols and policies, including prerelease peer
24 review by data suppliers, to ensure the quality of data releases and
25 reports;

26 (g) Develop a plan for the financial sustainability of the
27 database as may be reasonable and customary as compared to other
28 states' databases and charge fees for reports and data files as
29 needed to fund the database. Any fees must be approved by the
30 authority and should be comparable, accounting for relevant
31 differences across data requests and uses. The lead organization may
32 not charge providers or data suppliers fees other than fees directly
33 related to requested reports and data files; and

34 (h) Convene advisory committees with the approval and
35 participation of the authority, including: (i) A committee on data
36 policy development; and (ii) a committee to establish a data release
37 process consistent with the requirements of this chapter and to
38 provide advice regarding formal data release requests. The advisory
39 committees must include in-state representation from key provider,
40 hospital, public health, health maintenance organization, large and

1 small private purchasers, consumer organizations, and the two largest
2 carriers supplying claims data to the database.

3 (6) The lead organization governance structure and advisory
4 committees for this database must include representation of the
5 third-party administrator of the uniform medical plan. A payer,
6 health maintenance organization, or third-party administrator must be
7 a data supplier to the all-payer health care claims database to be
8 represented on the lead organization governance structure or advisory
9 committees.

10 **Sec. 55.** RCW 44.68.065 and 2020 c 114 s 13 are each amended to
11 read as follows:

12 The legislative service center, under the direction of the joint
13 legislative systems administrative committee, shall:

14 (1) Develop a legislative information technology portfolio
15 consistent with the provisions of RCW 43.105.341;

16 (2) Participate in the development of an enterprise-based
17 statewide information technology strategy;

18 (3) Ensure the legislative information technology portfolio is
19 organized and structured to clearly indicate participation in and use
20 of enterprise-wide information technology strategies;

21 (4) As part of the biennial budget process, submit the
22 legislative information technology portfolio to the chair and ranking
23 member of the ways and means committees of the house of
24 representatives and the senate, the office of financial management,
25 and ((~~the consolidated technology services agency~~)) Washington
26 technology solutions.

27 **Sec. 56.** RCW 46.20.037 and 2012 c 80 s 1 are each amended to
28 read as follows:

29 (1) The department may implement a facial recognition matching
30 system for drivers' licenses, permits, and identicards. Any facial
31 recognition matching system selected by the department must be used
32 only to verify the identity of an applicant for or holder of a
33 driver's license, permit, or identicard to determine whether the
34 person has been issued a driver's license, permit, or identicard
35 under a different name or names.

36 (2) Any facial recognition matching system selected by the
37 department must be capable of highly accurate matching, and must be
38 compliant with appropriate standards established by the American

1 association of motor vehicle administrators that exist on June 7,
2 2012, or such subsequent date as may be provided by the department by
3 rule, consistent with the purposes of this section.

4 (3) The department shall post notices in conspicuous locations at
5 all department driver licensing offices, make written information
6 available to all applicants at department driver licensing offices,
7 and provide information on the department's website regarding the
8 facial recognition matching system. The notices, written information,
9 and information on the website must address how the facial
10 recognition matching system works, all ways in which the department
11 may use results from the facial recognition matching system, how an
12 investigation based on results from the facial recognition matching
13 system would be conducted, and a person's right to appeal any
14 determinations made under this chapter.

15 (4) Results from the facial recognition matching system:

16 (a) Are not available for public inspection and copying under
17 chapter 42.56 RCW;

18 (b) May only be disclosed when authorized by a court order;

19 (c) May only be disclosed to a federal government agency if
20 specifically required under federal law; and

21 (d) May only be disclosed by the department to a government
22 agency, including a court or law enforcement agency, for use in
23 carrying out its functions if the department has determined that
24 person has committed one of the prohibited practices listed in RCW
25 46.20.0921 and this determination has been confirmed by a hearings
26 examiner under this chapter or the person declined a hearing or did
27 not attend a scheduled hearing.

28 (5) All personally identifying information derived from the
29 facial recognition matching system must be stored with appropriate
30 security safeguards. (~~The office of the chief information officer~~)
31 Washington technology solutions shall develop the appropriate
32 security standards for the department's use of the facial recognition
33 matching system, subject to approval and oversight by the technology
34 services board.

35 (6) The department shall develop procedures to handle instances
36 in which the facial recognition matching system fails to verify the
37 identity of an applicant for a renewal or duplicate driver's license,
38 permit, or identicard. These procedures must allow an applicant to
39 prove identity without using the facial recognition matching system.

1 **Sec. 57.** RCW 46.20.157 and 2011 1st sp.s. c 43 s 811 are each
2 amended to read as follows:

3 (1) Except as provided in subsection (2) of this section, the
4 department shall annually provide to (~~the consolidated technology~~
5 ~~services agency~~) Washington technology solutions an electronic data
6 file. The data file must:

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

10 (b) Be provided at no charge; and

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

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

20 **Sec. 58.** RCW 50A.25.070 and 2022 c 233 s 10 and 2022 c 18 s 2
21 are each reenacted and amended to read as follows:

22 (1) The department may enter into data-sharing contracts and may
23 disclose records and information deemed confidential to state or
24 local government agencies under this chapter only if permitted under
25 subsection (2) of this section and RCW 50A.25.090. A state or local
26 government agency must need the records or information for an
27 official purpose and must also provide:

28 (a) An application in writing to the department for the records
29 or information containing a statement of the official purposes for
30 which the state or local government agency needs the information or
31 records and specifically identify the records or information sought
32 from the department; and

33 (b) A written verification of the need for the specific
34 information from the director, commissioner, chief executive, or
35 other official of the requesting state or local government agency
36 either on the application or on a separate document.

37 (2) The department may disclose information or records deemed
38 confidential under this chapter to the following state or local
39 government agencies:

1 (a) To the department of social and health services to identify
2 child support obligations as defined in RCW 50A.15.080 and for the
3 purposes of administering the department's responsibilities under
4 Title 50B RCW;

5 (b) To the department of revenue to determine potential tax
6 liability or employer compliance with registration and licensing
7 requirements;

8 (c) To the department of labor and industries to compare records
9 or information to detect improper or fraudulent claims;

10 (d) To the office of financial management for the purpose of
11 conducting periodic salary or fringe benefit studies pursuant to law
12 or for the actuarial services created under chapter 233, Laws of
13 2022;

14 (e) To the office of the state treasurer and any financial or
15 banking institutions deemed necessary by the office of the state
16 treasurer and the department for the proper administration of funds;

17 (f) To the office of the attorney general for purposes of legal
18 representation;

19 (g) To a county clerk for the purpose of RCW 9.94A.760 if
20 requested by the county clerk's office;

21 (h) To the office of administrative hearings for the purpose of
22 administering the administrative appeal process;

23 (i) To the department of enterprise services for the purpose of
24 agency administration and operations;

25 (j) To ~~((the consolidated technology services agency))~~ Washington
26 technology solutions for the purpose of enterprise technology
27 support; ~~((and))~~

28 (k) To the health care authority and the office of the state
29 actuary for the purposes of administering the department's
30 responsibilities under Title 50B RCW;

31 (l) To the office of the state actuary for the purpose of
32 performing actuarial services to assess the financial stability and
33 solvency of the family and medical leave program, and specifically
34 the family and medical leave insurance account created in RCW
35 50A.05.070; and

36 (m) To the joint legislative audit and review committee, in
37 accordance with RCW 44.28.110, for the purpose of conducting
38 performance audits.

1 (3) The department may also enter into data-sharing agreements
2 with other state or local government agencies solely for the purposes
3 of program evaluation under this title or Title 50B RCW.

4 **Sec. 59.** RCW 70A.02.110 and 2022 c 181 s 15 are each amended to
5 read as follows:

6 (1) The environmental justice council is established to advise
7 covered agencies on incorporating environmental justice into agency
8 activities.

9 (2) The council consists of 14 members, except as provided in RCW
10 70A.65.040(3), appointed by the governor. The councilmembers must be
11 persons who are well-informed regarding and committed to the
12 principles of environmental justice and who, to the greatest extent
13 practicable, represent diversity in race, ethnicity, age, and gender,
14 urban and rural areas, and different regions of the state. The
15 members of the council shall elect two members to serve as cochairs
16 for two-year terms. The council must include:

17 (a) Seven community representatives, including one youth
18 representative, the nominations of which are based upon applied and
19 demonstrated work and focus on environmental justice or a related
20 field, such as racial or economic justice, and accountability to
21 vulnerable populations and overburdened communities;

22 (i) The youth representative must be between the ages of 18 and
23 25 at the time of appointment;

24 (ii) The youth representative serves a two-year term. All other
25 community representatives serve four-year terms, with six
26 representatives initially being appointed to four-year terms and five
27 being initially appointed to two-year terms, after which they will be
28 appointed to four-year terms;

29 (b) Two members representing tribal communities, one from eastern
30 Washington and one from western Washington, appointed by the
31 governor, plus two tribal members as specified in RCW 70A.65.040. The
32 governor shall solicit and consider nominees from each of the
33 federally recognized tribes in Washington state. The governor shall
34 collaborate with federally recognized tribes on the selection of
35 tribal representatives. The tribal representatives serve four-year
36 terms. One representative must be initially appointed for a four-year
37 term. The other representative must be initially appointed for a two-
38 year term, after which, that representative must be appointed for a
39 four-year term;

1 (c) Two representatives who are environmental justice
2 practitioners or academics to serve as environmental justice experts,
3 the nominations of which are based upon applied and demonstrated work
4 and focus on environmental justice;

5 (d) (i) One representative of a business that is regulated by a
6 covered agency and whose ordinary business conditions are
7 significantly affected by the actions of at least one other covered
8 agency; and

9 (ii) One representative who is a member or officer of a union
10 representing workers in the building and construction trades; and

11 (e) One representative at large, the nomination of which is based
12 upon applied and demonstrated work and focus on environmental
13 justice.

14 (3) Covered agencies shall serve as nonvoting, ex officio
15 liaisons to the council. Each covered agency must identify an
16 executive team level staff person to participate on behalf of the
17 agency.

18 (4) Nongovernmental members of the council must be compensated
19 and reimbursed in accordance with RCW 43.03.050, 43.03.060, and
20 43.03.220.

21 (5) The department of health must:

22 (a) Hire a manager who is responsible for overseeing all staffing
23 and administrative duties in support of the council; and

24 (b) Provide all administrative and staff support for the council.

25 (6) In collaboration with the office of equity, the office of
26 financial management, the council, and covered agencies, the
27 department of health must:

28 (a) Establish standards for the collection, analysis, and
29 reporting of disaggregated data as it pertains to tracking population
30 level outcomes of communities;

31 (b) Create statewide and agency-specific process and outcome
32 measures to show performance:

33 (i) Using outcome-based methodology to determine the
34 effectiveness of agency programs and services on reducing
35 environmental disparities; and

36 (ii) Taking into consideration community feedback from the
37 council on whether the performance measures established accurately
38 measure the effectiveness of covered agency programs and services in
39 the communities served; and

1 (c) Create an online performance dashboard to publish performance
2 measures and outcomes as referenced in RCW 70A.02.090 for the state
3 and each covered agency.

4 (7) The department of health must coordinate with ((the
5 ~~consolidated technology services agency~~) Washington technology
6 solutions to address cybersecurity and data protection for all data
7 collected by the department.

8 (8) (a) With input and assistance from the council, the department
9 of health must establish an interagency work group to assist covered
10 agencies in incorporating environmental justice into agency decision
11 making. The work group must include staff from each covered agency
12 directed to implement environmental justice provisions under this
13 chapter and may include members from the council. The department of
14 health shall provide assistance to the interagency work group by:

15 (i) Facilitating information sharing among covered agencies on
16 environmental justice issues and between agencies and the council;

17 (ii) Developing and providing assessment tools for covered
18 agencies to use in the development and evaluation of agency programs,
19 services, policies, and budgets;

20 (iii) Providing technical assistance and compiling and creating
21 resources for covered agencies to use; and

22 (iv) Training covered agency staff on effectively using data and
23 tools for environmental justice assessments.

24 (b) The duties of the interagency work group include:

25 (i) Providing technical assistance to support agency compliance
26 with the implementation of environmental justice into their strategic
27 plans, environmental justice obligations for budgeting and funding
28 criteria and decisions, environmental justice assessments, and
29 community engagement plans;

30 (ii) Assisting the council in developing a suggested schedule and
31 timeline for sequencing the types of: (A) Funding and expenditure
32 decisions subject to rules; and (B) criteria incorporating
33 environmental justice principles;

34 (iii) Identifying other policies, priorities, and projects for
35 the council's review and guidance development;

36 (iv) Identifying goals and metrics that the council may use to
37 assess agency performance in meeting the requirements of chapter 314,
38 Laws of 2021 for purposes of communicating progress to the public,
39 the governor, and the legislature; and

1 (v) Developing the guidance under subsection (9)(c) of this
2 section in coordination with the council.

3 (9) The council has the following powers and duties:

4 (a) To provide a forum for the public to:

5 (i) Provide written or oral testimony on their environmental
6 justice concerns;

7 (ii) Assist the council in understanding environmental justice
8 priorities across the state in order to develop council
9 recommendations to agencies for issues to prioritize; and

10 (iii) Identify which agencies to contact with their specific
11 environmental justice concerns and questions;

12 (b)(i) The council shall work in an iterative fashion with the
13 interagency work group to develop guidance for environmental justice
14 implementation into covered agency strategic plans pursuant to RCW
15 70A.02.040, environmental justice assessments pursuant to RCW
16 70A.02.060, budgeting and funding criteria for making budgeting and
17 funding decisions pursuant to RCW 70A.02.080, and community
18 engagement plans pursuant to RCW 70A.02.050;

19 (ii) The council and interagency work group shall regularly
20 update its guidance;

21 (c) In consultation with the interagency work group, the council:

22 (i) Shall provide guidance to covered agencies on developing
23 environmental justice assessments pursuant to RCW 70A.02.060 for
24 significant agency actions;

25 (ii) Shall make recommendations to covered agencies on which
26 agency actions may cause environmental harm or may affect the
27 equitable distribution of environmental benefits to an overburdened
28 community or a vulnerable population and therefore should be
29 considered significant agency actions that require an environmental
30 justice assessment under RCW 70A.02.060;

31 (iii) Shall make recommendations to covered agencies:

32 (A) On the identification and prioritization of overburdened
33 communities under this chapter; and

34 (B) Related to the use by covered agencies of the environmental
35 and health disparities map in agency efforts to identify and
36 prioritize overburdened communities;

37 (iv) May make recommendations to a covered agency on the timing
38 and sequencing of a covered agencies' efforts to implement RCW
39 70A.02.040 through 70A.02.080; and

1 (v) May make recommendations to the governor and the legislature
2 regarding ways to improve agency compliance with the requirements of
3 this chapter;

4 (d) By December 1, 2023, and biennially thereafter, and with
5 consideration of the information shared on September 1st each year in
6 covered agencies' annual updates to the council required under RCW
7 70A.02.090, the council must:

8 (i) Evaluate the progress of each agency in applying council
9 guidance, and update guidance as needed; and

10 (ii) Communicate each covered agency's progress to the public,
11 the governor, and the legislature. This communication is not required
12 to be a report and may take the form of a presentation or other
13 format that communicates the progress of the state and its agencies
14 in meeting the state's environmental justice goals in compliance with
15 chapter 314, Laws of 2021, and summarizing the work of the council
16 pursuant to (a) through (d) of this subsection, and subsection (11)
17 of this section; and

18 (e) To fulfill the responsibilities established for the council
19 in RCW 70A.65.040.

20 (10) By November 30, 2023, and in compliance with RCW 43.01.036,
21 the council must submit a report to the governor and the appropriate
22 committees of the house of representatives and the senate on:

23 (a) The council's recommendations to covered agencies on the
24 identification of significant agency actions requiring an
25 environmental justice assessment under subsection (9)(c)(ii) of this
26 section;

27 (b) The summary of covered agency progress reports provided to
28 the council under RCW 70A.02.090(1), including the status of agency
29 plans for performing environmental justice assessments required by
30 RCW 70A.02.060; and

31 (c) Guidance for environmental justice implementation into
32 covered agency strategic plans, environmental justice assessments,
33 budgeting and funding criteria, and community engagement plans under
34 subsection (9)(c)(i) of this section.

35 (11) The council may:

36 (a) Review incorporation of environmental justice implementation
37 plans into covered agency strategic plans pursuant to RCW 70A.02.040,
38 environmental justice assessments pursuant to RCW 70A.02.060,
39 budgeting and funding criteria for making budgeting and funding

1 decisions pursuant to RCW 70A.02.080, and community engagement plans
2 pursuant to RCW 70A.02.050;

3 (b) Make recommendations for amendments to this chapter or other
4 legislation to promote and achieve the environmental justice goals of
5 the state;

6 (c) Review existing laws and make recommendations for amendments
7 that will further environmental justice;

8 (d) Recommend to specific agencies that they create environmental
9 justice-focused, agency-requested legislation;

10 (e) Provide requested assistance to state agencies other than
11 covered agencies that wish to incorporate environmental justice
12 principles into agency activities; and

13 (f) Recommend funding strategies and allocations to build
14 capacity in vulnerable populations and overburdened communities to
15 address environmental justice.

16 (12) The role of the council is purely advisory and council
17 decisions are not binding on an agency, individual, or organization.

18 (13) The department of health must convene the first meeting of
19 the council by January 1, 2022.

20 (14) All council meetings are subject to the open public meetings
21 requirements of chapter 42.30 RCW and a public comment period must be
22 provided at every meeting of the council.

23 **Sec. 60.** RCW 71.24.898 and 2021 c 302 s 109 are each amended to
24 read as follows:

25 For the purpose of development and implementation of technology
26 and platforms by the department and the authority under RCW
27 71.24.890, the department and the authority shall create a
28 sophisticated technical and operational plan. The plan shall not
29 conflict with, nor delay, the department meeting and satisfying
30 existing 988 federal requirements that are already underway and must
31 be met by July 16, 2022, nor is it intended to delay the initial
32 planning phase of the project, or the planning and deliverables tied
33 to any grant award received and allotted by the department or the
34 authority prior to April 1, 2021. To the extent that funds are
35 appropriated for this specific purpose, the department and the
36 authority must contract for a consultant to critically analyze the
37 development and implementation technology and platforms and
38 operational challenges to best position the solutions for success.
39 Prior to initiation of a new information technology development,

1 which does not include the initial planning phase of this project or
2 any contracting needed to complete the initial planning phase, the
3 department and authority shall submit the technical and operational
4 plan to the governor, office of financial management, steering
5 committee of the crisis response improvement strategy committee
6 created under RCW 71.24.892, and appropriate policy and fiscal
7 committees of the legislature, which shall include the committees
8 referenced in this section. The plan must be approved by (~~the office~~
9 ~~of the chief information officer~~) Washington technology solutions,
10 the director of the office of financial management, and the steering
11 committee of the crisis response improvement strategy committee,
12 which shall consider any feedback received from the senate ways and
13 means committee chair, the house of representatives appropriations
14 committee chair, the senate environment, energy and technology
15 committee chair, the senate behavioral health subcommittee chair, and
16 the house of representatives health care and wellness committee
17 chair, before any funds are expended for the solutions, other than
18 those funds needed to complete the initial planning phase. A draft
19 technical and operational plan must be submitted no later than
20 January 1, 2022, and a final plan by August 31, 2022.

21 The plan submitted must include, but not be limited to:

- 22 (1) Data management;
- 23 (2) Data security;
- 24 (3) Data flow;
- 25 (4) Data access and permissions;
- 26 (5) Protocols to ensure staff are following proper health
27 information privacy procedures;
- 28 (6) Cybersecurity requirements and how to meet these;
- 29 (7) Service level agreements by vendor;
- 30 (8) Maintenance and operations costs;
- 31 (9) Identification of what existing software as a service
32 products might be applicable, to include the:
 - 33 (a) Vendor name;
 - 34 (b) Vendor offerings to include product module and functionality
35 detail and whether each represent add-ons that must be paid
36 separately;
 - 37 (c) Vendor pricing structure by year through implementation; and
 - 38 (d) Vendor pricing structure by year post implementation;
- 39 (10) Integration limitations by system;

- 1 (11) Data analytic and performance metrics to be required by
2 system;
- 3 (12) Liability;
- 4 (13) Which agency will host the electronic health record software
5 as a service;
- 6 (14) Regulatory agency;
- 7 (15) The timeline by fiscal year from initiation to
8 implementation for each solution in chapter 302, Laws of 2021;
- 9 (16) How to plan in a manner that ensures efficient use of state
10 resources and maximizes federal financial participation; and
- 11 (17) A complete comprehensive business plan analysis.

12 NEW SECTION. **Sec. 61.** The following acts or parts of acts are
13 each repealed:

14 (1) RCW 41.06.101 (Office of the chief information officer—
15 Certain personnel exempted from chapter) and 2011 1st sp.s. c 43 s
16 723; and

17 (2) RCW 43.105.205 (Office of the state chief information officer
18 —Created—Powers, duties, and functions) and 2015 3rd sp.s. c 1 s
19 201, 2013 2nd sp.s. c 33 s 3, & 2011 1st sp.s. c 43 s 702.

20 NEW SECTION. **Sec. 62.** RCW 43.105.331 is recodified as a section
21 in chapter 38.52 RCW.

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