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HOUSE BILL 1044

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Morris, Wood, Upthegrove, Chase, Hudgins, and Moeller

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Technology, Energy & Communications.

1            AN ACT Relating to developing state standards for radio frequency  
2 identification; amending RCW 43.105.041; and adding new sections to  
3 chapter 43.105 RCW.

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

5            **Sec. 1.** RCW 43.105.041 and 2003 c 18 s 3 are each amended to read  
6 as follows:

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

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

13            (b) To purchase, lease, rent, or otherwise acquire, dispose of, and  
14 maintain equipment, proprietary software, and purchased services, or to  
15 delegate to other agencies and institutions of state government, under  
16 appropriate standards, the authority to purchase, lease, rent, or  
17 otherwise acquire, dispose of, and maintain equipment, proprietary  
18 software, and purchased services: PROVIDED, That, agencies and  
19 institutions of state government are expressly prohibited from

1 acquiring or disposing of equipment, proprietary software, and  
2 purchased services without such delegation of authority. The  
3 acquisition and disposition of equipment, proprietary software, and  
4 purchased services is exempt from RCW 43.19.1919 and, as provided in  
5 RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200.  
6 This subsection (1)(b) does not apply to the legislative branch;

7 (c) To develop statewide or interagency technical policies,  
8 standards, and procedures;

9 (d) To develop privacy standards for radio frequency identification  
10 technology;

11 (e) To review and approve standards and common specifications for  
12 new or expanded telecommunications networks proposed by agencies,  
13 public postsecondary education institutions, educational service  
14 districts, or statewide or regional providers of K-12 information  
15 technology services, and to assure the cost-effective development and  
16 incremental implementation of a statewide video telecommunications  
17 system to serve: Public schools; educational service districts;  
18 vocational-technical institutes; community colleges; colleges and  
19 universities; state and local government; and the general public  
20 through public affairs programming;

21 ((+e)) (f) To provide direction concerning strategic planning  
22 goals and objectives for the state. The board shall seek input from  
23 the legislature and the judiciary;

24 ((+f)) (g) To develop and implement a process for the resolution  
25 of appeals by:

26 (i) Vendors concerning the conduct of an acquisition process by an  
27 agency or the department; or

28 (ii) A customer agency concerning the provision of services by the  
29 department or by other state agency providers;

30 ((+g)) (h) To establish policies for the periodic review by the  
31 department of agency performance which may include but are not limited  
32 to analysis of:

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

34 (ii) Training and education; and

35 (iii) Project management;

36 ((+h)) (i) To set its meeting schedules and convene at scheduled  
37 times, or meet at the request of a majority of its members, the chair,  
38 or the director; and

1        ~~((i))~~ (j) To review and approve that portion of the department's  
2 budget requests that provides for support to the board.

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

7        (a) Establish technical standards to facilitate electronic access  
8 to government information and interoperability of information systems,  
9 including wireless communications systems. Local governments are  
10 strongly encouraged to follow the standards established by the board;  
11 and

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

14        In developing these standards, the board is encouraged to include  
15 the state library, state archives, and appropriate representatives of  
16 state and local government.

17        (3)(a) The board, in consultation with the K-20 board, has the duty  
18 to govern, operate, and oversee the technical design, implementation,  
19 and operation of the K-20 network including, but not limited to, the  
20 following duties: Establishment and implementation of K-20 network  
21 technical policy, including technical standards and conditions of use;  
22 review and approval of network design; procurement of shared network  
23 services and equipment; and resolving user/provider disputes concerning  
24 technical matters. The board shall delegate general operational and  
25 technical oversight to the K-20 network technical steering committee as  
26 appropriate.

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

30        NEW SECTION. **Sec. 2.** A new section is added to chapter 43.105 RCW  
31 to read as follows:

32        The board shall develop privacy standards for state agencies using  
33 radio frequency identification technology for external or internal  
34 purposes. These standards, at a minimum, must ensure that:

35        (1) A privacy impact assessment is conducted prior to acquisition  
36 to determine what implications its implementation of radio frequency

1 identification technology could raise for privacy and the protection of  
2 personal data;

3 (2) Appropriate technical and organizational measures are being  
4 taken by the state agency in order to mitigate any privacy or data  
5 protection risks; and

6 (3) The type of radio frequency identification technology selected  
7 has an appropriate level of security for its intended application.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.105 RCW  
9 to read as follows:

10 If a state agency intends to deploy radio frequency identification  
11 technology for external or internal purposes, the state agency must  
12 certify to the department that its intended use of radio frequency  
13 identification technology is in compliance with the most recent privacy  
14 standards adopted by the board.

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