
HOUSE BILL 1274

State of Washington

67th Legislature

2021 Regular Session

By Representatives Hackney and Stokesbary

1 AN ACT Relating to cloud computing solutions; amending RCW
2 43.105.020; adding new sections to chapter 43.105 RCW; creating a new
3 section; and repealing RCW 43.105.375.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the advent
6 of the COVID-19 pandemic has increased the needs of the people of
7 Washington for state services. From unemployment benefits to
8 information on the incidence of disease in the state, Washingtonians
9 have increasingly turned to state government for vital services and
10 information.

11 (2) The legislature further finds that the state's information
12 technology infrastructure is outdated and with insufficient capacity
13 to handle the increased demand and has, in many cases, not been
14 adequate to enable the state to provide the needed services
15 effectively and efficiently.

16 (3) Therefore, the legislature intends to migrate the state's
17 information technology toward modern cloud services, offered by
18 third-party cloud providers operating at hyper scale, which will
19 deliver the capacity, security, resiliency, disaster recovery
20 capability, and data analytics necessary to allow the state to

1 provide Washingtonians the services they require during this pandemic
2 and in the future.

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

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

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

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

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

13 (4) "Customer agencies" means all entities that purchase or use
14 information technology resources, telecommunications, or services
15 from the consolidated technology services agency.

16 ~~((4))~~ (5) "Director" means the state chief information officer,
17 who is the director of the consolidated technology services agency.

18 ~~((5))~~ (6) "Enterprise architecture" means an ongoing activity
19 for translating business vision and strategy into effective
20 enterprise change. It is a continuous activity. Enterprise
21 architecture creates, communicates, and improves the key principles
22 and models that describe the enterprise's future state and enable its
23 evolution.

24 ~~((6))~~ (7) "Equipment" means the machines, devices, and
25 transmission facilities used in information processing, including but
26 not limited to computers, terminals, telephones, wireless
27 communications system facilities, cables, and any physical facility
28 necessary for the operation of such equipment.

29 ~~((7))~~ (8) "Information" includes, but is not limited to, data,
30 text, voice, and video.

31 ~~((8))~~ (9) "Information security" means the protection of
32 communication and information resources from unauthorized access,
33 use, disclosure, disruption, modification, or destruction in order
34 to:

35 (a) Prevent improper information modification or destruction;

36 (b) Preserve authorized restrictions on information access and
37 disclosure;

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

39 and

1 (d) Maintain the confidentiality, integrity, and availability of
2 information.

3 ~~((9))~~ (10) "Information technology" includes, but is not
4 limited to, all electronic technology systems and services, automated
5 information handling, system design and analysis, conversion of data,
6 computer programming, information storage and retrieval,
7 telecommunications, requisite system controls, simulation, electronic
8 commerce, radio technologies, and all related interactions between
9 people and machines.

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

14 ~~((11))~~ (12) "K-20 network" means the network established in RCW
15 43.41.391.

16 ~~((12))~~ (13) "Local governments" includes all municipal and
17 quasi-municipal corporations and political subdivisions, and all
18 agencies of such corporations and subdivisions authorized to contract
19 separately.

20 ~~((13))~~ (14) "Office" means the office of the state chief
21 information officer within the consolidated technology services
22 agency.

23 ~~((14))~~ (15) "Oversight" means a process of comprehensive risk
24 analysis and management designed to ensure optimum use of information
25 technology resources and telecommunications.

26 ~~((15))~~ (16) "Proprietary software" means that software offered
27 for sale or license.

28 ~~((16))~~ (17) "Public agency" means any agency of this state or
29 another state; any political subdivision or unit of local government
30 of this state or another state including, but not limited to,
31 municipal corporations, quasi-municipal corporations, special purpose
32 districts, and local service districts; any public benefit nonprofit
33 corporation; any agency of the United States; and any Indian tribe
34 recognized as such by the federal government.

35 ~~((17))~~ (18) "Public benefit nonprofit corporation" means a
36 public benefit nonprofit corporation as defined in RCW 24.03.005 that
37 is receiving local, state, or federal funds either directly or
38 through a public agency other than an Indian tribe or political
39 subdivision of another state.

1 (~~(18)~~) (19) "Public record" has the definitions in RCW
2 42.56.010 and chapter 40.14 RCW and includes legislative records and
3 court records that are available for public inspection.

4 (~~(19)~~) (20) "Public safety" refers to any entity or services
5 that ensure the welfare and protection of the public.

6 (~~(20)~~) (21) "Security incident" means an accidental or
7 deliberative event that results in or constitutes an imminent threat
8 of the unauthorized access, loss, disclosure, modification,
9 disruption, or destruction of communication and information
10 resources.

11 (~~(21)~~) (22) "State agency" means every state office,
12 department, division, bureau, board, commission, or other state
13 agency, including offices headed by a statewide elected official.

14 (~~(22)~~) (23) "Telecommunications" includes, but is not limited
15 to, wireless or wired systems for transport of voice, video, and data
16 communications, network systems, requisite facilities, equipment,
17 system controls, simulation, electronic commerce, and all related
18 interactions between people and machines.

19 (~~(23)~~) (24) "Utility-based infrastructure services" includes
20 personal computer and portable device support, servers and server
21 administration, security administration, network administration,
22 telephony, email, and other information technology services commonly
23 used by state agencies.

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

26 (1) State agencies must adopt third-party, commercial cloud
27 computing services for any new information technology or
28 telecommunications investments except as provided in subsection (2)
29 of this section. The office shall develop standards and guidelines
30 for adoption of commercial cloud computing services. Prior to
31 selecting and implementing a cloud computing service, state agencies
32 must evaluate:

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

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

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

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

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

10 (3) The agency must oversee and provide technical specifications
11 to the department of enterprise services who must conduct competitive
12 procurement processes that include the evaluation of services offered
13 by several cloud providers per procurement. All procurements must be
14 reopened and contracts must be renegotiated at a minimum every five
15 years.

16 (4) This section does not apply to institutions of higher
17 education.

18 (5) Subject to the availability of amounts appropriated for this
19 specific purpose, starting December 1, 2021, state agency directors
20 of human resources must report annually to the office and the
21 employment security department on impacts to staffing related to
22 state employees who could not be reassigned to other duties within
23 the state agency as a result of the cloud migration.

24 (6) Subject to the availability of amounts appropriated for this
25 specific purpose, there is created a training program for employees
26 who could not be reassigned to other duties within the state agency
27 as a result of the cloud migration. The state human resources
28 department of the office of financial management, in coordination
29 with the office and the employment security department, must oversee
30 requests for training and allocation of moneys. By January 1, 2022,
31 the employment security department, in coordination with the office
32 of financial management, must develop a program to support employees
33 and dislocated workers identified in this subsection and affected by
34 the policies created in this section.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.105
36 RCW to read as follows:

37 (1) State agencies must migrate their existing on-premises
38 applications to third-party, commercial cloud computing solutions by
39 June 30, 2025, except as provided in subsection (2) of this section.

1 The office will report to relevant legislative committees the status
2 of existing agency on-premises application migration by January 1,
3 2024. State agencies shall accelerate cloud migration, modernization,
4 and end-of-life migration activities in alignment with industry and
5 existing state standards and guidelines.

6 (2) The office shall implement a program to facilitate the secure
7 and timely migration to cloud services, while preserving department
8 operational autonomy, and establish related standards.

9 (3) State agencies must receive a waiver from the office if an
10 application cannot migrate to the cloud by the deadline in subsection
11 (1) of this section.

12 (a) Waivers must be based on written justification from the
13 requesting state agency citing specific service or performance
14 requirements for not utilizing a cloud computing solution.

15 (b) Information on waiver applications, requested and granted,
16 must be submitted by the office to the appropriate committees of the
17 legislature by December 30th each calendar year, beginning in 2023.

18 (4) This section does not apply to institutions of higher
19 education.

20 NEW SECTION. **Sec. 5.** RCW 43.105.375 (Use of state data center—
21 Business plan and migration schedule for state agencies—Exceptions)
22 and 2015 3rd sp.s. c 1 s 219 & 2011 1st sp.s. c 43 s 735 are each
23 repealed.

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