

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1274

Chapter 40, Laws of 2021

67th Legislature
2021 Regular Session

CLOUD COMPUTING—STATE AGENCIES

EFFECTIVE DATE: July 25, 2021

Passed by the House February 25, 2021
Yeas 96 Nays 2

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 29, 2021
Yeas 48 Nays 1

DENNY HECK

President of the Senate

Approved April 14, 2021 3:23 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1274** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 15, 2021

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1274

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Hackney, Stokesbary, Robertson, Bateman, Springer, Walen, Leavitt, Berg, and Slatter)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to cloud computing solutions; amending RCW
2 43.105.020 and 43.105.375; creating new sections; and providing an
3 expiration date.

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12 technology infrastructure is outdated and with insufficient capacity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 cloud services, which will deliver the
18 capacity, security, resiliency, disaster recovery capability, and
19 data analytics necessary to allow the state to provide Washingtonians
20 the services they require during this pandemic and in the future.

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

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

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

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

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

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

14 ~~((4))~~ (5) "Director" means the state chief information officer,
15 who is the director of the consolidated technology services agency.

16 ~~((5))~~ (6) "Enterprise architecture" means an ongoing activity
17 for translating business vision and strategy into effective
18 enterprise change. It is a continuous activity. Enterprise
19 architecture creates, communicates, and improves the key principles
20 and models that describe the enterprise's future state and enable its
21 evolution.

22 ~~((6))~~ (7) "Equipment" means the machines, devices, and
23 transmission facilities used in information processing, including but
24 not limited to computers, terminals, telephones, wireless
25 communications system facilities, cables, and any physical facility
26 necessary for the operation of such equipment.

27 ~~((7))~~ (8) "Information" includes, but is not limited to, data,
28 text, voice, and video.

29 ~~((8))~~ (9) "Information security" means the protection of
30 communication and information resources from unauthorized access,
31 use, disclosure, disruption, modification, or destruction in order
32 to:

33 (a) Prevent improper information modification or destruction;

34 (b) Preserve authorized restrictions on information access and
35 disclosure;

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

38 (d) Maintain the confidentiality, integrity, and availability of
39 information.

1 (~~(9)~~) (10) "Information technology" includes, but is not
2 limited to, all electronic technology systems and services, automated
3 information handling, system design and analysis, conversion of data,
4 computer programming, information storage and retrieval,
5 telecommunications, requisite system controls, simulation, electronic
6 commerce, radio technologies, and all related interactions between
7 people and machines.

8 (~~(10)~~) (11) "Information technology portfolio" or "portfolio"
9 means a strategic management process documenting relationships
10 between agency missions and information technology and
11 telecommunications investments.

12 (~~(11)~~) (12) "K-20 network" means the network established in RCW
13 43.41.391.

14 (~~(12)~~) (13) "Local governments" includes all municipal and
15 quasi-municipal corporations and political subdivisions, and all
16 agencies of such corporations and subdivisions authorized to contract
17 separately.

18 (~~(13)~~) (14) "Office" means the office of the state chief
19 information officer within the consolidated technology services
20 agency.

21 (~~(14)~~) (15) "Oversight" means a process of comprehensive risk
22 analysis and management designed to ensure optimum use of information
23 technology resources and telecommunications.

24 (~~(15)~~) (16) "Proprietary software" means that software offered
25 for sale or license.

26 (~~(16)~~) (17) "Public agency" means any agency of this state or
27 another state; any political subdivision or unit of local government
28 of this state or another state including, but not limited to,
29 municipal corporations, quasi-municipal corporations, special purpose
30 districts, and local service districts; any public benefit nonprofit
31 corporation; any agency of the United States; and any Indian tribe
32 recognized as such by the federal government.

33 (~~(17)~~) (18) "Public benefit nonprofit corporation" means a
34 public benefit nonprofit corporation as defined in RCW 24.03.005 that
35 is receiving local, state, or federal funds either directly or
36 through a public agency other than an Indian tribe or political
37 subdivision of another state.

38 (~~(18)~~) (19) "Public record" has the definitions in RCW
39 42.56.010 and chapter 40.14 RCW and includes legislative records and
40 court records that are available for public inspection.

1 ~~((19))~~ (20) "Public safety" refers to any entity or services
2 that ensure the welfare and protection of the public.

3 ~~((20))~~ (21) "Security incident" means an accidental or
4 deliberative event that results in or constitutes an imminent threat
5 of the unauthorized access, loss, disclosure, modification,
6 disruption, or destruction of communication and information
7 resources.

8 ~~((21))~~ (22) "State agency" means every state office,
9 department, division, bureau, board, commission, or other state
10 agency, including offices headed by a statewide elected official.

11 ~~((22))~~ (23) "Telecommunications" includes, but is not limited
12 to, wireless or wired systems for transport of voice, video, and data
13 communications, network systems, requisite facilities, equipment,
14 system controls, simulation, electronic commerce, and all related
15 interactions between people and machines.

16 ~~((23))~~ (24) "Utility-based infrastructure services" includes
17 personal computer and portable device support, servers and server
18 administration, security administration, network administration,
19 telephony, email, and other information technology services commonly
20 used by state agencies.

21 **Sec. 3.** RCW 43.105.375 and 2015 3rd sp.s. c 1 s 219 are each
22 amended to read as follows:

23 (1) Except as provided by subsection (2) of this section, state
24 agencies shall locate all existing and new ~~((servers))~~ information or
25 telecommunications investments in the state data center or within
26 third-party, commercial cloud computing services.

27 (2) State agencies with a service requirement that ~~((requires~~
28 ~~servers to be located outside the state data center))~~ precludes them
29 from complying with subsection (1) of this section must receive a
30 waiver from the office. Waivers must be based upon written
31 justification from the requesting state agency citing specific
32 service or performance requirements for locating servers outside the
33 state's common platform.

34 (3) ~~((The office, in consultation with the office of financial~~
35 ~~management, shall continue to develop the business plan and migration~~
36 ~~schedule for moving all state agencies into the state data center.~~

37 ~~(4))~~ The legislature and the judiciary, which are
38 constitutionally recognized as separate branches of government, may
39 enter into an interagency agreement with the office to migrate its

1 servers into the state data center or third-party, commercial cloud
2 computing services.

3 (5) This section does not apply to institutions of higher
4 education.

5 NEW SECTION. Sec. 4. (1)(a) A task force on cloud transition is
6 established, with members as provided in this subsection.

7 (i) The state chief information officer;

8 (ii) The state chief information security officer; and

9 (iii) The governor shall appoint:

10 (A) Two representatives from the represented employees'
11 bargaining unit for state employees;

12 (B) One representative from a company providing third-party cloud
13 computing services;

14 (C) One representative from a trade association representing
15 cloud computing providers; and

16 (D) One member from the state board for community and technical
17 colleges.

18 (b) The task force shall be chaired by the state chief
19 information officer, who shall convene the initial meeting.

20 (2) The task force shall review the following issues:

21 (a) The impacts on labor of transitioning to third-party cloud
22 computing services;

23 (b) The retraining needs that the existing workforce may require
24 to maintain employment in the information technology sector and
25 deliver cloud computing services effectively within state government;
26 and

27 (c) The optimal method for delivering such training.

28 (3) Staff support for the task force, including administration of
29 task force meetings, must be provided by the office of the chief
30 information officer.

31 (4) Members of the task force are not entitled to be reimbursed
32 for travel expenses if they are elected officials or are
33 participating on behalf of an employer, governmental entity, or other
34 organization. Any reimbursement for other members is subject to
35 chapter 43.03 RCW.

36 (5) The task force shall report its findings and recommendations
37 to the governor and the appropriate committees of the legislature by
38 November 30, 2021.

39 (6) This section expires December 31, 2021.

Passed by the House February 25, 2021.
Passed by the Senate March 29, 2021.
Approved by the Governor April 14, 2021.
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