

---

**HOUSE BILL 1274**

---

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Hackney, Stokesbary, Robertson, Bateman, Springer, Walen, Leavitt, Berg, and Slatter

Read first time 01/19/21. Referred to Committee on State Government & Tribal Relations.

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12 technology infrastructure is outdated and with insufficient capacity  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.

--- END ---