

care service needs: PROVIDED, That prospective rate increases authorized by this subsection shall be funded only from legislative appropriations made for this purpose and the increases shall be conditioned on specified improvements in patient care at such facilities.

(9) The department shall establish a method for identifying patients with exceptional care requirements and a method for establishing or negotiating on a consistent basis rates for such patients.

(10) The department, in consultation with interested parties, shall adopt rules to establish the criteria the department will use in reviewing any requests by a contractor for a prospective rate adjustment to be used to increase the number of nursing staff. These rules shall also specify the time period for submission and review of staffing requests: PROVIDED, That a decision on a staffing request shall not take longer than sixty days from the date the department receives such a complete request. In establishing the criteria, the department may consider, but is not limited to, the following:

- (a) Increases in acuity levels of contractors' residents;
- (b) Staffing patterns for similar facilities;
- (c) Physical plant of contractor; and
- (d) Survey, inspection of care, and department consultation results.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 27, 1990.

Filed in Office of Secretary of State March 27, 1990.

CHAPTER 208

[Substitute House Bill No. 2403]

STATE VIDEO TELECOMMUNICATIONS

AN ACT Relating to video telecommunications; amending RCW 43.105.005, 43.105.017, 43.105.020, 43.105.032, 43.105.041, and 43.105.052; adding a new section to chapter 28B.80 RCW; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 43.105 RCW; adding a new section to Title 28A RCW; creating new sections; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 504, Laws of 1987 and RCW 43.105.005 are each amended to read as follows:

It is ((the)) a purpose of this chapter to provide for coordinated planning and management of state information services. The legislature recognizes that information systems, telecommunications, equipment, software, and services must satisfy the needs of end users and that many appropriate

and cost-effective alternatives exist for meeting these needs, such as shared mainframe computing, shared voice, data, and video telecommunications services, local area networks, departmental minicomputers, and microcomputers.

Sec. 2. Section 2, chapter 504, Laws of 1987 and RCW 43.105.017 are each amended to read as follows:

It is the intent of the legislature that:

(1) State government use voice, data, and video telecommunications technologies to:

(a) Transmit and increase access to live, interactive classroom instruction and training;

(b) Provide for interactive public affairs presentations, including a public forum for state and local issues;

(c) Facilitate communications and exchange of information among state and local elected officials and the general public;

(d) Enhance state-wide communications within state agencies; and

(e) Through the use of telecommunications, reduce time lost due to travel to in-state meetings;

(2) Information be shared and administered in a coordinated manner, except when prevented by agency responsibilities for security, privacy, or confidentiality;

~~((2))~~ (3) The primary responsibility for the management and use of information, information systems, telecommunications, equipment, software, and services rests with each agency;

~~((3))~~ (4) Resources be used in the most efficient manner and services be shared when cost-effective;

~~((4))~~ (5) A structure be created ~~((a))~~ to:

(a) Plan and manage telecommunications and computing networks~~((:))~~;

(b) ~~((to))~~ Increase agencies' awareness of information sharing opportunities~~((:))~~; and

(c) ~~((to))~~ Assist agencies in implementing such possibilities;

~~((5))~~ (6) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;

~~((6))~~ (7) The state improve recruitment, retention, and training of professional staff; ~~((and))~~

~~((7))~~ (8) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process; and

(9) State government adopt policies and procedures that maximize the use of existing video telecommunications resources, coordinate and develop video telecommunications in a manner that is cost-effective and encourages

shared use, and ensure the appropriate use of video telecommunications to fulfill identified needs.

Sec. 3. Section 2, chapter 115, Laws of 1967 ex. sess. as last amended by section 3, chapter 504, Laws of 1987 and RCW 43.105.020 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

- (1) "Department" means the department of information services;
- (2) "Board" means the information services board;
- (3) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;
- (4) "Director" means the director of the department;
- (5) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;
- (6) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;
- (7) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;
- (8) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;
- (9) "Information services" means data processing, telecommunications, and office automation;
- (10) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;
- (11) "Proprietary software" means that software offered for sale or license;
- (12) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of community development under chapter 43.63A RCW.

***Sec. 4. Section 5, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 504, Laws of 1987 and RCW 43.105.032 are each amended to read as follows:**

(1) There is hereby created the Washington state information services board. The board shall be ~~((composed))~~ comprised of ((nine)) the members~~((: Seven members shall be appointed by the governor, and serving at the governor's pleasure as follows: Three representatives from cabinet agencies, one representative from higher education, one representative from a noncabinet executive agency, and two representatives from the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives))~~ identified under section 5 of this 1990 act.

~~((These))~~ (2) The members under section 5 of this 1990 act shall constitute the membership of the board with full voting rights. ~~((The director shall be an ex-officio, nonvoting member of the board;))~~ The board shall select a chairperson from among its members. A majority of the members of the board shall constitute a quorum for the transaction of business.

(3) Vacancies shall be filled in the same manner ~~((that the original appointments were made))~~ as provided for under RCW 43.105.032.

~~((A majority of the members of the board shall constitute a quorum for the transaction of business;))~~

(4) Members of the board shall be compensated for service on the board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

***Sec. 4 was vetoed, see message at end of chapter.**

***NEW SECTION. Sec. 5. A new section is added to chapter 43.105 RCW to read as follows:**

The members of the information services board established under RCW 43.105.032 shall include:

(1) The chief executive officer from four cabinet agencies, appointed by the governor, one of whom shall be the director of the department of information services;

(2) The superintendent of public instruction;

(3) The executive director of the higher education coordinating board;

(4) The executive director of the state board for community college education;

(5) Two members appointed by the governor to represent the private sector;

(6) One member appointed by the chief justice of the state supreme court to represent the judicial branch; and

(7) Two members representing the legislative branch. One legislator shall be appointed by the president of the senate. One legislator shall be appointed by the speaker of the house of representatives.

*Sec. 5 was vetoed, see message at end of chapter.

Sec. 6. Section 6, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 504, Laws of 1987 and RCW 43.105.041 are each amended to read as follows:

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

(1) To develop standards governing the acquisition and disposition of equipment, proprietary software and purchased services, and confidentiality of computerized data;

(2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch;

(3) To develop state-wide or interagency technical policies, standards, and procedures;

(4) To assure the cost-effective development and incremental implementation of a state-wide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(5) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary((:));

((5)) (6) To develop and implement a process for the resolution of appeals by:

(a) ((By)) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(b) ((By)) A customer agency concerning the provision of services by the department or by other state agency providers;

((6)) (7) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

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

(b) Training and education; and

(c) Project management;

~~((7))~~ (8) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director; and

~~((8))~~ (9) To review and approve that portion of the department's budget requests that provides for support to the board ~~(and~~

~~(9) To abolish the use of service center designations and establish necessary policies and standards to allow Washington State University and the department of transportation to continue the practice of providing information services to other agencies and local governments).~~

Sec. 7. Section 8, chapter 504, Laws of 1987 and RCW 43.105.052 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:

(a) The review of agency acquisition plans and requests; and

(b) Implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to:

(a) Telecommunications services for voice, data, and video;

(b) Mainframe computing services;

(c) Support for departmental and microcomputer evaluation, installation, and use;

(d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;

(e) Facilities management services for information technology equipment, equipment repair, and maintenance service;

(f) Negotiate with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;

(g) Office automation services;

(h) System development services; and

(i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with

the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component;

(4) With the advice of the information services board and agencies, develop and publish state-wide goals and objectives at least biennially;

(5) Develop plans for the department's achievement of state-wide goals and objectives. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, the higher education personnel board, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies(; ~~in collaboration with the department of personnel and the higher education personnel board~~);

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board;

((and))

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased

telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on the effective date of this section; and

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

NEW SECTION. Sec. 8. A new section is added to Title 28A RCW to read as follows:

The office of the superintendent of public instruction shall provide state-wide coordination of video telecommunications programming for the common schools.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.80 RCW to read as follows:

The higher education coordinating board shall provide state-wide coordination of video telecommunications programming for the public four-year higher education institutions.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.50 RCW to read as follows:

The state board for community college education shall provide state-wide coordination of video telecommunications programming for the community college system.

**NEW SECTION.* Sec. 11. A new section is added to chapter 43.105 RCW to read as follows:

(1) A video telecommunications advisory committee is created to advise the board on video telecommunications issues. The committee shall:

(a) Develop recommendations for the creation and utilization of state-wide video telecommunications resources;

(b) Assist the board in its development of a strategic direction for future state use of video telecommunications and a coordinated program for the state-wide use of video telecommunications;

(c) Develop a plan to encourage collaborative efforts among state agencies, institutions, and schools to make the most cost-effective use of video telecommunications equipment and resources;

(d) Develop recommendations for the board regarding the use of video telecommunications to conduct state business and expand educational opportunities in ways that are consistent with the overall strategic direction for the state-wide use of video telecommunications resources;

(e) In the event funds are made available, develop criteria for selection of pilot projects using video telecommunications in education, training, and the conduct of state business.

(2) The advisory committee shall be composed of fifteen members, to be appointed as follows:

(a) The director of the higher education coordinating board shall appoint:

(i) A representative from the staff of the higher education coordinating board; and

(ii) A representative from an institution of higher education with experience in use of video telecommunications as an instructional medium;

(b) The director of the state board for community college education shall appoint:

(i) A representative from the staff of the state board for community college education; and

(ii) A representative from a community college with experience in use of video telecommunications as an instructional medium;

(c) The superintendent of public instruction shall appoint:

(i) A representative from the office of the superintendent of public instruction;

(ii) A representative from a school district with experience in use of video telecommunications as an instructional medium;

(iii) A representative from an educational service district with experience in coordination of video telecommunications services; and

(iv) A representative from a public vocational-technical institute with experience in use of video telecommunications as an instructional medium;

(d) The director of the office of financial management shall appoint a representative from the office of financial management;

(e) The director of the department of information services shall appoint:

(i) Two representatives of state agencies with experience or interest in the use of video telecommunications to facilitate state business; and

(ii) Two private sector representatives with expertise in video communications technology and the use of that technology to facilitate business and expand educational opportunities;

(f) The speaker of the house of representatives and the president of the senate shall each appoint a member of the legislature with interest in the coordinated and collaborative development of state-wide video telecommunications resources; and

(g) The director of the department of information services, or his or her designee.

(3) The committee shall select a chairperson from among its members.

***Sec. 11 was vetoed, see message at end of chapter.**

NEW SECTION. Sec. 12. (1) The information services board shall develop and submit to the legislature and the governor by December 1, 1990, a plan for the cost-effective, incremental implementation of a coordinated state-wide video telecommunications system.

(2) The plan shall include:

(a) A review of the findings and recommendations of prior telecommunications studies conducted by the superintendent of public instruction, the higher education coordinating board, the state board for community college education, and the departments of information services and community development;

(b) A description of the strengths and weaknesses of the current system;

(c) Recommended system concepts and directions, including a strategic direction for state video telecommunications;

(d) Coordinated roles, responsibilities, and interrelationships among agencies;

(e) Policies and procedures for video telecommunications equipment and services; and

(f) Cost estimates by order of magnitude.

NEW SECTION. Sec. 13. A new section is added to chapter 43.105 RCW to read as follows:

The department of information services and the information services board, respectively, shall adopt rules as necessary under chapter 34.05 RCW to implement the provisions of RCW 43.105.005, 43.105.017, 43.105.032, 43.105.041, 43.105.052, and section 5 of this act.

***NEW SECTION. Sec. 14. Unless the context clearly requires otherwise, the definitions in this section apply to sections 15 and 16 of this act:**

(1) "Commercial promotional activity" means an activity designed to induce the purchase of a particular product or service by students, or to extol the benefits of a product or service to students to make its purchase more attractive, that is conveyed to students electronically through such media as television, videodiscs, computer programs, and video cassette recorders.

(2) "Commercial sponsorship" means the sponsorship or the underwriting of an activity on school premises that does not involve the commercial promotion of a particular product or service.

*Sec. 14 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 15. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction, in cooperation with the Washington state school directors' association, shall notify all school districts of the study under section 16 of this act. The superintendent of public instruction shall encourage districts not to make a decision on using televised educational programming that includes commercial advertising until the results of the study under section 16 of this act are available.

*Sec. 15 was vetoed, see message at end of chapter.

***NEW SECTION. Sec. 16. (1) The superintendent of public instruction shall conduct a study on the implications and impact of commercial promotional activities and commercial sponsorship activities on educational programming and upon the education system generally.**

(2) The study shall include:

(a) Districts in Washington that have entered into a contract or agreement that permits, in schools, televised educational programming that includes commercial advertising; and

(b) To the extent possible, districts in other states that pilot-tested or are using televised educational programming in schools that includes commercial advertising.

(3) The study shall include an examination of the impact of such televised educational programming on:

(a) Students', teachers', and administrators' feelings about the value of the programming as part of the social studies curriculum; and

(b) Students', parents', teachers', and administrators' feelings about the appropriateness of required viewing of commercial advertising as part of the televised educational programming.

(4) The superintendent of public instruction shall submit a report to the legislature and to all school districts not later than January 15, 1991. The report shall include findings and recommendations, including policy options relating to allowing, prohibiting, or limiting the use of commercial promotional activities or commercial sponsorship activities in the public school system.

*Sec. 16 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 8, 1990.

Passed the Senate March 8, 1990.

Approved by the Governor March 27, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 27, 1990.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 4, 5, 11, 14, 15 and 16, Substitute House Bill No. 2403 entitled:

"AN ACT Relating to video telecommunications."

This bill recognizes the need for a well planned, carefully coordinated, and incrementally implemented state-wide telecommunications system and clarifies the relationship and responsibilities of each of the independent state entities involved.

Section 4 and section 5 of the bill would dramatically alter the membership of the Information Services Board. The board gathers input from the broad scope of interests knowledgeable in information technology of all kinds. I am concerned that implementation of sections 4 and 5 would cause a significant loss of continuity in

board membership and diminish for some time the value of its advice on a wide variety of issues currently under its consideration, including telecommunications technology.

Section 11 of the bill would establish an advisory committee to the Information Services Board. As stated, the board already is authorized to receive input from all interested and knowledgeable sources. I encourage it to maximize that opportunity.

Sections 14, 15, and 16 attempt to address the issues surrounding educational programming which includes commercials and its use in public schools. Section 15 calls for the Office of the Superintendent of Public Instruction, in cooperation with the Washington State School Directors' Association, to encourage school districts not to make a decision on using this programming until the results of the study mandated in section 16 are known. This pre-empt's a school district's ability to make reasoned decisions on this subject and prejudices the outcome of the study. These are issues better addressed and resolved at the local level, where the school districts can better identify and weigh the particular advantages and disadvantages of using such programming.

For these reasons, I have vetoed sections 4, 5, 11, 14, 15 and 16 of the bill.

With the exception of sections 4, 5, 11, 14, 15 and 16, Substitute House Bill No. 2403 is approved."

CHAPTER 209

[House Bill No. 2485]

INDUSTRIAL INSURANCE PROGRAM REGULATION

AN ACT Relating to the regulation of industrial insurance; amending RCW 51.14.020 and 51.28.070; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 27, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 57, Laws of 1986 and RCW 51.14.020 are each amended to read as follows:

(1) An employer may qualify as a self-insurer by establishing to the director's satisfaction that he or she has sufficient financial ability to make certain the prompt payment of all compensation under this title and all assessments which may become due from such employer. Each application for certification as a self-insurer submitted by an employer shall be accompanied by payment of a fee of one hundred fifty dollars or such larger sum as the director shall find necessary for the administrative costs of evaluation of the applicant's qualifications. Any employer who has formerly been certified as a self-insurer and thereafter ceases to be so certified may not apply for certification within three years of ceasing to have been so certified.

(2) (a) A self-insurer may be required by the director to supplement existing financial ability by depositing in an escrow account in a depository designated by the director, money and/or corporate or governmental securities approved by the director, or a surety bond written by any company admitted to transact surety business in this state, or provide an irrevocable letter of credit issued by a federally or state chartered commercial banking institution authorized to conduct business in the state of Washington filed