

HOUSE BILL REPORT

HB 1468

As Reported by House Committee On: Public Safety

Title: An act relating to the proclamation of a state of emergency in the event of a cybersecurity incident.

Brief Description: Granting the governor authority to proclaim a state of emergency in the event of a cybersecurity incident.

Sponsors: Representatives Hudgins, Stanford, S. Hunt, Reykdal, Ormsby and Tarleton.

Brief History:

Committee Activity:

Public Safety: 2/4/15, 2/13/15 [DP].

Brief Summary of Bill

- Provides that the Governor may, after finding that a cybersecurity incident exists, proclaim a state of emergency.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: Do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

Staff: Yvonne Walker (786-7841).

Background:

A Governor may proclaim a state of emergency in any event, when a public disorder, disaster, energy emergency, or riot exists within the state that affects life, health, property, or public peace. The state of emergency is proclaimed for, and only effective within, the affected area which may be part or all of the state. An emergency proclamation enables the Governor to prohibit specific activities, such as public gatherings, transfer of combustible materials, public possession of firearms, and the use of public streets at any time during the state of emergency.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Governor may also prohibit other activities as he or she reasonably believes is necessary to help preserve and maintain life, health, property, or the public peace. The Governor has authority to waive or suspend statutory obligations or limitations for certain, limited executive functions, such as purchasing rules, during and in the areas affected by an emergency proclamation.

An emergency proclamation is also a prerequisite in some situations for accessing a range of federal disaster recovery programs and funding available to the state and is a precondition for requesting interstate mutual aid through the Emergency Management Assistance Compact. A proclamation ends upon the Governor's issuance of a proclamation declaring its termination.

A proclamation of a state of emergency must be in writing and signed by the Governor.

Summary of Bill:

In addition to the Governor's general powers and duties, the Governor may, after finding that a cybersecurity incident exists, proclaim a state of emergency.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There is a companion bill to this one that is a constitutional amendment. This bill makes a state of emergency explicit to a cybersecurity attack. It is helpful when the Legislature is dealing with broad powers to make it more clear and explicit. The ultimate goal is that it would make it easier for the Legislature to react to such an incident by accessing, with a vote of the body, the "rainy day" fund. Cybersecurity incidents are real threats and could cost a lot of taxpayer dollars. This would make it clear that a cybersecurity attack is one of those disasters that the Military Department could respond to.

(Other) The Governor can already proclaim a state of emergency under current law for cybersecurity incidents. The Governor possesses broad authority to proclaim a state of emergency for any event to the extent the underlying incident establishes an existing or reasonably public disorder or disaster within the state affecting life, health, property, or public peace. The Governor also has the power to activate the National Guard under RCW 38.08.040 without the necessity of an emergency proclamation.

(Opposed) None.

Persons Testifying: (In support) Representative Hudgins, prime sponsor.

(Other) Nancy Bickford, Washington Military Department, Emergency Management Division.

Persons Signed In To Testify But Not Testifying: None.