

# HOUSE BILL REPORT

## HB 1419

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**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 substantial cybersecurity incident.

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

**Sponsors:** Representatives Hudgins, Morris and Stanford.

**Brief History:**

**Committee Activity:**

Public Safety: 1/30/17, 2/2/17 [DP].

**Brief Summary of Bill**

- Authorizes the Governor to proclaim a state of emergency after finding that a security incident exists involving an imminent threat to communication and information resources.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

**Staff:** Omeara Harrington (786-7136).

**Background:**

The Governor may proclaim a state of emergency after finding that a public disorder, disaster, energy emergency, or riot exists within the state that affects life, health, property, or public peace. A proclamation of a state of emergency must be in writing and signed by the Governor, and ends upon the Governor's issuance of a proclamation declaring its termination.

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*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.*

An emergency proclamation enables the Governor to prohibit specific activities, such as public gatherings, transfer of combustible materials, public possession of firearms, sale or purchase of alcohol, and the use of public streets. The Governor may also prohibit other activities as he or she reasonably believes necessary to help preserve and maintain life, health, property, or the public peace, and may waive or suspend specified statutory obligations and limitations. Powers granted to the Governor under a declared emergency are effective only within the area described in and during the time of proclamation.

A proclamation of emergency may serve as a prerequisite for accessing certain relief funding. A state of emergency is one of the bases under which the Legislature may appropriate moneys from the Budget Stabilization Account. In addition, a proclamation may open availability to a range of federal disaster recovery programs, and is a precondition for requesting interstate mutual aid through the Emergency Management Assistance Compact.

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**Summary of Bill:**

The Governor may proclaim a state of emergency after finding that a security incident exists. A security incident is an accidental or deliberative event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of communication and information resources.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**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) Cybersecurity is becoming a more prominent public policy issue, and there are efforts throughout the state to address cybersecurity issues. There is public concern about recent breaches against companies and against state resources. Washington has had several breaches, including breaches involving the courts and the Public Disclosure Commission, which have cost significant amounts of money to address. The federal government has also experienced these issues, as have other states.

The Governor may have existing authority to address this type of incident, but the authority should be clarified in order to give the Governor clear access to emergency powers in order to keep the peace. These attacks could involve critical infrastructure like dams or the electrical grid. This bill updates the situations that may be considered emergencies to include these types of breaches.

(Opposed) None.

**Persons Testifying:** Representative Hudgins, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.