

SUBJECT: Expanding use of Texas Disaster Act for cyber attacks

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 12 ayes — Phelan, Hernandez, Deshotel, Guerra, Harless, Holland,
Hunter, P. King, Parker, E. Rodriguez, Smithee, Springer

0 nays

1 absent — Raymond

WITNESSES: For — Damon Fleury, CyberDefenses, Inc.; Adrian Shelley, Public Citizen; (*Registered, but did not testify:* Donna Warndof, Harris County Commissioners Court; Cinde Weatherby, League of Women Voters of Texas; Tom Oney, Lower Colorado River Authority; Chris Shields, Port San Antonio; Russell Keene, Texas Public Power Association; Deece Eckstein, Travis County Commissioners Court; Thomas Parkinson)

Against — None

On — (*Registered, but did not testify:* Todd Kimbriel, Department of Information Resources; Aaron Blackstone, Texas Department of Public Safety; Nim Kidd, Texas Division of Emergency Management, Texas Emergency Management Council; Keith Ingram, Texas Secretary of State Elections Division)

BACKGROUND: Government Code ch. 418, the Texas Disaster Act of 1975, governs powers and responsibilities of the governor, state agencies, and local governments in the event of a disaster and provides an emergency management system for pre-disaster preparedness and post-disaster response and recovery. Disaster is defined as the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property from any natural or man-made cause, including those listed in statute.

Some have suggested including cyber attacks among the events that qualify as a disaster, making cyber attacks eligible for a disaster

declaration to help the state respond and mitigate damages.

DIGEST:

HB 351 would expand the purposes of the Texas Disaster Act of 1975 (Government Code ch. 418) to include reducing the vulnerability of people and communities to cyber attacks.

A cyber attack would be defined as an attempt to damage, disrupt, or gain unauthorized access to a computer, network, or computer system.

The bill would add a cyber attack to list of occurrences or imminent threats that were considered a disaster for purposes of the Texas Disaster Act.

The governor could order the Department of Information Resources to disconnect from the Internet a computer network used by a state agency or by an entity receiving security services from the department in the event of a cyber attack.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.