

HOUSE BILL REPORT

HB 1610

As Reported by House Committee On:
State Government & Tribal Relations

Title: An act relating to the disclosure of critical energy infrastructure information.

Brief Description: Concerning the disclosure of critical energy infrastructure information.

Sponsors: Representatives Hunt, Doglio, Fitzgibbon, Parshley, Duerr and Zahn; by request of Department of Commerce.

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/4/25, 2/12/25 [DPS].

Brief Summary of Substitute Bill

- Exempts critical energy infrastructure information in the possession of any agency from disclosure under the Public Records Act.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Mena, Chair; Stearns, Vice Chair; Doglio and Farivar.

Minority Report: Do not pass. Signed by 1 member: Representative Walsh, Assistant Ranking Minority Member.

Minority Report: Without recommendation. Signed by 2 members: Representatives Waters, Ranking Minority Member; Chase.

Staff: Connor Schiff (786-7093).

Background:

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

The Public Records Act (PRA) requires state and local agencies to make all public records available for public inspection and copying, unless a record falls within an exemption in the PRA or another statute. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to public disclosure and copying of certain information, or designate certain information as confidential. The PRA is liberally construed, and its exemptions narrowly construed.

The PRA exempts certain security information from disclosure, including:

- portions of records assembled to prevent or respond to criminal terrorist acts for which public disclosure would have a substantial likelihood of threatening public safety;
- vulnerability assessments or specific emergency and escape response plans for a correctional facility;
- information about infrastructure and security for computer and telecommunications networks; and
- certain System Security and Emergency Preparedness Plans for rail fixed guideway public transportation systems.

Summary of Substitute Bill:

Critical energy infrastructure information in the possession of any agency is exempt from disclosure under the Public Records Act.

Critical energy infrastructure information includes:

- records containing actual, potential, or threatened interference with, attacks on, compromise of, or incapacitation of critical energy infrastructure or protected systems which: (1) violates federal, state, or local law; (2) harms interstate commerce; or (3) threatens to disrupt or diminish the supply of energy to the extent that the public health, safety, and general welfare may be jeopardized; and
- information that does not simply give the general location of or relay publicly available information about the critical energy infrastructure.

Substitute Bill Compared to Original Bill:

The substitute bill expands the critical energy infrastructure information that would be exempt from disclosure from critical energy infrastructure information that is collected in support of the state Energy Resilience and Emergency Management Office to critical energy infrastructure information that is in the possession of any agency.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill responds to threats around critical energy infrastructure. This bill would help with the reporting of physical and cyber threats to critical energy infrastructure. The exemption would fill gaps at the federal level to cover state agencies. The Department of Commerce has heard from the energy industry during incidents that the lack of control of critical energy infrastructure information has impacted the state's ability to respond to those incidents. Energy industries have expressed concerns about sharing information with the state because they are concerned about public disclosure. Information needs to be able to be shared securely so that agencies can provide adequate support during emergency incidents. Agencies would be able to more comprehensively respond to issues. This would reduce the risk of cyberattacks. Cybersecurity is one of the biggest concerns for infrastructure. This is essential for the preservation of the state's infrastructure. Many other states have exemptions from public disclosure for critical energy infrastructure information. Only assessments of features would be exempt.

(Opposed) None.

(Other) The Department of Commerce spoke with stakeholders and narrowed the definitions based on feedback. Critical energy infrastructure information comes from both public and private entities; without protections, private entities may not want to share information with agencies. The public already sees how entities try to mitigate problems when incidents occur.

Persons Testifying: (In support) Representative Victoria Hunt, prime sponsor; Elizabeth King, Washington State Department of Commerce; and Maggie Douglas, Puget Sound Energy.

(Other) Rowland Thompson, Allied Daily Newspapers and WSA Broadcasters.

Persons Signed In To Testify But Not Testifying: None.