

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB2312 H1

House of Origin	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Hayes

3. Committee: Militia, Police and Public Safety

4. Title: Emergency Services and Disaster Law; definition of disaster; incidents involving cyber systems.

5. Summary: The substitute bill amends the Emergency Services and Disaster Law by adding cyber incidents to the definition of *Disaster*. The substitute bill defines cyber incidents as an event occurring on or conducted through a computer network that actually or imminently jeopardizes the integrity, confidentiality, or availability of computers, information or communications systems or networks, physical or virtual infrastructure controlled by computers or information systems, or information resident thereon. The definition also states that a cyber incident may include a vulnerability in information systems, system security procedures, internal controls, or implementations that could be exploited by a threat source.

6. Budget Amendment Necessary: Yes. Item 399.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: Currently, the Virginia Department of Emergency Management (VDEM) maintains the Commonwealth of Virginia Operations Plan (COVEOP). The COVEOP is continually reviewed and periodically updated if there are changes to federal or state law, or operational changes based on lessons learned from exercises and actual events. When there are changes to the COVEOP, VDEM conducts training for localities and state agencies so that Continuity of Operations Plans and Emergency Operations Plans can be updated appropriately.

According to VDEM, amending the definition of *Disaster* to include cyber incidents would require updating the COVEOP and evaluating local government and state agency Continuity of Operations Plans and Emergency Operations Plans to ensure they include the necessary changes. In order to accomplish the required updates and reviews, VDEM estimates that it would cost approximately \$50,000 (one-time) for a contractor to draft the plan, as well as one FTE at Pay Band 5 (approximately \$40,000 plus benefits) to review and manage the approval processes for plan updates. In addition, VDEM estimates that it would have to provide approximately 20 initial training courses to localities and state agencies related to the changes. The agency estimates that these training sessions would cost a total of \$126,000 (all instructor salary, instructor lodging, mileage and per diem, facility cost and material costs included). However, VDEM estimates that it would cost \$50,000 (one-time) to deliver

training sessions online, if this delivery model is preferred or provided as a supplement to in-person courses. At this time, VDEM is unable to determine which method would be preferred by localities.

Under current law, the Governor may authorize sum sufficient funding in the event of a declared state of emergency as defined in § 44-146.16, Code of Virginia. Therefore, expanding the definition of Disaster under this section to include cyber incidents could require the use of sum sufficient funds to reimburse state agencies or political subdivisions of the Commonwealth for payment of eligible costs. However, this impact cannot be estimated at this time.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Emergency Management, local governments

10. Technical Amendment Necessary: None

11. Other Comments: None