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Member of the National League of Cities and the National Association of Counties

The Honorable DeLena Johnson  
Alaska State Legislature  
State Capitol, Room 3

March 1, 2020

RE: HB3

Dear Representative Johnson,

The Alaska Municipal League (AML) commends your effort to include within the Alaska Disaster Act the addition of a cyberattack under the definitional terms of disaster. This is critical, as the State and local governments face increasing pressures to ensure cybersecurity, even as the threat levels increase.

We are concerned, however, that the bill as currently drafted does not clearly spell out that the declaration could be applied to Alaska's cities and boroughs, who face this threat. In fact, it may cause a level of uncertainty and confusion that delays response. Specifically, the term critical infrastructure does not necessarily include local governments.

We encourage you to consider an amendment that references political subdivisions, which is currently defined under AS 26.23.900(7) as: (A) a municipality, (B) an unincorporated village; or (C) another unit of local government. Without this, cities and boroughs may be excluded from this provision of the disaster act. At the very least, it will insert a level of ambiguity that delays response and potentially leads to having to be settled by the courts.

AML recommends the bill be amended to say:

F) a cybersecurity attack that affects critical infrastructure in the state, an information system owned or operated by the state or its political subdivisions, information that is stored on, processed by, or transmitted on an information system owned or operated by the state or its political subdivisions, or a credible threat of an imminent cybersecurity attack or cybersecurity vulnerability that the commissioner of administration or commissioner's designee certifies to the governor has a high probability of occurring in the near future

We have heard testimony within HB3's first committee that local governments have an interest in this bill moving forward, and that their experiences with cyber attacks necessitates State action. HB3 recognizes the growing threat and costs of cyber-attacks but should include all entities to provide the best measures for all levels of government. We hope you will consider an approach that strengthens our ability to respond to these kinds of threats.

Respectfully,

Nils Andreassen  
Executive Director