

By: Raymond

H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to a study on a statewide disaster and extended power outage alert system and implementation of that system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 418, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. STATEWIDE DISASTER ALERT SYSTEM

Sec. 418.301. DEFINITION. In this subchapter:

(1) "Alert system" means the standardized statewide disaster alert system described by this subchapter;

(2) "Commission" means the public utility commission of Texas;

(3) "Disaster" has the meaning assigned by Section 418.001 and includes an extended power outage;

(4) "Electric utility" means an entity, including a river authority, electric cooperative, or municipally owned utility, that:

(A) provides power generation service in this state; or

(B) provides transmission or distribution service in this state;

(5) "ERCOT" means the Electric Reliability Council of Texas or a successor independent organization established by the commission under Chapter 39.151, Utilities Code;

1 (6) "Extended power outage" means a power outage
2 lasting more than 24 hours.

3 Sec. 418.3015. STUDY ON STATEWIDE DISASTER ALERT SYSTEM.

4 (a) The division shall conduct a study on the efficacy of existing
5 mass notification deployments by local governmental entities
6 throughout this state and the feasibility of establishing a
7 statewide disaster alert system. The study must:

8 (1) identify the costs to local governmental entities
9 associated with existing local disaster alert or notification
10 systems;

11 (2) examine the potential benefits to local
12 governmental entities of implementing an alert system in
13 coordination with this state, including:

14 (A) improving this state's ability to coordinate
15 state and local responses to disasters; and

16 (B) eliminating barriers to successful mass
17 notification and communication encountered by local governmental
18 entities during disasters;

19 (3) examine the importance of a local governmental
20 entity's discretion regarding the entity's level and manner of
21 participation in the alert system;

22 (4) examine potential costs to local governmental
23 entities or this state associated with implementing the alert
24 system;

25 (5) examine the ability of local governments to
26 communicate with ERCOT, the PUC, and electric utilities that serve
27 their area;

1 (6) identify any state or local governmental entity
2 actions necessary to implement a comprehensive alert system that
3 would include alerts related to extended power outages.

4 (b) Not later than March 1, 2022, the division shall prepare
5 and submit to the governor, the lieutenant governor, and the
6 legislature a report on the findings of the study.

7 (c) An electric utility, ERCOT, and the commission shall
8 provide information related to the implementation of a
9 comprehensive alert system to the division on request. Information
10 provide to the division, the commission, or ERCOT under this
11 subchapter is confidential and excepted from disclosure under
12 Chapter 552, Government Code.

13 (c) This section expires September 1, 2027.

14 Sec. 418.302. ESTABLISHMENT OF ALERT SYSTEM. (a) The
15 division, with the cooperation of the office of the governor, the
16 commission, and ERCOT, may develop and implement a statewide
17 disaster alert system to activate in the event of a disaster
18 affecting any location in this state.

19 (a-1) If, based on the findings of the study conducted under
20 Section 418.3015, the division and office of the governor conclude
21 that the benefits to this state and local governmental entities of
22 implementing a coordinated alert system outweigh any additional
23 costs, the division, with the cooperation of the office and other
24 appropriate state agencies and using money available for the
25 purpose, shall develop and implement the alert system. This
26 subsection expires September 1, 2027.

27 (b) A local governmental entity that chooses to participate

1 in an alert system implemented under this subchapter may use
2 available local funds for that purpose and may contract with the
3 department for services associated with the alert system. A local
4 governmental entity is not required to use local funds to allow an
5 electric utility to participate in the alert system.

6 (c) An alert system implemented under this subchapter may
7 be:

8 (1) operated in conjunction with any other emergency
9 alert system required by federal or state law; and

10 (2) designed to notify persons statewide of a disaster
11 affecting any location in this state.

12 (d) An alert system implemented under this subchapter
13 designed to communicate about an extended power outage must apply
14 to areas served by non-ERCOT utilities.

15 Sec. 418.303. ACTIVATION OF ALERT SYSTEM. (a) When the
16 division determines a disaster has occurred or the occurrence or
17 threat of disaster is imminent or is notified of a declaration of
18 disaster under this chapter, the division may immediately activate
19 any alert system implemented under this subchapter. A participating
20 local governmental entity may, in coordination with the division,
21 choose the manner in which the alert system is activated and
22 notifications are issued within the entity's geographic region.

23 (b) The division, or local governmental entity, as
24 appropriate, may issue updated notifications for the duration of
25 the disaster.

26 (c) An electric utility shall notify ERCOT, the commission,
27 and the division of an interruption in service that is likely to

1 last more than 24 hours.

2 Sec. 418.304. CONTENT OF ALERT SYSTEM NOTIFICATION. A
3 notification issued under an alert system implemented under this
4 subchapter may include information necessary to:

5 (1) assist a person affected by the disaster with
6 making informed decisions regarding the person's safety; and

7 (2) enable a person in another location in this state
8 to assist an affected person.

9 Sec. 418.305. TERMINATION OF ALERT SYSTEM. The division may
10 terminate the activation of an alert system when:

11 (1) the division determines that:

12 (A) the threat or danger has passed; or

13 (B) the disaster has been addressed to the extent
14 that emergency conditions no longer exist

15 (2) the service interruption caused by the extended
16 power outage has ended; or

17 (3) the state of disaster is terminated as provided by
18 this chapter.

19 Sec. 418.306. RULES. (a) The division may adopt rules
20 necessary to implement this subchapter.

21 (b) The division may consult with the commission, ERCOT, or
22 an electric utility when drafting the rules required by subsection

23 (a)

24 SECTION 2. As soon as practicable after the effective date
25 of this Act:

26 (1) the Texas Division of Emergency Management shall
27 conduct the study required by Section 418.3015, Government Code, as

1 added by this Act; and

2 (2) based on the results of the study, if applicable,
3 the chief of the Texas Division of Emergency Management shall
4 implement an alert system under Subchapter J, Chapter 418,
5 Government Code, as added by this Act.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2021.