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H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to a study on a statewide disaster alert system and
implementation of that system and to notice to elected officials of
a widespread power, water, or natural gas outage or emergency.

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. DEFINITIONS. 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
418.004 and includes a widespread power outage lasting longer than
24 hours.

(4) "ERCOT" has the meaning assigned by Section
31.002, Utilities Code.

(5) "ERCOT organization" means the independent
organization certified under Section 39.151, Utilities Code, for
the ERCOT power region.

(6) "Public utility" means an entity that generates,
transmits, or distributes electric energy to the public, including
an electric cooperative, an electric utility, a municipally owned

1 utility, or a river authority.

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

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

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

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

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

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

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

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

24 (5) examine the ability of local governmental entities
25 to communicate with the ERCOT organization, the commission, and
26 public utilities that serve the jurisdictions of the local
27 governmental entities and make recommendations on methods to

1 improve communication and coordination between local governmental
2 entities, the ERCOT organization, the commission, and public
3 utilities that serve the jurisdictions of the local governmental
4 entities, if necessary; and

5 (6) identify any state or local governmental entity
6 actions necessary to implement a comprehensive alert system
7 designed to communicate information about disasters, including an
8 extended and widespread power outage.

9 (b) On request of the division, the ERCOT organization, the
10 commission, and any public utility shall provide information
11 necessary to evaluate the implementation of a comprehensive alert
12 system. Information provided to the division under this subsection
13 is confidential and not subject to disclosure under Chapter 552.

14 (c) Not later than March 1, 2022, the division shall prepare
15 and submit to the governor, the lieutenant governor, and the
16 legislature a report on the findings of the study.

17 (d) This section expires September 1, 2027.

18 Sec. 418.302. ESTABLISHMENT OF ALERT SYSTEM. (a) The
19 division, with the cooperation of the office of the governor, the
20 commission, and the ERCOT organization, shall develop and implement
21 a statewide disaster alert system to activate in the event of a
22 disaster affecting any location in this state.

23 (a-1) An alert system developed under this subchapter must
24 be based on the findings of the study conducted under Section
25 418.3015. This subsection expires September 1, 2027.

26 (b) A local governmental entity may use available local
27 funds for the purpose of participating in an alert system

1 implemented under this subchapter and may contract with the
2 department for services associated with the alert system. A local
3 governmental entity is not required to use local funds to assist a
4 public utility with participating in the alert system.

5 (c) Each local governmental entity and public utility in
6 this state shall participate in an alert system implemented under
7 this subchapter.

8 (d) An alert system implemented under this subchapter shall
9 be:

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

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

14 (e) An alert system implemented under this subchapter and
15 designed to communicate information about an extended and
16 widespread power outage must apply to areas outside of ERCOT.

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

25 (b) The division, or local governmental entity, as
26 appropriate, shall issue updated notifications for the duration of
27 the disaster.

1 (c) A public utility shall notify the following of a
2 widespread power outage that is likely to last more than 24 hours:

3 (1) the division;

4 (2) the commission;

5 (3) the ERCOT organization, if the utility's service
6 area is in ERCOT; and

7 (4) customers served by the public utility.

8 Sec. 418.304. CONTENT OF ALERT SYSTEM NOTIFICATION. A
9 notification issued under an alert system implemented under this
10 subchapter:

11 (1) must be issued in English, Spanish, and any other
12 language that the division considers necessary; and

13 (2) shall include information necessary to:

14 (A) assist a person affected by the disaster with
15 making informed decisions regarding the person's safety; and

16 (B) enable a person in another location in this
17 state to assist an affected person.

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

20 (1) the division determines that:

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

22 (B) the disaster has been addressed to the extent
23 that emergency conditions no longer exist;

24 (2) the extended and widespread power outage that
25 prompted the division to activate the alert system ends; or

26 (3) the state of disaster is terminated as provided by
27 this chapter.

1 Sec. 418.306. RULES. (a) The division shall adopt rules
2 necessary to implement this subchapter.

3 (b) The division may consult with the ERCOT organization,
4 the commission, or a public utility in adopting rules under
5 Subsection (a).

6 SECTION 2. Subchapter A, Chapter 31, Utilities Code, is
7 amended by adding Section 31.006 to read as follows:

8 Sec. 31.006. NOTICE TO ELECTED OFFICIALS REQUIRED. As soon
9 as practicable after an electric utility, municipally owned
10 utility, or electric cooperative experiences a widespread power
11 outage or a widespread electric service emergency, the utility or
12 cooperative shall notify by telephone and e-mail each:

13 (1) United States senator who represents this state;

14 (2) member of the United States House of
15 Representatives who represents a district affected by the
16 disruption or emergency;

17 (3) statewide elected official;

18 (4) member of the legislature who represents a
19 district affected by the disruption or emergency;

20 (5) elected official of a county government who
21 represents an area affected by the disruption or emergency; and

22 (6) elected official of a municipal government who
23 represents an area affected by the disruption or emergency.

24 SECTION 3. Subchapter A, Chapter 104, Utilities Code, is
25 amended by adding Section 104.009 to read as follows:

26 Sec. 104.009. NOTICE TO ELECTED OFFICIALS REQUIRED. As
27 soon as practicable after a gas utility, municipally owned utility,

1 or electric cooperative experiences a widespread natural gas
2 shortage or a widespread natural gas service emergency, the utility
3 or cooperative shall notify by telephone and e-mail each:

4 (1) United States senator who represents this state;

5 (2) member of the United States House of
6 Representatives who represents a district affected by the
7 disruption or emergency;

8 (3) statewide elected official;

9 (4) member of the legislature who represents a
10 district affected by the disruption or emergency;

11 (5) elected official of a county government who
12 represents an area affected by the disruption or emergency; and

13 (6) elected official of a municipal government who
14 represents an area affected by the disruption or emergency.

15 SECTION 4. Subchapter E, Chapter 13, Water Code, is amended
16 by adding Section 13.1397 to read as follows:

17 Sec. 13.1397. NOTICE TO ELECTED OFFICIALS REQUIRED. As
18 soon as practicable after a retail public utility experiences a
19 widespread water service outage or a widespread water service
20 emergency, the utility shall notify by telephone and e-mail each:

21 (1) United States senator who represents this state;

22 (2) member of the United States House of
23 Representatives who represents a district affected by the
24 disruption or emergency;

25 (3) statewide elected official;

26 (4) member of the legislature who represents a
27 district affected by the disruption or emergency;

1 (5) elected official of a county government who
2 represents an area affected by the disruption or emergency; and

3 (6) elected official of a municipal government who
4 represents an area affected by the disruption or emergency.

5 SECTION 5. (a) As soon as practicable after the effective
6 date of this Act:

7 (1) the Texas Division of Emergency Management shall
8 conduct the study required by Section 418.3015, Government Code, as
9 added by this Act; and

10 (2) based on the results of the study, the chief of the
11 Texas Division of Emergency Management shall implement an alert
12 system under Subchapter J, Chapter 418, Government Code, as added
13 by this Act.

14 (b) In the period beginning on the effective date of this
15 Act and ending on the date that the Texas Division of Emergency
16 Management implements an alert system under Subchapter J, Chapter
17 418, Government Code, as added by this Act, until the division
18 implements that alert system, the division shall provide notices,
19 through delivery methods and means commonly employed to ensure
20 delivery during a hurricane, tornado, or other severe weather
21 event, to individuals in this state located in areas that are likely
22 to be impacted by severe weather emergencies. A notice must include
23 information necessary to assist an individual with making informed
24 decisions regarding the individual's safety.

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2021.