

By: Creighton, et al.

S.B. No. 865

A BILL TO BE ENTITLED

AN ACT

relating to a power outage alert system and a study on a statewide disaster alert system.

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

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. POWER OUTAGE ALERT

Sec. 411.301. POWER OUTAGE ALERT. (a) With the cooperation of the Texas Department of Transportation, the Texas Division of Emergency Management, the office of the governor, and the Public Utility Commission of Texas, the department shall develop and implement an alert to be activated when the power supply in this state may be inadequate to meet demand.

(b) The Public Utility Commission of Texas by rule shall adopt criteria for the content and activation of the alert described by Subsection (a). The criteria must provide for an alert to be regional or statewide.

Sec. 411.302. ADMINISTRATION. (a) The director is the statewide coordinator of the power outage alert.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the power outage alert. The rules and directives must include the procedures to be used by the Public Utility Commission of Texas and the independent organization certified under Section 39.151, Utilities Code, to

1 communicate with the director about the power outage alert.

2 Sec. 411.303. DEPARTMENT TO RECRUIT PARTICIPANTS. The  
3 department shall recruit public and commercial television and radio  
4 broadcasters, private commercial entities, state or local  
5 governmental entities, the public, and other appropriate persons to  
6 assist in developing and implementing the power outage alert  
7 system.

8 Sec. 411.304. STATE AGENCIES. (a) A state agency  
9 participating in the power outage alert system shall:

10 (1) cooperate with the department and assist in  
11 developing and implementing the alert system; and

12 (2) establish a plan for providing relevant  
13 information to its officers, investigators, or employees, as  
14 appropriate, once the power outage alert system has been activated.

15 (b) In addition to its duties as a state agency under  
16 Subsection (a), the Texas Department of Transportation shall  
17 establish a plan for providing relevant information to the public  
18 through an existing system of dynamic message signs located across  
19 this state.

20 Sec. 411.305. ACTIVATION OF POWER OUTAGE ALERT. (a) When  
21 the Public Utility Commission of Texas or an independent  
22 organization certified under Section 39.151, Utilities Code,  
23 notifies the department that the power supply in this state or a  
24 region of this state may be inadequate to meet demand, the  
25 department shall confirm the accuracy of the information and, if  
26 confirmed, immediately issue a power outage alert under this  
27 subchapter in accordance with department rules.

1       (b) In issuing the power outage alert, the department shall  
2 send the alert to designated media outlets in this state. Following  
3 receipt of the alert, participating radio stations and television  
4 stations and other participating media outlets may issue the alert  
5 at designated intervals.

6       Sec. 411.306. CONTENT OF POWER OUTAGE ALERT. The power  
7 outage alert must include a statement that electricity customers  
8 may experience a power outage.

9       Sec. 411.307. TERMINATION OF POWER OUTAGE ALERT. The  
10 director shall terminate any activation of the power outage alert  
11 with respect to a particular energy emergency alert not later than  
12 the date the department receives notice that the energy emergency  
13 alert has been canceled.

14       Sec. 411.308. LIMITATION ON PARTICIPATION BY TEXAS  
15 DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.305(b),  
16 the Texas Department of Transportation is not required to use any  
17 existing system of dynamic message signs in a statewide alert  
18 system created under this subchapter if that department receives  
19 notice from the United States Department of Transportation Federal  
20 Highway Administration that the use of the signs would result in the  
21 loss of federal highway funding or other punitive actions taken  
22 against this state due to noncompliance with federal laws,  
23 regulations, or policies.

24       SECTION 2. (a) In this section:

25               (1) "Alert system" means the standardized statewide  
26 disaster alert system studied under this section.

27               (2) "Division" means the Texas Division of Emergency

1 Management.

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

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

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

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

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

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

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

23 (5) identify any state or local governmental entity  
24 actions necessary to implement a comprehensive alert system.

25 (c) Not later than March 1, 2022, the division shall prepare  
26 and submit to the governor, the lieutenant governor, and the  
27 legislature a report on the findings of the study conducted under

1 this section.

2 (d) This section expires September 1, 2023.

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