

By: Creighton

S.B. No. 865

A BILL TO BE ENTITLED

AN ACT

relating to a study on a statewide disaster 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, "alert system" means the standardized statewide disaster alert system described by this subchapter.

Sec. 418.3015. STUDY ON STATEWIDE DISASTER ALERT SYSTEM.

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

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

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

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

(B) eliminating barriers to successful mass

1 notification and communication encountered by local governmental
2 entities during disasters;

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

6 (4) examine potential costs to local governmental
7 entities or this state associated with implementing the alert
8 system; and

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

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

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

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

4 (c) An alert system implemented under this subchapter may
5 be:

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

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

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

19 (b) The division, or local governmental entity, as
20 appropriate, may issue updated notifications for the duration of
21 the disaster.

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

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

27 (2) enable a person in another location in this state

1 to assist an affected person.

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

4 (1) the division determines that:

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

6 (B) the disaster has been addressed to the extent
7 that emergency conditions no longer exist; or

8 (2) the state of disaster is terminated as provided by
9 this chapter.

10 Sec. 418.306. RULES. The division may adopt rules
11 necessary to implement this subchapter.

12 SECTION 2. As soon as practicable after the effective date
13 of this Act:

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

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

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