

By: Phillips

H.B. No. 2257

A BILL TO BE ENTITLED

AN ACT

relating to the procurement and use of an emergency notification system by public service providers.

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

SECTION 1. Subchapter H, Chapter 418, Government Code, is amended by adding Section 418.192 to read as follows:

Sec. 418.192. COMMUNICATIONS BY PUBLIC SERVICE PROVIDERS DURING DISASTERS AND EMERGENCIES. (a) In this section:

(1) "Emergency" means a temporary, sudden, and unforeseen occurrence that requires action by a public service provider to correct the occurrence, inform others of the occurrence, protect lives or property, or temporarily reduce demand for or allocate supply of the provider's products or services to ensure public safety or preserve the integrity of service delivery mechanisms.

(2) "Public service provider" means any person or entity that provides essential products or services to the public that are regulated under the Natural Resources Code, Utilities Code, or Water Code, including:

(A) common carriers under Section 111.002, Natural Resources Code;

(B) telecommunications providers as defined by Section 51.002, Utilities Code; and

(C) any other person or entity providing or

1 producing heat, light, power, or water.

2 (b) A public service provider may enter into a contract for  
3 an emergency notification system described by this section for use  
4 in informing the provider's customers, governmental entities, and  
5 other affected persons regarding:

6 (1) notice of a disaster or emergency; and

7 (2) any actions a recipient is required to take during  
8 a disaster or emergency.

9 (c) The emergency notification system for which a contract  
10 is entered into under Subsection (b) must rely on a dynamic  
11 information database that:

12 (1) is capable of simultaneous transmission of  
13 emergency messages to all recipients through at least two  
14 industry-standard gateways to one or more telephones or electronic  
15 devices owned by a recipient in a manner that does not negatively  
16 impact the existing communications infrastructure;

17 (2) allows the public service provider to:

18 (A) store prewritten emergency messages in the  
19 dynamic information database for subsequent use; and

20 (B) generate emergency messages in real time  
21 based on provider inputs;

22 (3) allows a recipient to select the language in which  
23 the recipient would prefer to receive messages;

24 (4) transmits the message in the recipient's language  
25 of choice to that recipient;

26 (5) converts text messages to sound files and  
27 transmits those sound files to the appropriate device;

1           (6) assigns recipients to priority groups for  
2 notification;

3           (7) allows for the collection and verification of  
4 responses by recipients of emergency messages; and

5           (8) reads or receives alerts from a commercial mobile  
6 alert system established by the Federal Communications Commission  
7 or complies with standards adopted for a commercial mobile alert  
8 system by the Federal Communications Commission.

9           (d) The dynamic information database must comply with:

10           (1) the Telecommunications Service Priority program  
11 established by the Federal Communications Commission; and

12           (2) the Federal Information Processing Standard 140-2  
13 governing compliant cryptographic modules for encryption and  
14 security issued by the National Institute of Standards and  
15 Technology.

16           (e) A public service provider that uses an emergency  
17 notification system described by this section is entitled to  
18 information that is confidential under Section 771.061, Health and  
19 Safety Code, from a governmental entity providing 9-1-1 service to  
20 a public service provider's customers. The public service provider  
21 shall use information collected or received under this subsection  
22 only for informing persons under Subsection (b).

23           SECTION 2. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2011.