

By: Phillips

H.B. No. 2257

Substitute the following for H.B. No. 2257:

By: Fletcher

C.S.H.B. No. 2257

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the procurement and use of an emergency notification
3 system by public service providers.

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

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

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

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

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

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

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

24 (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; and

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

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

6 (1) the Telecommunications Service Priority program
7 established by the Federal Communications Commission; and

8 (2) the Federal Information Processing Standard 140-2
9 governing compliant cryptographic modules for encryption and
10 security issued by the National Institute of Standards and
11 Technology.

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

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