

By: Carona

S.B. No. 1238

A BILL TO BE ENTITLED

AN ACT

relating to communications by public service providers during a disaster or an emergency.

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

SECTION 1. The heading to Section 418.047, Government Code, is amended to read as follows:

Sec. 418.047. COMMUNICATIONS BY THE DIVISION DURING DISASTER OR EMERGENCY.

SECTION 2. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.0471 to read as follows:

Sec. 418.0471. COMMUNICATIONS BY PUBLIC SERVICE PROVIDERS DURING DISASTER OR EMERGENCY. (a) A public service provider may use an emergency notification system to inform the provider's customers, governmental agencies, and other affected persons with messages providing:

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

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

(b) The emergency notification system used by a public service provider under this section must rely on a dynamic information database that:

(1) is capable of simultaneous transmission of emergency messages to all recipients through at least two industry standard gateways to one or more telephones or electronic devices

1 owned by a recipient in a manner that does not negatively impact the
2 existing communication infrastructure;

3 (2) allows the public service provider to:

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

6 (B) generate emergency messages in real time
7 based on provider inputs;

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

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

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

14 (6) assigns recipients to priority groups for
15 notification; and

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

18 (c) The dynamic information database described by
19 Subsection (b) must comply with:

20 (1) the Telecommunications Service Priority program
21 established by the Federal Communications Commission; and

22 (2) Federal Information Processing Standard 140-2
23 governing compliant cryptographic modules for encryption and
24 security issued by the National Institute of Standards and
25 Technology.

26 (d) A public service provider that uses an emergency
27 notification system described by this section is entitled to obtain

1 information that is confidential under Section 771.061, Health and
2 Safety Code, from a governmental entity providing 9-1-1 service to
3 the provider's customer.

4 (e) In this section:

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

11 (2) "Public service provider" means any person or
12 entity that furnishes essential products or services to the public
13 that are governed by the Natural Resources Code, Utilities Code, or
14 Water Code, including common carriers, telecommunications
15 companies, and any person or entity furnishing or producing heat,
16 light, power, or water.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2011.