

By: Hall, et al.

S.B. No. 83

A BILL TO BE ENTITLED

AN ACT

relating to protection of energy critical infrastructure from
electromagnetic, geomagnetic, physical, and cyber-attack threats.

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

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

SUBCHAPTER I. ELECTROMAGNETIC THREAT PREPAREDNESS

Sec. 418.201. ELECTROMAGNETIC THREAT PREPAREDNESS TASK
FORCE. (a) In this section, "energy critical infrastructure"
means an electrical power generation facility, substation,
switching station, electrical control center, or electrical
transmission or distribution facility and includes an associated
electronic control center and other electronic infrastructure used
in electric power delivery.

(b) The electromagnetic threat preparedness task force is
created. The task force shall coordinate with the Commission to
Assess the Threat to the United States from Electromagnetic Pulse
(EMP) Attack, the United States Department of Defense, the United
States Department of Energy, and the United States Department of
Homeland Security to apply research and information on
electromagnetic, geomagnetic, physical, and cyber-attack threats.

(c) The task force consists of 10 members appointed by the
chief described by Section 418.041. Each member must be a regional
emergency management representative or other employee of the

1 Department of Public Safety the chief determines could make
2 valuable contributions to the development of the plan under
3 Subsection (d)(4).

4 (d) The task force shall:

5 (1) identify technical and electronic resources to
6 assist the division in the division's functions;

7 (2) implement a program to educate owners and
8 operators of energy critical infrastructure and vital utility
9 facilities and emergency responders about electromagnetic,
10 geomagnetic, physical, and cyber-attack threats;

11 (3) evaluate emergency planning, response procedures,
12 and supporting technologies related to electromagnetic,
13 geomagnetic, physical, and cyber-attack threats; and

14 (4) develop a comprehensive threat protection and
15 recovery plan for energy critical infrastructure and vital utility
16 facilities of this state against electromagnetic, geomagnetic,
17 physical, and cyber-attack threats.

18 (e) Information collected by the task force related to the
19 security of the electric grid is confidential and is not subject to
20 disclosure under Chapter 552. Each member of the task force and any
21 third-party individual with access to information under this
22 section shall sign a nondisclosure agreement stating that the
23 individual will not disclose to the public any sensitive or
24 identifiable information related to grid security measures or
25 plans.

26 (f) Not later than July 1, 2018, the task force shall
27 prepare and submit to the governor and the legislature a report of

1 the task force's findings and recommendations.

2 (g) A member of the task force established under this
3 section is not entitled to compensation. Members may be reimbursed
4 for expenses as follows:

5 (1) a member is entitled to reimbursement for travel
6 and other necessary expenses as provided by the General
7 Appropriations Act; and

8 (2) a member appointed as a representative of a state
9 agency is eligible for reimbursement for travel and other necessary
10 expenses according to the applicable agency's policies.

11 (h) This section expires December 1, 2018.

12 Sec. 418.202. TECHNOLOGICAL HAZARDS. (a) In this section,
13 "energy critical infrastructure" means an electrical power
14 generation facility, substation, switching station, electrical
15 control center, or electrical transmission or distribution
16 facility and includes an associated electronic control center and
17 other electronic infrastructure used in electric power delivery.

18 (b) The division shall consider implementation of the
19 comprehensive threat protection and recovery plan developed by the
20 electromagnetic threat preparedness task force for energy critical
21 infrastructure and vital utility facilities of this state against
22 electromagnetic, geomagnetic, physical, and cyber-attack threats.

23 (c) The governor may instruct an agency to take actions as
24 are necessary to implement the comprehensive threat protection and
25 recovery plan developed by the electromagnetic threat preparedness
26 task force as funding becomes available.

27 (d) Information collected by the division related to the

1 security of the electric grid is confidential and is not subject to
2 disclosure under Chapter 552.

3 SECTION 2. Chapter 39, Utilities Code, is amended by adding
4 Subchapter M to read as follows:

5 SUBCHAPTER M. GRID SECURITY

6 Sec. 39.601. DEFINITIONS. In this subchapter:

7 (1) "Committee" means the Electric Grid Security
8 Advisory Committee.

9 (2) "Energy critical infrastructure" has the meaning
10 assigned by Section 418.202, Government Code.

11 Sec. 39.602. INFORMATION RELATED TO GRID SECURITY
12 NONDISCLOSURE. (a) Information related to the security of the
13 electric grid is confidential and is not subject to disclosure
14 under Chapter 552, Government Code.

15 (b) Each individual with access to information related to
16 the security of the electric grid under this subchapter shall sign a
17 nondisclosure agreement stating that the individual will not
18 disclose to the public any sensitive or identifiable information
19 related to grid security measures or plans.

20 Sec. 39.603. GRID SECURITY ADVISORY COMMITTEE. (a) The
21 Electric Grid Security Advisory Committee is composed of the
22 following members:

23 (1) two members appointed by the governor;

24 (2) two members appointed by the lieutenant governor;

25 and

26 (3) two members appointed by the speaker of the house
27 of representatives.

1 (b) The governor shall designate a member of the committee
2 to serve as presiding officer.

3 (c) The committee shall convene at the call of the presiding
4 officer.

5 (d) The committee shall review the findings of the
6 electromagnetic threat preparedness task force.

7 (e) A member of the committee is not entitled to
8 compensation but is entitled to reimbursement for the member's
9 travel expenses as provided by Chapter 660, Government Code, and
10 the General Appropriations Act.

11 (f) A vacancy on the committee shall be filled for the
12 unexpired term in the same manner as the original appointment.

13 (g) The committee is not subject to Chapter 2110, Government
14 Code.

15 (h) Not later than September 1, 2018, the committee shall
16 prepare a report of its findings, including any recommendations for
17 legislation resulting from the findings, and shall submit the
18 report to the governor, the lieutenant governor, and the speaker of
19 the house of representatives.

20 (i) The committee's work relates to sensitive matters of
21 security. Notwithstanding any other law, the meetings, work, and
22 findings of the committee are not subject to the requirements of
23 Chapter 551 or 552, Government Code.

24 (j) A member of the committee may not be a member or employee
25 of the North American Electric Reliability Corporation, the Federal
26 Energy Regulatory Commission, or the Electric Power Research
27 Institute.

1 (k) This section expires January 1, 2019.

2 Sec. 39.604. GRID PROTECTION. (a) This section applies
3 to:

- 4 (1) a transmission and distribution utility;
- 5 (2) an owner of a power generation facility;
- 6 (3) an electric cooperative operating in ERCOT;
- 7 (4) a river authority operating in ERCOT; and
- 8 (5) a municipally owned utility operating in ERCOT.

9 (b) Not later than December 31, 2018, each entity to which
10 this section applies shall assess and report to the technological
11 hazards unit of the Texas Division of Emergency Management the
12 vulnerabilities the equipment, facilities, and systems the entity
13 uses to provide power have to the following:

- 14 (1) a high altitude electromagnetic pulse device;
- 15 (2) geomagnetic storms;
- 16 (3) intentional electromagnetic interference;
- 17 (4) a physical attack; and
- 18 (5) a cyber attack.

19 (c) This section is not intended to penalize electric
20 providers in this state. If vulnerabilities in the security of the
21 electric grid in this state are identified through the process
22 established in this section and the legislature, in consultation
23 with the governor, determines enhancements to energy critical
24 infrastructure of the electric grid are necessary, the legislature
25 may determine whether enhancements will be funded by appropriating
26 general revenue of this state, by a new ratepayer cost recovery
27 mechanism, or by a combination of those methods.

1 SECTION 3. The governor, the lieutenant governor, and the
2 speaker of the house of representatives shall appoint members to
3 the Electric Grid Security Advisory Committee, as required by this
4 Act, as soon as practicable after the effective date of this Act,
5 but not later than the 120th day after the effective date of this
6 Act.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2017.