

By: Hernandez

H.B. No. 3378

A BILL TO BE ENTITLED

AN ACT

relating to an advisory body on the security of the electric grid.

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

SECTION 1. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.917 to read as follows:

Sec. 39.917. TEXAS ELECTRIC GRID SECURITY COUNCIL. (a) The legislature finds that there is a public interest in mitigating the risk of cyber and physical attacks that may affect the reliability of electric systems operating in Texas. The Texas Electric Grid Security Council is established as an advisory body to facilitate the creation, aggregation, coordination, and dissemination of best security practices for the electric industry, including the generation, transmission, and delivery of electricity.

(b) The Texas Electric Grid Security Council is composed of:

(1) the commissioner designated as presiding officer of the commission under Section 12.052 or a representative designated by the commissioner;

(2) the chief executive officer of the independent organization certified under Section 39.151 for the ERCOT power region or a representative designated by the chief executive officer; and

(3) the governor or a representative designated by the governor.

(c) The member of the council designated by Subsection

1 (b)(1) shall serve as presiding officer.

2 (d) The council shall convene at the call of the presiding  
3 officer.

4 (e) A member of the council is not entitled to compensation.  
5 Members are entitled to reimbursement for travel and other  
6 necessary expenses related to the activities of the council as  
7 provided by the General Appropriations Act.

8 (f) A member of the council may apply for a secret security  
9 clearance or an interim security clearance granted by the United  
10 States government. A member of the council may not access  
11 classified information or participate in a briefing or meeting  
12 involving classified information unless the member has a secret  
13 security clearance.

14 (g) The independent organization certified under Section  
15 39.151 shall provide information and resources requested by the  
16 council.

17 (h) In carrying out its functions, the council may consult  
18 and coordinate with:

- 19 (1) the Texas Division of Emergency Management;  
20 (2) the United States Department of Energy;  
21 (3) the United States Department of Homeland Security;  
22 (4) the North American Electric Reliability  
23 Corporation;  
24 (5) federal and state agencies;  
25 (6) members of the electric industry; and  
26 (7) grid security experts.

27 (i) On a request by the governor, the lieutenant governor,

1 the chair of the house of representatives committee having  
2 jurisdiction over energy utility regulation, or the chair of the  
3 senate committee having jurisdiction over energy utility  
4 regulation, the council shall issue to the requestor  
5 recommendations regarding:

6 (1) the development of a grid security workforce;

7 (2) the development and implementation of grid  
8 security standards and practices;

9 (3) preparation for events that threaten grid  
10 security; and

11 (4) amendments to the state emergency management plan  
12 to ensure coordinated and adaptable response and recovery efforts  
13 after events that threaten grid security.

14 (j) The council may prepare a report outlining grid security  
15 response efforts that do not involve classified information. If the  
16 council prepares the report, the council shall deliver the report  
17 to the governor, lieutenant governor, and legislature on or before  
18 the December 1 immediately preceding a regular session of the  
19 legislature.

20 (k) The meetings, recommendations, work, and findings of  
21 the council are not subject to the requirements of Chapters [551](#) or  
22 [552](#), Government Code.

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, 2019.