

## **BILL ANALYSIS**

Senate Research Center

H.B. 12  
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Jurisprudence  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In February of this year, Winter Storm Uri struck Texas and paralyzed the state's electric grid, resulting in widespread power outages that lasted upwards of a week in frigid weather. These power outages exposed a pressing problem, as there was a failure to deliver urgent messages to people to keep them abreast of the dangerous conditions and to provide them information necessary to make informed decisions regarding their safety. H.B. 12 seeks to solve this problem by providing for the establishment of a statewide disaster alert system through which the Texas Division of Emergency Management would provide Texans with up-to-the-minute notifications and vital public safety information during a disaster, including widespread power outages.

H.B. 12 amends current law relating to a study on a statewide disaster alert system and implementation of that system and to notice to elected officials of a widespread power, water, or natural gas outage or emergency.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Division of Emergency Management in SECTION 1 (Section 418.306, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 418, Government Code, by adding Subchapter J, as follows:

#### **SUBCHAPTER J. STATEWIDE DISASTER ALERT SYSTEM**

Sec. 418.301. DEFINITIONS. Defines "alert system," "commission," "disaster," "ERCOT," "ERCOT organization," and "public utility."

Sec. 418.3015. STUDY ON STATEWIDE DISASTER ALERT SYSTEM. (a) Requires the Texas Division of Emergency Management (TDEM) to conduct a study on the efficacy of existing mass notification deployments by local governmental entities throughout this state and the feasibility of establishing a statewide disaster alert system. Requires that the study:

- (1) identify the costs to local governmental entities associated with existing local disaster alert or notification systems;
- (2) examine the potential benefits to local governmental entities of implementing an alert system in coordination with this state, including improving this state's ability to coordinate state and local responses to disasters and eliminating barriers to successful mass notification and communication encountered by local governmental entities during disasters;
- (3) examine the importance of a local governmental entity's discretion regarding the entity's level and manner of participation in the alert system;

(4) examine potential costs to local governmental entities or this state associated with implementing the alert system;

(5) examine the ability of local governmental entities to communicate with the Electric Reliability Council of Texas (ERCOT) organization, the Public Utility Commission of Texas (PUC), and public utilities that serve the jurisdictions of the local governmental entities and make recommendations on methods to improve communication and coordination between local governmental entities, the ERCOT organization, the PUC, and public utilities that serve the jurisdictions of the local governmental entities, if necessary; and

(6) identify any state or local governmental entity actions necessary to implement a comprehensive alert system designed to communicate information about disasters, including an extended and widespread power outage.

(b) Requires the ERCOT organization, the PUC, and any public utility, on request of TDEM, to provide information necessary to evaluate the implementation of a comprehensive alert system. Provides that information provided to TDEM under this subsection is confidential and not subject to disclosure under Chapter 552 (Public Information).

(c) Requires TDEM, not later than March 1, 2022, to prepare and submit to the governor, the lieutenant governor, and the legislature a report on the findings of the study.

(d) Provides that this section expires September 1, 2027.

Sec. 418.302. ESTABLISHMENT OF ALERT SYSTEM. (a) Requires TDEM, with the cooperation of the office of the governor, the PUC, and the ERCOT organization, to develop and implement a statewide disaster alert system to activate in the event of a disaster affecting any location in this state.

(a-1) Requires that an alert system developed under this subchapter be based on the findings of the study conducted under Section 418.3015. Provides that this subsection expires September 1, 2027.

(b) Authorizes a local governmental entity to use available local funds for the purpose of participating in an alert system implemented under this subchapter and to contract with the Department of Public Safety of the State of Texas for services associated with the alert system. Provides that a local governmental entity is not required to use local funds to assist a public utility with participating in the alert system.

(c) Requires each local governmental entity and public utility in this state to participate in an alert system implemented under this subchapter.

(d) Requires that an alert system implemented under this subchapter be operated in conjunction with any other emergency alert system required by federal or state law and be designed to notify persons statewide of a disaster affecting any location in this state.

(e) Requires that an alert system implemented under this subchapter and designed to communicate information about an extended and widespread power outage apply to areas outside of ERCOT.

Sec. 418.303. ACTIVATION OF ALERT SYSTEM. (a) Requires TDEM, when TDEM determines a disaster has occurred or the occurrence or threat of disaster is imminent or is notified of a declaration of disaster under Chapter 418 (Emergency Management), to

immediately activate any alert system implemented under this subchapter. Requires a local governmental entity, in coordination with TDEM, to choose the manner in which the alert system is activated and notifications are issued within the entity's geographic region.

(b) Requires TDEM, or the local governmental entity, as appropriate, to issue updated notifications for the duration of the disaster.

(c) Requires a public utility to notify TDEM, the PUC, the ERCOT organization, if the utility's service area is in ERCOT, and customers served by the public utility of a widespread power outage that is likely to last more than 24 hours.

Sec. 418.304. CONTENT OF ALERT SYSTEM NOTIFICATION. Requires that a notification issued under an alert system implemented under this subchapter be issued in English, Spanish, and any other language that TDEM considers necessary, and requires that the notification include information necessary to assist a person affected by the disaster with making informed decisions regarding the person's safety and to enable a person in another location in this state to assist an affected person.

Sec. 418.305. TERMINATION OF ALERT SYSTEM. Authorizes TDEM to terminate the activation of an alert system when TDEM determines that the threat or danger has passed or that the disaster has been addressed to the extent that emergency conditions no longer exist, when the extended and widespread power outage that prompted TDEM to activate the alert system ends, or when the state of disaster is terminated as provided by this chapter.

Sec. 418.306. RULES. (a) Authorizes TDEM to adopt rules necessary to implement this subchapter.

(b) Authorizes TDEM to consult with the ERCOT organization, the PUC, or a public utility in adopting rules under Subsection (a).

SECTION 2. Amends Subchapter A, Chapter 31, Utilities Code, by adding Section 31.006, as follows:

Sec. 31.006. NOTICE TO ELECTED OFFICIALS REQUIRED. Requires an electric utility, municipally owned utility, or electric cooperative, as soon as practicable after the utility or cooperative experiences a widespread power outage or a widespread electric service emergency, to notify by telephone and e-mail each:

- (1) United States senator who represents this state;
- (2) member of the United States House of Representatives who represents a district affected by the disruption or emergency;
- (3) statewide elected official;
- (4) member of the legislature who represents a district affected by the disruption or emergency;
- (5) elected official of a county government who represents an area affected by the disruption or emergency; and
- (6) elected official of a municipal government who represents an area affected by the disruption or emergency.

SECTION 3. Amends Subchapter A, Chapter 104, Utilities Code, by adding Section 104.009, as follows:

Sec. 104.009. NOTICE TO ELECTED OFFICIALS REQUIRED. Requires a gas utility, municipally owned utility, or electric cooperative, as soon as practicable after the utility or cooperative experiences a widespread natural gas shortage or a widespread natural gas service emergency, to notify by telephone and e-mail each:

- (1) United States senator who represents this state;
- (2) member of the United States House of Representatives who represents a district affected by the disruption or emergency;
- (3) statewide elected official;
- (4) member of the legislature who represents a district affected by the disruption or emergency;
- (5) elected official of a county government who represents an area affected by the disruption or emergency; and
- (6) elected official of a municipal government who represents an area affected by the disruption or emergency.

SECTION 4. Amends Subchapter E, Chapter 13, Water Code, by adding Section 13.1397, as follows:

Sec. 13.1397. NOTICE TO ELECTED OFFICIALS REQUIRED. Requires a retail public utility, as soon as practicable after the utility experiences a widespread water service outage or a widespread water service emergency, to notify by telephone and e-mail each:

- (1) United States senator who represents this state;
- (2) member of the United States House of Representatives who represents a district affected by the disruption or emergency;
- (3) statewide elected official;
- (4) member of the legislature who represents a district affected by the disruption or emergency;
- (5) elected official of a county government who represents an area affected by the disruption or emergency; and
- (6) elected official of a municipal government who represents an area affected by the disruption or emergency.

SECTION 5. (a) Provides that, as soon as practicable after the effective date of this Act, TDEM is required to conduct the study required by Section 418.3015, Government Code, as added by this Act, and, based on the results of the study, the chief of TDEM is required to implement an alert system under Subchapter J, Chapter 418, Government Code, as added by this Act.

(b) Requires TDEM, in the period beginning on the effective date of this Act and ending on the date that TDEM implements an alert system under Subchapter J, Chapter 418, Government Code, as added by this Act, until TDEM implements that alert system, to provide notices, through delivery methods and means commonly employed to ensure delivery during a hurricane, tornado, or other severe weather event, to individuals in this state located in areas that are likely to be impacted by severe weather emergencies. Requires that a notice include information necessary to assist an individual with making informed decisions regarding the individual's safety.

SECTION 6. Effective date: upon passage or September 1, 2021.