

BILL ANALYSIS

C.S.H.B. 12
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State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Division of Emergency Management in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 12 amends the Government Code to require the Texas Division of Emergency Management (TDEM) to conduct a study on the efficacy of existing mass notification deployments by local governmental entities throughout Texas and the feasibility of establishing a statewide disaster alert system. The bill sets out the required components of the study and requires TDEM to prepare and submit to the governor, the lieutenant governor, and the legislature a report on the study's findings not later than March 1, 2022. The bill requires the Public Utility Commission of Texas (PUC), the independent organization certified by the PUC to perform certain essential market functions for the ERCOT power region, and any public utility to provide information necessary to evaluate the implementation of an alert system to TDEM on request and makes any information provided confidential and exempt from disclosure under state public information law.

C.S.H.B. 12 requires TDEM, with the cooperation of the governor's office, the ERCOT organization, and other appropriate state agencies, to develop and implement a statewide disaster alert system using money available for that purpose if, based on the study's findings, TDEM and the governor's office conclude that the benefits to the state and to local governmental entities of implementing the system outweigh any additional costs. This requirement and the bill's provisions relating to the study expire September 1, 2027.

C.S.H.B. 12 otherwise authorizes TDEM, with the cooperation of the governor's office, the PUC, and the ERCOT organization, to develop and implement a statewide disaster alert system. An alert system required or authorized by the bill may be operated in conjunction with any other required emergency alert system and may be designed to notify persons statewide of a disaster affecting any location in Texas, including a widespread power outage lasting longer than 24 hours. The bill requires an alert system designed to communicate information about an extended and widespread power outage to apply to areas outside the ERCOT region. The bill authorizes a local governmental entity that chooses to participate in the alert system to use available local funds for that purpose and to contract with the Department of Public Safety for associated services. The bill requires each public utility to participate in the alert system but establishes that a participating local governmental entity is not required to use local funds to assist a public utility with that participation.

C.S.H.B. 12 authorizes TDEM to activate the alert system immediately when a disaster has occurred, is imminent, or is imminently threatened or when TDEM is notified of a declaration of disaster. The bill requires a public utility to notify TDEM, the PUC, and the ERCOT organization, if applicable, of a widespread power outage that is likely to last more than 24 hours. The bill authorizes a participating 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. An alert system notification may include information necessary to assist a person affected by the disaster with making informed safety decisions and to enable a person in another location in Texas to assist an affected person. The bill authorizes TDEM or a local governmental entity, as appropriate, to issue updated notifications for the duration of the disaster.

C.S.H.B. 12 provides for termination of the alert system when the state of disaster is terminated or certain emergency conditions no longer exist. The bill authorizes TDEM to adopt rules necessary to implement the bill's provisions and to consult with the PUC, the ERCOT organization, or a public utility in adopting those rules.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 12 also differs from the original in minor or nonsubstantive ways to conform to certain bill drafting conventions, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the certified ERCOT organization among the entities with which TDEM must coordinate in developing and implementing the alert system if required to do so based on the findings of the study.

The substitute includes a requirement for each public utility to participate in the alert system.

The substitute clarifies the following:

- the power outages that constitute a disaster for purposes of the alert system are those that are widespread and last longer than 24 hours; and
- a public utility is required to notify the ERCOT organization of a widespread power outage that is likely to last more than 24 hours only if the utility's service area is in the ERCOT power region.