

BILL ANALYSIS

Senate Research Center
87R3722 SRA-D

S.B. 865
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill directs 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.

Not later than March 1, 2022, TDEM shall prepare and submit to the governor, the lieutenant governor, and the legislature a report on the findings of the study.

If, based on the findings of the study, TDEM and the Office of the Governor conclude that the benefits of implementing a coordinated alert system outweigh any additional costs, TDEM, with the cooperation of the governor's office and other appropriate state agencies and using money available for the purpose, shall develop and implement the alert system.

TDEM may activate the alert system if TDEM:

- determines a disaster has occurred;
- the occurrence or threat of disaster is imminent; or
- is notified of a declaration of disaster.

A participating local governmental entity may, in coordination with TDEM, choose the manner in which the alert system is activated and notifications are issued within the entity's geographic region.

Local governments are not required to participate

A notification issued under an alert system implemented under this subchapter may include information necessary to:

- assist a person affected by the disaster with making informed decisions regarding the person's safety;
- enable a person in another location in this state to assist an affected person.

TDEM may adopt rules necessary to implement this subchapter.

As proposed, S.B. 865 amends current law relating to a study on a statewide disaster alert system and implementation of that system.

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. DEFINITION. Defines "alert system."

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 (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:
 - (A) improving this state's ability to coordinate state and local responses to disasters; and
 - (B) 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; and
- (5) identify any state or local governmental entity actions necessary to implement a comprehensive alert system.

(b) 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.

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

Sec. 418.302. ESTABLISHMENT OF ALERT SYSTEM. (a) Authorizes TDEM, with the cooperation of the Office of the Governor, to develop and implement a statewide disaster alert system to activate in the event of a disaster affecting any location in Texas.

(a-1) Requires TDEM, if, based on the findings of the study conducted under Section 418.3015, TDEM and Office of the Governor conclude that the benefits to this state and local governmental entities of implementing a coordinated alert system outweigh any additional costs, to develop and implement the alert system. Provides that this subsection expires September 1, 2027.

(b) Authorizes a local governmental entity that chooses to participate in an alert system implemented under this subchapter to use available local funds for that purpose and to contract with the Department of Public Safety of the State of Texas for services associated with the alert system.

(c) Authorizes an alert system implemented under this subchapter to be:

- (1) operated in conjunction with any other emergency alert system required by federal or state law; and
- (2) designed to notify persons statewide of a disaster affecting any location in Texas

Sec. 418.303. ACTIVATION OF ALERT SYSTEM. (a) Authorizes 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. 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.

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

Sec. 418.304. CONTENT OF ALERT SYSTEM NOTIFICATION. Authorizes a notification issued under an alert system implemented under this subchapter to include information necessary to:

(1) assist a person affected by the disaster with making informed decisions regarding the person's safety; and

(2) enable a person in another location in Texas 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, or the state of disaster is terminated as provided by Chapter 418.

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

SECTION 2. Provides that, as soon as practicable after the effective date of this Act:

(1) TDEM is required to conduct the study required by Section 418.3015, Government Code, as added by this Act; and

(2) based on the results of the study, if applicable, the chief of TDEM is required to implement an alert system under Subchapter J, Chapter 418, Government Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2021.