By:  Raymond, Paddie, Hernandez, Bonnen, H.B. No. 12

     Button, et al.

A BILL TO BE ENTITLED

AN ACT

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.

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

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

SUBCHAPTER J. STATEWIDE DISASTER ALERT SYSTEM

Sec. 418.301.  DEFINITIONS. In this subchapter:

(1)  "Alert system" means the standardized statewide disaster alert system described by this subchapter.

(2)  "Commission" means the Public Utility Commission of Texas.

(3)  "Disaster" has the meaning assigned by Section 418.004 and includes a widespread power outage lasting longer than 24 hours.

(4)  "ERCOT" has the meaning assigned by Section 31.002, Utilities Code.

(5)  "ERCOT organization" means the independent organization certified under Section 39.151, Utilities Code, for the ERCOT power region.

(6)  "Public utility" means an entity that generates, transmits, or distributes electric energy to the public, including an electric cooperative, an electric utility, a municipally owned utility, or a river authority.

Sec. 418.3015.  STUDY ON STATEWIDE DISASTER ALERT SYSTEM. (a) The division shall 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. The study must:

(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;

(5)  examine the ability of local governmental entities to communicate with the ERCOT organization, the commission, 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 commission, 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)  On request of the division, the ERCOT organization, the commission, and any public utility shall provide information necessary to evaluate the implementation of a comprehensive alert system. Information provided to the division under this subsection is confidential and not subject to disclosure under Chapter 552.

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

(d)  This section expires September 1, 2027.

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

(a-1)  An alert system developed under this subchapter must be based on the findings of the study conducted under Section 418.3015. This subsection expires September 1, 2027.

(b)  A local governmental entity may use available local funds for the purpose of participating in an alert system implemented under this subchapter and may contract with the department for services associated with the alert system. A local governmental entity is not required to use local funds to assist a public utility with participating in the alert system.

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

(d)  An alert system implemented under this subchapter shall 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 this state.

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

Sec. 418.303.  ACTIVATION OF ALERT SYSTEM. (a) When the division determines a disaster has occurred or the occurrence or threat of disaster is imminent or is notified of a declaration of disaster under this chapter, the division shall immediately activate any alert system implemented under this subchapter. A local governmental entity shall, in coordination with the division, choose the manner in which the alert system is activated and notifications are issued within the entity's geographic region.

(b)  The division, or local governmental entity, as appropriate, shall issue updated notifications for the duration of the disaster.

(c)  A public utility shall notify the following of a widespread power outage that is likely to last more than 24 hours:

(1)  the division;

(2)  the commission;

(3)  the ERCOT organization, if the utility's service area is in ERCOT; and

(4)  customers served by the public utility.

Sec. 418.304.  CONTENT OF ALERT SYSTEM NOTIFICATION. A notification issued under an alert system implemented under this subchapter:

(1)  must be issued in English, Spanish, and any other language that the division considers necessary; and

(2)  shall include information necessary to:

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

(B)  enable a person in another location in this state to assist an affected person.

Sec. 418.305.  TERMINATION OF ALERT SYSTEM. The division may terminate the activation of an alert system when:

(1)  the division determines that:

(A)  the threat or danger has passed; or

(B)  the disaster has been addressed to the extent that emergency conditions no longer exist;

(2)  the extended and widespread power outage that prompted the division to activate the alert system ends; or

(3)  the state of disaster is terminated as provided by this chapter.

Sec. 418.306.  RULES. (a) The division shall adopt rules necessary to implement this subchapter.

(b)  The division may consult with the ERCOT organization, the commission, or a public utility in adopting rules under Subsection (a).

SECTION 2.  Subchapter A, Chapter 31, Utilities Code, is amended by adding Section 31.006 to read as follows:

Sec. 31.006.  NOTICE TO ELECTED OFFICIALS REQUIRED. As soon as practicable after an electric utility, municipally owned utility, or electric cooperative experiences a widespread power outage or a widespread electric service emergency, the utility or cooperative shall 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.  Subchapter A, Chapter 104, Utilities Code, is amended by adding Section 104.009 to read as follows:

Sec. 104.009.  NOTICE TO ELECTED OFFICIALS REQUIRED. As soon as practicable after a gas utility, municipally owned utility, or electric cooperative experiences a widespread natural gas shortage or a widespread natural gas service emergency, the utility or cooperative shall 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.  Subchapter E, Chapter 13, Water Code, is amended by adding Section 13.1397 to read as follows:

Sec. 13.1397.  NOTICE TO ELECTED OFFICIALS REQUIRED. As soon as practicable after a retail public utility experiences a widespread water service outage or a widespread water service emergency, the utility shall 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) As soon as practicable after the effective date of this Act:

(1)  the Texas Division of Emergency Management shall conduct the study required by Section 418.3015, Government Code, as added by this Act; and

(2)  based on the results of the study, the chief of the Texas Division of Emergency Management shall implement an alert system under Subchapter J, Chapter 418, Government Code, as added by this Act.

(b)  In the period beginning on the effective date of this Act and ending on the date that the Texas Division of Emergency Management implements an alert system under Subchapter J, Chapter 418, Government Code, as added by this Act, until the division implements that alert system, the division shall 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. A notice must include information necessary to assist an individual with making informed decisions regarding the individual's safety.

SECTION 6.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.