By:  Raymond H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to a study on a statewide disaster and extended power outage alert system and implementation of that system.

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.  DEFINITION. 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 418.001 and includes an extended power outage;

(4)  "Electric utility" means an entity, including a river authority, electric cooperative, or municipally owned utility, that:

(A)  provides power generation service in this state; or

(B)  provides transmission or distribution service in this state;

(5)  "ERCOT" means the Electric Reliability Council of Texas or a successor independent organization established by the commission under Chapter 39.151, Utilities Code;

(6)  "Extended power outage" means a power outage lasting more than 24 hours.

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 governments to communicate with ERCOT, the PUC, and electric utilities that serve their area;

(6)  identify any state or local governmental entity actions necessary to implement a comprehensive alert system that would include alerts related to extended power outages.

(b)  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.

(c)  An electric utility, ERCOT, and the commission shall provide information related to the implementation of a comprehensive alert system to the division on request. Information provide to the division, the commission, or ERCOT under this subchapter is confidential and excepted from disclosure under Chapter 552, Government Code.

(c)  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 ERCOT, may develop and implement a statewide disaster alert system to activate in the event of a disaster affecting any location in this state.

(a-1)  If, based on the findings of the study conducted under Section 418.3015, the division 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, the division, with the cooperation of the office and other appropriate state agencies and using money available for the purpose, shall develop and implement the alert system. This subsection expires September 1, 2027.

(b)  A local governmental entity that chooses to participate in an alert system implemented under this subchapter may use available local funds for that purpose 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 allow an electric utility to participate in the alert system.

(c)  An alert system implemented under this subchapter may 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.

(d)  An alert system implemented under this subchapter designed to communicate about an extended power outage must apply to areas served by non-ERCOT utilities.

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 may immediately activate any alert system implemented under this subchapter. A participating local governmental entity may, 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, may issue updated notifications for the duration of the disaster.

(c)  An electric utility shall notify ERCOT, the commission, and the division of an interruption in service that is likely to last more than 24 hours.

Sec. 418.304.  CONTENT OF ALERT SYSTEM NOTIFICATION. A notification issued under an alert system implemented under this subchapter may 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 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 service interruption caused by the extended power outage has ended; or

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

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

(b)  The division may consult with the commission, ERCOT, or an electric utility when drafting the rules required by subsection (a)

SECTION 2.  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, if applicable, 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.

SECTION 3.  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.