By:  Creighton S.B. No. 865

(In the Senate - Filed February 26, 2021; March 11, 2021, read first time and referred to Committee on Business & Commerce; April 7, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; April 7, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Johnson              X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire             X

COMMITTEE SUBSTITUTE FOR S.B. No. 865 By:  Creighton

A BILL TO BE ENTITLED

AN ACT

relating to a power outage alert system and a study on a statewide disaster alert system.

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

SECTION 1.  Chapter 411, Government Code, is amended by adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. POWER OUTAGE ALERT

Sec. 411.301.  POWER OUTAGE ALERT. (a) With the cooperation of the Texas Department of Transportation, the Texas Division of Emergency Management, the office of the governor, and the Public Utility Commission of Texas, the department shall develop and implement an alert to be activated when the power supply in this state may be inadequate to meet demand.

(b)  The Public Utility Commission of Texas by rule shall adopt criteria for the content and activation of the alert described by Subsection (a). The criteria must provide for an alert to be regional or statewide.

Sec. 411.302.  ADMINISTRATION. (a) The director is the statewide coordinator of the power outage alert.

(b)  The director shall adopt rules and issue directives as necessary to ensure proper implementation of the power outage alert. The rules and directives must include the procedures to be used by the Public Utility Commission of Texas and the independent organization certified under Section 39.151, Utilities Code, to communicate with the director about the power outage alert.

Sec. 411.303.  DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the power outage alert system.

Sec. 411.304.  STATE AGENCIES. (a) A state agency participating in the power outage alert system shall:

(1)  cooperate with the department and assist in developing and implementing the alert system; and

(2)  establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the power outage alert system has been activated.

(b)  In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across this state.

Sec. 411.305.  ACTIVATION OF POWER OUTAGE ALERT. (a) When the Public Utility Commission of Texas or an independent organization certified under Section 39.151, Utilities Code, notifies the department that the power supply in this state or a region of this state may be inadequate to meet demand, the department shall confirm the accuracy of the information and, if confirmed, immediately issue a power outage alert under this subchapter in accordance with department rules.

(b)  In issuing the power outage alert, the department shall send the alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals.

Sec. 411.306.  CONTENT OF POWER OUTAGE ALERT. The power outage alert must include a statement that electricity customers may experience a power outage.

Sec. 411.307.  TERMINATION OF POWER OUTAGE ALERT. The director shall terminate any activation of the power outage alert with respect to a particular energy emergency alert not later than the date the department receives notice that the energy emergency alert has been canceled.

Sec. 411.308.  LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.305(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if that department receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

SECTION 2.  (a) In this section:

(1)  "Alert system" means the standardized statewide disaster alert system studied under this section.

(2)  "Division" means the Texas Division of Emergency Management.

(b)  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; and

(5)  identify any state or local governmental entity actions necessary to implement a comprehensive alert system.

(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 conducted under this section.

(d)  This section expires September 1, 2023.

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.

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