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H.B. No. 12

Substitute the following for H.B. No. 12:

By: Deshotel

C.S.H.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to a study on a statewide disaster 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. 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.

1 Sec. 418.3015. STUDY ON STATEWIDE DISASTER ALERT SYSTEM.

2 (a) The division shall conduct a study on the efficacy of existing
3 mass notification deployments by local governmental entities
4 throughout this state and the feasibility of establishing a
5 statewide disaster alert system. The study must:

6 (1) identify the costs to local governmental entities
7 associated with existing local disaster alert or notification
8 systems;

9 (2) examine the potential benefits to local
10 governmental entities of implementing an alert system in
11 coordination with this state, including:

12 (A) improving this state's ability to coordinate
13 state and local responses to disasters; and

14 (B) eliminating barriers to successful mass
15 notification and communication encountered by local governmental
16 entities during disasters;

17 (3) examine the importance of a local governmental
18 entity's discretion regarding the entity's level and manner of
19 participation in the alert system;

20 (4) examine potential costs to local governmental
21 entities or this state associated with implementing the alert
22 system;

23 (5) examine the ability of local governmental entities
24 to communicate with the ERCOT organization, the commission, and
25 public utilities that serve the jurisdictions of the local
26 governmental entities; and

27 (6) identify any state or local governmental entity

1 actions necessary to implement a comprehensive alert system
2 designed to communicate information about disasters, including an
3 extended and widespread power outage.

4 (b) On request of the division, the ERCOT organization, the
5 commission, and any public utility shall provide information
6 necessary to evaluate the implementation of a comprehensive alert
7 system. Information provided to the division under this subsection
8 is confidential and not subject to disclosure under Chapter 552.

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

12 (d) This section expires September 1, 2027.

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

18 (a-1) If, based on the findings of the study conducted under
19 Section 418.3015, the division and office of the governor conclude
20 that the benefits to this state and local governmental entities of
21 implementing a coordinated alert system outweigh any additional
22 costs, the division, with the cooperation of the office, other
23 appropriate state agencies, and the ERCOT organization, and using
24 money available for the purpose, shall develop and implement the
25 alert system. This subsection expires September 1, 2027.

26 (b) A local governmental entity that chooses to participate
27 in an alert system implemented under this subchapter may use

1 available local funds for that purpose and may contract with the
2 department for services associated with the alert system. A local
3 governmental entity is not required to use local funds to assist a
4 public utility with participating in the alert system.

5 (c) Each public utility shall participate in an alert system
6 implemented under this subchapter.

7 (d) An alert system implemented under this subchapter may
8 be:

9 (1) operated in conjunction with any other emergency
10 alert system required by federal or state law; and

11 (2) designed to notify persons statewide of a disaster
12 affecting any location in this state.

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

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

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

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

- 3 (1) the division;
4 (2) the commission; and
5 (3) the ERCOT organization, if the utility's service
6 area is in ERCOT.

7 Sec. 418.304. CONTENT OF ALERT SYSTEM NOTIFICATION. A
8 notification issued under an alert system implemented under this
9 subchapter may include information necessary to:

- 10 (1) assist a person affected by the disaster with
11 making informed decisions regarding the person's safety; and
12 (2) enable a person in another location in this state
13 to assist an affected person.

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

- 16 (1) the division determines that:
17 (A) the threat or danger has passed; or
18 (B) the disaster has been addressed to the extent
19 that emergency conditions no longer exist;

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

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

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

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

1 Subsection (a).

2 SECTION 2. As soon as practicable after the effective date
3 of this Act:

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

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

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2021.