

1-1 By: Creighton S.B. No. 865
1-2 (In the Senate - Filed February 26, 2021; March 11, 2021,
1-3 read first time and referred to Committee on Business & Commerce;
1-4 April 7, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 7, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 865 By: Creighton

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to a power outage alert system and a study on a statewide
1-22 disaster alert system.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Chapter 411, Government Code, is amended by
1-25 adding Subchapter K-1 to read as follows:

1-26 SUBCHAPTER K-1. POWER OUTAGE ALERT

1-27 Sec. 411.301. POWER OUTAGE ALERT. (a) With the cooperation
1-28 of the Texas Department of Transportation, the Texas Division of
1-29 Emergency Management, the office of the governor, and the Public
1-30 Utility Commission of Texas, the department shall develop and
1-31 implement an alert to be activated when the power supply in this
1-32 state may be inadequate to meet demand.

1-33 (b) The Public Utility Commission of Texas by rule shall
1-34 adopt criteria for the content and activation of the alert
1-35 described by Subsection (a). The criteria must provide for an alert
1-36 to be regional or statewide.

1-37 Sec. 411.302. ADMINISTRATION. (a) The director is the
1-38 statewide coordinator of the power outage alert.

1-39 (b) The director shall adopt rules and issue directives as
1-40 necessary to ensure proper implementation of the power outage
1-41 alert. The rules and directives must include the procedures to be
1-42 used by the Public Utility Commission of Texas and the independent
1-43 organization certified under Section 39.151, Utilities Code, to
1-44 communicate with the director about the power outage alert.

1-45 Sec. 411.303. DEPARTMENT TO RECRUIT PARTICIPANTS. The
1-46 department shall recruit public and commercial television and radio
1-47 broadcasters, private commercial entities, state or local
1-48 governmental entities, the public, and other appropriate persons to
1-49 assist in developing and implementing the power outage alert
1-50 system.

1-51 Sec. 411.304. STATE AGENCIES. (a) A state agency
1-52 participating in the power outage alert system shall:

1-53 (1) cooperate with the department and assist in
1-54 developing and implementing the alert system; and

1-55 (2) establish a plan for providing relevant
1-56 information to its officers, investigators, or employees, as
1-57 appropriate, once the power outage alert system has been activated.

1-58 (b) In addition to its duties as a state agency under
1-59 Subsection (a), the Texas Department of Transportation shall
1-60 establish a plan for providing relevant information to the public

2-1 through an existing system of dynamic message signs located across
2-2 this state.

2-3 Sec. 411.305. ACTIVATION OF POWER OUTAGE ALERT. (a) When
2-4 the Public Utility Commission of Texas or an independent
2-5 organization certified under Section 39.151, Utilities Code,
2-6 notifies the department that the power supply in this state or a
2-7 region of this state may be inadequate to meet demand, the
2-8 department shall confirm the accuracy of the information and, if
2-9 confirmed, immediately issue a power outage alert under this
2-10 subchapter in accordance with department rules.

2-11 (b) In issuing the power outage alert, the department shall
2-12 send the alert to designated media outlets in this state. Following
2-13 receipt of the alert, participating radio stations and television
2-14 stations and other participating media outlets may issue the alert
2-15 at designated intervals.

2-16 Sec. 411.306. CONTENT OF POWER OUTAGE ALERT. The power
2-17 outage alert must include a statement that electricity customers
2-18 may experience a power outage.

2-19 Sec. 411.307. TERMINATION OF POWER OUTAGE ALERT. The
2-20 director shall terminate any activation of the power outage alert
2-21 with respect to a particular energy emergency alert not later than
2-22 the date the department receives notice that the energy emergency
2-23 alert has been canceled.

2-24 Sec. 411.308. LIMITATION ON PARTICIPATION BY TEXAS
2-25 DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.305(b),
2-26 the Texas Department of Transportation is not required to use any
2-27 existing system of dynamic message signs in a statewide alert
2-28 system created under this subchapter if that department receives
2-29 notice from the United States Department of Transportation Federal
2-30 Highway Administration that the use of the signs would result in the
2-31 loss of federal highway funding or other punitive actions taken
2-32 against this state due to noncompliance with federal laws,
2-33 regulations, or policies.

2-34 SECTION 2. (a) In this section:

2-35 (1) "Alert system" means the standardized statewide
2-36 disaster alert system studied under this section.

2-37 (2) "Division" means the Texas Division of Emergency
2-38 Management.

2-39 (b) The division shall conduct a study on the efficacy of
2-40 existing mass notification deployments by local governmental
2-41 entities throughout this state and the feasibility of establishing
2-42 a statewide disaster alert system. The study must:

2-43 (1) identify the costs to local governmental entities
2-44 associated with existing local disaster alert or notification
2-45 systems;

2-46 (2) examine the potential benefits to local
2-47 governmental entities of implementing an alert system in
2-48 coordination with this state, including:

2-49 (A) improving this state's ability to coordinate
2-50 state and local responses to disasters; and

2-51 (B) eliminating barriers to successful mass
2-52 notification and communication encountered by local governmental
2-53 entities during disasters;

2-54 (3) examine the importance of a local governmental
2-55 entity's discretion regarding the entity's level and manner of
2-56 participation in the alert system;

2-57 (4) examine potential costs to local governmental
2-58 entities or this state associated with implementing the alert
2-59 system; and

2-60 (5) identify any state or local governmental entity
2-61 actions necessary to implement a comprehensive alert system.

2-62 (c) Not later than March 1, 2022, the division shall prepare
2-63 and submit to the governor, the lieutenant governor, and the
2-64 legislature a report on the findings of the study conducted under
2-65 this section.

2-66 (d) This section expires September 1, 2023.

2-67 SECTION 3. This Act takes effect immediately if it receives
2-68 a vote of two-thirds of all the members elected to each house, as
2-69 provided by Section 39, Article III, Texas Constitution. If this

3-1 Act does not receive the vote necessary for immediate effect, this
3-2 Act takes effect September 1, 2021.

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