

BILL ANALYSIS

C.S.H.B. 2320

By: Paul

Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The report issued by the Governor's Commission to Rebuild Texas, which was established following Hurricane Harvey, included recommendations for the state to do the following: continue to cultivate relationships with private technology providers to coordinate their assistance in the early days of a disaster when communications systems are damaged or destroyed; investigate ways to improve the hardening of utilities and facilities; improve oversight, accountability, and availability of individuals in the building trades offering services to disaster survivors; and increase utility customers' awareness of utility payment relief programs. C.S.H.B. 2320 seeks to act on these recommendations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2320 amends the Government Code to require the Texas Division of Emergency Management (TDEM), to the extent practicable and in collaboration with other appropriate entities selected by TDEM, to include private wireless communication, Internet, and cable service providers in the disaster planning process and to determine the availability of the providers' portable satellite communications equipment and portable mobile telephone towers to assist in response and recovery immediately following disasters.

C.S.H.B. 2320 requires TDEM to identify methods for hardening utility facilities and critical infrastructure, including hospitals and fire stations, in order to maintain operations of essential services during disasters. The bill requires TDEM, in collaboration with the Texas Commission on Environmental Quality, the Railroad Commission of Texas, and any other state agencies selected by TDEM, to determine methods for effectively reducing risks and impacts on utility facilities and critical infrastructure from a disaster and to encourage public and private entities that are responsible for utility facilities and critical infrastructure to implement the determined methods. The bill exempts from these provisions a utility facility owned or controlled by a utility regulated by the Public Utility Commission of Texas (PUC).

C.S.H.B. 2320 requires TDEM, not later than November 1, 2020, to submit a report to members of the legislature on improving the oversight, accountability, and availability of building trade services following disasters. The bill requires TDEM to consult with the Texas Department of Licensing and Regulation and any other state agencies selected by TDEM, local governments,

trade associations, and law enforcement groups in preparing the report and sets out the report's required contents. These provisions expire January 1, 2021.

C.S.H.B. 2320 amends the Utilities Code to require the PUC, in cooperation with TDEM, to promote public awareness of bill payment assistance available during a disaster for electric, water, and wastewater services, including assistance for consumers on level billing plans, and to provide the public with information about billing practices during a disaster to ensure consumers have an adequate understanding of their rights. The bill requires TDEM and the PUC to begin this public awareness campaign not later than December 1, 2019.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2320 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision requiring TDEM to collaborate with the Texas A&M AgriLife Extension Service and other appropriate entities in the disaster planning process regarding communications immediately following a disaster but includes a provision requiring the collaboration instead to be with other appropriate entities that are selected by TDEM.

The substitute, with respect to bill provisions requiring TDEM to identify methods for hardening utility facilities and critical infrastructure:

- does not include a provision requiring TDEM to collaborate with the extension service and the PUC in determining those methods but includes a provision requiring TDEM to collaborate instead with any state agencies selected by TDEM;
- does not include a provision requiring TDEM to locate utility facilities and critical infrastructure in Texas in determining those methods;
- includes a provision exempting utility facilities owned or controlled by a utility regulated by the PUC from those bill's provisions.

The substitute does not include a provision requiring TDEM to consult with the extension service and appropriate state entities in preparing the report on building trade services following disasters but includes a provision requiring TDEM to consult instead with any state agencies selected by TDEM.