

SUBJECT: Standards for emergency notification system by public service providers

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 8 ayes — S. Miller, Fletcher, Beck, Burnam, Driver, Flynn, Peña, Walle

0 nays

1 absent — Mallory Caraway

WITNESSES: For — *(Registered, but did not testify):* James (Drew) Campbell, Tech Radium; Heather Cooke, City of Austin, Austin Water Utility)

Against — *(Registered, but did not testify):* Mari Ruckel, Texas Oil and Gas Association)

On — Ben Downs, Texas Association of Broadcasters

DIGEST: CSHB 2257 would authorize public service providers to enter into contracts for emergency notification systems that use a dynamic information database to inform their customers, governmental entities, and others about disasters or emergencies and about required actions during disasters or emergencies.

The dynamic information databases would have to:

- be able to simultaneously transmit emergency messages to all recipients through at least two industry-standard gateways to at least one telephone or electronic device in a way that did not negatively impact the existing communications infrastructure;
- allow the public service provider to store prewritten emergency messages in the database and generate messages in real time based on provider inputs;
- allow recipients to select the language in which to hear the messages and transmit messages in that language;
- convert text messages to sound files and transmit those sound files;
- assign recipients to priority groups for notification; and
- allow recipients' responses to be collected and verified.

The dynamic information database would have to comply with specific federal programs and standards outlined in the bill.

Public service providers using emergency notification systems authorized by CSHB 2257 would be entitled to information that is confidential under Health and Safety Code laws dealing with 911 services information. The public service provider would be allowed to use this information only for the notification system authorized by the bill.

CSHB 2257 would apply to persons or entities that provide essential products or services to the public and are required to be regulated under the Natural Resources Code, Utilities Code, and Water Code, including common carriers in the Natural Resources Code, telecommunication providers under the Utilities Code, and others providing or producing heat, light, power, or water.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

CSHB 2257 would help ensure that information sent from service providers through third parties during disasters and emergencies was effective and targeted and did not strain the public communications system. Currently, public service providers like water and power companies may contract with a third party for a system to make notifications in an emergency, but such systems are not required to meet any minimum standards and may not use a targeted system to send out notifications. CSHB 2257 would solve this problem by establishing standards for these notification systems and requiring that they use a dynamic data base.

During an emergency, service providers may need to notify the public, first responders, and others about an emergency or a disaster or what to do during one of these events. For example, a utility might want to target messages to residents in one area about an impending flood, while not notifying those who would not be in danger, or a utility may want to notify residents of rolling power blackouts like the ones experienced this winter.

Some service providers have contracted with private entities to provide these notifications, but without minimum statewide standards, the quality

of these systems cannot be guaranteed. The standards in CSHB 2257 would give service providers confidence that any contractor they hired was offering a system that could operate effectively in an emergency and would meet the public's needs. Because public safety is at issue during disasters and emergencies, it would be appropriate for the state to establish minimum standards for these systems.

CSHB 2267 would establish reasonable minimum requirements to ensure that these third-party notification systems were effective and used dynamic databases, which allow portions of databases to be targeted. Using this type of database for notifications could help ensure that the telephone systems were not overwhelmed. Other standards would ensure quality systems by requiring that messages be translated into multiple formats so that they could be sent to more recipients simultaneously and that the system be able to group recipients by priority so that, for example, first responders could be notified before others. The technology to meet these requirements already is available and in use by a number of existing companies.

CSHB 2257 is permissive and would not require any public service provider to adopt a notification system. The bill would not replace traditional methods of spreading emergency information, such as the emergency alert system of broadcasters or state agency notifications. Instead, it would give public service providers an additional tool for disseminating emergency public service messages. Any notices sent through systems authorized in CSHB 2257 would be created and authorized by the service providers, not the third-party contractors.

The bill would authorize public service providers operating notification systems authorized by the bill to extract information from the 911 database to ensure that notifications could go to those who might be affected by an emergency. This information would include land-line phone numbers and addresses, not any personal data. The authorization would be in-line with the purpose of the database for emergency notifications and with others who have access to the information. CSHB 2257 would ensure that the privacy of any information taken from the 911 database was protected by limiting use of it to informing persons of a disaster or emergency. In addition, anyone using information in the 911 database would have to follow rules governing the database's usage.

Concerns about notification systems operating outside of a local area's

emergency management system are misguided because local service providers already are adopting their own notification systems and sending out information during emergencies. CSHB 2257 would bring uniformity and standards to these systems, but would not interfere with the current,

established notification systems that operate through local emergency management coordinators.

OPPONENTS
SAY:

The sending of emergency notifications should be coordinated as a part of the current emergency management system, which sends certain notifications and information through the emergency management director or coordinator for a local area. CSHB 2257 could perpetuate a fragmented system in which service providers send out notifications that are outside of this system.

NOTES:

The committee substitute made several changes to the original bill, including specifying that providers could enter into contracts for notification systems and limiting public service providers' use of information collected or received to notices of disasters or emergencies and actions required to be taken during disasters and emergencies.

The companion bill, SB 1238 by Carona, was scheduled for an April 13 public hearing by the Senate Transportation and Homeland Security Committee.