

SUBJECT: Prohibiting restrictions on mobile internet services during a disaster

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 9 ayes — Phelan, Deshotel, Guerra, Harless, P. King, Parker, Raymond,  
E. Rodriguez, Springer

0 nays

4 absent — Hernandez, Holland, Hunter, Smithee

WITNESSES: For — (*Registered, but did not testify*: Jose Alanis, Aidan Alvarado, John De Luna, and Julio Martinez, Laredo Fire Fighters Association; Bill Kelly, City of Houston Mayor's Office; Mauricio Esquivel and Juan Villarreal Jr., Mission Firefighters Association; Leroy Garcia, Mission Fire Association; Dan Finch, Texas Medical Association; Monty Wynn, Texas Municipal League; Michael Silva, Texas State Association of Fire Fighters)

Against — John Mason, AT&T; Lisa McCabe, CTIA; (*Registered, but did not testify*: Dana Chiodo, CompTIA; Chris Barron, State Firefighters and Fire Marshals Association; James Hines, Texas Association of Business; Brian Yarbrough, Texas EMS Trauma and Acute Care Foundation; Julie Acevedo, Texas Fire Chiefs Association; Noel Johnson, TMPA; Vance Ginn, Texas Public Policy Foundation; Deborah Giles, Texas Technology Consortium and Center for Technology)

On — (*Registered, but did not testify*: AJ Louderback, Sheriffs Association of Texas)

DIGEST: CSHB 1426 would prohibit a mobile internet service provider from impairing or degrading lawful mobile internet service access in an area subject to a declared state of disaster. The bill would define a "mobile internet service provider" as a person who provided mobile internet service to a wireless communications device.

The bill would not prohibit a mobile internet service provider from prioritizing first responder internet service access or a network service designated for use by emergency services personnel if there was network congestion in an area subject to a declared state of disaster.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

CSHB 1426 would ensure that emergency services and first responders were able to access mobile internet services during a disaster without experiencing throttled or reduced speeds.

During large fires in California in 2018, firefighters had their mobile internet connection restricted. After contacting their service provider, the fire department was told to purchase a larger, more expensive plan to remove their data cap. This restriction had a significant impact on the ability of the firefighters to provide emergency services. The bill would address this issue by allowing service providers to prioritize first responders, enabling firefighters and EMS to have the network capacity they need to coordinate activities in a declared disaster area.

Many rural municipalities rely on volunteers as first responders and cannot afford access to the nationwide broadband network for first responders, which means these individuals must rely on their personal devices for communication during a disaster. The bill would ensure such communication remained unrestricted, enabling Texans to use their cell phones to coordinate relief efforts to get help to those in need.

The bill is narrow in nature and only concerned with when the governor issues a disaster declaration for a specific location and time period.

**OPPONENTS  
SAY:**

CSHB 1426 would impose rigid standards on major mobile wireless providers that already work to prioritize mobile internet services for first responders. These providers need flexibility to manage their network during disasters, and the bill's language regarding speed impairment or degradation is vague, which could invite legal challenges.