

## BILL ANALYSIS

Senate Research Center  
87R17179 SRA-D

C.S.S.B. 865  
By: Creighton  
Business & Commerce  
4/1/2021  
Committee Report (Substituted)

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill directs the Texas Division of Emergency Management (TDEM) to conduct a study on the efficacy of existing mass notification deployments by local governmental entities throughout this state and the feasibility of establishing a statewide disaster alert system.

Not later than March 1, 2022, TDEM shall prepare and submit to the governor, the lieutenant governor, and the legislature a report on the findings of the study.

If, based on the findings of the study, TDEM and the Office of the Governor conclude that the benefits of implementing a coordinated alert system outweigh any additional costs, TDEM, with the cooperation of the governor's office and other appropriate state agencies and using money available for the purpose, shall develop and implement the alert system.

TDEM may activate the alert system if TDEM:

- determines a disaster has occurred;
- the occurrence or threat of disaster is imminent; or
- is notified of a declaration of disaster.

A participating local governmental entity may, in coordination with TDEM, choose the manner in which the alert system is activated and notifications are issued within the entity's geographic region.

\*Local governments are not required to participate\*

A notification issued under an alert system implemented under this subchapter may include information necessary to:

- assist a person affected by the disaster with making informed decisions regarding the person's safety;
- enable a person in another location in this state to assist an affected person.

TDEM may adopt rules necessary to implement this subchapter.

C.S.S.B. 865 directs TDEM, with the cooperation of the Texas Department of Transportation, the Office of the Governor, and the Public Utility Commission of Texas, to develop and implement an alert to be activated when the power supply in the state may be inadequate to meet demand.

The only difference between the two is that C.S.S.B. 865 includes the permissive study contained in the originally filed bill.

C.S.S.B. 865 amends current law relating to a power outage alert system and a study on a statewide disaster alert system.

## **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Public Utility Commission of Texas in SECTION 1 (Section 411.301, Government Code) of this bill.

Rulemaking authority is expressly granted to the director of public safety in SECTION 1 (Section 411.302, Government Code) of this bill.

## **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 411, Government Code, by adding Subchapter K-1, as follows:

### **SUBCHAPTER K-1. POWER OUTAGE ALERT**

Sec. 411.301. POWER OUTAGE ALERT. (a) Requires the Department of Public Safety of the State of Texas (DPS), with the cooperation of the Texas Department of Transportation (TxDOT), the Texas Division of Emergency Management (TDEM), the Office of the Governor, and the Public Utility Commission of Texas (PUC), to develop and implement an alert to be activated when the power supply in this state may be inadequate to meet demand.

(b) Requires the PUC by rule to adopt criteria for the content and activation of the alert described by Subsection (a). Requires that the criteria provide for an alert to be regional or statewide.

Sec. 411.302. ADMINISTRATION. (a) Provides that the public safety director (director) is the statewide coordinator of the power outage alert.

(b) Requires the director to adopt rules and issue directives as necessary to ensure proper implementation of the power outage alert. Requires that the rules and directives include the procedures to be used by the PUC and the independent organization certified under Section 39.151 (Essential Organizations), Utilities Code, to communicate with the director about the power outage alert.

Sec. 411.303. DEPARTMENT TO RECRUIT PARTICIPANTS. Requires DPS to recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the power outage alert system.

Sec. 411.304. STATE AGENCIES. (a) Requires a state agency participating in the power outage alert system to:

(1) cooperate with DPS and assist in developing and implementing the alert system; and

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

(b) Requires TxDOT, in addition to its duties as a state agency under Subsection (a), to establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across Texas.

Sec. 411.305. ACTIVATION OF POWER OUTAGE ALERT. (a) Requires DPS, when the PUC or an independent organization certified under Section 39.151, Utilities Code, notifies DPS that the power supply in this state or a region of Texas may be inadequate to meet demand, to confirm the accuracy of the information and, if confirmed, immediately issue a power outage alert under this subchapter in accordance with DPS rules.

(b) Requires DPS, in issuing the power outage alert, to send the alert to designated media outlets in this state. Authorizes participating radio stations and television stations and other participating media outlets, following receipt of the alert, to issue the alert at designated intervals.

Sec. 411.306. CONTENT OF POWER OUTAGE ALERT. Requires that the power outage alert include a statement that electricity customers may experience a power outage.

Sec. 411.307. TERMINATION OF POWER OUTAGE ALERT. Requires the director to terminate any activation of the power outage alert with respect to a particular energy emergency alert not later than the date DPS receives notice that the energy emergency alert has been canceled.

Sec. 411.308. LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Provides that TxDOT, notwithstanding Section 411.305(b), is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if TxDOT receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

SECTION 2. (a) Defines, in this section, "alert system" and "division."

(b) Requires TDEM to conduct a study on the efficacy of existing mass notification deployments by local governmental entities throughout this state and the feasibility of establishing a statewide disaster alert system. Requires that the study:

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

(2) examine the potential benefits to local governmental entities of implementing an alert system in coordination with this state, including improving this state's ability to coordinate state and local responses to disasters and eliminating barriers to successful mass notification and communication encountered by local governmental entities during disasters;

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

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

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

(c) Requires TDEM, not later than March 1, 2022, to prepare and submit to the governor, the lieutenant governor, and the legislature a report on the findings of the study conducted under this section.

(d) Provides that this section expires September 1, 2023.

SECTION 3. Effective date: upon passage or September 1, 2021.