

**SUBJECT:** Studying, implementing a statewide disaster alert system

**COMMITTEE:** State Affairs — committee substitute recommended

**VOTE:** 12 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter, P. King, Lucio, Metcalf, Raymond, Shaheen, Slawson

0 nays

1 absent — Smithee

**WITNESSES:** For — JP Urban, Association of Electric Companies of Texas; Chance Sparks, American Planning Association Texas Chapter; Cyrus Reed, Lone Star Chapter Sierra Club; Adrian Shelley, Public Citizen; Oscar Rodriguez, Texas Association of Broadcasters; Michele Richmond, Texas Competitive Power Advocates (TCPA); (*Registered, but did not testify*: Jeffrey Clark, Advanced Power Alliance; Jamaal Smith, City of Houston, Office of the Mayor Sylvester Turner; Luke Metzger, Environment Texas; Tristan Castañeda, Exelon; Tom Oney, Lower Colorado River Authority (LCRA); Shera Eichler, Oncor Cities Steering Committee and Texas Coalition for Affordable Power; Danielle Delgadillo, South Texas Electric Cooperative (STEC); Jeffrey Jacoby, Texas Campaign for the Environment; Joshua Houston, Texas Impact; Shana Joyce, Texas Oil and Gas Association; Thure Cannon, Texas Pipeline Association; Russell T. “Russ” Keene, Texas Public Power Association; Mance Zachary, Vistra Corporation; Georgia Keysor)

Against — None

On — (*Registered, but did not testify*: Thomas Gleeson, Public Utility Commission of Texas; Thomas Parkinson)

**DIGEST:** CSHB 12 would require the Texas Division of Emergency Management (TDEM) to study the feasibility of establishing a statewide disaster alert system and authorize TDEM to establish such an alert system.

Under the bill, a disaster would include a widespread power outage lasting longer than 24 hours.

**Study on statewide disaster alert system.** The bill would require TDEM to study the efficacy of existing mass notification deployments by local governmental entities and the feasibility of establishing a statewide disaster alert system. The study would have to:

- identify the costs to local governmental entities associated with existing local disaster alert or notification systems and the costs associated with implementing an alert system;
- examine the benefits to local governmental entities of implementing an alert system in coordination with the state;
- examine the importance of a local governmental entity's discretion on the level and manner of its participation in the alert system;
- examine the ability of local governmental entities to communicate with the ERCOT organization, the Public Utility Commission (PUC), and other public entities; and
- identify any state or local government actions necessary to implement a comprehensive alert system designed to communicate information about disasters, including an extended, widespread power outage.

On TDEM's request, the ERCOT organization, the PUC, and any public utility would have to provide information necessary to evaluate the implementation of a comprehensive alert system. Such information would be confidential and not subject to public disclosure under state law.

TDEM would have to report the study's findings to the governor, lieutenant governor, and the Legislature by March 1, 2022. The bill's provisions related to the study would expire September 1, 2027.

**Establishment of alert system.** TDEM, with the cooperation of the Office of the Governor, the PUC, and the ERCOT organization, could develop and implement a statewide disaster alert system to activate in the event of a disaster. If, based on the findings of the study, TDEM and the

Office of the Governor concluded that the benefits of implementing a coordinated alert system outweighed any additional costs, TDEM would have to develop and implement the alert system using money available for the purpose.

An alert system designed to communicate information about an extended and widespread power outage would have to apply to areas outside of the ERCOT power region.

**Activation, termination of alert system.** The bill would allow TDEM to immediately activate the alert system when it:

- determined a disaster had occurred or the occurrence or threat of disaster was imminent; or
- was notified of a declaration of disaster under the Texas Disaster Act.

A notification issued under the alert system could include information necessary to assist a person with making informed decisions about safety and to enable a person in another location in Texas to assist an affected person.

TDEM could terminate the activation of the alert system when:

- it determined that the threat or danger had passed or the disaster had been addressed so that emergency conditions no longer existed;
- the extended and widespread power outage had ended; or
- the state of disaster was terminated under the Texas Disaster Act.

**Participation in alert system.** A local governmental entity that chose to participate in an alert system could use available local funds and could contract with the Department of Public Safety for services associated with the alert system. A local governmental entity would not have to use local funds to assist a public utility with participating in the alert system.

A participating local governmental entity could choose the manner in

which the alert system was activated and notifications were issued within its geographic region. TDEM or the local governmental entity could issue updated notifications for the duration of the disaster.

Each public utility would be required to participate in the alert system, which could be operated in conjunction with any other emergency alert system required by federal or state law.

A public utility would be required to notify TDEM, the PUC, and the ERCOT organization, if the utility's service area was in ERCOT, of a widespread power outage that was likely to last more than 24 hours.

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, 2021.

**SUPPORTERS  
SAY:**

CSHB 12 would promote disaster preparedness and response by enabling better coordination between state and local entities and ensuring Texans were provided with vital public safety information prior to and during an emergency.

Recent disasters in Texas, including Hurricane Harvey in 2017 and Winter Storm Uri in February, have highlighted the need to provide consistent and updated information to the public during emergencies, especially if a disaster could impact the production and delivery of electricity, water, or gas. Many Texans reported that had they been provided such information during the winter storm, they could have made different decisions about emergency preparedness and safety.

**CRITICS  
SAY:**

Creating another alert system in addition to the AMBER, silver, and blue alert systems, among others, could lead to oversaturation and could desensitize the public to information, undermining the effectiveness of emergency alerts.

**OTHER  
CRITICS**

CSHB 12 should include the Texas Commission on Environmental Quality in the list of agencies required to consult TDEM, as natural

SAY: disasters could be preceded or followed by industrial disasters resulting from the shut down and start-up of facilities.

The bill should address ways to safeguard communication during a disaster. For example, an alert system that relied on mobile devices would be vulnerable to cell service outages. Any alert system should have redundancies and involve different levels of communication, including cell phone notifications and TV and radio broadcasts.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of about \$741,000 through fiscal 2022-23, or a negative impact of \$11.6 million if it were deemed necessary to implement a statewide disaster alert system.