

BILL ANALYSIS

Senate Research Center
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S.B. 1398
By: Hall
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Twenty-first century technology and today's geopolitical environment here significantly elevated the significant threats to the safety of Texas. In particular, the catastrophic effects of an electromagnetic pulse (EMP) event, either man-made or natural, could dramatically affect our lives as we know it. This is a nationwide threat; however, Texas stands alone in its ability to protect its electric grid from this threat. Texas is the only state with an electrical grid that is essentially isolated from the rest of the nation.

According to the Congressional EMP Commission the nation's power grid is vulnerable to the transmission of an EMP. Well-documented research expressly shows that an EMP has the proven power to incapacitate our electricity system without causing harm to humans or to create radiation or collateral blast damage. The EMP threat and its seriousness is not something newly discovered. For decades, the U.S. military has known about the widespread and catastrophic damage an EMP could cause. The military began requiring that most electronic equipment be designed and built to survive an EMP event. By its very nature, an EMP would render completely inoperative all unprotected electronic devices within its destructive radius. Modern motor vehicles will stop running; stand-by generators will not start; and water pumps will cease to work. There will be no communications; nothing electrical will operate.

The purpose of S.B. 1398 is to evaluate a plan to secure our state's critical infrastructure, outline a disaster plan, and set recovery requirements. By taking action we can significantly address our ability to survive and quickly rebound after an EMP event or inclement weather, such as hurricanes. Grid security would be a broad-based beneficial investment for businesses currently in Texas and make Texas more attractive for any business considering relocating. By taking measures Texas will remain an economic magnet for businesses and a safer place to raise a family.

Since Congress has, again, failed to take action to protect our nation by not addressing this well-documented homeland security threat, a number of state legislatures have decided to take action to protect their citizens. Maine was the first state to pass a grid protection bill in 2013, with wide bipartisan approval. Arizona legislature is requiring its emergency management agency to develop preparedness recommendations for the public in the event of an EMP or GMD (solar flares) incident. Florida, in 2014, issued a proposal that urged Congress to direct the Department of Homeland Security to request resources to protect the nation's grid and recover from the threats of natural or man-made events. Kentucky, in 2013, voted to establish an interagency working group to identify risk and assess the state's preparedness to respond to acts of war or terrorism, including an EMP. Louisiana asked the governor's emergency preparedness office to study the potential threats of a natural or man-made threat. Virginia passed legislation mandating a legislative commission to come up with a plan to protect against these threats. The 2014 grid-related measure passed the legislature unanimously. A facility in Wisconsin has installed a neutral ground blocking devices. Currently, Colorado, North Carolina, Oklahoma, and Indiana are debating electric grid protection issues in their state legislatures.

As proposed, S.B. 1398 amends current law relating to protection of critical infrastructure from electromagnetic, geomagnetic, terrorist, and cyber-attack threats.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 418, Government Code, by adding Subchapter I, as follows:

SUBCHAPTER I. ELECTROMAGNETIC THREAT PREPAREDNESS

Sec. 418.201. (a) Requires a technological hazards unit of the Texas Division of Emergency Management (TDEM) to:

- (1) implement a program to develop technical expertise in the protection of the electric transmission and distribution system against electromagnetic, geomagnetic, and cyber-attack threats;
- (2) identify and develop technical and electronic resources to assist the unit in the unit's functions;
- (3) implement a program to educate owners and operators of critical infrastructure and vital utility facilities and emergency responders about electromagnetic, geomagnetic, and cyber-attack threats;
- (4) determine critical infrastructure and vital utility facilities that are at risk from electromagnetic, geomagnetic, and cyber-attack threats;
- (5) evaluate emergency planning and response technologies related to electromagnetic, geomagnetic, and cyber-attack threats;
- (6) evaluate technologies available to improve the resiliency of critical infrastructure and vital utility facilities against electromagnetic, geomagnetic, or cyber-attack threats;
- (7) evaluate the capabilities of critical infrastructure and vital utility facilities to recover from electromagnetic, geomagnetic, or cyber-attack threats; and
- (8) develop a comprehensive plan to protect the critical infrastructure and vital utility facilities of this state against electromagnetic, geomagnetic, terrorist, and cyber-attack threats.

(b) Requires TDEM to implement the comprehensive plan to protect the critical infrastructure and vital utility facilities of this state against electromagnetic, geomagnetic, terrorist, and cyber-attack threats.

(c) Authorizes the governor of the State of Texas (governor) to instruct an agency to take actions as are necessary to implement the comprehensive plan.

(d) Requires the governor to develop a cost recovery mechanism for utilities that incur costs for measures taken to protect the critical infrastructure of this state against, and prepare the infrastructure for, electromagnetic, geomagnetic, terrorist, and cyber-attack threats.

SECTION 2. Effective date: upon passage or September 1, 2015.