

AN ACT

relating to preparing for, preventing, and responding to weather emergencies and power outages; increasing the amount of administrative and civil penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter K-1 to read as follows:

SUBCHAPTER K-1. POWER OUTAGE ALERT

Sec. 411.301. POWER OUTAGE ALERT. (a) With the cooperation of the Texas Department of Transportation, the Texas Division of Emergency Management, the office of the governor, and the Public Utility Commission of Texas, the department shall develop and implement an alert to be activated when the power supply in this state may be inadequate to meet demand.

(b) The Public Utility Commission of Texas by rule shall adopt criteria for the content, activation, and termination of the alert described by Subsection (a). The criteria must provide for an alert to be regional or statewide.

Sec. 411.302. ADMINISTRATION. (a) The director is the statewide coordinator of the power outage alert.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the power outage

organization certified under Section 39.151, Utilities Code, to communicate with the director about the power outage alert.

Sec. 411.303. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall 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) A state agency participating in the power outage alert system shall:

(1) cooperate with the department 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) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Sec. 411.305. ACTIVATION OF POWER OUTAGE ALERT. (a) When the Public Utility Commission of Texas or an independent organization certified under Section 39.151, Utilities Code, notifies the department that the criteria adopted under Section 411.301(b) for the activation of the alert has been met, the

1 subchapter in accordance with department rules.

2 (b) In issuing the power outage alert, the department shall  
3 send the alert to designated media outlets in this state. Following  
4 receipt of the alert, participating radio stations and television  
5 stations and other participating media outlets may issue the alert  
6 at designated intervals.

7 Sec. 411.306. CONTENT OF POWER OUTAGE ALERT. The power  
8 outage alert must include a statement that electricity customers  
9 may experience a power outage.

10 Sec. 411.307. TERMINATION OF POWER OUTAGE ALERT. The  
11 director shall terminate any activation of the power outage alert  
12 as soon as practicable after the Public Utility Commission of Texas  
13 or the Electric Reliability Council of Texas notifies the  
14 department that the criteria adopted under Section 411.301(b) for  
15 the termination of the alert has been met.

16 Sec. 411.308. LIMITATION ON PARTICIPATION BY TEXAS  
17 DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.304(b),  
18 the Texas Department of Transportation is not required to use any  
19 existing system of dynamic message signs in a statewide alert  
20 system created under this subchapter if that department receives  
21 notice from the United States Department of Transportation Federal  
22 Highway Administration that the use of the signs would result in the  
23 loss of federal highway funding or other punitive actions taken  
24 against this state due to noncompliance with federal laws,  
25 regulations, or policies.

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