

1 AN ACT

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

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

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

8 SUBCHAPTER K-1. POWER OUTAGE ALERT

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

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

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

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

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

3 Sec. 411.303. DEPARTMENT TO RECRUIT PARTICIPANTS. The  
4 department shall recruit public and commercial television and radio  
5 broadcasters, private commercial entities, state or local  
6 governmental entities, the public, and other appropriate persons to  
7 assist in developing and implementing the power outage alert  
8 system.

9 Sec. 411.304. STATE AGENCIES. (a) A state agency  
10 participating in the power outage alert system shall:

11 (1) cooperate with the department and assist in  
12 developing and implementing the alert system; and

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

16 (b) In addition to its duties as a state agency under  
17 Subsection (a), the Texas Department of Transportation shall  
18 establish a plan for providing relevant information to the public  
19 through an existing system of dynamic message signs located across  
20 the state.

21 Sec. 411.305. ACTIVATION OF POWER OUTAGE ALERT. (a) When  
22 the Public Utility Commission of Texas or an independent  
23 organization certified under Section 39.151, Utilities Code,  
24 notifies the department that the criteria adopted under Section  
25 411.301(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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