

By: Miller of Erath

H.B. No. 1765

A BILL TO BE ENTITLED

AN ACT

relating to an emergency public service messaging network.

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

SECTION 1. Chapter 418, Government Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. EMERGENCY PUBLIC SERVICE MESSAGING NETWORK

Sec. 418.201. DEFINITIONS. In this subchapter:

(1) "Digital display" means an electronic display that is in compliance with federal law and:

(A) is capable of displaying digital messages and images;

(B) for each display, measures at least 600 square feet, with a resolution of at least 15 millimeters;

(C) has emergency backup power for at least 24 hours of operation; and

(D) automatically adjusts to ambient light conditions and ensures the brightness of each display does not exceed .3 foot-candles over ambient light levels measured at a distance of 250 feet.

(2) "Emergency information network" means a system of digital displays that is controlled remotely from a centralized location.

(3) "Emergency management director" means a person designated to serve as emergency management director under Section

1 418.1015.

2 (4) "Health authority" has the meaning assigned by  
3 Section 81.003, Health and Safety Code.

4 Sec. 418.202. LOCAL PUBLIC HEALTH AND PUBLIC SAFETY ALERTS.

5 (a) With the cooperation of the Texas Department of Transportation  
6 and emergency management directors, the division shall develop and  
7 implement a system for municipalities and counties to issue local  
8 public health and public safety alerts through an emergency  
9 information network developed under Section 418.203.

10 (b) The local public health and public safety alerts may  
11 include:

12 (1) AMBER alerts or other alerts issued under  
13 Subchapter L, Chapter 411;

14 (2) silver alerts issued under Subchapter M, Chapter  
15 411;

16 (3) blue alerts issued under an executive order;

17 (4) homeland security alerts; and

18 (5) emergency public service messages provided to  
19 motorists:

20 (A) during a severe weather advisory;

21 (B) during an evacuation that has been ordered or  
22 recommended under this chapter; or

23 (C) following a declaration of a state of  
24 disaster issued under this chapter.

25 Sec. 418.203. EMERGENCY INFORMATION NETWORK. (a) In this  
26 section, "contractor" means a person who contracts with the  
27 division to implement the emergency information network.

1       (b) The division shall coordinate with the Texas Department  
2 of Transportation to implement an emergency information network  
3 along designated high traffic evacuation routes and highways in  
4 metropolitan areas located within 50 miles of a designated  
5 evacuation route. A digital display that is part of the emergency  
6 information network must be located only within the corporate  
7 limits or extraterritorial jurisdiction of a municipality.

8       (c) The emergency information network must be able to:

9           (1) display local public health and public safety  
10 alerts described by Section 418.202(b);

11           (2) display real-time information and relevant  
12 digital images regarding the availability of fuel, food, lodging,  
13 and 24-hour pharmacy services located along routes and highways  
14 described by Subsection (b); and

15           (3) quickly disseminate the information described by  
16 Subdivisions (1) and (2) to each digital display in the network.

17       (d) The emergency information network must include at least  
18 200 digital displays and, to the extent possible, use double-sided  
19 digital displays. The digital displays must be installed in a  
20 sufficient number and located in sufficiently high population and  
21 high traffic areas to ensure the emergency information network  
22 disseminates information to the maximum number of motorists.

23       (e) The division, through competitive bidding, shall  
24 contract with a person to implement the emergency information  
25 network at no cost to the state. The contract must include terms  
26 that require the contractor to:

27           (1) erect and maintain digital displays on private

1 property along routes and highways described by Subsection (b);

2 (2) display the local public health and public safety  
3 alerts described by Section 418.202(b);

4 (3) collect the information described by Subsection  
5 (c)(2); and

6 (4) display the information collected under  
7 Subdivision (3) on digital displays.

8 (f) The contractor must obtain a person's permission before  
9 the contractor may erect a digital display on the person's  
10 property.

11 (g) If a digital display authorized under this section is  
12 not being used to display the information described by Subsection  
13 (c), the contractor may:

14 (1) display commercial digital messages;

15 (2) charge the prevailing market rate for displaying  
16 commercial digital messages; and

17 (3) retain the prevailing market rate for displaying  
18 commercial digital messages.

19 (h) Not later than January 31 of each year, the contractor  
20 shall pay two and one-half percent of the gross revenue generated  
21 from each digital display during the preceding year to:

22 (1) the comptroller for deposit in the general revenue  
23 fund; and

24 (2) the municipality in whose corporate limits or  
25 extraterritorial jurisdiction the digital display is located.

26 (i) After the expiration of the contract described by  
27 Subsection (e), the contractor may continue to maintain the digital

1 displays erected by the contractor if the contractor continues to:

2 (1) display the local public health and public safety  
3 alerts described by Section 418.202(b); and

4 (2) make the payments required under Subsection (h).

5 (j) The contractor shall operate the emergency information  
6 network to maximize the payments required under Subsection (h).

7 (k) Notwithstanding other law, the location and erection of  
8 a digital display authorized under this section is governed only by  
9 federal law and this section.

10 (l) The division may adopt rules to implement this section.

11 (m) The division shall implement this section using  
12 existing resources.

13 Sec. 418.204. ADMINISTRATION. (a) The division shall  
14 coordinate the local public health and public safety alert system  
15 described by Section 418.202(a).

16 (b) The division shall adopt standards as necessary to  
17 ensure proper implementation of the alert system. The standards  
18 must address:

19 (1) the procedures to be used by a health authority to  
20 verify a threat to public health within the health authority's  
21 jurisdiction;

22 (2) the procedures to be used by a local law  
23 enforcement agency to verify a threat to public safety within the  
24 agency's jurisdiction; and

25 (3) the procedures to be used by an individual or  
26 entity to report information about a threat to public health or  
27 public safety.

1       (c) The division shall prescribe forms for use by an  
2 emergency management director for a municipality or county in  
3 requesting activation of the alert system.

4       Sec. 418.205. DUTIES OF TEXAS DIVISION OF EMERGENCY  
5 MANAGEMENT. The division shall:

6           (1) cooperate with the Texas Department of  
7 Transportation and emergency management directors and assist in  
8 developing and implementing the alert system described by Section  
9 418.202(a); and

10          (2) establish a plan for providing relevant  
11 information to the public in affected areas of the state through the  
12 emergency information network developed under Section 418.203.

13       Sec. 418.206. NOTIFICATION TO DIVISION OF LOCAL THREAT TO  
14 PUBLIC HEALTH OR PUBLIC SAFETY. (a) An emergency management  
15 director may notify the department if the emergency management  
16 director receives notice from:

17           (1) a health authority of a verified threat to public  
18 health within the health authority's jurisdiction; or

19           (2) a local law enforcement agency of a verified  
20 threat to public safety within the agency's jurisdiction.

21           (b) The emergency management director must determine that  
22 the information provided by a health authority or a local law  
23 enforcement agency poses a credible threat to the municipality or  
24 county.

25       Sec. 418.207. ACTIVATION. (a) On the request of an  
26 emergency management director, the division shall activate the  
27 alert system described by Section 418.202(a) and notify appropriate

1 participants in the alert system.

2 (b) The division shall send the alert to designated media  
3 outlets in the area affected by the public health or public safety  
4 threat. Following receipt of the alert, participating media  
5 outlets may issue the alert at designated intervals.

6 Sec. 418.208. CONTENT OF LOCAL PUBLIC HEALTH OR PUBLIC  
7 SAFETY ALERT. A local public health or public safety alert must  
8 include:

9 (1) all appropriate information that is provided by  
10 the emergency management director; and

11 (2) information on whom an individual in the affected  
12 area can contact for more information.

13 Sec. 418.209. TERMINATION OF LOCAL PUBLIC HEALTH OR PUBLIC  
14 SAFETY ALERT. (a) The division shall terminate any activation of  
15 the alert with respect to a local public health or public safety  
16 threat not later than the earlier of the time at which:

17 (1) the local public health or public safety threat is  
18 resolved; or

19 (2) the notification period ends, as determined by  
20 standards adopted by the division.

21 (b) An emergency management director that requests  
22 activation of the alert system under this subchapter shall notify  
23 the division as soon as possible that the local public health or  
24 public safety threat is resolved.

25 SECTION 2. The Texas Division of Emergency Management shall  
26 ensure the emergency information network under Section 418.203,  
27 Government Code, as added by this Act, is functionally operational

H.B. No. 1765

1 with at least 50 digital displays installed no later than June 30,  
2 2012.

3 SECTION 3. This Act takes effect September 1, 2011.