87R9482 JAM-D

By:  Hunter H.B. No. 3808

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a statewide alert system and education program to improve water safety in the state.

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

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

SUBCHAPTER S. JE'SANI ALERT SYSTEM FOR DANGEROUS WATER CONDITIONS

Sec. 411.541.  DEFINITIONS. In this subchapter:

(1)  "Alert system" means the Je'Sani Alert System.

(2)  "Dangerous water condition" means a condition in a major body of water that poses a threat to human life or safety and includes rip currents, rapid changes in water temperature, and storm surges.

Sec. 411.542.  JE'SANI ALERT SYSTEM. (a) With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate emergency response agencies, the department shall implement the Je'Sani Alert System to be activated to warn affected persons of a dangerous water condition.

(b)  The alert system may be operated in conjunction with any other emergency alert system required by federal or state law. The alert system must be designed to notify potentially affected persons of a dangerous water condition through available means including:

(1)  public and commercial television or radio broadcasts;

(2)  a system of dynamic message signs located across the state, including on signs located along highways leading to major bodies of water;

(3)  posting on an Internet website operated by a municipality, county, or state agency; and

(4)  reverse 9-1-1 calls, text messages, e-mails, social media, and other instant messaging systems.

Sec. 411.543.  ADMINISTRATION; RULES. (a) The director is the statewide coordinator of the alert system and shall ensure effective implementation of the system.

(b)  The director shall adopt rules to ensure effective implementation of the alert system. The rules must include instructions on the procedures for activating and deactivating the alert system and updating alerts made by the system.

Sec. 411.544.  PARTICIPATION BY OTHER PERSONS. (a) 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 alert system.

(b)  The department may enter into agreements with participants in the alert system to provide necessary support for the alert system.

Sec. 411.545.  ACTIVATION OF ALERT SYSTEM. (a) The department shall activate the alert system when the department becomes aware of a dangerous water condition.

(b)  In issuing the alert, the department shall send the alert to designated media outlets in this state.  Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals to assist in alerting the public to a dangerous water condition.

(c)  The department shall also send the alert to:

(1)  any appropriate law enforcement agency; and

(2)  the Texas Department of Transportation.

(d)  The director may promulgate additional criteria under Subsection (a) as necessary for the implementation of the alert system.

Sec. 411.546.  CONTENT OF ALERT. A notification issued under the alert system must include the following:

(1)  the name of the body of water in which the dangerous water condition is to occur;

(2)  the nature of the dangerous water condition;

(3)  the county in which the body of water, or the affected portion of the body of water, is located; and

(4)  the expected duration of the dangerous water condition.

Sec. 411.547.  STATE AGENCIES. (a) A state agency participating in the 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 or employees, as appropriate, once the alert system has been activated.

(b)  In addition to the requirements of 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. 411.548.  LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.457(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a program created under this subchapter if that department receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

Sec. 411.549.  TERMINATION. The director shall terminate an activation of the alert system when the dangerous water condition has passed.

SECTION 2.  Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.623 to read as follows:

Sec. 201.623.  KNOW THE FLAGS PROGRAM. (a) The department by rule shall establish a program that promotes beach safety by:

(1)  educating residents of this state about dangerous conditions that may exist at beaches in this state, including rip currents;

(2)  informing residents of this state of precautions that may help avoid encountering the dangerous conditions described by Subdivision (1), including information about the system of flags on public beaches that warn of dangerous tides and water conditions; and

(3)  disseminating the information described by this section through:

(A)  public and commercial television or radio broadcasts;

(B)  a system of dynamic message signs located across the state, including on signs located along highways leading to major bodies of water; and

(C)  posting on an Internet website operated by a governmental entity.

(b)  A local government may work with the department to participate in the program.

(c)  The department shall post a sign that complies with program requirements at a major highway leading to a public beach at the time a previously posted sign identifying the crossing or prohibiting dumping at the crossing is scheduled to be replaced.

(d)  Notwithstanding Subsection (a)(3)(B), the department is not required to use any existing system of dynamic message signs in a program created under this section if the department receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

SECTION 3.  This Act takes effect September 1, 2021.