

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

1 broadcasts;

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

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

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

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

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

16 Sec. 411.544. PARTICIPATION BY OTHER PERSONS. (a) The  
17 department shall recruit public and commercial television and radio  
18 broadcasters, private commercial entities, state or local  
19 governmental entities, the public, and other appropriate persons to  
20 assist in developing and implementing the alert system.

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

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

27 (b) In issuing the alert, the department shall send the

1 alert to designated media outlets in this state. Following receipt  
2 of the alert, participating radio stations and television stations  
3 and other participating media outlets may issue the alert at  
4 designated intervals to assist in alerting the public to a  
5 dangerous water condition.

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

7 (1) any appropriate law enforcement agency; and

8 (2) the Texas Department of Transportation.

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

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

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

16 (2) the nature of the dangerous water condition;

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

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

21 Sec. 411.547. STATE AGENCIES. (a) A state agency  
22 participating in the alert system shall:

23 (1) cooperate with the department and assist in  
24 developing and implementing the alert system; and

25 (2) establish a plan for providing relevant  
26 information to its officers or employees, as appropriate, once the  
27 alert system has been activated.

1       (b) In addition to the requirements of Subsection (a), the  
2 Texas Department of Transportation shall establish a plan for  
3 providing relevant information to the public through an existing  
4 system of dynamic message signs located across the state.

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

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

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

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

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

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

1 conditions; and

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

4 (A) public and commercial television or radio  
5 broadcasts;

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

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

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

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

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

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