

BILL ANALYSIS

Senate Research Center
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S.B. 971
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently the technology used to notify the public on high-traffic roadways of an emergency declaration or situation is antiquated and inefficient.

S.B. 971 seeks to establish an emergency information network of digital display signs located in highly trafficked roadways of the state to more efficiently notify the public of emergency situations.

The networking technology used in the emergency information network will allow for high quality images to be displayed to enhance awareness of the public and law enforcement of abducted children, missing senior citizens, and fugitives from justice. Current technology only allows for text to be displayed. All signs are required to have backup power systems and automatic dimming technology to reduce light pollution and power consumption.

This centralized network of digital display signs will allow the emergency network operator to tailor messages that are region-specific from a central location, without the need to manually input a message, like current technology requires. Cities, counties, and the state will all have access to the system to notify the public of any qualified emergency declarations.

Through a competitive bidding process, the Texas Division of Emergency Management will contract with a company to build and install the digital display signs on non-state property.

When the emergency information network is not being utilized during an emergency situation, the signs may be used to sell commercial messaging, with five percent of the gross revenue from the sale of the commercial messaging to be divided between the state and the municipalities in which the displays are located.

S.B. 971 requires that at least 50 digital displays be active by June 30, 2012, with no less than 200 signs to be installed when the emergency information network is fully deployed.

As proposed, S.B. 971 amends current law relating to an emergency public service messaging network.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Division of Emergency Management in SECTION 1 (Section 418.203, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 418, Government Code, by adding Subchapter I, as follows:

SUBCHAPTER I. EMERGENCY PUBLIC SERVICE MESSAGING NETWORK

Sec. 418.201. DEFINITIONS. Defines "digital display," "emergency information network," "emergency management director," and "health authority" in this subchapter.

Sec. 418.202. LOCAL PUBLIC HEALTH AND PUBLIC SAFETY ALERTS. (a) Requires the Texas Division of Emergency Management (division), with the cooperation of the Texas Department of Transportation (TxDOT) and emergency management directors, to develop and implement a system for municipalities and counties to issue local public health and public safety alerts through an emergency information network developed under Section 418.203.

(b) Authorizes the local public health and public safety alerts to include:

- (1) AMBER alerts or other alerts issued under Subchapter L (Statewide America's Missing: Broadcast Emergency Response (Amber) Alert System for Abducted Children), Chapter 411 (Department of Public Safety of the State of Texas);
- (2) silver alerts issued under Subchapter M (Silver Alert for Missing Senior Citizens), Chapter 411;
- (3) blue alerts issued under an executive order;
- (4) homeland security alerts; and
- (5) emergency public service messages provided to motorists during a severe weather advisory, during an evacuation that has been ordered or recommended under this chapter, or following a declaration of a state of disaster issued under this chapter.

Sec. 418.203. EMERGENCY INFORMATION NETWORK. (a) Defines "contractor" in this section.

(b) Requires the division to coordinate with TxDOT to implement an emergency information network along designated high traffic evacuation routes and highways in metropolitan areas located within 50 miles of a designated evacuation route. Requires that a digital display that is part of the emergency information network be located only within the corporate limits or extraterritorial jurisdiction of a municipality.

(c) Requires that the emergency information network be able to:

- (1) display local public health and public safety alerts described by Section 418.202(b);
- (2) display real-time information and relevant digital images regarding the availability of fuel, food, lodging, and 24-hour pharmacy services located along routes and highways described by Subsection (b); and
- (3) and quickly disseminate the information described by Subdivisions (1) and (2) to each digital display in the network.

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

(e) Requires the division, through competitive bidding, to contract with a person to implement the emergency information network at no cost to the state. Requires that the contract include terms that require the contractor to:

(1) erect and maintain digital displays on private property along routes and highways described by Subsection (b);

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

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

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

(f) Requires the contractor to obtain a person's permission before the contractor is authorized to erect a digital display on the person's property.

(g) Authorizes the contractor, if a digital display authorized under this section is not being used to display the information described by Subsection (c), to display commercial digital messages, charge the prevailing market rate for displaying commercial digital messages, and retain the prevailing market rate for displaying commercial digital messages.

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

(1) the comptroller of public accounts for deposit in general revenue fund; and

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

(i) Authorizes the contractor, after the expiration of the contract described by Subsection (e), to continue to maintain the digital displays erected by the contractor if the contractor continues to display the local public health and public safety alerts described by Section 418.202(b), and make the payments required under Subsection (h).

(j) Requires the contractor to operate the emergency information network to maximize the payments required under Subsection (h).

(k) Provides that notwithstanding other law, the location and erection of a digital display authorized under this section is governed only by federal law and this section.

(l) Authorizes the division to adopt rules to implement this section.

(m) Requires the division to implement this section using existing resources.

Sec. 418.204. ADMINISTRATION. (a) Requires the division to coordinate the local public health and public safety alert system described by Section 418.202(a)

(b) Requires the division to adopt standards as necessary to ensure proper implementation of the alert system. Requires that the standards address:

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

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

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

(c) Requires the division to prescribe forms for use by an emergency management director for a municipality or county in requesting activation of the alert system.

Sec. 418.205. DUTIES OF TEXAS DIVISION OF EMERGENCY MANAGEMENT. Requires the division to cooperate with TxDOT and emergency management directors and assist in developing and implementing the alert system described by Section 418.202(a), and establish a plan for providing relevant information to the public in affected areas of the state through the emergency information network developed under Section 418.203 (Emergency Information Network).

Sec. 418.206. NOTIFICATION TO DIVISION OF LOCAL THREAT TO PUBLIC HEALTH OR PUBLIC SAFETY. (a) Authorizes an emergency management director to notify the Texas Department of Public Safety (DPS) if the emergency management director receives notice from a health authority of a verified threat to public health within the health authority's jurisdiction, or a local law enforcement agency of a verified threat to public safety within the agency's jurisdiction.

(b) Requires the emergency management director to determine that the information provided by a health authority or a local law enforcement agency poses a credible threat to the municipality or county.

Sec. 418.207. ACTIVATION. (a) Requires the division, on the request of an emergency management director, to activate the alert system described by Section 418.202(a) and notify appropriate participants in the alert system.

(b) Requires the division to send the alert to designated media outlets in the area affected by the public health or public safety threat. Authorizes participating media, following receipt of the alert, to issue the alert at designated intervals.

Sec. 418.208. CONTENT OF LOCAL PUBLIC HEALTH OR PUBLIC SAFETY ALERT. Requires that a local public health or public safety alert include all appropriate information that is provided by the emergency management director, and information on whom an individual in the affected area can contact for more information.

Sec. 418.209. TERMINATION OF LOCAL PUBLIC HEALTH OR PUBLIC SAFETY ALERT. (a) Requires the division to terminate any activation of the alert with respect to a local public health or public safety threat not later than the earlier of the time which the local public health or public safety threat is resolved, or the notification period ends, as determined by standards adopted by the division.

(b) Requires an emergency management director that requests activation of the alert system under this subchapter to notify the division as soon as possible that the local public health or public safety threat is resolved.

SECTION 2. Requires the division to ensure the emergency information network under Section 418.203 (Emergency Information Network), Government Code, as added by this Act, is functionally operational with at least 50 digital displays installed no later than June 30, 2012.

SECTION 3. Effective date: September 1, 2011.