

BILL ANALYSIS

Senate Research Center

S.B. 2
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Disaster Preparedness & Flooding, Select
8/6/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The recent devastating flood event in Kerr County and throughout Central Texas highlights how critical flood early warning systems are to public safety. Many rural river systems in flash flood alley are home to youth camps, campsites, RV parks, and other large gathering sites near flood-prone rivers. With limited cell phone connectivity in parts of this region, there is a need to go back to old school technology, outdoor warning sirens, which we know work.

S.B. 2 requires the Texas Water Development Board (TWDB) to identify areas that have a history of severe flooding, as well as other relevant factors such as loss of human life to flooding and the existence of residences or other dwellings in flood-prone areas. Upon identifying these key areas, TWDB will direct the municipality or county on where to install outdoor warning siren systems.

The bill requires TWDB to adopt rules and procedures to implement the bill, including:

- Procedures for the operation of an outdoor warning siren in a flood-prone area of this state.
- Minimum standards for an outdoor warning siren installed, maintained, or operated in a flood-prone area.
- Minimum standards for a backup operating system capable of powering an outdoor warning siren in a flood-prone area that is different from the primary operating system.
- TWDB may consult with other entities when adopting their rules and procedures.

Lastly, S.B. 2 allows for the use of any money made available from the state to assist municipalities, counties, and other governmental entities in covering the costs of installing outdoor warning sirens.

As proposed, S.B. 2 amends current law relating to outdoor warning sirens in flood-prone areas.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Water Development Board in SECTION 1 (Section 16.502, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 16, Water Code, by adding Subchapter M, as follows:

SUBCHAPTER M. OUTDOOR WARNING SIRENS

Sec. 16.501. DEFINITIONS. Defines "flood-prone area" and "outdoor warning siren."

Sec. 16.502. OUTDOOR WARNING SIRENS REQUIRED IN FLOOD-PRONE AREAS. (a) Requires the Texas Water Development Board (TWDB) to identify each area of this state that:

- (1) has a history of consistent or severe flooding; and

(2) based on the history under Subdivision (1) and any other factor TWDB considers relevant, warrants the installation, maintenance, and operation of one or more outdoor warning sirens.

(b) Provides that other relevant factors TWDB is authorized to consider in making determinations under Subsection (a)(2) include, as to each area, loss of human life to flooding, the existence of residences or other dwelling structures in the flood-prone area, and the potential damage to real or personal property resulting from a flood.

(c) Requires TWDB, except as provided by Subsection (d), for each flood-prone area, to require the appropriate municipality or county to install, maintain, and operate one or more outdoor warning sirens in accordance with the rules adopted by TWDB under this section. Provides that if the site of the installation is in the boundaries of a municipality, the municipality is required to install, maintain, and operate the siren, or in the unincorporated area of a county, the county is required to install, maintain, and operate the siren.

(d) Prohibits TWDB from requiring an outdoor warning siren for an area in which a governmental entity already maintains and operates an outdoor warning siren that meets the minimum standards adopted by TWDB rule.

(e) Authorizes municipalities, counties, and other governmental entities by written agreement to jointly install, maintain, or operate an outdoor warning siren in a flood-prone area.

(f) Requires TWDB to require each county or municipality with an outdoor warning siren required under this section or any other governmental entity with an outdoor warning siren in a flood-prone area to regularly test the functionality of the outdoor warning siren and document the results of those tests.

(g) Provides that TWDB's determinations under this section on whether an area is a flood-prone area or requires an outdoor warning siren are final and binding.

(h) Requires TWDB to adopt rules and procedures to implement this section, including procedures for the operation of an outdoor warning siren in a flood-prone area of this state, minimum standards for an outdoor warning siren installed, maintained, or operated in a flood-prone area, and minimum standards for a backup operating system capable of powering an outdoor warning siren in a flood-prone area that is different from the primary operating system.

(i) Authorizes TWDB to consult with other entities when adopting rules and procedures to implement this section.

Sec. 16.503. GRANT PROGRAM FOR REQUIRED OUTDOOR WARNING SIRENS.

(a) Requires TWDB, using any money available for that purpose, to establish and administer a grant program to assist municipalities, counties, and other governmental entities with covering the costs of installing outdoor warning sirens required under Section 16.502.

(b) Requires TWDB to establish eligibility criteria for grant applicants, grant application procedures, guidelines relating to grant amounts, procedures for evaluating grant applications, and procedures for monitoring the use of a grant awarded under the program and ensuring compliance with any conditions of a grant.

SECTION 2. Effective date: upon passage or on the 91st day after the last day of the legislative session.