

BILL ANALYSIS

Senate Research Center

S.B. 3
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Finance
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Enrolled

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 floodprone 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. 3 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 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. 3 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.

S.B. 3 amends current law relating to outdoor warning sirens in flash flood-prone areas.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Water Development Board in SECTION 2 (Section 16.502, Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 418, Government Code, by adding Section 418.027, as follows:

Sec. 418.027. GRANT PROGRAM FOR REQUIRED OUTDOOR WARNING SIRENS. (a) Requires the Office of the Governor (governor's office), 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, Water Code.

(b) Requires the governor's office 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.

(c) Authorizes the governor to:

(1) transfer to a state agency any money necessary to carry out the grant program established under this section and the powers and duties established under Subchapter M, Chapter 16 (Provisions Generally Applicable to Water Development), Water Code; and

(2) delegate to a state agency the authority to administer the grant program established under this section, including any authority necessary for that state agency to transfer to an appropriate fund or account administered by the state agency any money transferred to the agency under Subdivision (1) and use money transferred under Subdivision (1) for the necessary and reasonable expenses incurred by the state agency in administering this section or Subchapter M, Chapter 16, Water Code.

SECTION 2. Amends Chapter 16, Water Code, by adding Subchapter M, as follows:

SUBCHAPTER M. OUTDOOR WARNING SIRENS

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

Sec. 16.502. OUTDOOR WARNING SIRENS REQUIRED IN FLASH FLOOD-PRONE AREAS. (a) Requires the Texas Water Development Board (TWDB) to identify each area in a flash flood-prone area 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 a flash flood-prone area, and the potential damage to real or personal property resulting from a flood.

(c) Requires the appropriate municipality or county, except as provided by Subsection (d), for each area identified under Subsection (a)(2), 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) Provides that an outdoor warning siren is not required for an area in which a governmental entity already maintains and operates an outdoor warning siren that meets the best management practices and guidance 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 required under this section.

(f) Requires 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 flash 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 identification under this section of an area that warrants an outdoor warning siren is final and binding.

(h) Requires TWDB to adopt rules and procedures to implement this section, including facilitating development of best management practices and guidance for the operation of an outdoor warning siren in a flash flood-prone area of this state and for an outdoor warning siren installed, maintained, or operated in a flash flood-prone area, including guidance that an outdoor warning siren be equipped with a backup power source that is different from the siren's primary power source.

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

(j) Prohibits TWDB from approving financial assistance, other than financial assistance for an outdoor warning siren, including assistance described by Section 418.027, Government Code, for a county or municipality until the county or municipality certifies to TWDB that it is in compliance with this section.

SECTION 3. Makes application of Section 16.502(j), Water Code, as added by this Act, prospective.

SECTION 4. Effective date: upon passage or the 91st day after the last day of the legislative session.