BILL ANALYSIS

Senate Research Center

H.B. 3111
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Transportation & Homeland Security
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

This past year, several deadly and damaging hurricanes struck both Florida and the Gulf of Mexico. These storms led Governor Perry to direct the Texas Office of Homeland Security to evaluate the state's hurricane preparedness and assess Texas' ability to respond to catastrophic hurricanes.

Currently, Section 418.018, Government Code, allows for local presiding officers to declare a local State of Disaster. However, one key recommendation by the Office of Homeland Security is to clarify local officials' authority with regards to evacuation mandates.

H.B. 3111 gives the county judge or mayor of a municipality the authority to order an evacuation in an emergency and allows those officials to control ingress to and egress from a disaster area.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 418.108, Government Code, by adding Subsections (f), (g), and (h), as follows:

> (f) Authorizes the county judge or the mayor of a municipality to order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the county or mayor if the county judge or mayor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.

> (g) Authorizes the county judge or the mayor of a municipality to control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge or mayor and control the movement of persons and the occupancy of premises in that area.

> (h) Provides that for the purposes of Subsections (f) and (g), the jurisdiction and authority of the county judge includes the incorporated and unincorporated areas of the county and to the extent of a conflict between decisions of the county judge and the mayor, the decision of the county judge prevails.

SECTION 2. Effective date: upon passage or September 1, 2005.