

BILL ANALYSIS

C.S.H.B. 3111

By: Corte
Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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

Currently, Section 418.018, Government Code allow 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.

CSHB 3111 gives the County Judge, or the Mayor of a Municipality the authority to order an evacuation in an emergency and it allows them to control ingress and egress from a disaster area.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill gives the County Judge or a Mayor of a municipality the authority to order an evacuation of all or part of the population during an emergency if the officer considers the action necessary to preserve life or mitigate other disasters, responses or recoveries.

This bill also gives the County Judge or Mayor the ability to control the entrances to and exits from the area and the flow of people in the area.

EFFECTIVE DATE

This Act takes effect immediately if it receives the necessary vote, otherwise it takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute version of the bill clarifies that the County Judge or Mayor of a municipality has the authority given in the bill.