

By: Corte

H.B. No. 3111

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authorizing the presiding officer of a political
3 subdivision to order an evacuation in certain emergency
4 circumstances.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 418.108, Government Code, is amended by
7 adding Subsections (f), (g), and (h) to read as follows:

8 (f) The county judge or the mayor of a municipality may
9 order the evacuation of all or part of the population from a
10 stricken or threatened area under the jurisdiction and authority of
11 the county judge or mayor if the county judge or mayor considers the
12 action necessary for the preservation of life or other disaster
13 mitigation, response, or recovery.

14 (g) The county judge or the mayor of a municipality may
15 control ingress to and egress from a disaster area under the
16 jurisdiction and authority of the county judge or mayor and control
17 the movement of persons and the occupancy of premises in that area.

18 (h) For purposes of Subsections (f) and (g):

19 (1) the jurisdiction and authority of the county judge
20 includes the incorporated and unincorporated areas of the county;
21 and

22 (2) to the extent of a conflict between decisions of
23 the county judge and the mayor, the decision of the county judge
24 prevails.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.