

1-1 By: Corte (Senate Sponsor - Janek) H.B. No. 3111
1-2 (In the Senate - Received from the House May 5, 2005;
1-3 May 8, 2005, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 20, 2005, reported
1-5 favorably by the following vote: Yeas 5, Nays 0; May 20, 2005, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to authorizing the presiding officer of a political
1-10 subdivision to order an evacuation in certain emergency
1-11 circumstances.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 418.108, Government Code, is amended by
1-14 adding Subsections (f), (g), and (h) to read as follows:

1-15 (f) The county judge or the mayor of a municipality may
1-16 order the evacuation of all or part of the population from a
1-17 stricken or threatened area under the jurisdiction and authority of
1-18 the county judge or mayor if the county judge or mayor considers the
1-19 action necessary for the preservation of life or other disaster
1-20 mitigation, response, or recovery.

1-21 (g) The county judge or the mayor of a municipality may
1-22 control ingress to and egress from a disaster area under the
1-23 jurisdiction and authority of the county judge or mayor and control
1-24 the movement of persons and the occupancy of premises in that area.

1-25 (h) For purposes of Subsections (f) and (g):

1-26 (1) the jurisdiction and authority of the county judge
1-27 includes the incorporated and unincorporated areas of the county;
1-28 and

1-29 (2) to the extent of a conflict between decisions of
1-30 the county judge and the mayor, the decision of the county judge
1-31 prevails.

1-32 SECTION 2. This Act takes effect immediately if it receives
1-33 a vote of two-thirds of all the members elected to each house, as
1-34 provided by Section 39, Article III, Texas Constitution. If this
1-35 Act does not receive the vote necessary for immediate effect, this
1-36 Act takes effect September 1, 2005.

1-37 * * * * *