

- SUBJECT:** Allowing mayor or county judge to order evacuations in an emergency
- COMMITTEE:** Defense Affairs and State-Federal Relations — committee substitute recommended
- VOTE:** 8 ayes — Corte, Campbell, Berman, Herrero, Leibowitz, Merritt, P. Moreno, Noriega
- 0 nays
- 1 absent — Hodge
- WITNESSES:** For — Jim Harrison, Office of the Governor - Division on Homeland Security; (*Registered, but did not testify:* Aaron Day, Fort Worth City Council, Mayor and City Manager’s Office)
- Against — None
- BACKGROUND:** Under Government Code, 418.018, the governor may recommend the evacuation of all or part of the population from a stricken or threatened area in the state if the governor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery. The governor may control ingress to and egress from and from a disaster area and the movement of persons and the occupancy of premises in the area.
- Sec. 418.108 allows the presiding officer of the governing body of a political subdivision to declare a local state of disaster. A declaration of a local state of disaster may not be continued or renewed for more than seven days without the consent of the governing body of the political subdivision. A declaration of local disaster activates the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans and authorizes the furnishing of aid and assistance under the declaration. The preparedness and response aspects of the plans are activated as provided in the plans.
- DIGEST:** CSHB 3111 would authorize the county judge or the mayor of a municipality to order all or part of the population to be evacuated from a stricken or threatened area under the jurisdiction of that county judge or

mayor if that official considered the action necessary for the preservation of life or other disaster mitigation, response, or recovery.

The bill also would authorize the county judge or mayor to control ingress to or egress from the disaster area and to control the movement of persons and the occupancy of premises in that area.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 3111 would give county judges and mayors the clear legal authority to order Texans out of their homes when a hurricane or other natural disaster threatened the state. Under current law, local officials can declare a local state of disaster, but they cannot order residents from their homes. In a hurricane or other natural disaster, there may not be sufficient time to wait for the governor to recommend that residents leave their homes.

The bill would take an important step in disaster preparedness by allowing these officials to order, rather than recommend, residents to evacuate. This was one of 18 recommendations included in a recent report to the governor's Office of Homeland Security on hurricane preparedness. In support of this recommendation, the report concluded that citizens in coastal areas in the path of a hurricane might be reluctant to evacuate voluntarily because Texas has not experienced a devastating hurricane for many years. However, according to the report, the vast majority of citizens would comply with a mandatory evacuation order, and local authorities should be given the ability to issue such an order to minimize potential loss of life.

Because county judges and mayors are close to the situation, they are in a better position to decide whether to require an evacuation than the governor. Many residents would be more likely to respond to these local officials than to an evacuation order made from Austin. Because these officials understand the complexity that may be involved in ordering evacuations, they would be unlikely to issue such an order if it were not necessary.

OPPONENTS
SAY:

Mandatory evacuations, even in the face of serious natural disasters such as hurricanes, are extremely serious and should be used only as a last resort. Local officials may be too quick to order residents to leave their homes. County judges and mayors should be given the authority to recommend that citizens evacuate, but only the governor should be able to order mandatory evacuations.

NOTES:

The original version of the bill would have authorized the presiding officer of a governing body of a political subdivision to order evacuations and control ingress to and egress from a disaster area.