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Senate approves bill to charge for disaster rescues

Gabriel Pruet The Orange Leader

The next time a mandatory evacuation is called in the state, residents might want to thing again before staying behind.

The Texas Senate recently passed and sent SB 12 to the Texas House of Representatives and the bill states residents could be liable to repay costs if a rescue is needed for someone who stayed behind.

The bill reads "a person is civilly liable to a governmental entity, that conducts a rescue on the person's behalf for the cost of the rescue" if several clauses are met.

The clauses include:

- The person knowingly ignored a mandatory evacuation order under this section
• A person engaged in activity or course of action that a reasonable person would not have engaged in or;
• Failed to take a course of action a reasonable person would have taken.
• The person's actions placed the person or another person in danger
• A governmental rescue effort was undertaken on the person's behalf.

The bill does protect officers and employees of the state or a political subdivision from the civil liability.

SB 12 also states "a county judge or mayor of a municipality who orders the evacuation of an area stricken or threatened by a disaster by order may compel persons who remain in the evacuated area to leave and may authorize the use of reasonable force to remove persons from the area."

Orange County Judge Carl Thibodeaux said he will always put the safety of residents first yet does not like to take residents out of their homes if they choose not to leave.

"I have some issues with this," Thibodeaux said. "I would never, ever take someone out of their home in a hurricane evacuation. They have their reasons to stay."

Thibodeaux said part of the reasons people choose to stay with their homes is they do not have the funds to evacuate and FEMA does not reimburse for evacuating.

"I'd hate to take someone out of their home," Thibodeaux said. "Now if there is a wildfire 100 feet from a home, then yes we will get them out. Hurricanes are much different. I won't be marshall law. These people who pass these laws are not the people here helping with evacuations. I don't like it."

State Bill 12 was authored by Sen. John Carona of Dallas and Dan Patrick of Houston.

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