A BILL TO BE ENTITLED

1   AN ACT

2 relating to territory in an emergency services district that is

3 annexed by a municipality.

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

5   SECTION 1. Section 775.022, Health and Safety Code, is

6 amended by amending Subsection (a) and adding Subsections (a-1) and

7 (h) to read as follows:

8   (a) If a municipality completes all other procedures

9 necessary to annex territory in a district, including the

10 preparation of a service plan if required by Section 43.056, Local

11 Government Code, and if the municipality intends to remove the

12 territory from the district and be the sole provider of emergency

13 services to the territory by the use of municipal personnel or by

14 some method other than by use of the district, the municipality

15 shall send written notice of those facts, and the completed service

16 plan if applicable, to the board not later than the 30th day after

17 completing the necessary procedures. The municipality must send the

18 notice to the secretary of the board by certified mail, return

19 receipt requested. Except as provided by Subsection (a-1), the

20 [The] territory remains part of the district and does not become

21 part of the municipality until the secretary of the board receives

22 the notice. Except as provided by Subsection (a-1), on [On] receipt

23 of the notice, the board shall immediately change its records to

24 show that the territory has been disannexed from the district and

1 shall cease to provide further services to the residents of that

2 territory. This subsection does not require a municipality to

3 remove from a district territory the municipality has annexed.

4 (a-1) If a service plan is required by Section 43.056, Local

5 Government Code, for an annexation described by Subsection (a), not

6 later than the 30th day after the date the board receives a notice

7 under Subsection (a), the board shall determine whether the service

8 plan is sufficient to ensure that municipal services planned to be

9 provided in the annexed territory will meet or exceed the level of

10 service provided by the district in that territory. If the board

11 determines that municipal services planned to be provided in the

12 annexed territory will meet or exceed the level of service provided

13 by the district in that territory, the board shall adopt an order

14 disannexing the territory from the district, notify the appraisal

15 district to change its records to show that the territory has been

16 disannexed from the district, and cease to provide further services

17 to the residents of that territory. If the board determines that the

18 municipal services planned to be provided in the annexed territory

19 will not meet or exceed the level of service provided by the

20 district in that territory, the board may not adopt an order

21 disannexing the territory from the district. For the purposes of

22 this subsection, "level of service" for fire protection means the

23 location, deployment, and response time of fire suppression

24 resources originally dispatched to a structural or wildland fire.

25 (h) After territory is disannexed from a district under this

26 section, if the district or a service provider that contracts with

27 the district is dispatched or requested to provide services in the

1 territory, and the services are not part of or are in excess of an

2 automatic mutual aid or other mutual aid agreement between the

3 municipality and the district, the municipality shall compensate

4 the district for the cost of services provided in an amount

5 determined by the district not later than the 30th day after the

6 date on which the district provides the municipality a request for

7 payment. A payment made under this subsection is subject to

8 Subchapter B, Chapter 2251, and Section 2251.043, Government Code.

9   SECTION 2. This Act takes effect September 1, 2023.