

AN ACT

relating to a plan to provide services to an area annexed by a municipality.

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

SECTION 1. Section 43.052, Local Government Code, is amended by adding Subsection (k) to read as follows:

(k) Notwithstanding the restrictions imposed by Subsections (e) and (g), under an agreement described by Section 43.0563 a municipality may annex an area for full or limited purposes at any time on petition of the owner of the area for the annexation if the area:

(1) is in the municipality's annexation plan; or

(2) was previously in the municipality's annexation plan but removed under Subsection (e).

SECTION 2. Section 43.056(b), Local Government Code, is amended to read as follows:

(b) The service plan, which must be completed in the period provided by Subsection (a) before the annexation, must include a program under which the municipality will provide full municipal services in the annexed area no later than 2-1/2 years after the effective date of the annexation, in accordance with Subsection (e), unless certain services cannot reasonably be provided within that period and the municipality proposes a schedule for providing those services, and must include a list of all services required by

1 this section to be provided under the plan. If the municipality
2 proposes a schedule to extend the period for providing certain
3 services, the schedule must provide for the provision of full
4 municipal services no later than 4-1/2 years after the effective
5 date of the annexation. [~~If the area was annexed after December 1,~~
6 ~~1998, and before September 1, 1999, the municipality shall provide~~
7 ~~sewer services in the annexed area as provided by this subsection,~~
8 ~~except that, no later than five years after the effective date of~~
9 ~~the annexation, the municipality may not provide sewer services in~~
10 ~~the annexed area by means of a package wastewater treatment plant.]~~

11 However, under the program if the municipality provides any of the
12 following services within the corporate boundaries of the
13 municipality before annexation, the municipality must provide
14 those services in the area proposed for annexation on the effective
15 date of the annexation of the area:

- 16 (1) police protection;
- 17 (2) fire protection;
- 18 (3) emergency medical services;
- 19 (4) solid waste collection, except as provided by
20 Subsection (o);
- 21 (5) operation and maintenance of water and wastewater
22 facilities in the annexed area that are not within the service area
23 of another water or wastewater utility;
- 24 (6) operation and maintenance of roads and streets,
25 including road and street lighting;
- 26 (7) operation and maintenance of parks, playgrounds,
27 and swimming pools; and

1 (8) operation and maintenance of any other publicly
2 owned facility, building, or service.

3 SECTION 3. Section 43.0563, Local Government Code, is
4 amended by amending Subsection (a) and adding Subsection (a-1) to
5 read as follows:

6 (a) The governing body of a municipality with a population
7 of less than 1.6 million may negotiate and enter into a written
8 agreement ~~[with representatives designated under Section~~
9 ~~43.0562(b)]~~ for the provision of services and the funding of the
10 services in an [the] area with:

11 (1) representatives designated under Section
12 43.0562(b), if the area is included in the municipality's
13 annexation plan; or

14 (2) an owner of an area within the extraterritorial
15 jurisdiction of the municipality if the area is not included in the
16 municipality's annexation plan.

17 (a-1) An [The] agreement under this section may also include
18 an agreement related to permissible land uses and compliance with
19 municipal ordinances.

20 SECTION 4. Section 43.0564(a), Local Government Code, is
21 amended to read as follows:

22 (a) If the municipality and the representatives of the area
23 proposed for annexation cannot reach an agreement for the provision
24 of services under Section 43.0562 or if the municipality and the
25 property owner representatives described by Section 43.0563(a)(1)
26 cannot reach an agreement for the provision of services in lieu of
27 annexation under Section 43.0563, either party by majority decision

1 of the party's representatives may request the appointment of an
2 arbitrator to resolve the service plan issues in dispute. The
3 request must be made in writing to the other party before the 60th
4 day after the date the service plan is completed under Section
5 43.056. The municipality may not annex the area under another
6 section of this chapter during the pendency of the arbitration
7 proceeding or an appeal from the arbitrator's decision.

8 SECTION 5. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 610 was passed by the House on April 25, 2007, by the following vote: Yeas 140, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 610 on May 25, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 610 on May 27, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 610

I certify that H.B. No. 610 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 610 on May 27, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor