

SENATE AMENDMENTS

2nd Printing

By: Brown of Brazos, Zedler, Flynn, Crabb,
et al.

H.B. No. 610

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a plan to provide services to an area annexed by a
3 municipality.

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

5 SECTION 1. Section 43.056(b), Local Government Code, is
6 amended to read as follows:

7 (b) The service plan, which must be completed in the period
8 provided by Subsection (a) before the annexation, must include a
9 program under which the municipality will provide full municipal
10 services in the annexed area no later than 2-1/2 years after the
11 effective date of the annexation, in accordance with Subsection
12 (e), and include a list of all services required by this section to
13 be provided under the plan. [~~unless certain services cannot~~
14 ~~reasonably be provided within that period and the municipality~~
15 ~~proposes a schedule for providing those services. If the~~
16 ~~municipality proposes a schedule to extend the period for providing~~
17 ~~certain services, the schedule must provide for the provision of~~
18 ~~full municipal services no later than 4-1/2 years after the~~
19 ~~effective date of the annexation. If the area was annexed after~~
20 ~~December 1, 1998, and before September 1, 1999, the municipality~~
21 ~~shall provide sewer services in the annexed area as provided by this~~
22 ~~subsection, except that, no later than five years after the~~
23 ~~effective date of the annexation, the municipality may not provide~~
24 ~~sewer services in the annexed area by means of a package wastewater~~

1 ~~treatment plant.~~] However, under the program if the municipality
2 provides any of the following services within the corporate
3 boundaries of the municipality before annexation, the municipality
4 must provide those services in the area proposed for annexation on
5 the effective date of the annexation of the area:

6 (1) police protection;

7 (2) fire protection;

8 (3) emergency medical services;

9 (4) solid waste collection, except as provided by
10 Subsection (o);

11 (5) operation and maintenance of water and wastewater
12 facilities in the annexed area that are not within the service area
13 of another water or wastewater utility;

14 (6) operation and maintenance of roads and streets,
15 including road and street lighting;

16 (7) operation and maintenance of parks, playgrounds,
17 and swimming pools; and

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

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2007.

ADOPTED

MAY 23 2007

Atty. Gen. Paul
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: Wentworth

1 Amend H.B. No. 610 (senate committee printing) by adding the
2 following appropriately numbered sections to the bill and
3 renumbering subsequent sections of the bill accordingly:

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

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

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

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

14 SECTION _____. Section 43.0563, Local Government Code, is
15 amended by amending Subsection (a) and adding Subsection (a-1) to
16 read as follows:

17 (a) The governing body of a municipality with a population
18 of less than 1.6 million may negotiate and enter into a written
19 agreement [~~with representatives designated under Section~~
20 ~~43.0562(b)] for the provision of services and the funding of the
21 services in an [the] area with:~~

22 (1) representatives designated under Section
23 43.0562(b), if the area is included in the municipality's
24 annexation plan; or

25 (2) an owner of an area within the extraterritorial
26 jurisdiction of the municipality if the area is not included in the
27 municipality's annexation plan.

28 (a-1) An [The] agreement under this section may also include
29 an agreement related to permissible land uses and compliance with

1 municipal ordinances.

2 SECTION _____. Section 43.0564(a), Local Government Code, is
3 amended to read as follows:

4 (a) If the municipality and the representatives of the area
5 proposed for annexation cannot reach an agreement for the provision
6 of services under Section 43.0562 or if the municipality and the
7 property owner representatives described by Section 43.0563(a)(1)
8 cannot reach an agreement for the provision of services in lieu of
9 annexation under Section 43.0563, either party by majority decision
10 of the party's representatives may request the appointment of an
11 arbitrator to resolve the service plan issues in dispute. The
12 request must be made in writing to the other party before the 60th
13 day after the date the service plan is completed under Section
14 43.056. The municipality may not annex the area under another
15 section of this chapter during the pendency of the arbitration
16 proceeding or an appeal from the arbitrator's decision.

BY: Ray Ward

1 Amend H.B. No. 610 (House engrossment) in Section 1 of the
 2 bill, in amended Section 43.056(b), Local Government Code (page
 3 ~~1~~ lines ~~12~~ through ~~19~~), by striking the language beginning with
 4 "and include a list" and ending with "~~after the effective date~~
 5 ~~of the annexation.~~" and substituting "unless certain services
 6 cannot reasonably be provided within that period and the
 7 municipality proposes a schedule for providing those services,
 8 and must include a list of all services required by this section
 9 to be provided under the plan. If the municipality proposes a
 10 schedule to extend the period for providing certain services,
 11 the schedule must provide for the provision of full municipal
 12 services no later than 4-1/2 years after the effective date of
 13 the annexation."

ADOPTED

MAY 23 2007

Leta Spaw
Secretary of the Senate

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COMMITTEE AMENDMENT NO. 2

BY: 

1 Amend H.B. No. 610 (house engrossment) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION ____ . Section 214.199, Local Government Code, is
5 amended to read as follows:

6 Sec. 214.199. EXCEPTION OF MUNICIPALITY FROM ALARM SYSTEM
7 RESPONSE. (a) The governing body of a municipality may not adopt
8 an ordinance or policy providing that law enforcement personnel of
9 the municipality will not respond to any alarm signal indicated by
10 an alarm system in the municipality unless, before adopting the
11 ordinance or policy, the governing body of the municipality:

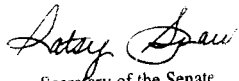
12 (1) makes reasonable efforts to notify permit holders
13 of its intention to adopt the ordinance or policy; and

14 (2) conducts a public hearing at which persons
15 interested in the response of the municipality to alarm systems are
16 given the opportunity to be heard.

17 (b) A municipality that adopts an ordinance or policy under
18 this section may not impose or collect any fine, fee, or penalty
19 otherwise authorized by this subchapter.

ADOPTED

MAY 23 2007


Secretary of the Senate

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB610** by Brown, Fred (Relating to a plan to provide services to an area annexed by a municipality.), **Committee Report 2nd House, As Amended**

No fiscal implication to the State is anticipated.

The bill would amend Subsection (b) of Section 43.056, Local Government Code, to require a municipality, when annexing an area, to complete a service plan in the timeframes specified in Subsection (a) before annexation and to include a list of all services required by Section 43.056 to be provided under the plan.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 14, 2007

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB610 by Brown, Fred (Relating to a plan to provide services to an area annexed by a municipality.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend Subsection (b) of Section 43.056, Local Government Code, to require a municipality, when annexing an area, to include in the service plan a list of all services required by the section to be provided under the plan. The service plan must be completed in the timeframes specified in Subsection (a) before annexation. The bill would remove from statute the option to establish a schedule for phasing in provision of services.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 15, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB610** by Brown, Fred (Relating to a plan to provide services to an area annexed by a municipality.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend Subsection (b) of Section 43.056, Local Government Code, to require a municipality, when annexing an area, to include in the service plan a list of all services required by the section to be provided under the plan. The service plan must be completed in the timeframes specified in Subsection (a) before annexation. The bill would remove from statute the option to establish a schedule for phasing in provision of services.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 5, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB610 by Brown, Fred (Relating to a plan to provide services to an area annexed by a municipality.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would require a municipality, when annexing an area, to include in the service plan a list of all services required by statute to be provided under the plan. If the municipality cannot reasonably provide those services within two and one-half years after the effective date of the annexation, the municipality would be required to list those services in the service plan and propose in the plan a schedule for providing them.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, WK, DB