

House Bill 610
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SECTION 1. 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), and include a list of all services required by this section to be provided under the plan. ~~[unless certain services cannot reasonably be provided within that period and the municipality proposes a schedule for providing those services. If the municipality proposes a schedule to extend the period for providing certain services, the schedule must provide for the provision of full municipal services no later than 4 1/2 years after the effective date of the annexation. If the area was annexed after December 1, 1998, and before September 1, 1999, the~~

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SECTION __. 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 1. 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 this section to be provided under the plan. ~~If the municipality proposes a schedule to extend the period for providing certain services, the schedule must provide for the provision of full municipal services no later than 4 1/2 years after the effective date of the annexation. [If the area was annexed after December 1, 1998, and before September 1, 1999, the municipality~~

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~~municipality shall provide sewer services in the annexed area as provided by this subsection, except that, no later than five years after the effective date of the annexation, the municipality may not provide sewer services in the annexed area by means of a package wastewater treatment plant.]~~ However, under the program if the municipality provides any of the following services within the corporate boundaries of the municipality before annexation, the municipality must provide those services in the area proposed for annexation on the effective date of the annexation of the area:

- (1) police protection;
- (2) fire protection;
- (3) emergency medical services;
- (4) solid waste collection, except as provided by Subsection (o);
- (5) operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
- (6) operation and maintenance of roads and streets, including road and street lighting;
- (7) operation and maintenance of parks, playgrounds, and swimming pools; and
- (8) operation and maintenance of any other publicly owned facility, building, or service.

No equivalent provision.

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~~shall provide sewer services in the annexed area as provided by this subsection, except that, no later than five years after the effective date of the annexation, the municipality may not provide sewer services in the annexed area by means of a package wastewater treatment plant.]~~ However, under the program if the municipality provides any of the following services within the corporate boundaries of the municipality before annexation, the municipality must provide those services in the area proposed for annexation on the effective date of the annexation of the area:

- (1) police protection;
- (2) fire protection;
- (3) emergency medical services;
- (4) solid waste collection, except as provided by Subsection (o);
- (5) operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
- (6) operation and maintenance of roads and streets, including road and street lighting;
- (7) operation and maintenance of parks, playgrounds, and swimming pools; and
- (8) operation and maintenance of any other publicly owned facility, building, or service.

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

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

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

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

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

No equivalent provision.

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

(a) If the municipality and the representatives of the area proposed for annexation cannot reach an agreement for the provision of services under Section 43.0562 or if the municipality and the property owner representatives described by Section 43.0563(a)(1) cannot reach an agreement for the provision of services in lieu of annexation under Section 43.0563, either party by majority decision of the party's representatives may request the appointment of an arbitrator to resolve the service plan issues in dispute. The request must be made in writing to the other party before the 60th day after the

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date the service plan is completed under Section 43.056. The municipality may not annex the area under another section of this chapter during the pendency of the arbitration proceeding or an appeal from the arbitrator's decision.

No equivalent provision.

SECTION __. Section 214.199, Local Government Code, is amended to read as follows:

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

- (1) makes reasonable efforts to notify permit holders of its intention to adopt the ordinance or policy; and
 - (2) conducts a public hearing at which persons interested in the response of the municipality to alarm systems are given the opportunity to be heard.
- (b) A municipality that adopts an ordinance or policy under this section may not impose or collect any fine, fee, or penalty otherwise authorized by this subchapter.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III,

Same as House version.

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Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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