

BILL ANALYSIS

C.S.H.B. 2170
By: Rodriguez, Eddie
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that current law does not explicitly address the impact that an annexation can have on the provision of fire, police, and emergency medical services in the annexed area. C.S.H.B. 2170 seeks to ease the concerns of those residents and taxpayers in the territory of an emergency services district that is annexed by a municipality by ensuring that an annexation does not reduce fire protection, police protection, or emergency medical services.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2170 amends the Health and Safety Code to specify that the requirement for certain municipalities annexing district territory to submit written notice to the district's board of emergency services commissioners regarding the intention of the municipality to annex the territory and provide emergency services to that territory applies to a municipality that intends to remove the territory from the district and be the sole provider of such emergency services. The bill clarifies that this requirement does not require a municipality to remove territory from a district the municipality has annexed, and clarifies that the requirement for a municipality to compensate a district immediately after annexation of a territory is contingent on whether the municipality removes territory from the district.

C.S.H.B. 2170 amends the Local Government Code to prohibit a service plan completed by a municipality in a county with a population of more than one million and less than 1.5 million proposing the annexation of a territory of an emergency services district, and that provides for the extension of full municipal services to the area to be annexed, from providing services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the area before annexation. The bill also prohibits the plan from causing a reduction in fire and police protection and emergency medical services within the area to be annexed below that of areas within the corporate boundaries of the municipality with similar topography, land use, and population density. The bill establishes that for a municipality that has adopted the firefighters' and police officers' civil service law and directly employs firefighters, a service plan that includes the provision of services to an area that, at the time of the service plan's adoption, is located in the territory of an emergency services district must require the municipality's fire department to provide initial response to the annexed territory that is equivalent to that provided to other areas within the corporate boundaries of the municipality with similar topography, land use, and population density; may not provide for municipal fire services to the annexed area solely or primarily by means of an automatic aid or mutual aid agreement with the affected emergency services district or other third-party provider of services; and may authorize the emergency services district to provide supplemental fire and emergency medical services to the annexed area by means of an automatic aid or mutual aid agreement.

C.S.H.B. 2170 clarifies that statutory provisions relating to municipal annexation do not affect the obligation of a municipality that has adopted the firefighters' and police officers' civil service law to provide police, fire, or emergency medical services within the municipality's corporate boundaries by means of personnel classified in accordance with those provisions.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2170 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 775.022(a) and (c), Health and Safety Code, are amended to read as follows:

(a) If a municipality completes all other procedures necessary to annex territory in a district and if the municipality intends to remove the territory from the district and be the sole provider of ~~provide~~ emergency services to the territory by the use of municipal personnel or by some method other than by use of the district, the municipality shall send written notice of those facts ~~that fact~~ to the board. The municipality must send the notice to the secretary of the board by certified mail, return receipt requested. The territory remains part of the district and does not become part of the municipality until the secretary of the board receives the notice. On receipt of the notice, the board shall immediately change its records to show that the territory has been disannexed from the district and shall cease to provide further services to the residents of that territory. This subsection does not require a municipality to remove from a district territory the municipality has annexed.

(c) If a municipality removes ~~annexes~~ territory from ~~in~~ a district that the municipality has annexed, the municipality shall compensate the district immediately after disannexation of the territory under Subsection (a) in an amount equal to the annexed territory's pro rata share of the district's bonded and other indebtedness as computed according to the formula in Subsection (e). The district shall apply

SECTION 1. Section 43.056, Local Government Code, is amended by amending Subsection (f) and adding Subsection (p) to read as follows:

(f) A service plan may not:

(1) require the creation of another political subdivision;

(2) require a landowner in the area to fund the capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner; or

(3) provide services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the area ~~[corporate boundaries of the municipality before annexation].~~

(p) An annexation plan that includes the annexation of territory of an emergency services district may provide that the required fire and police protection and emergency medical services in the area of the district be provided by the emergency services district or by cooperation of the municipality and the district.

~~No equivalent provision.~~

compensation received from a municipality under this subsection exclusively to the payment of the annexed territory's pro rata share of the district's bonded and other indebtedness.

SECTION 2. Section 43.056, Local Government Code, is amended by amending Subsection (f) and adding Subsections (p) and (q) to read as follows:

(f) A service plan may not:

(1) require the creation of another political subdivision;

(2) require a landowner in the area to fund the capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner; ~~[or]~~

(3) provide services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation;

(4) provide services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the area before annexation; or

(5) cause a reduction in fire and police protection and emergency medical services within the area to be annexed below that of areas within the corporate boundaries of the municipality with similar topography, land use, and population density.

~~No equivalent provision.~~

(p) This subsection applies only to a municipality in a county with a population of more than one million and less than 1.5 million. For a municipality that has adopted Chapter 143 and directly employs firefighters, a service plan that includes the provision of services to an area that, at the time the service plan is adopted, is located in

the territory of an emergency services district:

(1) must require the municipality's fire department to provide initial response to the annexed territory that is equivalent to that provided to other areas within the corporate boundaries of the municipality with similar topography, land use, and population density;

(2) may not provide for municipal fire services to the annexed area solely or primarily by means of an automatic aid or mutual aid agreement with the affected emergency services district or other third-party provider of services; and

(3) may authorize the emergency services district to provide supplemental fire and emergency medical services to the annexed area by means of an automatic aid or mutual aid agreement.

(q) This chapter does not affect the obligation of a municipality that has adopted Chapter 143 to provide police, fire, or emergency medical services within the municipality's corporate boundaries by means of personnel classified in accordance with that chapter.

SECTION 2. This Act takes effect September 1, 2013.

SECTION 3. Same as introduced version.