

By: Rodriguez of Travis

H.B. No. 2170

Substitute the following for H.B. No. 2170:

By: M. Gonzalez of El Paso

C.S.H.B. No. 2170

A BILL TO BE ENTITLED

AN ACT

relating to the annexation by a municipality of territory of an emergency services district.

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

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

1 shall compensate the district immediately after disannexation of  
2 the territory under Subsection (a) in an amount equal to the annexed  
3 territory's pro rata share of the district's bonded and other  
4 indebtedness as computed according to the formula in Subsection  
5 (e). The district shall apply compensation received from a  
6 municipality under this subsection exclusively to the payment of  
7 the annexed territory's pro rata share of the district's bonded and  
8 other indebtedness.

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

12 (f) A service plan may not:

13 (1) require the creation of another political  
14 subdivision;

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

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

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

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

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

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

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

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

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

1 chapter.

2 SECTION 3. This Act takes effect September 1, 2013.