

By: Zaffirini

S.B. No. 1596

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the annexation by a municipality of territory of an  
3 emergency services district.

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

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

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

23 (c) If a municipality removes [annexes] territory from [in]  
24 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 Subsection (p) to  
11 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 area [~~corporate boundaries of the municipality~~  
23 ~~before annexation~~].

24 (p) An annexation plan that includes the annexation of  
25 territory of an emergency services district may provide that the  
26 required fire and police protection and emergency medical services  
27 in the area of the district be provided by the emergency services

1 district or by cooperation of the municipality and the district.

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