

1-1 By: Zaffirini S.B. No. 1596
1-2 (In the Senate - Filed March 8, 2013; March 19, 2013, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 16, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 16, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1596 By: Nichols

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the annexation by a municipality of territory of an
1-18 emergency services district.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subsections (a) and (c), Section 775.022, Health
1-21 and Safety Code, are amended to read as follows:

1-22 (a) If a municipality completes all other procedures
1-23 necessary to annex territory in a district and if the municipality
1-24 intends to remove the territory from the district and be the sole
1-25 provider of [provide] emergency services to the territory by the
1-26 use of municipal personnel or by some method other than by use of
1-27 the district, the municipality shall send written notice of those
1-28 facts [that fact] to the board. The municipality must send the
1-29 notice to the secretary of the board by certified mail, return
1-30 receipt requested. The territory remains part of the district and
1-31 does not become part of the municipality until the secretary of the
1-32 board receives the notice. On receipt of the notice, the board
1-33 shall immediately change its records to show that the territory has
1-34 been disannexed from the district and shall cease to provide
1-35 further services to the residents of that territory. This
1-36 subsection does not require a municipality to remove from a
1-37 district territory the municipality has annexed.

1-38 (c) If a municipality removes [annexes] territory from [in]
1-39 a district that the municipality has annexed, the municipality
1-40 shall compensate the district immediately after disannexation of
1-41 the territory under Subsection (a) in an amount equal to the annexed
1-42 territory's pro rata share of the district's bonded and other
1-43 indebtedness as computed according to the formula in Subsection
1-44 (e). The district shall apply compensation received from a
1-45 municipality under this subsection exclusively to the payment of
1-46 the annexed territory's pro rata share of the district's bonded and
1-47 other indebtedness.

1-48 SECTION 2. Section 43.056, Local Government Code, is
1-49 amended by amending Subsection (f) and adding Subsections (p) and
1-50 (q) to read as follows:

1-51 (f) A service plan may not:

1-52 (1) require the creation of another political
1-53 subdivision;

1-54 (2) require a landowner in the area to fund the capital
1-55 improvements necessary to provide municipal services in a manner
1-56 inconsistent with Chapter 395 unless otherwise agreed to by the
1-57 landowner; ~~or~~

1-58 (3) provide services in the area in a manner that would
1-59 have the effect of reducing by more than a negligible amount the
1-60 level of fire and police protection and emergency medical services

2-1 provided within the corporate boundaries of the municipality before
2-2 annexation;

2-3 (4) provide services in the area in a manner that would
2-4 have the effect of reducing by more than a negligible amount the
2-5 level of fire and police protection and emergency medical services
2-6 provided within the area before annexation; or

2-7 (5) cause a reduction in fire and police protection
2-8 and emergency medical services within the area to be annexed below
2-9 that of areas within the corporate boundaries of the municipality
2-10 with similar topography, land use, and population density.

2-11 (p) This subsection applies only to a municipality in a
2-12 county with a population of more than one million and less than 1.5
2-13 million. For a municipality that has adopted Chapter 143 and
2-14 directly employs firefighters, a service plan that includes the
2-15 provision of services to an area that, at the time the service plan
2-16 is adopted, is located in the territory of an emergency services
2-17 district:

2-18 (1) must require the municipality's fire department to
2-19 provide initial response to the annexed territory that is
2-20 equivalent to that provided to other areas within the corporate
2-21 boundaries of the municipality with similar topography, land use,
2-22 and population density;

2-23 (2) may not provide for municipal fire services to the
2-24 annexed area solely or primarily by means of an automatic aid or
2-25 mutual aid agreement with the affected emergency services district
2-26 or other third-party provider of services; and

2-27 (3) may authorize the emergency services district to
2-28 provide supplemental fire and emergency medical services to the
2-29 annexed area by means of an automatic aid or mutual aid agreement.

2-30 (q) This chapter does not affect the obligation of a
2-31 municipality that has adopted Chapter 143 to provide police, fire,
2-32 or emergency medical services within the municipality's corporate
2-33 boundaries by means of personnel classified in accordance with that
2-34 chapter.

2-35 SECTION 3. This Act takes effect September 1, 2013.

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