

By: Bell of Montgomery

H.B. No. 3897

A BILL TO BE ENTITLED

AN ACT

relating to territory in an emergency services district that is annexed by a municipality.

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

SECTION 1. Section 775.022, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) If a municipality completes all other procedures necessary to annex territory in a district, including the preparation of a service plan if required by Section 43.056, Local Government Code, ~~[and if]~~ the municipality intends to remove the territory from the district, and the municipality is capable at the time of the removal of being ~~[be]~~ the sole provider of 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, and the completed service plan, if applicable, to the board not later than the 30th day after completing the necessary procedures. 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 and the board by resolution disannexes the territory from the district. If the board determines that the municipal services planned to be provided in the territory will not

1 meet or exceed the level of service provided by the district in the
 2 territory, the board shall adopt that determination in a resolution
 3 and may not by resolution disannex the territory from the district.
 4 If the board determines that municipal services planned to be
 5 provided in the territory will meet or exceed the level of service
 6 provided by the district in the territory at the time of
 7 disannexation [~~On receipt of the notice~~], the board shall by
 8 resolution disannex the territory from the district, notify the
 9 appraisal district to [~~immediately~~] change its records to show that
 10 the territory has been disannexed from the district, and [~~shall~~]
 11 cease to provide further services to the residents of that
 12 territory. This subsection does not require a municipality to
 13 remove from a district territory the municipality has annexed. For
 14 the purposes of this subsection, "level of service" for fire and
 15 emergency medical protection means the location, deployment, and
 16 response time of fire suppression or medical resources originally
 17 dispatched to a structural or wildland fire or emergency medical
 18 incident.

19 (a-1) A board is considered to have approved a disannexation
 20 of territory under Subsection (a) if the board fails to provide to
 21 the municipality a resolution disapproving or approving the
 22 disannexation before the 30th day after the date the board receives
 23 the notice under Subsection (a) from the municipality.

24 SECTION 2. This Act takes effect September 1, 2025.