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CHAPTER 1363

S.B. No. 1596

AN ACT

relating to emergency services districts.

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

SECTION 1. Subsections (a) and (c), Section 775.022, 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

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

8 SECTION 2. Subchapter C, Chapter 775, Health and Safety
9 Code, is amended by adding Section 775.045 to read as follows:

10 Sec. 775.045. APPLICABILITY OF CERTAIN LAWS. (a) Except
11 as provided by Subsection (b), notwithstanding any other law:

12 (1) Section 1301.551(i), Occupations Code, applies to
13 a district as if the district were a municipality; and

14 (2) Section 233.062, Local Government Code, applies to
15 a district as if the district were in an unincorporated area of a
16 county.

17 (b) Subsection (a) does not apply to a district:

18 (1) that before February 1, 2013, has adopted a fire
19 code, fire code amendments, or other requirements in conflict with
20 Subsection (a); and

21 (2) whose territory is located:

22 (A) in or adjacent to a general law municipality
23 with a population of less than 4,000 that is served by a water
24 control and improvement district governed by Chapter 51, Water
25 Code; and

26 (B) in a county that has a population of more than
27 one million and is adjacent to a county with a population of more

1 than 420,000.

2 SECTION 3. Section 43.056, Local Government Code, is
3 amended by amending Subsection (f) and adding Subsections (p) and
4 (q) to read as follows:

5 (f) A service plan may not:

6 (1) require the creation of another political
7 subdivision;

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

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

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

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

25 (p) This subsection applies only to a municipality in a
26 county with a population of more than one million and less than 1.5
27 million. For a municipality that has adopted Chapter 143 and

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1 directly employs firefighters, a service plan that includes the
2 provision of services to an area that, at the time the service plan
3 is adopted, is located in the territory of an emergency services
4 district:

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

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

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

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

22 SECTION 4. This Act takes effect September 1, 2013.

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David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 1596 passed the Senate on April 25, 2013, by the following vote: Yeas 30, Nays 0; May 24, 2013, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 25, 2013, House granted request of the Senate; May 26, 2013, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1. _____

Datsy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 1596 passed the House, with amendments, on May 20, 2013, by the following vote: Yeas 139, Nays 0, two present not voting; May 25, 2013, House granted request of the Senate for appointment of Conference Committee; May 26, 2013, House adopted Conference Committee Report by the following vote: Yeas 147, Nays 1, one present not voting. _____

Robert Haney

Chief Clerk of the House

Approved:

14 JUNE '13

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10pm O'CLOCK

JUN 14 2013

[Signature]
Secretary of State