

BILL ANALYSIS

Senate Research Center
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DIGEST AND PURPOSE

Texas law allows a municipality to annex territory out of the service boundaries of an emergency services district (ESD) service boundaries and requires the municipality to notify the ESD of such annexation. However, the statute does not specifically address how the ESD is to be notified, nor the ramifications to the municipality if it fails to comply with the statute. As proposed, S.B. 751 requires a municipality to notify an ESD of such annexation by sending a written notice to the secretary of the ESD's board by certified mail, return receipt requested; provides that proposed annexation territory remains part of the district and does not become part of the municipality until the secretary of the board receives the notice; and requires an ESD to immediately change its records to show that the territory has been disannexed from the ESD and to cease to provide further services to the residents of that territory.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 775.022(a), Health and Safety Code, to requires the municipality, if a municipality completes all other procedures necessary to annex territory in an emergency services district (ESD) and if the municipality intends to provide emergency services to the territory by the use of municipal personnel or by some method other than by use of the ESD, to send written notice of that fact to the board of ESD commissioners (board). Requires the municipality to send the notice to the secretary of the board by certified mail, return receipt requested. Provides that the territory remains part of the ESD and does not become part of the municipality until the secretary of the board receives the notice. Requires the board, on receipt of the notice, to immediately change its records to show that the territory has been disannexed from the ESD and to cease to provide further services to the residents of that territory.

SECTION 2. Amends Section 776.052(c), Health and Safety Code, to require the governing body of the municipality, if a municipality that is not in an ESD completes all other procedures necessary to annex territory that is included in the ESD and if the municipality intends to provide emergency services to the territory by the use of municipal personnel or by some method other than by use of the ESD, to send written notice of that fact to the board. Requires the municipality to send the notice to the secretary of the board by certified mail, return receipt requested. Provides that the territory remains part of the ESD and does not become part of the municipality until the secretary of the board receives the notice. Requires the board, on receipt of the notice, to immediately change its records to show that the territory has been disannexed from the ESD and to cease to provide further services to the residents of that territory.

SECTION 3. Effective date: September 1, 2003.