

- SUBJECT:** Modifying notification and service plan rules for annexation
- COMMITTEE:** County Affairs — favorable, without amendment
- VOTE:** 7 ayes — Coleman, Farias, M. González, Hernandez Luna, Kolkhorst, Krause, Simpson
- 0 nays
- 2 absent — Hunter, Stickland
- SENATE VOTE:** On final passage, April 25 — 30-0 on the Local and Uncontested Calendar
- WITNESSES:** (*On companion bill, HB 2170:*)
For — Ken Bailey, Travis County Fire Rescue; Bob Nicks, Austin Firefighters Association; (*Registered, but did not testify:* Chad Allen, Richard Anguiano, Daniel Hendrix, Derek Mikes, Russell Pugh, and Alec Tull, Local 4583; Elizabeth Cargile, State Association of Fire and Emergency Districts; Danny Hobby, Travis County; James Jones, City of San Antonio; Randy Moreno, Austin Firefighters Association)
- Against — None
- BACKGROUND:** Emergency services districts are governed by Health and Safety Code, ch. 775 and provide emergency medical and ambulance services, emergency rural fire prevention and control services, or other emergency services authorized by the Legislature.
- Local Government Code, ch. 43, subch. B governs a municipality's general authority to annex land. Under sec. 43.056, a municipality that provides the following services — police and fire protection, emergency medical services, waste collection, water and wastewater, road and streets, lighting, parks and recreation — must provide them in the area proposed for annexation on the effective date of the annexation.
- Otherwise, sec. 43.056 requires a municipality proposing the annexation to complete a service plan that provides for the extension of full municipal services to the area to be annexed by any of the methods by which it

extends the services to any other areas. The service plan must include a program under which the municipality will provide full municipal services in the annexed area within 2.5 years after the effective date of the annexation, unless certain services cannot reasonably be provided within that period and the municipality proposes a schedule for providing them. If the municipality proposes a schedule to extend this period, the schedule must provide for the provision of full municipal services within 4.5 years of the annexation.

DIGEST:

SB 1596 would require a municipality to provide written notice to an emergency services district board if it intended to annex an area that was part of an emergency services district and become the sole provider of emergency services to that area. If a municipality removed territory from an emergency services district it had annexed, it would be required to compensate the district for the area.

A municipality that annexed territory from an emergency services district would be prohibited from having a service plan that reduced by more than a negligible amount the level of fire and police protection and emergency medical services that were provided within the area before annexation. The plan could not cause a reduction in such services for the annexed area that would be below services offered to other areas within the municipality with similar topography, land use and population density.

The bill would require a municipality's fire department in a county with a population of more than 1 million and less than 1.5 million (Travis County) to provide an initial response to the annexed territory to the same degree it provided service to similar areas of the municipality. It also would prohibit the municipality from providing fire services to the annexed area solely or primarily through an automatic aid or mutual aid agreement with the area's emergency services district or another provider. The bill would allow the emergency services district to provide supplemental fire and emergency medical services to the annexed area through an automatic aid or mutual aid agreement.

The bill would take effect September 1, 2013.

**SUPPORTERS
SAY:**

SB 1596 would ensure that residents in a community served by an emergency services district that was annexed by a city would retain an adequate level of emergency fire, medical, and ambulance services. It also would prevent a city from imposing a higher property tax rate on a newly

annexed area without providing the municipal services required by law.

SB 1596 would apply to the City of Austin and Travis County. The bill stipulates that an area that was annexed by a city would enjoy a comparable level of services that were offered to other city residents. This would prompt a city to carefully consider whether it could provide these vital services before it annexed land and would reduce the number of annexations after which property owners unfairly paid a higher tax rate for fewer services. Current law does not prevent a city from annexing an area, stripping the tax value away from an emergency services district, then entering into a mutual-aid agreement with the same district so that it provides service to the area with fewer resources. SB 1596 would prevent these conditions that could place residents at risk.

It also would require that a city notify an emergency services district if it intended to annex an area it served and compensate the district if territory was removed by the city. Currently, cities can annex portions of emergency service districts without notifying the district or determining a plan for services rendered by an emergency services district in an annexed area.

The bill would not prevent the City of Austin from entering into an automatic aid agreement with an emergency services district. It simply would ensure that the agreement could not be used in place of full city services. Additionally, it would give the City of Austin and an emergency services district discretion to define a level of emergency services for residents of an annexed area.

**OPPONENTS
SAY:**

SB 1596 would write onerous requirements into law that could poison the state's annexation process.

Requiring a city to provide full emergency services to an area following an annexation would be too costly and could chill further annexations. Moreover, the bill would not afford the city the flexibility of entering into an agreement with an emergency services district or another entity to provide the best fire service for an annexed area.

Government is best when it is nimble. In this case, SB 1596 would prohibit Austin's city government from selecting as first responders an emergency services district or other entity that was best suited for these outlying areas. Meeting the bill's mandate could force the City of Austin

to abruptly build fire and ambulance stations in outlying areas rather than allowing commercial and residential development to progress and the revenues from those properties to pay for infrastructure costs.

NOTES:

The companion bill, HB 2170 by E. Rodriguez, died in the Local and Consent Calendars Committee after the County Affairs Committee recommended a committee substitute following a public hearing on April 11.