

CHAPTER 969

H.B. No. 728

AN ACT

relating to the annexation of and provision of services to areas by certain municipalities.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 43.053, Local Government Code, is amended to read as follows:

Sec. 43.053. PERIOD FOR COMPLETION OF ANNEXATION; *EFFECTIVE DATE*.

(a) The annexation of an area must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void. Any period during which the municipality is restrained or enjoined by a court of competent jurisdiction from annexing the area is not included in computing the 90-day period.

*(b) Notwithstanding any provision of a municipal charter to the contrary, the governing body of a municipality with a population of 1.5 million or more may provide that an annexation take effect on any date within 90 days after the date of the adoption of the ordinance providing for the annexation.*

SECTION 2. Section 43.056, Local Government Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

*(b-1) The service plan of a municipality with a population of 1.5 million or more must include a program under which the municipality will provide full municipal services in the annexed area no later than 4½ years after the effective date of the annexation, in accordance with Subsection (d). However, under the program the municipality must:*

*(1) provide the following services in the area on and after the effective date of the annexation of the area:*

*(A) police protection; and*

*(B) solid waste collection;*

*(2) provide the following services in the area within 30 days after the effective date of the annexation of the area, if the services are provided through a contract between the municipality and a service provider:*

*(A) emergency medical service; and*

*(B) fire protection; and*

*(3) provide the following services in the area within 60 days after the effective date of the annexation of the area:*

*(A) maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;*

*(B) maintenance of roads and streets, including road and street lighting;*

*(C) maintenance of parks, playgrounds, and swimming pools;*

*(D) maintenance of any other publicly owned facility, building, or service; and*

*(E) emergency medical service and fire protection, if the services are provided by municipal personnel and equipment.*

*(c) For purposes of this section, "full municipal services" means services funded in whole or in part by municipal taxation and provided by the annexing municipality within its full-purpose boundaries. A municipality with a population of 1.5 million or more may provide all or part of the municipal services required under the service plan by contracting with service providers. If the municipality owns a water and wastewater utility, the municipality shall, subject to this section, extend water and wastewater service to any annexed area not within the service area of another water or wastewater utility. If the municipality annexes territory included within the boundaries of a municipal utility district or a water control and improvement district, the municipality shall comply with applicable state law relating to annexation of territory within a municipal utility district or a water control and improvement district. The service plan shall summarize the service extension policies of the municipal water and wastewater utility.*

SECTION 3. This Act applies only to an annexation the effective date of which is on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 11, 1993, by a non-record vote; passed by the Senate on May 26, 1993: Yeas 30, Nays 0.

Approved June 19, 1993.

Effective Sept. 1, 1993.