

By: Perry, Hall

S.B. No. 1024

A BILL TO BE ENTITLED

AN ACT

relating to access to services in an area annexed by certain tier 1 municipalities under a service plan.

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

SECTION 1. Subchapter C, Chapter 43, Local Government Code, is amended by adding Section 43.0565 to read as follows:

Sec. 43.0565. ACCESS TO SERVICES BY CERTAIN MUNICIPALITIES IN ANNEXED AREA. (a) A municipality with a population of 350,000 or less shall provide access to services provided to an annexed area under a service plan described by Section 43.056 that is identical or substantially similar to access to those services in the municipality.

(b) A person residing in an annexed area subject to a service plan may apply for a writ of mandamus against a municipality that fails to provide access to services in accordance with Subsection (a). In the action for the writ:

(1) the court may order the parties to participate in mediation;

(2) the municipality has the burden of proving that the municipality complied with Subsection (a);

(3) the person may provide evidence that the costs for the person to access the services are disproportionate to the costs incurred by a municipal resident to access those services; and

(4) if the person prevails:

1 (A) the municipality shall:

2 (i) disannex the property that is the
3 subject of the suit within a reasonable period specified by the
4 court; or

5 (ii) comply with Subsection (a); and

6 (B) the court shall award the person's attorney's
7 fees and costs incurred in bringing the action for the writ.

8 (c) A municipality's governmental immunity to suit and from
9 liability is waived and abolished to the extent of liability
10 created under this section.

11 SECTION 2. This Act takes effect September 1, 2019.