

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.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1024 passed the Senate on May 3, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1024 passed the House on May 17, 2019, by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor