

By: Craddick

H.B. No. 1246

A BILL TO BE ENTITLED

1 AN ACT
2 relating to disannexation of certain areas that do not receive full
3 municipal services.

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

5 SECTION 1. Subchapter G, Chapter 43, Local Government Code,
6 is amended by adding Section 43.1415 to read as follows:

7 Sec. 43.1415. DISANNEXTION OF CERTAIN AREAS NOT RECEIVING
8 FULL SERVICES. (a) In this section, "full municipal services"
9 means:

- 10 (1) the provision of police protection;
11 (2) the provision of fire protection, including fire
12 hydrants;
13 (3) the provision of emergency medical services;
14 (4) the provision of solid waste collection, other
15 than those services that a municipality is not required to provide
16 under Section 43.056(o) to an area subject to that section;
17 (5) the operation and maintenance of water and
18 wastewater facilities;
19 (6) the operation and maintenance of roads and
20 streets, including road and street lighting; and
21 (7) the operation and maintenance of any other
22 facility, building, or service owned by the municipality.

23 (b) This section does not apply to an area for which the
24 municipality:

1 (1) is not currently required to provide full
2 municipal services under a service plan described by Section
3 43.056; or

4 (2) has entered into a regulatory plan or other
5 written agreement to extend the time for providing or waive
6 provision of full municipal services.

7 (c) Notwithstanding any other law, on December 31, 2023, any
8 area in which the municipality is not providing or causing the
9 provision of full municipal services is disannexed.

10 (d) If a municipality fails or refuses to recognize the
11 disannexation of an area under this section, a person owning real
12 property wholly or partly located in the area may bring an action
13 against the municipality to compel disannexation of the portion of
14 the property located in the municipality. If the person prevails,
15 the person may recover attorney's fees and court costs resulting
16 from bringing the action.

17 (e) A municipality's governmental immunity to suit and
18 governmental immunity from liability are waived to the extent of
19 liability created by this section.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2023.