

1-1 By: Campbell S.B. No. 369
 1-2 (In the Senate - Filed January 9, 2023; February 15, 2023,
 1-3 read first time and referred to Committee on Local Government;
 1-4 April 19, 2023, reported favorably by the following vote: Yeas 6,
 1-5 Nays 2; April 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10		X		
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16		X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to disannexation of certain areas that do not receive full
 1-20 municipal services.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter G, Chapter 43, Local Government Code,
 1-23 is amended by adding Section 43.1415 to read as follows:

1-24 Sec. 43.1415. DISANNEXATION OF CERTAIN AREAS NOT RECEIVING
 1-25 FULL SERVICES. (a) In this section, "full municipal services"
 1-26 means:

1-27 (1) the provision of police protection;
 1-28 (2) the provision of fire protection, including fire
 1-29 hydrants;

1-30 (3) the provision of emergency medical services;
 1-31 (4) the provision of solid waste collection, other
 1-32 than those services that a municipality is not required to provide
 1-33 under Section 43.056(o) to an area subject to that section;

1-34 (5) the operation and maintenance of water and
 1-35 wastewater facilities;

1-36 (6) the operation and maintenance of roads and
 1-37 streets, including road and street lighting; and

1-38 (7) the operation and maintenance of any other
 1-39 facility, building, or service owned by the municipality.

1-40 (b) This section does not apply to an area for which the
 1-41 municipality:

1-42 (1) is not currently required to provide full
 1-43 municipal services under a service plan described by Section
 1-44 43.056; or

1-45 (2) has entered into a regulatory plan or other
 1-46 written agreement to extend the time for providing or waive
 1-47 provision of full municipal services.

1-48 (c) Notwithstanding any other law, on December 31, 2023, any
 1-49 area in which the municipality is not providing or causing the
 1-50 provision of full municipal services is disannexed.

1-51 (d) If a municipality fails or refuses to recognize the
 1-52 disannexation of an area under this section, a person owning real
 1-53 property wholly or partly located in the area may bring an action
 1-54 against the municipality to compel disannexation of the portion of
 1-55 the property located in the municipality. If the person prevails,
 1-56 the person may recover attorney's fees and court costs resulting
 1-57 from bringing the action.

1-58 (e) A municipality's governmental immunity to suit and
 1-59 governmental immunity from liability are waived to the extent of
 1-60 liability created by this section.

1-61 SECTION 2. This Act takes effect immediately if it receives

2-1 a vote of two-thirds of all the members elected to each house, as
2-2 provided by Section 39, Article III, Texas Constitution. If this
2-3 Act does not receive the vote necessary for immediate effect, this
2-4 Act takes effect September 1, 2023.

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