

1-1 By: Perry, Hall S.B. No. 1024
1-2 (In the Senate - Filed February 22, 2019; March 7, 2019,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 25, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 April 25, 2019, sent to printer.)

1-7 COMMITTEE VOTE

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

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1024 By: Schwertner

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

1-19 relating to access to services in an area annexed by certain tier 1
1-20 municipalities under a service plan.

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

1-22 SECTION 1. Subchapter C, Chapter 43, Local Government Code,
1-23 is amended by adding Section 43.0565 to read as follows:

1-24 Sec. 43.0565. ACCESS TO SERVICES BY CERTAIN MUNICIPALITIES
1-25 IN ANNEXED AREA. (a) A municipality with a population of 350,000
1-26 or less shall provide access to services provided to an annexed area
1-27 under a service plan described by Section 43.056 that is identical
1-28 or substantially similar to access to those services in the
1-29 municipality.

1-30 (b) A person residing in an annexed area subject to a
1-31 service plan may apply for a writ of mandamus against a municipality
1-32 that fails to provide access to services in accordance with
1-33 Subsection (a). In the action for the writ:

1-34 (1) the court may order the parties to participate in
1-35 mediation;

1-36 (2) the municipality has the burden of proving that
1-37 the municipality complied with Subsection (a);

1-38 (3) the person may provide evidence that the costs for
1-39 the person to access the services are disproportionate to the costs
1-40 incurred by a municipal resident to access those services; and

1-41 (4) if the person prevails:

1-42 (A) the municipality shall:

1-43 (i) disannex the property that is the
1-44 subject of the suit within a reasonable period specified by the
1-45 court; or

1-46 (ii) comply with Subsection (a); and

1-47 (B) the court shall award the person's attorney's
1-48 fees and costs incurred in bringing the action for the writ.

1-49 (c) A municipality's governmental immunity to suit and from
1-50 liability is waived and abolished to the extent of liability
1-51 created under this section.

1-52 SECTION 2. This Act takes effect September 1, 2019.

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