

## **BILL ANALYSIS**

S.B. 1024  
By: Perry  
Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the accessibility of services provided by a municipality to certain residents located in an area annexed by the municipality. It has been noted that residents living near the exterior of such an area often face difficulties in accessing these services and do so at great personal cost and effort. S.B. 1024 seeks to ensure that these residents have access to adequate and reasonably priced municipal services.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1024 amends the Local Government Code to require a municipality with a population of 350,000 or less to provide access to services provided to an annexed area under a service plan that is identical or substantially similar to access to those services in the municipality. The bill authorizes a person residing in an annexed area subject to a service plan to apply for a writ of mandamus against a municipality that fails to provide such access. The bill establishes that, in the action for the writ:

- the court may order the parties to participate in mediation;
- the municipality has the burden of proving that the municipality provided the access; and
- 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.

The bill requires the municipality, if the person prevails, to disannex the property that is the subject of the suit within a reasonable period specified by the court or provide the access. The bill requires the court, if the person prevails, to award the person's attorney's fees and costs incurred in bringing the action for the writ. A municipality's governmental immunity to suit and from liability is waived and abolished to the extent of liability created under the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2019.