

Amend **HB 1772** by adding the following appropriately numbered section to the bill and renumbering the remaining sections of the bill as appropriate:

SECTION \_\_. Subchapter B, Chapter 42, Local Government Code, is amended by adding Section 42.027 to read as follows:

Sec. 42.027. TRANSFER OF EXTRATERRITORIAL JURISDICTION BETWEEN CERTAIN HOME-RULE AND GENERAL-LAW MUNICIPALITIES. (a) In this section:

(1) "Accepting municipality" means a Type A general-law municipality with a population of less than 7,500 that does not own an electric, gas, or water utility and that is located in the same county with at least 75 percent of the incorporated land area of a releasing municipality.

(2) "Releasing municipality" means a home-rule municipality with a population of more than 1.1 million that has annexed territory for a limited purpose.

(b) The governing bodies of an accepting municipality and a releasing municipality by resolution or ordinance may agree on or before September 1, 2005, to include in the accepting municipality's extraterritorial jurisdiction and exclude from the releasing municipality's extraterritorial jurisdiction an area that is in the extraterritorial jurisdiction of the releasing municipality.

(c) If an agreement is not reached as provided by Subsection (b), the governing body of an accepting municipality by resolution or ordinance enacted before January 1, 2007, may include in the accepting municipality's extraterritorial jurisdiction and exclude from the releasing municipality's extraterritorial jurisdiction, without the releasing municipality's consent, an area that is in the extraterritorial jurisdiction of the releasing municipality if the area:

(1) is not, as of September 30, 2004, identified for annexation by the releasing municipality in the releasing municipality's annexation plan under Section 43.052; and

(2) is contiguous to the accepting municipality's corporate limits or extraterritorial jurisdiction as of the effective date of the resolution or ordinance.

(d) The total area that may be transferred from a releasing municipality's extraterritorial jurisdiction to an accepting municipality's extraterritorial jurisdiction under this section may not exceed in size the area contained in the corporate limits of the accepting municipality as of the date of the transfer.

(e) An accepting municipality that has adopted a resolution or ordinance under Subsection (b) or (c) may without consent annex the following in the manner provided by Subchapter C, Chapter 43:

(1) any territory located in the accepting municipality's extraterritorial jurisdiction on January 1, 2005; and

(2) an area transferred to the accepting municipality's extraterritorial jurisdiction under this section.

(f) An area to be transferred under this section must be identified by a map and a metes and bounds description that must be attached to or included in the resolution or ordinance. The map and metes and bounds description need not be established by an on-the-ground survey.

(g) A copy of the resolution or ordinance adopted by the accepting municipality must be published once in a newspaper of general circulation within the accepting municipality and once in a newspaper of general circulation within the releasing municipality not later than the 30th day after the date the resolution or ordinance is adopted. If the newspaper in which publication is made is a newspaper of general circulation in both municipalities, only one publication of the copy of the resolution or ordinance is required.

(h) The transfer of extraterritorial jurisdiction identified in the resolution or ordinance is effective on the 10th day after the date of publication under Subsection (g).

(i) To the extent of any conflict, this section controls over another provision of a home-rule charter, this chapter, or Chapter 43 or any other provision of this code.

(j) A resolution or ordinance adopted under this section and the relevant provisions of this subchapter may be challenged only by a quo warranto proceeding initiated by the attorney general.