

By: Eissler

H.B. No. 192

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the determination of the validity of certain Montgomery
3 County Hospital District election petitions.

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

5 SECTION 1. Chapter 258, Acts of the 65th Legislature,
6 Regular Session, 1977, is amended by adding Section 13A to read as
7 follows:

8 Sec. 13A. (a) Notwithstanding Section 26.07(b)(3), Tax
9 Code, a petition to require an election under Section 26.07, Tax
10 Code, on reducing the district's tax rate to the rollback tax rate
11 shall be submitted to the county clerk of Montgomery County instead
12 of to the board of directors of the district.

13 (b) Notwithstanding Section 26.07(c), Tax Code, not later
14 than the 20th day after the day a petition is submitted under
15 Subsection (a) of this section, the county clerk shall:

16 (1) determine whether the petition is valid under
17 Section 26.07, Tax Code; and

18 (2) certify the determination of the petition's
19 validity to the board of directors of the district.

20 (c) If the county clerk fails to act within the time
21 allowed, the petition is treated as if it had been found valid.

22 (d) Notwithstanding Section 26.07(d), Tax Code, if the
23 county clerk certifies to the board of directors that the petition
24 is valid or fails to act within the time allowed, the board of

1 directors shall order that an election under Section 26.07, Tax
2 Code, to determine whether to reduce the district's tax rate to the
3 rollback rate be held in the district in the manner prescribed by
4 Section 26.07(d) of that code.

5 (e) The district shall reimburse the county clerk for
6 reasonable costs incurred in performing the duties required by
7 this section.

8 SECTION 2. Section 23B, Chapter 258, Acts of the 65th
9 Legislature, Regular Session, 1977, is amended by amending
10 Subsection (a) and adding Subsections (a-1)-(a-5) to read as
11 follows:

12 (a) The residents of the district by petition may request
13 the board of directors to order an election on the question of
14 dissolving the district and disposing of the district's assets and
15 obligations. A petition must:

16 (1) state that it is intended to request an election in
17 the district on the question of dissolving the district and
18 disposing of the district's assets and obligations;

19 (2) be signed by a number of residents of the district
20 equal to at least 15 percent of the total vote received by all
21 candidates for governor in the most recent gubernatorial general
22 election in the district that occurs more than 30 days before the
23 date the petition is submitted; and

24 (3) be submitted to the county clerk of Montgomery
25 County [~~The board of directors shall order an election on the~~
26 ~~question of dissolving the district and disposing of the district's~~
27 ~~assets and obligations if the board of directors receives a~~

~~petition requesting an election that is signed by a number of residents of the district equal to at least 15 percent of the total vote received by all candidates for governor in the most recent gubernatorial general election in the district that occurs more than 30 days before the date the petition is submitted to the board. If a petition submitted under this subsection does not contain the necessary number of valid signatures, a petition submitted under this subsection before the third anniversary of the date the invalid petition was submitted has no effect].~~

(a-1) Not later than the 30th day after the date a petition requesting the dissolution of the district is submitted under Subsection (a) of this section, the county clerk shall:

(1) determine whether the petition is valid; and

(2) certify the determination of the petition's validity to the board of directors of the district.

(a-2) If the county clerk fails to act within the time allowed, the petition is treated as if it had been found valid.

(a-3) If the county clerk certifies to the board of directors that the petition is valid or fails to act within the time allowed, the board of directors shall order that a dissolution election be held in the district in the manner prescribed by this section.

(a-4) If a petition submitted under Subsection (a) of this section does not contain the necessary number of valid signatures, the residents of the district may not submit another petition under Subsection (a) of this section before the third anniversary of the date the invalid petition was submitted.

1 (a-5) The district shall reimburse the county clerk for
2 reasonable costs incurred in performing the duties required by
3 this section.

4 SECTION 3. The change in law made by this Act applies only
5 to a petition filed on or after the effective date of this Act. A
6 petition filed before the effective date of this Act is governed by
7 the law in effect on the date the petition was filed, and the former
8 law is continued in effect for that purpose.

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2005.