

1-1 By: Eissler (Senate Sponsor - Williams) H.B. No. 192  
1-2 (In the Senate - Received from the House May 10, 2005;  
1-3 May 12, 2005, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 20, 2005, reported adversely,  
1-5 with favorable Committee Substitute by the following vote: Yeas 4,  
1-6 Nays 0; May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 192 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the determination of the validity of certain Montgomery  
1-11 County Hospital District election petitions.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 258, Acts of the 65th Legislature,  
1-14 Regular Session, 1977, is amended by adding Section 13A to read as  
1-15 follows:

1-16 Sec. 13A. (a) Notwithstanding Section 26.07(b)(3), Tax  
1-17 Code, a petition to require an election under Section 26.07, Tax  
1-18 Code, on reducing the district's tax rate to the rollback tax rate  
1-19 shall be submitted to the county elections administrator of  
1-20 Montgomery County instead of to the board of directors of the  
1-21 district.

1-22 (b) Notwithstanding Section 26.07(c), Tax Code, not later  
1-23 than the 20th day after the day a petition is submitted under  
1-24 Subsection (a) of this section, the county elections administrator  
1-25 shall:

1-26 (1) determine whether the petition is valid under  
1-27 Section 26.07, Tax Code; and

1-28 (2) certify the determination of the petition's  
1-29 validity to the board of directors of the district.

1-30 (c) If the county elections administrator fails to act  
1-31 within the time allowed, the petition is treated as if it had been  
1-32 found valid.

1-33 (d) Notwithstanding Section 26.07(d), Tax Code, if the  
1-34 county elections administrator certifies to the board of directors  
1-35 that the petition is valid or fails to act within the time allowed,  
1-36 the board of directors shall order that an election under Section  
1-37 26.07, Tax Code, to determine whether to reduce the district's tax  
1-38 rate to the rollback rate be held in the district in the manner  
1-39 prescribed by Section 26.07(d) of that code.

1-40 (e) The district shall reimburse the county elections  
1-41 administrator for reasonable costs incurred in performing the  
1-42 duties required by this section.

1-43 SECTION 2. Section 23B, Chapter 258, Acts of the 65th  
1-44 Legislature, Regular Session, 1977, is amended by amending  
1-45 Subsection (a) and adding Subsections (a-1)-(a-5) to read as  
1-46 follows:

1-47 (a) The residents of the district by petition may request  
1-48 the board of directors to order an election on the question of  
1-49 dissolving the district and disposing of the district's assets and  
1-50 obligations. A petition must:

1-51 (1) state that it is intended to request an election in  
1-52 the district on the question of dissolving the district and  
1-53 disposing of the district's assets and obligations;

1-54 (2) be signed by a number of residents of the district  
1-55 equal to at least 15 percent of the total vote received by all  
1-56 candidates for governor in the most recent gubernatorial general  
1-57 election in the district that occurs more than 30 days before the  
1-58 date the petition is submitted; and

1-59 (3) be submitted to the county elections administrator  
1-60 of Montgomery County [~~The board of directors shall order an~~  
1-61 election on the question of dissolving the district and disposing  
1-62 of the district's assets and obligations if the board of directors  
1-63 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 elections administrator 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 elections administrator fails to act within the time allowed, the petition is treated as if it had been found valid.

(a-3) If the county elections administrator 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.

(a-5) The district shall reimburse the county elections administrator for reasonable costs incurred in performing the duties required by this section.

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

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

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