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AN ACT

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

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

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

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

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

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

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

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

1           (d) Notwithstanding Section 26.07(d), Tax Code, if the  
2 county elections administrator certifies to the board of directors  
3 that the petition is valid or fails to act within the time allowed,  
4 the board of directors shall order that an election under Section  
5 26.07, Tax Code, to determine whether to reduce the district's tax  
6 rate to the rollback rate be held in the district in the manner  
7 prescribed by Section 26.07(d) of that code.

8           (e) The district shall reimburse the county elections  
9 administrator for reasonable costs incurred in performing the  
10 duties required by this section.

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

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

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

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

27                   (3) be submitted to the county elections administrator

1 of Montgomery County [~~The board of directors shall order an~~  
2 ~~election on the question of dissolving the district and disposing~~  
3 ~~of the district's assets and obligations if the board of directors~~  
4 ~~receives a petition requesting an election that is signed by a~~  
5 ~~number of residents of the district equal to at least 15 percent of~~  
6 ~~the total vote received by all candidates for governor in the most~~  
7 ~~recent gubernatorial general election in the district that occurs~~  
8 ~~more than 30 days before the date the petition is submitted to the~~  
9 ~~board. If a petition submitted under this subsection does not~~  
10 ~~contain the necessary number of valid signatures, a petition~~  
11 ~~submitted under this subsection before the third anniversary of the~~  
12 ~~date the invalid petition was submitted has no effect].~~

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

17 (1) determine whether the petition is valid; and  
18 (2) certify the determination of the petition's  
19 validity to the board of directors of the district.

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

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

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

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

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

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

David Dewhurst

President of the Senate

Jim Caddell

Speaker of the House

I certify that H.B. No. 192 was passed by the House on May 9, 2005, by the following vote: Yeas 144, Nays 0, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 192 on May 27, 2005, by the following vote: Yeas 142, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 192 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Letsy Spaw

Secretary of the Senate

APPROVED: 17 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
11:20 AM O'CLOCK

Roger Williams  
JUN 17 2005  
Secretary of State