

## **BILL ANALYSIS**

Senate Research Center  
79R247 EMT-D

H.B. 192  
By: Eissler (Williams)  
Intergovernmental Relations  
5/18/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Under current law, petitions to require an election to reduce the tax rate of the Montgomery County Hospital District (district) or to dissolve the district are required to be submitted to the district's board of directors. Previously, voters tried to present petitions to the district and were ignored by the board of directors. In an effort to have a fair judge of the petitions in the future, a different official should be required to review the petitions. H.B. 192 requires these petitions to be submitted to the county clerk.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

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

Sec. 13A. (a) Requires, notwithstanding certain provisions of the Tax Code, a petition to require an election under Section 26.07 (Election to Repeal Increase), Tax Code, on reducing the Montgomery County Hospital District's (district) tax rate to the rollback tax rate to be submitted to the county clerk of Montgomery County instead of to the board of directors of the district.

(b) Requires the county clerk, notwithstanding certain provisions of the Tax Code, not later than the 20th day after the day a petition is submitted under Subsection (a) to determine whether the petition is valid under Section 26.07, Tax Code, and certify the determination of the petition's validity to the board of directors of the district.

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

(d) Requires the board of directors, notwithstanding certain provisions of the Tax Code, if the county clerk certifies to the board of directors that the petition is valid or fails to act within the time allowed, to order that an election under Section 26.07, Tax Code, to determine whether to reduce the district's tax rate to the rollback rate be held in the district in a certain manner.

(e) Requires the district to reimburse the county clerk for reasonable costs incurred in performing the duties required by this section.

SECTION 2. Amends Section 23B, Chapter 258, Acts of the 65th Legislature, Regular Session, 1977, by amending Subsection (a) and adding Subsections (a-1)-(a-5), as follows:

(a) Authorizes the residents of the district by petition to request the board of directors to order an election on the question of dissolving the district and disposing of the district's assets and obligations. Sets forth the requirements for the petition. Deletes existing text of this subsection.

(a-1) Requires the county clerk, not later than the 30th day after the day a petition requesting dissolution of the district is submitted under Subsection (a), to determine whether the petition is valid and certify the determination of the petition's validity to the board of directors of the district.

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

(a-3) Requires the board of directors, if the county clerk certifies to the board of directors that the petition is valid or fails to act within the time allowed, to order that a dissolution election be held in the district in a certain manner.

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

(a-5) Requires the district to reimburse the county clerk for reasonable costs incurred in performing the duties required by this section.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2005.