

## **BILL ANALYSIS**

S.B. 1353  
By: Williams  
Urban Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Town Center Improvement District of Montgomery County was created by Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993. The enabling legislation allows the district to contract with off-duty peace officers to provide public safety and security services and gives the district board rulemaking authority to regulate the private use of district property.

S.B. 1353 broadens and clarifies certain portions of existing legislation relating to the district's rulemaking power and its authority to contract for law enforcement service.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Sections 7(k), (n), and (p), Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, as follows:

(k) Makes modifications to the list of entities and person with whom the Town Center Improvement District of Montgomery County (district) is authorized to contract with regarding the provision of law enforcement or peace officers for the district.

(n) Authorizes the board of directors of the district (board) by rule to regulate the public or private use of public roadways, open spaces, parks, sidewalks, and similar public areas or facilities to provide for the safe and orderly use of those places. Deletes existing text pertaining to the rules of the district conflicting with a rule.

(p) Authorizes the board to require a permit or franchise agreement with a vendor, concessionaire, exhibitor, or similar private or commercial person or organization for the limited use of the public roadways, open spaces, parks, sidewalks, and similar public areas or facilities on terms and conditions and on payment of a permit or franchise fee the board may impose.

SECTION 2. Amends Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, by adding Sections 7A, 7B, 7C, 7D, and 7E, as follows:

Sec. 7A. REGULATION OF DISTRICT REAL PROPERTY. Authorizes the board to prohibit, restrict, permit, or otherwise regulate, on terms and conditions deemed advisable, private or public use of district property, including any real property in which the district has an interest, to the extent the instrument that establishes the real property interest does not prohibit the prohibition, restriction, permit, or other regulation.

Sec. 7B. HEARING REQUIRED FOR CERTAIN RULES. Authorizes a rule adopted under Section 7(n), (o), or (p), or Section 7A of this Act to be adopted only after a public hearing held in the district.

Sec. 7C. CONFLICT BETWEEN DISTRICT RULE AND OTHER LOCAL REGULATIONS. Provides that to the extent a district rule conflicts with a rule, order, ordinance, or regulation of a county or municipality with jurisdiction in the district's territory or impact area, the rule, order, ordinance, or regulation of the county or municipality controls.

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Sec. 7D. ENFORCEMENT OF DISTRICT RULES. (a) Authorizes the board to adopt rules that provide for the enforcement of a district rule. Sets forth certain guidelines for the rules.

(b) Provides that the justice court in the precinct where the offense is committed has jurisdiction over offenses prescribed under this section. Requires the offense to be prosecuted in the same manner as similar classes of criminal offenses in the justice court's jurisdiction.

(c) Requires a justice court to remit to the county any fine or other penalty the justice court collects for a violation of a district rule in the same manner as a similar fine or penalty imposed for a violation of a state law.

Sec. 7E. JURISDICTION OF PEACE OFFICER. Provides that a peace officer who has jurisdiction by any means, including by geography, other law, or interlocal contract between the district and another governmental entity, is authorized to preserve the peace in the officer's jurisdiction by any lawful means, including the prevention and suppression of an offense prescribed by the district under Section 7D of this Act.

SECTION 3. Amends Section 11(j), Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, to provide that the district and each economic development zone created by the district is entitled to examine and receive information related to the levy, assessment, and collection of sales and use taxes to the same extent as if the district or economic development zone were a municipality.

SECTION 4. Amends Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, by adding Section 13A to read as follows:

Sec. 13A. COMPETITIVE BIDDING. Provides that the district is not required to seek a competitive bid or proposal for construction work or for the purchase of material or equipment for an expenditure of \$25,000 or less.

SECTION 5. Makes application of Section 13A, Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, as added by this Act, prospective.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2005 or 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.