

By: Williams

S.B. No. 1353

A BILL TO BE ENTITLED

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AN ACT

relating to the powers and duties of the Town Center Improvement District of Montgomery County, Texas, and of governmental entities and peace officers that interact with the district; providing a penalty.

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

SECTION 1. Subsections (k), (n), and (p), Section 7, Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, are amended to read as follows:

(k) The district may not employ peace officers, but may contract with:

(1) a county or municipality that has territory wholly or partly in or contiguous to the district's territory or impact area for the county or municipality to provide law enforcement services by any lawful means for the district, including a warrantless arrest, to the same extent and with the same effect as if the district were authorized to employ its own peace officers directly; and

(2) [~~for~~] off-duty peace officers directly to provide public safety and security services in connection with a special event, holiday, period with high traffic congestion, or similar circumstance.

(n) The board by rule may regulate the public or private use of public roadways, open spaces, parks, sidewalks, and similar

1 public areas or facilities to provide for the safe and orderly use  
2 of these places. [~~To the extent the rules of the district conflict~~  
3 ~~with a rule, order, ordinance, or regulation of a county or~~  
4 ~~municipality with jurisdiction in the district's territory, the~~  
5 ~~rule, order, ordinance, or regulation of the county or municipality~~  
6 ~~controls. The rules may provide for the safe and orderly use of~~  
7 ~~public roadways, open spaces, parks, sidewalks, and similar public~~  
8 ~~areas or facilities.]~~

9 (p) The board may require a permit or franchise agreement  
10 with a vendor, concessionaire, exhibitor, or similar private or  
11 commercial person or organization for the limited use of the public  
12 roadways, open spaces, parks, sidewalks, and similar public areas  
13 [area] or facilities on terms and conditions and on payment of a  
14 permit or franchise fee the board may impose.

15 SECTION 2. Chapter 289, Acts of the 73rd Legislature,  
16 Regular Session, 1993, is amended by adding Sections 7A, 7B, 7C, 7D,  
17 and 7E to read as follows:

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

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

1       Sec. 7C. CONFLICT BETWEEN DISTRICT RULE AND OTHER LOCAL  
2 REGULATIONS. To the extent a district rule conflicts with a rule,  
3 order, ordinance, or regulation of a county or municipality with  
4 jurisdiction in the district's territory or impact area, the rule,  
5 order, ordinance, or regulation of the county or municipality  
6 controls.

7       Sec. 7D. ENFORCEMENT OF DISTRICT RULES. (a) The board may  
8 adopt rules that provide for the enforcement of a district rule,  
9 including rules prescribing:

10           (1) the elements of a criminal offense for violating a  
11 district rule; and

12           (2) the punishment for an offense prescribed under  
13 Subdivision (1) of this subsection in accordance with the maximum  
14 finest or penalties provided for the enforcement and punishment of a  
15 municipal rule, ordinance, or police regulation under Section  
16 54.001, Local Government Code.

17       (b) The justice court in the precinct where the offense is  
18 committed has jurisdiction over offenses prescribed under this  
19 section. The offense shall be prosecuted in the same manner as  
20 similar classes of criminal offenses in the justice court's  
21 jurisdiction.

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

26       Sec. 7E. JURISDICTION OF PEACE OFFICER. A peace officer who  
27 has jurisdiction by any means, including by geography, other law,

1 or interlocal contract between the district and another  
2 governmental entity, is authorized to preserve the peace in the  
3 officer's jurisdiction by any lawful means, including the  
4 prevention and suppression of an offense prescribed by the district  
5 under Section 7D of this Act.

6 SECTION 3. Subsection (j), Section 11, Chapter 289, Acts of  
7 the 73rd Legislature, Regular Session, 1993, is amended to read as  
8 follows:

9 (j) The district and each economic development zone created  
10 by the district is entitled to examine and receive information  
11 related to the levy, assessment, and collection of sales and use  
12 taxes to the same extent as if the district or economic development  
13 zone were a municipality.

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

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

21 SECTION 5. Section 13A, Chapter 289, Acts of the 73rd  
22 Legislature, Regular Session, 1993, as added by this Act, applies  
23 only to a contract for which the Town Center Improvement District of  
24 Montgomery County, Texas, first advertises or otherwise solicits  
25 bids, proposals, offers, or qualifications on or after the  
26 effective date of this Act. A contract for which the district first  
27 advertised or otherwise solicited bids, proposals, offers, or

1 qualifications before that date is governed by the law in effect  
2 when the first advertisement or solicitation was given, and the  
3 former law is continued in effect for that purpose.

4 SECTION 6. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2005.