

By: Williams

S.B. No. 1353

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

23 (n) The board by rule may regulate the public or private use
24 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 or [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) in accordance with the maximum fines or penalties
14 provided for the enforcement and punishment of a municipal rule,
15 ordinance, or police regulation under Section 54.001, Local
16 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. Section 11(j), Chapter 289, Acts of the 73rd
7 Legislature, Regular Session, 1993, is amended to read as follows:

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

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

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

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

1 advertisement or solicitation was given, and the former law is
2 continued in effect for that purpose.

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