

1-1 By: Williams S.B. No. 1353
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 14, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; April 14, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the powers and duties of the Town Center Improvement
1-9 District of Montgomery County, Texas, and of governmental entities
1-10 and peace officers that interact with the district; providing a
1-11 penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsections (k), (n), and (p), Section 7,
1-14 Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993,
1-15 are amended to read as follows:

1-16 (k) The district may not employ peace officers, but may
1-17 contract with:

1-18 (1) a county or municipality that has territory wholly
1-19 or partly in or contiguous to the district's territory or impact
1-20 area for the county or municipality to provide law enforcement
1-21 services by any lawful means for the district, including a
1-22 warrantless arrest, to the same extent and with the same effect as
1-23 if the district were authorized to employ its own peace officers
1-24 directly; and

1-25 (2) [for] off-duty peace officers directly to provide
1-26 public safety and security services in connection with a special
1-27 event, holiday, period with high traffic congestion, or similar
1-28 circumstance.

1-29 (n) The board by rule may regulate the public or private use
1-30 of public roadways, open spaces, parks, sidewalks, and similar
1-31 public areas or facilities to provide for the safe and orderly use
1-32 of these places. [To the extent the rules of the district conflict
1-33 with a rule, order, ordinance, or regulation of a county or
1-34 municipality with jurisdiction in the district's territory, the
1-35 rule, order, ordinance, or regulation of the county or municipality
1-36 controls. The rules may provide for the safe and orderly use of
1-37 public roadways, open spaces, parks, sidewalks, and similar public
1-38 areas or facilities.]

1-39 (p) The board may require a permit or franchise agreement
1-40 with a vendor, concessionaire, exhibitor, or similar private or
1-41 commercial person or organization for the limited use of the public
1-42 roadways, open spaces, parks, sidewalks, and similar public areas
1-43 or [area or] facilities on terms and conditions and on payment of a
1-44 permit or franchise fee the board may impose.

1-45 SECTION 2. Chapter 289, Acts of the 73rd Legislature,
1-46 Regular Session, 1993, is amended by adding Sections 7A, 7B, 7C, 7D,
1-47 and 7E to read as follows:

1-48 Sec. 7A. REGULATION OF DISTRICT REAL PROPERTY. The board
1-49 may prohibit, restrict, permit, or otherwise regulate, on terms and
1-50 conditions deemed advisable, private or public use of district
1-51 property, including any real property in which the district has an
1-52 interest, to the extent the instrument that establishes the real
1-53 property interest does not prohibit the prohibition, restriction,
1-54 permit, or other regulation.

1-55 Sec. 7B. HEARING REQUIRED FOR CERTAIN RULES. A board rule
1-56 adopted under Section 7(n), (o), or (p), or Section 7A of this Act
1-57 may be adopted only after a public hearing held in the district.

1-58 Sec. 7C. CONFLICT BETWEEN DISTRICT RULE AND OTHER LOCAL
1-59 REGULATIONS. To the extent a district rule conflicts with a rule,
1-60 order, ordinance, or regulation of a county or municipality with
1-61 jurisdiction in the district's territory or impact area, the rule,
1-62 order, ordinance, or regulation of the county or municipality
1-63 controls.

1-64 Sec. 7D. ENFORCEMENT OF DISTRICT RULES. (a) The board may

2-1 adopt rules that provide for the enforcement of a district rule,
2-2 including rules prescribing:

2-3 (1) the elements of a criminal offense for violating a
2-4 district rule; and

2-5 (2) the punishment for an offense prescribed under
2-6 Subdivision (1) of this subsection in accordance with the maximum
2-7 finest or penalties provided for the enforcement and punishment of a
2-8 municipal rule, ordinance, or police regulation under Section
2-9 54.001, Local Government Code.

2-10 (b) The justice court in the precinct where the offense is
2-11 committed has jurisdiction over offenses prescribed under this
2-12 section. The offense shall be prosecuted in the same manner as
2-13 similar classes of criminal offenses in the justice court's
2-14 jurisdiction.

2-15 (c) A justice court shall remit to the county any fine or
2-16 other penalty the justice court collects for a violation of a
2-17 district rule in the same manner as a similar fine or penalty
2-18 imposed for a violation of a state law.

2-19 Sec. 7E. JURISDICTION OF PEACE OFFICER. A peace officer who
2-20 has jurisdiction by any means, including by geography, other law,
2-21 or interlocal contract between the district and another
2-22 governmental entity, is authorized to preserve the peace in the
2-23 officer's jurisdiction by any lawful means, including the
2-24 prevention and suppression of an offense prescribed by the district
2-25 under Section 7D of this Act.

2-26 SECTION 3. Subsection (j), Section 11, Chapter 289, Acts of
2-27 the 73rd Legislature, Regular Session, 1993, is amended to read as
2-28 follows:

2-29 (j) The district and each economic development zone created
2-30 by the district is entitled to examine and receive information
2-31 related to the levy, assessment, and collection of sales and use
2-32 taxes to the same extent as if the district or economic development
2-33 zone were a municipality.

2-34 SECTION 4. Chapter 289, Acts of the 73rd Legislature,
2-35 Regular Session, 1993, is amended by adding Section 13A to read as
2-36 follows:

2-37 Sec. 13A. COMPETITIVE BIDDING. The district is not
2-38 required to seek a competitive bid or proposal for construction
2-39 work or for the purchase of material or equipment for an expenditure
2-40 of \$25,000 or less.

2-41 SECTION 5. Section 13A, Chapter 289, Acts of the 73rd
2-42 Legislature, Regular Session, 1993, as added by this Act, applies
2-43 only to a contract for which the Town Center Improvement District of
2-44 Montgomery County, Texas, first advertises or otherwise solicits
2-45 bids, proposals, offers, or qualifications on or after the
2-46 effective date of this Act. A contract for which the district first
2-47 advertised or otherwise solicited bids, proposals, offers, or
2-48 qualifications before that date is governed by the law in effect
2-49 when the first advertisement or solicitation was given, and the
2-50 former law is continued in effect for that purpose.

2-51 SECTION 6. This Act takes effect immediately if it receives
2-52 a vote of two-thirds of all the members elected to each house, as
2-53 provided by Section 39, Article III, Texas Constitution. If this
2-54 Act does not receive the vote necessary for immediate effect, this
2-55 Act takes effect September 1, 2005.

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