

BILL ANALYSIS

Senate Research Center

H.B. 3300
By: Coleman (Whitmire)
Intergovernmental Relations
5/14/1999
Committee Report (Amended)

DIGEST

The 75th Legislature passed legislation allowing the creation of sports and community venue districts financed by certain local taxes for the purpose of constructing sports and community venues such as stadiums, convention centers, and museums. If approved by the voters, these districts are given all powers necessary to plan and complete a venue project, including the power of eminent domain. H.B. 3300 would limit the power of eminent domain of a venue district to only the actual physical site of the approved venue project.

PURPOSE

As proposed, H.B. 3300 limits the power of eminent domain of a sports and community venue district to only the actual physical site of the approved venue project.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the board of directors of a sports and community venue district in SECTION 1 (Section 335.104(a), 335.105, and 335.108(a), Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 335E, Local Government Code, by adding Section 335.0711, as follows:

Sec. 335.0711. LIMIT ON POWER TO OWN OR ACQUIRE REAL PROPERTY IN CERTAIN DISTRICTS. Defines “facility site,” “real property,” and “related infrastructure.” Provides that this section applies only to a sports and community venue district (district) located in a county with a population of 2.4 million or more. Prohibits a district from owning or acquiring real property by eminent domain or any other method unless the property is for a facility site or related infrastructure as part of an approved venue project. Prohibits a district from participating in any way in planning or zoning issues before the governing body of a municipality.

SECTION 2. Amends Chapter 335, Local Government Code, by adding Subchapter F, as follows:

SUBCHAPTER F. CODE OF CONDUCT FOR CERTAIN DISTRICTS.

Sec. 335.101. DEFINITIONS. Defines “code of conduct,” “director,” and “employee.”

Sec. 335.102. APPLICABILITY. Provides that this subchapter applies only to a district located in a county with a population of 2.4 million or more.

Sec. 335.103. APPLICABILITY OF LAWS. Provides that Chapter 171 applies to an employee as if the employee was a local public official, as that term is defined by Section 171.001. Provides that Chapter 553, Government Code, applies to an employee as if the employee was a public servant, as that term is defined by Section 553.001, Government Code. Provides that Chapter 573, Government Code, applies to an employee as if the employee was a public official, as that term is defined in Section 573.001, Government Code.

Sec. 335.104. CREATION OF CODE OF CONDUCT; DISTRIBUTION. Requires the board of directors of the district (board), by rule, to adopt and maintain a code of conduct that establishes the general duties of the directors and employees of the district and specifies rules for directors, employees, and vendors. Requires the code of conduct to include certain information. Requires the

presiding officer of the board, by rule, to provide to the directors, employees, and vendors, as often as necessary, the code of conduct created under this section.

Sec. 335.105. RULEMAKING. Authorizes the board, by rule, to modify its code of conduct.

Sec. 335.106. GENERAL DUTIES. Requires director or employee to take certain action.

Sec. 335.107. VENDOR REQUIREMENTS. Provides that this section applies to vendors who certain action. Requires the board, by rule, to design a conflict of interest questionnaire that requires disclosure of a vendor's affiliations or business relationships that might cause a conflict of interest. Requires the vendors to file a completed conflict of interest questionnaire with the board secretary not less than seven days after the vendor takes certain action. Requires the vendor to file an updated complete questionnaire with the board secretary by a certain date. Requires each contract entered into between a district and a vendor to contain a provision stating that the contract is voidable if the board or vendor violates this section. Provides that a contract entered into between a district and a vendor is voidable if the board of a vendor violates this section.

Sec. 335.108. DISCLOSURE OF VENDOR RELATIONSHIP BY DIRECTORS AND EMPLOYEES. Requires the board, by rule, to design a conflicts disclosure statement for directors and employees that includes, certain information. Sets forth requirements for disclosure. Prohibits an employee from receiving during a 12-month period any gifts from a vendor that have a total value of more than \$250 unless the employee receives written approval from the presiding officer.

Sec. 335.109. REQUEST FOR OPINION FROM GENERAL COUNSEL. Authorizes any employee, with the presiding officer's consent, or a director, to seek a written advisory opinion from the district's general counsel concerning whether a violation of Section 335.107 or 335.108 exists in a certain situation. Requires the request to provide detailed information about the alleged violation or hypothetical situation. Requires the district's general counsel to prepare a written advisory opinion addressing whether a violation has occurred under the information provided, after receiving a request. Authorizes a director or employee to rely in good faith on a written advisory opinion issued under this section with respect to a potential violation of Section 335.107 or 335.108.

Sec. 335.110. PENALTIES. Authorizes the board to reprimand, suspend, or terminate an employee who violates the district's code of conduct.

SECTION 3. Amends Section 335.031(c), Local Government Code, to authorize a director to be removed by the appointing person, rather than mayor or county judge, at any time without cause.

SECTION 4. Amends Section 335.034, Local Government Code, to provide that the presiding officer is designated as provided by concurrent order, except as provided by Section 335.035.

SECTION 5. Amends Chapter 335C, Local Government Code, by adding Section 335.035, as follows:

Sec. 335.035. ADDITIONAL REQUIREMENTS FOR BOARD OF DISTRICT CREATED IN POPULOUS COUNTY. Provides that this section only applies to the board of a district located in whole or in part in a county with a population of 2.4 million or more. Sets forth additional requirements for the board of a district created in a populous county.

SECTION 6. Amends Section 335.054, Local Government Code, by adding new Subsection (e), to require the ballot at the election or elections held under this section to be printed to permit voting for or against the proposition, if a district is presently collecting taxes form one or more method of financing and seeks to use a portion of the revenue from the tax or taxes. Sets forth the style of the ballot.

SECTION 7. Effective date: September 1, 1999. Provides that Section 335.107, Local Government Code, applies to certain contracts. Makes application of the change in law made by Section 335.035, Local Government Code, as added by this Act, prospective.

SECTION 8. Emergency clause.

