

By: Goolsby

H.B. No. 2271

A BILL TO BE ENTITLED

AN ACT

relating to zoological operation and maintenance boards;
authorizing taxes and bonds.

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

SECTION 1. Subtitle B, Title 10, Local Government Code, is amended by adding Chapter 327 to read as follows:

CHAPTER 327. ZOOLOGICAL OPERATION AND MAINTENANCE BOARDS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 327.001. DEFINITIONS. In this chapter:

(1) "County" means the county that created the zoo board.

(2) "Director" means a zoo board member.

(3) "Zoo board" means a zoological operation and maintenance board created under this chapter.

Sec. 327.002. PURPOSE AND NATURE OF ZOO BOARD. A zoo board is created to establish, finance, and manage facilities and services to provide conservation, education, research, public recreation, and care relating to the study and display of animals and other specimens in a public zoological park.

[Sections 327.003-327.050 reserved for expansion]

SUBCHAPTER B. CREATION OF ZOO BOARD

Sec. 327.051. COUNTIES AUTHORIZED TO CREATE ZOO BOARD. The governing body of a county with a population of more than 1.5 million by order may authorize the creation of a zoo board under

1 this chapter.

2 Sec. 327.052. ORDER CREATING ZOO BOARD. (a) The order
3 authorizing the creation of a zoo board must specify that the zoo
4 board:

5 (1) is being created under this chapter; and

6 (2) has the powers and duties provided in this
7 chapter.

8 (b) The order authorizing the creation of the zoo board may
9 also serve as the election order under Section 327.054.

10 Sec. 327.053. AUTHORITY TO TAX; ELECTION REQUIRED. The
11 county may designate and use a portion of its ad valorem taxing
12 authority to provide revenue for a zoo board that it has created.
13 The tax may not exceed a rate of 3 cents per \$100 valuation of
14 taxable property and the amount of the tax must be approved by a
15 majority of the voters of the county voting at an election held for
16 that purpose by the county.

17 Sec. 327.054. ELECTION ORDER. (a) An order for an election
18 under Section 327.053 must state:

19 (1) the nature of the election, including the
20 proposition that is to appear on the ballot;

21 (2) the date of the election;

22 (3) the hours during which the polls will be open;

23 (4) the location of the polling places; and

24 (5) the proposed maximum ad valorem tax rate.

25 (b) The election order may contain additional information
26 about the zoo board that the governing body of the county considers
27 appropriate to inform the voters of, including information about

1 the zoo board's mission or finances.

2 Sec. 327.055. CONDUCT OF ELECTION. (a) The county shall
3 hold the election under the Election Code to the extent not
4 inconsistent with this chapter.

5 (b) The ballot for the election shall be printed to permit
6 voting for or against the following summary of the proposition:
7 "Authorizing _____ (name of county) to pledge a portion of
8 its existing ad valorem taxing authority, in an amount not to exceed
9 _____ (rate, not to exceed 3 cents) cents per \$100 valuation of
10 taxable property, to fund the acquisition, construction,
11 operation, and maintenance of one or more zoos to be operated for
12 the county by the _____ (name of zoo board)."

13 Sec. 327.056. ELECTION RESULTS. (a) Not earlier than the
14 second day or later than the 13th day after the election date, the
15 county shall canvass the election returns.

16 (b) If a majority of the votes cast favor the proposition
17 under Section 327.055, the county may designate and use a portion of
18 its existing ad valorem taxing authority as provided in the
19 proposition and this chapter.

20 (c) If less than a majority of the votes cast favor the
21 proposition, the county may not order another election on the
22 matter earlier than the anniversary of the date of the preceding
23 election.

24 [Sections 327.057-327.100 reserved for expansion]

25 SUBCHAPTER C. ORGANIZATION OF BOARD OF DIRECTORS

26 Sec. 327.101. BOARD OF DIRECTORS. A zoo board consists of:

27 (1) five directors appointed by the governing body of

1 the county, at least two of whom must be members of a private
2 organization dedicated to conservation and education relating to
3 zoos;

4 (2) five directors appointed by the governing body of
5 the most populous municipality located in whole or in part in the
6 county, at least two of whom must be members of a private
7 organization dedicated to conservation and education relating to
8 zoos; and

9 (3) one director appointed jointly by each governing
10 body appointing directors under Subdivisions (1) and (2).

11 Sec. 327.102. TERMS; INITIAL APPOINTMENTS. (a) A director
12 serves a two-year term.

13 (b) In appointing the initial zoo board, each governing body
14 under Section 327.101 shall designate two directors to serve a
15 one-year term. The initial director appointed jointly shall serve
16 a two-year term.

17 Sec. 327.103. VACANCY. A vacancy on the zoo board is filled
18 in the same manner as the original appointment. The director
19 appointed to fill the vacancy shall serve the unexpired term.

20 Sec. 327.104. OFFICERS. (a) Except as provided in
21 Subsection (b), the zoo board shall elect a presiding officer, vice
22 presiding officer, secretary, and treasurer from among its members.

23 (b) The county shall designate the presiding officer for the
24 initial zoo board to serve in that capacity until the expiration of
25 that director's term.

26 (c) The offices of secretary and treasurer may be held by
27 the same director. If either the secretary or treasurer is

1 unavailable, the other officer, if the offices are held by
2 different directors, may act for and perform the duties of the
3 unavailable officer.

4 Sec. 327.105. MEETINGS. A zoo board shall hold regular
5 meetings at times to be fixed by the zoo board or special meetings
6 as necessary.

7 Sec. 327.106. COMPENSATION; EXPENSES. (a) A director
8 serves without compensation but may be reimbursed for a reasonable
9 and necessary expense, including a travel expense, incurred in
10 performing an official duty.

11 (b) To receive reimbursement under Subsection (a):

12 (1) the director must report the expense in the zoo
13 board's minute book or other zoo board record; and

14 (2) the zoo board must approve the expense.

15 Sec. 327.107. IMMUNITY FROM LIABILITY. A director is not
16 liable for civil damages or criminal prosecution for any act
17 performed in good faith in the execution of the director's duties or
18 for any action taken by the zoo board.

19 [Sections 327.108-327.150 reserved for expansion]

20 SUBCHAPTER D. ZOO BOARD POWERS AND DUTIES

21 Sec. 327.151. GENERAL POWERS. A zoo board may exercise any
22 power necessary or appropriate to further a zoo board purpose,
23 including establishing or operating one or more zoos.

24 Sec. 327.152. RULES. The board may adopt rules to implement
25 this chapter, including rules to govern the zoo board or manage
26 zoos.

27 Sec. 327.153. EXECUTIVE DIRECTOR; RULES. (a) A zoo board

1 may appoint an executive director to manage the zoo board's
2 operations.

3 (b) The zoo board by rule may define the powers, duties, and
4 compensation of the executive director.

5 Sec. 327.154. EMPLOYEES; RULES. (a) A zoo board may
6 delegate to the executive director the power to hire and fire
7 persons necessary to carry out the zoo board's duties.

8 (b) The zoo board may adopt rules regarding the powers,
9 duties, qualifications, and compensation of zoo board employees.

10 Sec. 327.155. CONTRACTS--GENERAL. (a) A zoo board may
11 contract with any person, including a governmental entity, private
12 vendor, or foreign state, for any zoo board purpose, including
13 contracting with the following entities to furnish staff,
14 facilities, equipment, programs, utilities, and services the board
15 considers necessary or appropriate to effectively operate the zoo
16 board or a zoo under its control:

17 (1) a municipality, county, special district, or other
18 political subdivision of the state;

19 (2) a state or federal agency;

20 (3) an individual; or

21 (4) an entity in the private sector.

22 (b) A contract may be on terms and conditions and for the
23 length of time as agreed to by the zoo board.

24 (c) A contract binds the zoo board and the county without
25 reference to any other law.

26 Sec. 327.156. AGREEMENT TO OPERATE DISTRICT. (a) In
27 selecting a person to operate a zoo under Section 327.155, the board

1 shall consider:

2 (1) the financial capability of the person;

3 (2) the experience and qualifications of the person;

4 and

5 (3) the likelihood that the person will obtain from
6 the United States Department of Agriculture:

7 (A) accreditation of a zoo; and

8 (B) necessary permits.

9 (b) The agreement may allow a reasonable time after it
10 becomes effective for the person to obtain accreditation and
11 permits under Subsection (a)(3).

12 Sec. 327.157. PROPERTY. A zoo board may acquire and sell
13 property for any zoo board purpose.

14 Sec. 327.158. PUBLIC PURPOSE OF DONATIONS, AGREEMENTS, OR
15 TRANSFERS WITH OR FROM OTHER POLITICAL ENTITIES; EXCEPTION TO
16 COMPETITIVE BIDDING. (a) A governmental entity, including a
17 municipality, county, special district, or other political
18 subdivision of the state, may sell, lease, donate, or otherwise
19 transfer to a zoo board a zoo, zoo-related property, or any other
20 property on a finding by the transferring entity that the action is
21 being carried out to further the public purpose of providing and
22 maintaining the zoo-related property.

23 (b) The entity may make the transfer without complying with
24 laws on competitive bids or proposals.

25 Sec. 327.159. ZOO BOARD RECORDS. (a) A zoo board shall:

26 (1) keep a complete account of each zoo board meeting
27 or other proceeding; and

1 (2) maintain zoo board records in a secure manner.

2 (b) The records are the property of the zoo board.

3 (c) The governing body of the county and other county
4 officers may inspect zoo board records at all reasonable times
5 during regular business hours.

6 Sec. 327.160. DONATIONS. A zoo board may accept a donation,
7 grant, or other gift from any person for any zoo board purpose.

8 Sec. 327.161. SUITS; SERVICE OF PROCESS; LEGAL SERVICES.

9 (a) A zoo board may sue and be sued.

10 (b) In a suit against a zoo board, process may be served on a
11 director or registered agent.

12 (c) The county attorney may perform any necessary legal
13 services for the zoo board.

14 Sec. 327.162. SUPERVISION BY COUNTY. (a) The governing
15 body of the county may supervise the zoo board in the exercise of
16 all powers and duties under this chapter.

17 (b) The governing body of the county may decide to approve
18 all zoo board contracts, leases, deeds, or other agreements. An
19 appropriate entry in the minutes of the governing body of the county
20 is sufficient evidence of approval.

21 Sec. 327.163. SEAL. A zoo board shall adopt a seal for the
22 zoo board.

23 [Sections 327.164-327.200 reserved for expansion]

24 SUBCHAPTER E. GENERAL FISCAL PROVISIONS

25 Sec. 327.201. GENERAL ZOO BOARD POWER OVER FUNDS. A zoo
26 board shall manage and control zoo board funds.

27 Sec. 327.202. ACCOUNTING AND CONTROL PROCEDURES. A zoo

1 board by rule may adopt accounting and control procedures for the
2 zoo board.

3 Sec. 327.203. PURCHASING AND EXPENDITURE METHOD. A zoo
4 board by rule may prescribe the zoo board's method of making
5 purchases and expenditures.

6 Sec. 327.204. FISCAL YEAR. (a) A zoo board by rule shall
7 establish the zoo board's fiscal year.

8 (b) The zoo board may not change the fiscal year more than
9 once in a two-year period.

10 Sec. 327.205. ANNUAL AUDIT REQUIRED. A zoo board shall have
11 an annual audit of the zoo board's financial condition performed by
12 an independent auditor.

13 Sec. 327.206. ANNUAL BUDGET PROPOSAL. (a) A zoo board
14 shall propose an annual budget.

15 (b) The proposed budget must contain a complete financial
16 statement, including the:

17 (1) outstanding zoo board obligations;

18 (2) amount of cash on hand to the credit of each zoo
19 board fund;

20 (3) amount of money received by the zoo board from all
21 sources during the previous year;

22 (4) estimated amount of money available to the zoo
23 board from all sources during the current fiscal year;

24 (5) amount of money needed to fund programs approved
25 for funding by the zoo board;

26 (6) amount of the balances expected at the end of the
27 fiscal year in which the budget is being prepared; and

1 (7) estimated amount of revenue and balances available
2 to cover the proposed budget.

3 Sec. 327.207. ADOPTION OF ANNUAL BUDGET; HEARING. (a) Not
4 later than the 100th day before the date each fiscal year begins,
5 the zoo board shall hold a public hearing on the proposed annual
6 budget.

7 (b) The zoo board shall publish notice of the hearing in a
8 newspaper with general circulation in the county not later than the
9 10th day before the date of the hearing.

10 (c) Any county resident is entitled to be present and
11 participate at the hearing.

12 (d) Not later than the 80th day before the date each fiscal
13 year begins, the zoo board shall adopt a budget. The zoo board may
14 make any changes in the proposed budget that in its judgment the
15 interests of the taxpayers demand.

16 (e) Not later than the 10th day after the date the budget is
17 adopted, the zoo board shall submit the budget, with any revisions,
18 to the governing body of the county for final approval.

19 Sec. 327.208. LIMITATIONS ON EXPENDITURES AND INVESTMENTS.

20 (a) A zoo board may not spend money unless the expense is included
21 in the annual budget.

22 (b) A zoo board may not incur a debt payable from zoo board
23 revenue except for revenue in the current or immediately following
24 fiscal year.

25 Sec. 327.209. ACCOUNT OF ZOO BOARD DISBURSEMENTS. Not
26 later than the 60th day after the last day of each fiscal year, a zoo
27 board employee shall prepare for the zoo board a sworn statement

1 showing:

2 (1) the zoo board's funds; and

3 (2) the disbursements of those funds.

4 [Sections 327.210-327.250 reserved for expansion]

5 SUBCHAPTER F. BONDS

6 Sec. 327.251. GENERAL OBLIGATION BONDS. The governing body
7 of the county may issue and sell bonds to acquire, construct, equip,
8 or enlarge any zoo or zoo-related property, including a zoo board
9 building or other facility.

10 Sec. 327.252. TAXES TO PAY BONDS. (a) When the county
11 issues bonds under this chapter, the governing body of the county
12 shall impose an ad valorem tax on all property subject to county
13 taxation.

14 (b) The tax amount must be sufficient to create an interest
15 and sinking fund to pay the principal of and interest on the bonds
16 as they mature.

17 (c) The proceeds of the tax shall be used to pay the
18 principal of, interest on, and other fees and charges relating to
19 the bonds.

20 Sec. 327.253. AUTHORITY FOR BOND ELECTION. The governing
21 body of the county may order a bond election on its own motion or on
22 the zoo board's request.

23 Sec. 327.254. EXECUTION OF BONDS. The county judge shall
24 execute the bonds and the county clerk shall countersign the bonds.

25 [Sections 327.255-327.300 reserved for expansion]

26 SUBCHAPTER G. TAXES

27 Sec. 327.301. ANNUAL PROPERTY TAXES. (a) The county

1 annually shall impose an ad valorem tax in an amount:

2 (1) not to exceed the limit approved by the voters
3 under Subchapter B; and

4 (2) necessary to pay the county's bonds issued under
5 Subchapter F.

6 (b) The taxes may be used to pay:

7 (1) the bonds issued by the county under Subchapter F;

8 or

9 (2) maintenance or other expenses of the zoo board.

10 Sec. 327.302. TAX RATE. (a) In adopting the tax rate, the
11 county may consider the zoo board's income from sources other than
12 taxation.

13 (b) The tax rate for all purposes may not exceed the
14 county's available ad valorem tax.

15 [Sections 327.303-327.350 reserved for expansion]

16 SUBCHAPTER H. DISSOLUTION

17 Sec. 327.351. DISSOLUTION BY ZOO BOARD REQUEST. (a) A zoo
18 board may dissolve itself if all zoo board debts and obligations
19 have been discharged.

20 (b) Any property remaining after dissolution is transferred
21 to the county.

22 Sec. 327.352. DISSOLUTION BY COUNTY AND MUNICIPALITY. (a)
23 The governing bodies of the county and municipality that appoint
24 zoo board members may dissolve the zoo board if:

25 (1) both governing bodies agree to dissolve the zoo
26 board; and

27 (2) all zoo board debts and obligations have been

1 discharged.

2 (b) Property remaining after dissolution is transferred to:

3 (1) the county; or

4 (2) the municipality, if both the county and
5 municipality agree on the transfer of that property.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2003.