

By: West

S.B. No. 1472

Substitute the following for S.B. No. 1472:

By: Smith of Harris

C.S.S.B. No. 1472

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.

[Sections 327.002-327.050 reserved for expansion]

SUBCHAPTER B. CREATION OF ZOO BOARD

Sec. 327.051. COUNTIES AUTHORIZED TO CREATE ZOO BOARD. The commissioners court of a county with a population of more than 1.5 million that is adjacent to a county with a population of more than one million by order may authorize the creation of a zoo board under this chapter 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.

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

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

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

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

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

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

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

20 (2) the date of the election;

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

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

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

24 (b) The election order may contain additional information
25 about the zoo board that the county commissioners court considers
26 appropriate to inform the voters of, including information about
27 the zoo board's mission or finances.

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

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

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

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

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

22 [Sections 327.057-327.100 reserved for expansion]

23 SUBCHAPTER C. ORGANIZATION OF BOARD OF DIRECTORS

24 Sec. 327.101. BOARD OF DIRECTORS. (a) A zoo board consists
25 of seven directors appointed by the county commissioners court as
26 follows:

27 (1) one director appointed by each member of the

1 county commissioners court; and

2 (2) two directors appointed jointly by the county
3 commissioners court.

4 (b) Each director serves at the pleasure of the county
5 commissioners court.

6 Sec. 327.102. VACANCY. A vacancy on the zoo board is filled
7 in the same manner as the original appointment.

8 Sec. 327.103. OFFICERS. (a) The county commissioners
9 court shall designate the presiding officer for the zoo board to
10 serve in that capacity at the pleasure of the commissioners court.

11 (b) The zoo board shall elect a vice presiding officer,
12 secretary, and treasurer from among its members.

13 (c) The offices of secretary and treasurer may be held by
14 the same director. If either the secretary or treasurer is
15 unavailable, the other officer, if the offices are held by
16 different directors, may act for and perform the duties of the
17 unavailable officer.

18 Sec. 327.104. MEETINGS. A zoo board shall hold regular
19 meetings at times to be fixed by the zoo board or special meetings
20 as necessary.

21 Sec. 327.105. COMPENSATION; EXPENSES. (a) A director
22 serves without compensation but may be reimbursed for a reasonable
23 and necessary expense, including a travel expense, incurred in
24 performing an official duty.

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

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

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

2 Sec. 327.106. IMMUNITY FROM LIABILITY. A director is not
3 liable for civil damages or criminal prosecution for any act
4 performed in good faith in the execution of the director's duties or
5 for any action taken by the zoo board.

6 [Sections 327.107-327.150 reserved for expansion]

7 SUBCHAPTER D. ZOO BOARD POWERS AND DUTIES

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

11 Sec. 327.152. RULES. The board may adopt rules to implement
12 this chapter, including rules to govern the zoo board or manage
13 zoos.

14 Sec. 327.153. EXECUTIVE DIRECTOR; RULES. (a) A zoo board
15 may appoint an executive director to manage the zoo board's
16 operations.

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

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

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

24 Sec. 327.155. CONTRACTS--GENERAL; APPROVAL REQUIRED. (a)
25 A zoo board may contract with any person, including a governmental
26 entity, private vendor, or foreign state, for any zoo board
27 purpose, including contracting with the following entities to

1 furnish staff, facilities, equipment, programs, utilities, and
2 services the board considers necessary or appropriate to
3 effectively operate the zoo board or a zoo under its control:

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

6 (2) a state or federal agency;

7 (3) an individual; or

8 (4) an entity in the private sector.

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

11 (c) Before entering into a contract under this section, the
12 zoo board must obtain the approval of the county commissioners
13 court.

14 Sec. 327.156. AGREEMENT TO OPERATE DISTRICT. (a) In
15 selecting a person to operate a zoo under Section 327.155, the board
16 shall consider:

17 (1) the financial capability of the person;

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

19 and

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

22 (A) accreditation of a zoo; and

23 (B) necessary permits.

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

27 Sec. 327.157. PROPERTY; APPROVAL REQUIRED. A zoo board may

1 acquire and sell property for any zoo board purpose. Before the
2 acquisition or sale, the zoo board must obtain the approval of the
3 county commissioners court.

4 Sec. 327.158. PUBLIC PURPOSE OF DONATIONS, AGREEMENTS, OR
5 TRANSFERS WITH OR FROM OTHER POLITICAL ENTITIES; EXCEPTION TO
6 COMPETITIVE BIDDING. (a) A governmental entity, including a
7 municipality, county, special district, or other political
8 subdivision of the state, may sell, lease, donate, or otherwise
9 transfer to a zoo board a zoo, zoo-related property, or any other
10 property on a finding by the transferring entity that the action is
11 being carried out to further the public purpose of providing and
12 maintaining the zoo-related property.

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

15 (c) Before making a transfer under this section, the
16 governmental entity must obtain the approval of the county
17 commissioners court.

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

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

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

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

23 (c) The commissioners court of the county and other county
24 officers may inspect zoo board records at all reasonable times
25 during regular business hours.

26 Sec. 327.160. DONATIONS. (a) A zoo board may accept a
27 donation, grant, or other gift from any person for any zoo board

1 purpose.

2 (b) Before accepting a donation, grant, or other gift under
3 this section, the zoo board must obtain the approval of the county
4 commissioners court.

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

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

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

9 (c) The county or district attorney may perform any
10 necessary legal services for the zoo board.

11 Sec. 327.162. SUPERVISION BY COUNTY. (a) The county
12 commissioners court may supervise the zoo board in the exercise of
13 all powers and duties under this chapter, including Subchapter E.

14 (b) The county commissioners court may decide to approve all
15 zoo board contracts, leases, deeds, or other agreements. An
16 appropriate entry in the minutes of the commissioners court of the
17 county is sufficient evidence of approval.

18 Sec. 327.163. SEAL. A zoo board shall adopt a seal for the
19 zoo board.

20 [Sections 327.164-327.200 reserved for expansion]

21 SUBCHAPTER E. GENERAL FISCAL PROVISIONS

22 Sec. 327.201. GENERAL ZOO BOARD AND COUNTY POWER OVER
23 FUNDS. A zoo board shall manage and control zoo board funds subject
24 to the supervision or approval of the county commissioners court
25 under Section 327.162 and subject to the approval of the county
26 commissioners court of a budget under Section 327.207.

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, subject to the supervision of the county commissioners
3 court under Section 327.162.

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

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

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

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

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

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

18 (1) outstanding zoo board obligations;

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

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

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

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

27 (6) amount of the balances expected at the end of the

1 fiscal year in which the budget is being prepared; and

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

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

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

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

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

17 (e) Not later than the 10th day after the date the budget is
18 adopted, the zoo board shall submit the budget, with any revisions,
19 to the county commissioners court.

20 (f) The budget is not considered final until the county
21 commissioners court has approved the budget, including any
22 revisions, after a public hearing and a vote by the commissioners
23 court in favor of approval.

24 Sec. 327.208. LIMITATIONS ON EXPENDITURES AND INVESTMENTS.

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

27 (b) A zoo board may not incur a debt payable from zoo board

1 revenue except for revenue in the current or immediately following
2 fiscal year.

3 Sec. 327.209. ACCOUNT OF ZOO BOARD DISBURSEMENTS. Not
4 later than the 60th day after the last day of each fiscal year, a zoo
5 board employee shall prepare for the zoo board a sworn statement
6 showing:

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

8 (2) the disbursements of those funds.

9 [Sections 327.210-327.250 reserved for expansion]

10 SUBCHAPTER F. BONDS

11 Sec. 327.251. GENERAL OBLIGATION BONDS. The county
12 commissioners court may issue and sell bonds to acquire, construct,
13 equip, or enlarge any zoo or zoo-related property, including a zoo
14 board building or other facility.

15 Sec. 327.252. TAXES TO PAY BONDS. (a) When the county
16 issues bonds under this chapter, the county commissioners court
17 shall impose an ad valorem tax on all property subject to county
18 taxation.

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

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

25 Sec. 327.253. AUTHORITY FOR BOND ELECTION. The county
26 commissioner court may order a bond election on its own motion or on
27 the zoo board's request.

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

3 [Sections 327.255-327.300 reserved for expansion]

4 SUBCHAPTER G. TAXES

5 Sec. 327.301. ANNUAL PROPERTY TAXES. (a) The county
6 annually shall impose a separate ad valorem tax in an amount not to
7 exceed the limit approved by the voters under Subchapter B.

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

9 (1) the bonds issued by:

10 (A) the county under Subchapter F; or

11 (B) any other governmental entity for property
12 transferred by that entity under Section 327.158; or

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

14 Sec. 327.302. TAX RATE. In adopting the tax rate, the
15 county may consider the zoo board's income from sources other than
16 taxation.

17 [Sections 327.303-327.350 reserved for expansion]

18 SUBCHAPTER H. DISSOLUTION

19 Sec. 327.351. DISSOLUTION BY COUNTY. (a) The county
20 commissioners court may dissolve the zoo board if all zoo board
21 debts and obligations have been discharged.

22 (b) Any property remaining after dissolution is transferred
23 to the county.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2003.