

1-1 By: West S.B. No. 1472  
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; May 2, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 May 2, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1472 By: Gallegos

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to zoological operation and maintenance boards;  
1-11 authorizing taxes and bonds.

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

1-13 SECTION 1. Subtitle B, Title 10, Local Government Code, is  
1-14 amended by adding Chapter 327 to read as follows:

1-15 CHAPTER 327. ZOOLOGICAL OPERATION AND MAINTENANCE BOARDS

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 327.001. DEFINITIONS. In this chapter:

1-18 (1) "County" means the county that created the zoo  
1-19 board.

1-20 (2) "Director" means a zoo board member.

1-21 (3) "Zoo board" means a zoological operation and  
1-22 maintenance board created under this chapter.

1-23 Sec. 327.002. PURPOSE AND NATURE OF ZOO BOARD. A zoo board  
1-24 is created to establish, finance, and manage facilities and  
1-25 services to provide conservation, education, research, public  
1-26 recreation, and care relating to the study and display of animals  
1-27 and other specimens in a public zoological park.

1-28 [Sections 327.003-327.050 reserved for expansion]

1-29 SUBCHAPTER B. CREATION OF ZOO BOARD

1-30 Sec. 327.051. COUNTIES AUTHORIZED TO CREATE ZOO BOARD. The  
1-31 commissioners court of a county with a population of more than 1.5  
1-32 million that is adjacent to a county with a population of more than  
1-33 1 million by order may authorize the creation of a zoo board under  
1-34 this chapter.

1-35 Sec. 327.052. ORDER CREATING ZOO BOARD. (a) The order  
1-36 authorizing the creation of a zoo board must specify that the zoo  
1-37 board:

1-38 (1) is being created under this chapter; and

1-39 (2) has the powers and duties provided in this  
1-40 chapter.

1-41 (b) The order authorizing the creation of the zoo board may  
1-42 also serve as the election order under Section 327.054.

1-43 Sec. 327.053. AUTHORITY TO TAX; ELECTION REQUIRED. The  
1-44 county may designate and use a portion of its ad valorem taxing  
1-45 authority to provide revenue for a zoo board that it has created.  
1-46 The tax may not exceed a rate of 3 cents per \$100 valuation of  
1-47 taxable property and the amount of the tax must be approved by a  
1-48 majority of the voters of the county voting at an election held for  
1-49 that purpose by the county.

1-50 Sec. 327.054. ELECTION ORDER. (a) An order for an  
1-51 election under Section 327.053 must state:

1-52 (1) the nature of the election, including the  
1-53 proposition that is to appear on the ballot;

1-54 (2) the date of the election;

1-55 (3) the hours during which the polls will be open;

1-56 (4) the location of the polling places; and

1-57 (5) the proposed maximum ad valorem tax rate.

1-58 (b) The election order may contain additional information  
1-59 about the zoo board that the commissioners court of the county  
1-60 considers appropriate to inform the voters of, including  
1-61 information about the zoo board's mission or finances.

1-62 Sec. 327.055. CONDUCT OF ELECTION. (a) The county shall  
1-63 hold the election under the Election Code to the extent not

2-1 inconsistent with this chapter.

2-2 (b) The ballot for the election shall be printed to permit  
 2-3 voting for or against the following summary of the proposition:  
 2-4 "Authorizing \_\_\_\_\_ (name of county) to pledge a portion of  
 2-5 its existing ad valorem taxing authority, in an amount not to exceed  
 2-6 \_\_\_\_\_ (rate, not to exceed 3 cents) cents per \$100 valuation of  
 2-7 taxable property, to fund the acquisition, construction,  
 2-8 operation, and maintenance of one or more zoos to be operated for  
 2-9 the county by the \_\_\_\_\_ (name of zoo board)."

2-10 Sec. 327.056. ELECTION RESULTS. (a) Not earlier than the  
 2-11 second day or later than the 13th day after the election date, the  
 2-12 county shall canvass the election returns.

2-13 (b) If a majority of the votes cast favor the proposition  
 2-14 under Section 327.055, the county may designate and use a portion of  
 2-15 its existing ad valorem taxing authority as provided in the  
 2-16 proposition and this chapter.

2-17 (c) If less than a majority of the votes cast favor the  
 2-18 proposition, the county may not order another election on the  
 2-19 matter earlier than the anniversary of the date of the preceding  
 2-20 election.

2-21 [Sections 327.057-327.100 reserved for expansion]

2-22 SUBCHAPTER C. ORGANIZATION OF BOARD OF DIRECTORS

2-23 Sec. 327.101. BOARD OF DIRECTORS. A zoo board consists of  
 2-24 11 directors appointed by the commissioners court of the county.

2-25 Sec. 327.102. TERMS; INITIAL APPOINTMENTS. (a) A director  
 2-26 serves a two-year term.

2-27 (b) In appointing the initial zoo board, the commissioners  
 2-28 court of the county shall designate five directors to serve a  
 2-29 one-year term.

2-30 Sec. 327.103. VACANCY. A vacancy on the zoo board is filled  
 2-31 in the same manner as the original appointment. The director  
 2-32 appointed to fill the vacancy shall serve the unexpired term.

2-33 Sec. 327.104. OFFICERS. (a) Except as provided in  
 2-34 Subsection (b), the zoo board shall elect a presiding officer, vice  
 2-35 presiding officer, secretary, and treasurer from among its members.

2-36 (b) The county shall designate the presiding officer for the  
 2-37 initial zoo board to serve in that capacity until the expiration of  
 2-38 that director's term.

2-39 (c) The offices of secretary and treasurer may be held by  
 2-40 the same director. If either the secretary or treasurer is  
 2-41 unavailable, the other officer, if the offices are held by  
 2-42 different directors, may act for and perform the duties of the  
 2-43 unavailable officer.

2-44 Sec. 327.105. MEETINGS. A zoo board shall hold regular  
 2-45 meetings at times to be fixed by the zoo board or special meetings  
 2-46 as necessary.

2-47 Sec. 327.106. COMPENSATION; EXPENSES. (a) A director  
 2-48 serves without compensation but may be reimbursed for a reasonable  
 2-49 and necessary expense, including a travel expense, incurred in  
 2-50 performing an official duty.

2-51 (b) To receive reimbursement under Subsection (a):

2-52 (1) the director must report the expense in the zoo  
 2-53 board's minute book or other zoo board record; and

2-54 (2) the zoo board must approve the expense.

2-55 Sec. 327.107. IMMUNITY FROM LIABILITY. A director is not  
 2-56 liable for civil damages or criminal prosecution for any act  
 2-57 performed in good faith in the execution of the director's duties or  
 2-58 for any action taken by the zoo board.

2-59 [Sections 327.108-327.150 reserved for expansion]

2-60 SUBCHAPTER D. ZOO BOARD POWERS AND DUTIES

2-61 Sec. 327.151. GENERAL POWERS. A zoo board may exercise any  
 2-62 power necessary or appropriate to further a zoo board purpose,  
 2-63 including establishing or operating one or more zoos.

2-64 Sec. 327.152. RULES. The zoo board may adopt rules to  
 2-65 implement this chapter, including rules to govern the zoo board or  
 2-66 manage zoos.

2-67 Sec. 327.153. EXECUTIVE DIRECTOR; RULES. (a) A zoo board  
 2-68 may appoint an executive director to manage the zoo board's  
 2-69 operations.

3-1 (b) The zoo board by rule may define the powers, duties, and  
3-2 compensation of the executive director.

3-3 Sec. 327.154. EMPLOYEES; RULES. (a) A zoo board may  
3-4 delegate to the executive director the power to hire and fire  
3-5 persons necessary to carry out the zoo board's duties.

3-6 (b) The zoo board may adopt rules regarding the powers,  
3-7 duties, qualifications, and compensation of zoo board employees.

3-8 Sec. 327.155. CONTRACTS--GENERAL. (a) A zoo board may  
3-9 contract with any person, including a governmental entity, private  
3-10 vendor, or foreign state, for any zoo board purpose, including  
3-11 contracting with the following entities to furnish staff,  
3-12 facilities, equipment, programs, utilities, and services the zoo  
3-13 board considers necessary or appropriate to effectively operate the  
3-14 zoo board or a zoo under its control:

3-15 (1) a municipality, county, special district, or other  
3-16 political subdivision of the state;

3-17 (2) a state or federal agency;

3-18 (3) an individual; or

3-19 (4) an entity in the private sector.

3-20 (b) A contract may be on terms and conditions and for the  
3-21 length of time as agreed to by the zoo board.

3-22 (c) A contract binds the zoo board and the county without  
3-23 reference to any other law.

3-24 Sec. 327.156. AGREEMENT TO OPERATE DISTRICT. (a) In  
3-25 selecting a person to operate a zoo under Section 327.155, the zoo  
3-26 board shall consider:

3-27 (1) the financial capability of the person;

3-28 (2) the experience and qualifications of the person;

3-29 and

3-30 (3) the likelihood that the person will obtain from  
3-31 the United States Department of Agriculture:

3-32 (A) accreditation of a zoo; and

3-33 (B) necessary permits.

3-34 (b) The agreement may allow a reasonable time after it  
3-35 becomes effective for the person to obtain accreditation and  
3-36 permits under Subsection (a)(3).

3-37 Sec. 327.157. PROPERTY. A zoo board may acquire and sell  
3-38 property for any zoo board purpose.

3-39 Sec. 327.158. PUBLIC PURPOSE OF DONATIONS, AGREEMENTS, OR  
3-40 TRANSFERS WITH OR FROM OTHER POLITICAL ENTITIES; EXCEPTION TO  
3-41 COMPETITIVE BIDDING. (a) A governmental entity, including a  
3-42 municipality, county, special district, or other political  
3-43 subdivision of the state, may sell, lease, donate, or otherwise  
3-44 transfer to a zoo board a zoo, zoo-related property, or any other  
3-45 property on a finding by the transferring entity that the action is  
3-46 being carried out to further the public purpose of providing and  
3-47 maintaining the zoo-related property.

3-48 (b) The entity may make the transfer without complying with  
3-49 laws on competitive bids or proposals.

3-50 Sec. 327.159. ZOO BOARD RECORDS. (a) A zoo board shall:  
3-51 (1) keep a complete account of each zoo board meeting  
3-52 or other proceeding; and

3-53 (2) maintain zoo board records in a secure manner.

3-54 (b) The records are the property of the zoo board.

3-55 (c) The commissioners court of the county and other county  
3-56 officers may inspect zoo board records at all reasonable times  
3-57 during regular business hours.

3-58 Sec. 327.160. DONATIONS. A zoo board may accept a donation,  
3-59 grant, or other gift from any person for any zoo board purpose.

3-60 Sec. 327.161. SUITS; SERVICE OF PROCESS; LEGAL SERVICES.  
3-61 (a) A zoo board may sue and be sued.

3-62 (b) In a suit against a zoo board, process may be served on a  
3-63 director or registered agent.

3-64 (c) The county attorney may perform any necessary legal  
3-65 services for the zoo board.

3-66 Sec. 327.162. SUPERVISION BY COUNTY. (a) The  
3-67 commissioners court of the county may supervise the zoo board in the  
3-68 exercise of all powers and duties under this chapter.

3-69 (b) The commissioners court of the county may decide to

4-1 approve all zoo board contracts, leases, deeds, or other  
4-2 agreements. An appropriate entry in the minutes of the  
4-3 commissioners court of the county is sufficient evidence of  
4-4 approval.

4-5 Sec. 327.163. SEAL. A zoo board shall adopt a seal for the  
4-6 zoo board.

4-7 [Sections 327.164-327.200 reserved for expansion]

4-8 SUBCHAPTER E. GENERAL FISCAL PROVISIONS

4-9 Sec. 327.201. GENERAL ZOO BOARD POWER OVER FUNDS. A zoo  
4-10 board shall manage and control zoo board funds.

4-11 Sec. 327.202. ACCOUNTING AND CONTROL PROCEDURES. A zoo  
4-12 board by rule may adopt accounting and control procedures for the  
4-13 zoo board.

4-14 Sec. 327.203. PURCHASING AND EXPENDITURE METHOD. A zoo  
4-15 board by rule may prescribe the zoo board's method of making  
4-16 purchases and expenditures.

4-17 Sec. 327.204. FISCAL YEAR. (a) A zoo board by rule shall  
4-18 establish the zoo board's fiscal year.

4-19 (b) The zoo board may not change the fiscal year more than  
4-20 once in a two-year period.

4-21 Sec. 327.205. ANNUAL AUDIT REQUIRED. A zoo board shall have  
4-22 an annual audit of the zoo board's financial condition performed by  
4-23 an independent auditor.

4-24 Sec. 327.206. ANNUAL BUDGET PROPOSAL. (a) A zoo board  
4-25 shall propose an annual budget.

4-26 (b) The proposed budget must contain a complete financial  
4-27 statement, including the:

4-28 (1) outstanding zoo board obligations;

4-29 (2) amount of cash on hand to the credit of each zoo  
4-30 board fund;

4-31 (3) amount of money received by the zoo board from all  
4-32 sources during the previous year;

4-33 (4) estimated amount of money available to the zoo  
4-34 board from all sources during the current fiscal year;

4-35 (5) amount of money needed to fund programs approved  
4-36 for funding by the zoo board;

4-37 (6) amount of the balances expected at the end of the  
4-38 fiscal year in which the budget is being prepared; and

4-39 (7) estimated amount of revenue and balances available  
4-40 to cover the proposed budget.

4-41 Sec. 327.207. ADOPTION OF ANNUAL BUDGET; HEARING. (a) Not  
4-42 later than the 100th day before the date each fiscal year begins,  
4-43 the zoo board shall hold a public hearing on the proposed annual  
4-44 budget.

4-45 (b) The zoo board shall publish notice of the hearing in a  
4-46 newspaper with general circulation in the county not later than the  
4-47 10th day before the date of the hearing.

4-48 (c) Any county resident is entitled to be present and  
4-49 participate at the hearing.

4-50 (d) Not later than the 80th day before the date each fiscal  
4-51 year begins, the zoo board shall adopt a budget. The zoo board may  
4-52 make any changes in the proposed budget that in its judgment the  
4-53 interests of the taxpayers demand.

4-54 (e) Not later than the 10th day after the date the budget is  
4-55 adopted, the zoo board shall submit the budget, with any revisions,  
4-56 to the commissioners court of the county for final approval.

4-57 Sec. 327.208. LIMITATIONS ON EXPENDITURES AND INVESTMENTS.

4-58 (a) A zoo board may not spend money unless the expense is included  
4-59 in the annual budget.

4-60 (b) A zoo board may not incur a debt payable from zoo board  
4-61 revenue except for revenue in the current or immediately following  
4-62 fiscal year.

4-63 Sec. 327.209. ACCOUNT OF ZOO BOARD DISBURSEMENTS. Not  
4-64 later than the 60th day after the last day of each fiscal year, a zoo  
4-65 board employee shall prepare for the zoo board a sworn statement  
4-66 showing:

4-67 (1) the zoo board's funds; and

4-68 (2) the disbursements of those funds.

4-69 [Sections 327.210-327.250 reserved for expansion]

SUBCHAPTER F. BONDS

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

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

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

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

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

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

[Sections 327.255-327.300 reserved for expansion]

SUBCHAPTER G. TAXES

Sec. 327.301. ANNUAL PROPERTY TAXES. (a) The county annually shall impose an ad valorem tax in an amount:

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

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

(b) The taxes may be used to pay:

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

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

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

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

[Sections 327.303-327.350 reserved for expansion]

SUBCHAPTER H. DISSOLUTION

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

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

Sec. 327.352. DISSOLUTION BY COUNTY AND MUNICIPALITY. (a) The governing bodies of the county and the most populous municipality located in whole or in part in the county may dissolve the zoo board if:

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

(2) all zoo board debts and obligations have been discharged.

(b) Property remaining after dissolution is transferred to:

(1) the county; or

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

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

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