

**SUBSTITUTE FOR
SENATE BILL NO. 1135**

A bill to provide for the establishment of zoological authorities; to provide powers and duties of a zoological authority; to authorize the levy of a property tax by a zoological authority; and to provide for the powers and duties of certain government officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "zoological authorities act".

3 Sec. 3. As used in this act:

4 (a) "Accredited zoological institution" means an institution
5 located in this state that is accredited by the association of zoos
6 and aquariums.

1 (b) "Articles" means the articles of incorporation of an
2 authority.

3 (c) "Authority" means a zoological authority established under
4 section 5.

5 (d) "Board" means the board of directors of the authority.

6 (e) "Electors of the authority" means the qualified and
7 registered electors of the county.

8 (f) "Zoological services" means the operation of an accredited
9 zoological institution that is open to the general public.

10 Sec. 5. (1) Any county may form a zoological authority.

11 (2) A zoological authority is an authority under section 6 of
12 article IX of the state constitution of 1963. A zoological
13 authority is a public corporate body with the power to sue and be
14 sued in any court of this state.

15 (3) A zoological authority possesses all the powers necessary
16 for carrying out the purposes of its formation. The enumeration of
17 specific powers in this act shall not be construed as a limitation
18 on the general powers of an authority, consistent with its
19 articles.

20 (4) An authority shall not obtain an interest in real property
21 or participate in the governance of an accredited zoological
22 institution.

23 Sec. 7. (1) To initiate the establishment of an authority,
24 articles of incorporation shall be prepared by a majority of the
25 members of the county board of commissioners of the county
26 establishing the authority. The articles of incorporation shall
27 include all of the following:

1 (a) The name of the authority.

2 (b) The size of the board of the authority, which shall be
3 composed of an odd number of members and shall not exceed 15
4 members; the qualifications and terms of office of board members;
5 the manner of appointing the members of the board of the authority;
6 and the filling of vacancies in the office of board member.

7 (c) The purpose of the authority.

8 (d) The method of dissolution of the authority.

9 (e) Any other matters considered advisable.

10 (2) The articles shall be adopted and may be amended by an
11 affirmative vote of a majority of the members of the county board
12 of commissioners of the county establishing the authority.

13 (3) Before the articles or amendments to the articles are
14 adopted, the articles or amendments to the articles shall be
15 published not less than once in a newspaper generally circulated
16 within the county. The adoption of articles or amendments to the
17 articles by the county shall be evidenced by an endorsement on the
18 articles or amendments by the clerk of the county.

19 (4) Upon adoption of the articles or amendments to the
20 articles by the county, a printed copy of the articles or the
21 amended articles shall be filed with the secretary of state by the
22 clerk of the county.

23 (5) The authority's articles of incorporation, or amendments
24 to the articles, take effect upon filing with the secretary of
25 state.

26 Sec. 9. (1) A vacancy occurs on the board on the happening of
27 any of the events set forth in section 3 of 1846 RS 15, MCL 201.3.

1 Members of the board may be removed by the county board of
2 commissioners for good cause after a public hearing. Vacancies
3 shall be filled in the manner as provided for in the authority's
4 articles of incorporation.

5 (2) A majority of the members of the board constitute a quorum
6 for the purpose of conducting business and exercising the powers of
7 an authority. Official action may be taken by an authority upon the
8 vote of a majority of the board members present, unless the
9 authority adopts bylaws requiring a larger number.

10 (3) A member of the board shall not receive compensation for
11 services as a member of the board but is entitled to reimbursement
12 for reasonable expenses, including expenses for travel previously
13 authorized by the board, incurred in the discharge of his or her
14 duties.

15 (4) The business that an authority may perform shall be
16 conducted at a public meeting of the authority held in compliance
17 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
18 Public notice of the time, date, and place of the meeting shall be
19 given in the manner required by the open meetings act, 1976 PA 267,
20 MCL 15.261 to 15.275.

21 (5) A writing prepared, owned, or used by an authority in the
22 performance of an official function shall be made available in
23 compliance with the freedom of information act, 1976 PA 442, MCL
24 15.231 to 15.246.

25 (6) At its first meeting, a board shall elect a chairperson, a
26 secretary, a treasurer, and any other officers it considers
27 necessary.

1 (7) A board may adopt bylaws to govern its procedures.

2 Sec. 11. An authority may do 1 or more of the following:

3 (a) Contract for zoological services with an accredited
4 zoological institution.

5 (b) Levy a tax as provided in section 13.

6 (c) Enter into contracts incidental or necessary for the
7 accomplishment of this act.

8 (d) Contract for or retain professional services.

9 Sec. 11a. An authority and an accredited zoological
10 institution shall enter into a contract for zoological services
11 before the vote for a tax levy under section 13 occurs.

12 Sec. 12. If a majority of electors in the county approve the
13 levy of a tax as provided under section 13, the contract for
14 zoological services between the authority and an accredited
15 zoological institution shall include preferences or benefits for
16 the residents of the county that may include, but are not limited
17 to, any of the following:

18 (a) Discounted admission fees.

19 (b) Discounted membership fees.

20 (c) Discounts for schoolchildren.

21 (d) Access to educational programs.

22 Sec. 13. (1) An authority may levy a tax of not more than 0.1
23 mill for a period of not more than 20 years on all of the taxable
24 property within the county for the purpose of providing revenue to
25 an accredited zoological institution that is an accredited
26 zoological institution as of the date of the electors' approval of
27 the levy. The authority may levy the tax only upon the approval of

1 a majority of the electors in the county voting on the tax at a
2 statewide general or primary election. The proposal for a tax shall
3 be submitted to a vote of the electors of the authority by
4 resolution of the board.

5 (2) A ballot proposal for a tax shall comply with the
6 requirements of section 24f of the general property tax act, 1893
7 PA 206, MCL 211.24f. A proposal for a tax shall not be placed on
8 the ballot unless the proposal is adopted by a resolution of the
9 board and certified by the board not later than 60 days before the
10 election to the county clerk of the county for inclusion on the
11 ballot. The proposal shall be certified for inclusion on the ballot
12 at the next eligible election, as specified by the board's
13 resolution.

14 (3) If a majority of the electors in the county voting on the
15 question of a tax approve the proposal as provided under subsection
16 (1), the tax levy is authorized. Not more than 2 elections may be
17 held in a calendar year on a proposal for a tax authorized under
18 this act.

19 Sec. 15. (1) The county election commission of the county
20 shall provide ballots for an election for a tax under section 13.

21 (2) An election for a tax shall be conducted by the city and
22 township clerks and election officials of the municipalities
23 located within the county.

24 Sec. 17. (1) If an election for a tax under section 13 is to
25 be held in conjunction with a general election or a state primary
26 election, the notices of close of registration and election shall
27 be published as provided for by the state election laws. Otherwise,

1 the county clerk of the county shall publish the notices of close
2 of registration and election. The notice of close of registration
3 shall include the ballot language of the proposal.

4 (2) The results of an election for a tax shall be canvassed by
5 the board of county canvassers of the county. The board of county
6 canvassers of the county shall make the final canvass of an
7 election for a tax based on the returns of the election inspectors
8 of the municipalities in that county. The board of county
9 canvassers of the county shall certify the results of the election
10 to the board of the authority.

11 Sec. 19. A tax authorized to be levied by an authority under
12 this act shall be levied and collected at the same time and in the
13 same manner as provided by the general property tax act, 1893 PA
14 206, MCL 211.1 to 211.155.

15 Sec. 20. Within 10 business days of the receipt of the funds
16 from the local property tax collecting unit for the tax levied
17 under this act, the authority is required to transfer the funds to
18 an accredited zoological institution.

19 Sec. 21. (1) If a majority of the electors in the county
20 voting on the question of a tax as provided in section 13 approve
21 the tax, the county clerk of the county shall charge the authority
22 and the authority shall reimburse the county for the actual costs
23 the county incurs in the election for the tax under section 13.

24 (2) If a municipality conducts the election and a majority of
25 the electors in the county voting on the question of a tax as
26 provided in section 13 approve the tax, the clerk of that
27 municipality shall charge the authority and the authority shall

1 reimburse the municipality for the actual costs the municipality
2 incurs in conducting the election if the election is not held in
3 conjunction with a regularly scheduled election in that
4 municipality.

5 (3) If a majority of the electors in the county voting on the
6 question of a tax as provided in section 13 approve the tax, in
7 addition to costs reimbursed under subsection (1) or (2), a county
8 or municipality shall charge the authority and the authority shall
9 reimburse the county or municipality for actual costs that the
10 county or municipality incurs and that are exclusively attributable
11 to an election for a tax authorized under this act.

12 (4) The actual costs that a county or municipality incurs
13 shall be based on the number of hours of work done in conducting
14 the election, the rates of compensation of the workers, and the
15 cost of materials supplied in the election.

16 Sec. 23. (1) A board shall obtain an annual audit of the
17 authority, and report on the audit and auditing procedures, in the
18 manner provided by sections 6 to 13 of the uniform budgeting and
19 accounting act, 1968 PA 2, MCL 141.426 to 141.433. The audit shall
20 also be in accordance with generally accepted government auditing
21 standards as promulgated by the United States general accounting
22 office and shall satisfy federal regulations relating to federal
23 grant compliance audit requirements.

24 (2) An authority shall prepare budgets and appropriations acts
25 in the manner provided by sections 14 to 19 of the uniform
26 budgeting and accounting act, 1968 PA 2, MCL 141.434 to 141.439.

27 (3) The state treasurer, the attorney general, a prosecuting

1 attorney, bank, certified public accountant, certified public
2 accounting firm, or other person shall have the same powers,
3 duties, and immunities with respect to the authority as provided
4 for local units in sections 6 to 20 of the uniform budgeting and
5 accounting act, 1968 PA 2, MCL 141.426 to 141.440.

6 (4) If an authority ends a fiscal year in a deficit condition,
7 the authority shall file a financial plan to correct the deficit
8 condition in the same manner as provided in section 21(2) of the
9 Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL
10 141.921.

11 (5) The board may authorize funds of the authority to be
12 invested or deposited in any investment or depository authorized
13 under section 1 of 1943 PA 20, MCL 129.91.