

# SENATE BILL No. 1135

February 26, 2008, Introduced by Senators JACOBS, CASSIS, CHERRY, OLSHOVE, THOMAS, BRATER, SWITALSKI, WHITMER, GLEASON, ALLEN, McMANUS, HARDIMAN, KAHN, JANSEN, GILBERT, JELINEK, PATTERSON, SCHAUER, SCOTT, GEORGE, GARCIA, BIRKHOLZ, BARCIA, HUNTER, PRUSI, RICHARDVILLE, VAN WOERKOM and STAMAS and referred to the Committee on Finance.

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.

7           (b) "Articles" means the articles of incorporation of an  
8 authority.

1 (c) "Authority" means a zoological authority established under  
2 section 5.

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

4 (e) "Electors of the authority" means the qualified and  
5 registered electors of the county.

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

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

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

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

18 Sec. 7. (1) To initiate the establishment of an authority,  
19 articles of incorporation shall be prepared by a majority of the  
20 members of the county board of commissioners of the county  
21 establishing the authority. The articles of incorporation shall  
22 include all of the following:

23 (a) The name of the authority.

24 (b) The size of the board of the authority, which shall be  
25 composed of an odd number of members; the qualifications and terms  
26 of office of board members; the manner of appointing the members of  
27 the board of the authority; and the filling of vacancies in the

1 office of board member.

2 (c) The purpose of the authority.

3 (d) Any other matters considered advisable.

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

7 (3) Before the articles or amendments to the articles are  
8 adopted, the articles or amendments to the articles shall be  
9 published not less than once in a newspaper generally circulated  
10 within the county. The adoption of articles or amendments to the  
11 articles by the county shall be evidenced by an endorsement on the  
12 articles or amendments by the clerk of the county.

13 (4) Upon adoption of the articles or amendments to the  
14 articles by the county, a printed copy of the articles or the  
15 amended articles shall be filed with the secretary of state by the  
16 clerk of the county.

17 (5) The authority's articles of incorporation, or amendments  
18 to the articles, take effect upon filing with the secretary of  
19 state.

20 Sec. 9. (1) A vacancy occurs on the board on the happening of  
21 any of the events set forth in section 3 of 1846 RS 15, MCL 201.3.  
22 Members of the board may be removed by the county board of  
23 commissioners for good cause after a public hearing. Vacancies  
24 shall be filled in the manner as provided for in the authority's  
25 articles of incorporation.

26 (2) A majority of the members of the board constitute a quorum  
27 for the purpose of conducting business and exercising the powers of

1 an authority. Official action may be taken by an authority upon the  
2 vote of a majority of the board members present, unless the  
3 authority adopts bylaws requiring a larger number.

4 (3) A member of the board shall not receive compensation for  
5 services as a member of the board but is entitled to reimbursement  
6 for reasonable expenses, including expenses for travel previously  
7 authorized by the board, incurred in the discharge of his or her  
8 duties.

9 (4) The business that an authority may perform shall be  
10 conducted at a public meeting of the authority held in compliance  
11 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.  
12 Public notice of the time, date, and place of the meeting shall be  
13 given in the manner required by the open meetings act, 1976 PA 267,  
14 MCL 15.261 to 15.275.

15 (5) A writing prepared, owned, or used by an authority in the  
16 performance of an official function shall be made available in  
17 compliance with the freedom of information act, 1976 PA 442, MCL  
18 15.231 to 15.246.

19 (6) At its first meeting, a board shall elect a chairperson, a  
20 secretary, a treasurer, and any other officers it considers  
21 necessary.

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

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

24 (a) Contract for zoological services with an accredited  
25 zoological institution.

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

27 (c) Enter into contracts incidental or necessary for the

1 accomplishment of this act.

2 (d) Provide privileges and services at an accredited  
3 zoological institution for residents of the county creating the  
4 authority that may include, but are not limited to, any of the  
5 following:

- 6 (i) Discounted admission fees.
- 7 (ii) Discounted membership fees.
- 8 (iii) Discounts for schoolchildren.
- 9 (iv) Access to educational programs.

10 Sec. 13. (1) An authority may levy a tax of not more than 0.1  
11 mill for a period of not more than 20 years on all of the taxable  
12 property within the county for the purpose of providing revenue to  
13 an accredited zoological institution that is an accredited  
14 zoological institution as of the date of the electors' approval of  
15 the levy. The authority may levy the tax only upon the approval of  
16 a majority of the electors in the county voting on the tax at an  
17 election held on a regular election date as provided in section 641  
18 of the Michigan election law, 1954 PA 116, MCL 168.641. The  
19 proposal for a tax shall be submitted to a vote of the electors of  
20 the authority by resolution of the board.

21 (2) A ballot proposal for a tax shall state the amount and  
22 duration of the millage and the purposes for which the millage may  
23 be used. A proposal for a tax shall not be placed on the ballot  
24 unless the proposal is adopted by a resolution of the board and  
25 certified by the board not later than 60 days before the election  
26 to the county clerk of the county for inclusion on the ballot. The  
27 proposal shall be certified for inclusion on the ballot at the next

1 eligible election, as specified by the board's resolution.

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

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

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

12 Sec. 17. (1) If an election for a tax under section 13 is to  
13 be held in conjunction with a general election or a state primary  
14 election, the notices of close of registration and election shall  
15 be published as provided for by the state election laws. Otherwise,  
16 the county clerk of the county shall publish the notices of close  
17 of registration and election. The notice of close of registration  
18 shall include the ballot language of the proposal.

19 (2) The results of an election for a tax shall be canvassed by  
20 the board of county canvassers of the county. The board of county  
21 canvassers of the county shall make the final canvass of an  
22 election for a tax based on the returns of the election inspectors  
23 of the municipalities in that county. The board of county  
24 canvassers of the county shall certify the results of the election  
25 to the board of the authority.

26 Sec. 19. A tax authorized to be levied by an authority under  
27 this act shall be levied and collected at the same time and in the

1 same manner as provided by the general property tax act, 1893 PA  
2 206, MCL 211.1 to 211.155.

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

8 (2) If a municipality conducts the election and a majority of  
9 the electors in the county voting on the question of a tax as  
10 provided in section 13 approve the tax, the clerk of that  
11 municipality shall charge the authority and the authority shall  
12 reimburse the municipality for the actual costs the municipality  
13 incurs in conducting the election if the election is not held in  
14 conjunction with a regularly scheduled election in that  
15 municipality.

16 (3) If a majority of the electors in the county voting on the  
17 question of a tax as provided in section 13 approve the tax, in  
18 addition to costs reimbursed under subsection (1) or (2), a county  
19 or municipality shall charge the authority and the authority shall  
20 reimburse the county or municipality for actual costs that the  
21 county or municipality incurs and that are exclusively attributable  
22 to an election for a tax authorized under this act.

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

27 Sec. 23. (1) A board shall obtain an annual audit of the

1 authority, and report on the audit and auditing procedures, in the  
2 manner provided by sections 6 to 13 of the uniform budgeting and  
3 accounting act, 1968 PA 2, MCL 141.426 to 141.433. The audit shall  
4 also be in accordance with generally accepted government auditing  
5 standards as promulgated by the United States general accounting  
6 office and shall satisfy federal regulations relating to federal  
7 grant compliance audit requirements.

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

11 (3) The state treasurer, the attorney general, a prosecuting  
12 attorney, bank, certified public accountant, certified public  
13 accounting firm, or other person shall have the same powers,  
14 duties, and immunities with respect to the authority as provided  
15 for local units in sections 6 to 20 of the uniform budgeting and  
16 accounting act, 1968 PA 2, MCL 141.426 to 141.440.

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

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