

**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.

Senate Bill No. 1135 (S-3) as amended March 19, 2008

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 [voting on the  
13 question of a tax as provided in section 13 approve the tax], the  
14 contract for  
15 zoological services between the authority and an accredited  
16 zoological institution shall include preferences or benefits for  
17 the residents of the county that may include, but are not limited  
18 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 [if ]

Senate Bill No. 1135 (S-3) as amended March 19, 2008

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

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

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

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

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

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