

## CHAPTER 85A

## MINNESOTA ZOOLOGICAL GARDEN

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**85A.001 PURPOSE.**

It is the intent of the legislature to foster a partnership between the private sector and the state for the purpose of operating a zoological garden. The legislature seeks to enable the Minnesota zoological garden to operate independently, efficiently, and economically and to be active in soliciting nonstate contributions.

*History: 1Sp1985 c 13 s 201*

**85A.01 CREATION; ORGANIZATION.**

Subdivision 1. The Minnesota zoological garden is established under the supervision and control of the state zoological board. The board consists of 15 public and private sector members having a background or interest in zoological societies or zoo management or an ability to generate community interest in the Minnesota zoological garden. Members shall be appointed by the governor after consideration of a list supplied by board members serving on a nominating committee. Terms, compensation, and removal of members and filling of vacancies are as provided in section 15.0575. In making appointments, the governor shall consider, among other factors, the ability of members to garner support for the Minnesota zoological garden. In consultation with the Dakota county board the board shall nominate and the governor shall appoint as one of the 15 members of the zoo board a resident of Dakota county who may be a member of the county board.

A member of the board may not be an employee of or have a direct or immediate family financial interest in a business that provides goods or services to the zoo. A member of the board may not be an employee of the zoo.

*[For text of subd 1a, see M.S.1984]*

Subd. 2. The board shall annually elect from among its members a chairman and other officers necessary for the performance of its duties.

*[For text of subds 3 and 4, see M.S.1984]*

**History:** 1Sp1985 c 13 s 202,203

NOTE: Subdivision 1, as amended by Laws 1985, First Special Session chapter 13, section 202, is effective July 1, 1986. See Laws 1985, First Special Session chapter 13, section 378.

NOTE: Subdivision 1a is repealed by Laws 1985, First Special Session chapter 13, section 376, subdivision 3, effective July 1, 1986.

**85A.02 POWERS AND DUTIES.**

*[For text of subds 1 and 2, see M.S.1984]*

Subd. 3. The board may conduct research studies and programs, collect and analyze data and prepare reports, maps, charts and other information relating to the zoological garden or any wild or domestic animals or may contract for any of such services without complying with chapter 16B.

Subd. 4. The board may appoint an advisory committee consisting of persons who are members of zoological societies or who have shown a background or

interest in such societies or zoo management or an ability to generate community support for the Minnesota zoological garden.

Subd. 5. The board may accept and use gifts, grants or contributions from any nonstate source. Unless otherwise restricted by the terms of a gift or bequest, the board may sell, exchange, or otherwise dispose of, and invest or reinvest the money, securities, or other property given or bequeathed to it from nonstate sources. The principal of these funds, the income from them, and all other revenues received by it from any nonstate source must be placed in the depositories the board determines and is subject to expenditure for the board's purposes. Any additional operating expenses incurred by virtue of capital development projects must be paid for with funds other than state appropriations.

Subd. 5a. **Employees.** (a) The board shall appoint an administrator who shall serve as the executive secretary and principal administrative officer of the board and, subject to its approval, the administrator shall operate the Minnesota zoological garden and enforce all regulations and policy decisions of the board. The administrator must be chosen solely on the basis of training, experience, and other qualifications appropriate to the field of zoo management and development. The board shall set the compensation for the administrator within the limits established for the commissioner of human rights in section 15A.081, subdivision 1. The administrator shall perform duties assigned by the board and shall serve in the unclassified service at the pleasure of the board. The board, with the participation of the private sector, shall appoint a development director in the unclassified service or contract with a development consultant to establish mechanisms to foster community participation in and community support for the Minnesota zoological garden. The board may employ other necessary professional, technical, and clerical personnel.

(b) The board may contract with individuals to perform professional services and may contract for the purchases of necessary species exhibits, supplies, services, and equipment.

Subd. 5b. **Exemptions.** Except as it determines, and except as provided in subdivisions 16 and 17, the board is not subject to chapters 15, 15A, 16A, and 16B concerning budgeting, payroll, and the purchase of goods or services. The board is not subject to chapter 14 concerning administrative procedures except sections 14.38, subdivision 7, and 14.39 to 14.43 relating to the legal status of rules and the legislative review of rules.

Subd. 5c. **Financial report.** The board shall employ a certified public accountant to audit and examine its financial records each year. The board shall submit to the legislative auditor a report of the accountant's examination or audit. The legislative auditor shall review the report and accept it or make additional examinations if these would be in the public interest. The working papers of the certified public accountant relating to the board must be made available to the legislative auditor on request.

*[For text of subd 6, see M.S.1984]*

Subd. 7. The board may enact rules governing the efficient protection of the Minnesota zoological garden and the related facilities and the conduct of persons entering therein. Notwithstanding subdivision 5b, rules shall become effective in the manner provided by law for the promulgation of rules by state departments and agencies. The violation of a rule promulgated by the board under this section is a

petty misdemeanor. The board may specify that violation of a designated rule shall be sufficient cause for ejection from the grounds of the zoological garden.

*[For text of subds 9 to 11, see M.S.1984]*

Subd. 12. The board shall report to the legislature by September 15 of each year on the activities of the board and the operation of the zoological garden. The report must summarize the activities of the board and the Minnesota zoological garden over the preceding fiscal year ending June 30. The report must be submitted together with the financial report required by subdivision 5c.

*[For text of subds 13 to 15, see M.S.1984]*

Subd. 16. The board may acquire by lease-purchase or installment purchase contract, transportation systems, facilities and equipment that it determines will substantially enhance the public's opportunity to view, study or derive information concerning the animals to be located in the zoological garden, and will increase attendance at the garden. The contracts may provide for: (1) the payment of money over a 12-year period, or over a longer period not exceeding 25 years if approved by the board; (2) the payment of money from any funds of the board not pledged or appropriated for another purpose; (3) indemnification of the lessor or seller for damage to property or injury to persons due primarily to the actions of the board or its employees; (4) the transfer of title to the property to the board upon execution of the contract or upon payment of specified amounts; (5) the reservation to the lessor or seller of a security interest in the property; and (6) any other terms that the board determines to be commercially reasonable. Property so acquired by the board, and its purchase or use by the board, or by any nonprofit corporation having a concession from the board requiring its purchase, shall not be subject to taxation by the state or its political subdivisions. Each contract shall be subject to the provisions of chapter 16B, relating to competitive bidding, provided that the board is not required to readvertise for competitive proposals for any transportation system, facilities and equipment heretofore selected from competitive proposals taken pursuant to subdivision 18.

Subd. 17. **Additional powers.** The board may establish a schedule of charges for admission to or the use of the Minnesota zoological garden or any related facility. The board shall have a policy encouraging the admission of elementary school children at no charge when part of an organized school activity. The board may provide for the purchase, reproduction, and sale of gifts, souvenirs, publications, informational materials, food and beverages, and grant concessions for the sale of these items.

Subd. 18. **Purchasing.** The board may contract for supplies, materials, purchase or rental of equipment, and utility services. Chapter 16B does not apply to these contracts. However, contracts shall be awarded on the basis of competitive bids to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids. Competitive bidding is not required for purchases clearly and legitimately limited to a single source of supply; the purchase price may then be established by direct negotiation. Competitive bids are not required for utility services if no competition exists or if rates are fixed by law or ordinance. The board may contract for consultant, professional, and technical services without regard to sections 16B.17 and 16B.19.

**History:** *1Sp1985 c 13 s 204-214*

NOTE: Subdivisions 5b and 5c, as added by Laws 1985, First Special Session chapter 13, sections 208 and 209, are effective July 1, 1986. Subdivisions 7 and 12, as amended by Laws 1985, First Special Session chapter 13, sections 210 and 211, are effective July 1, 1986. See Laws 1985, First Special Session chapter 13, section 378.

**85A.03** *[Repealed, 1Sp1985 c 13 s 376]*

**85A.04 ZOOLOGICAL GARDEN ACCOUNTS OPERATING RECEIPTS.**

Subdivision 1. **Deposit.** All receipts from the operation of the Minnesota zoological garden shall be deposited in the state treasury and credited to a zoo fund, and are appropriated to the board for the operation of the Minnesota zoological garden.

*[For text of subd 2, see M.S.1984]*

Subd. 3. *[Repealed, 1Sp1985 c 13 s 376]*

*[For text of subd 4, see M.S.1984]*

**History:** *1Sp1985 c 13 s 215*

**85A.05 MINNESOTA STATE ZOOLOGICAL GARDEN BONDS.**

*[For text of subds 1 to 4, see M.S.1984]*

Subd. 5. **Tax levy.** On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money then and theretofore credited to the Minnesota zoological garden bond account, to pay the entire amount of principal and interest then and theretofore due and principal and interest to become due on or before July 1 in the second year thereafter on Minnesota zoological garden bonds. This tax shall be subject to no limitation of rate or amount until all such bonds and interest thereon are fully paid. The proceeds of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is insufficient money from the proceeds of such taxes to pay the principal and interest when due on Minnesota zoological garden bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated, with such sums from tax levies and the general fund subject to future reimbursement to the bond fund by the Minnesota zoological garden bond account as indicated in section 85A.04, subdivision 2.

*[For text of subd 6, see M.S.1984]*

**History:** *1Sp1985 c 14 art 4 s 8*