

Act No. 130
Public Acts of 1994
Approved by the Governor
May 18, 1994
Filed with the Secretary of State
May 19, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Ehlers Hoffman Wartner and Gast

ENROLLED SENATE BILL No. 952

AN ACT to create a Michigan state parks foundation and to prescribe the powers and duties of certain state agencies and officials

The People of the State of Michigan enact

Sec 1 This act shall be known and may be cited as the Michigan state parks foundation act

Sec 2 As used in this act

- (a) Department means the director of the department of natural resources or his or her designee
- (b) Director means the director of the department of natural resources
- (c) Foundation means the Michigan state parks foundation created in section 3
- (d) State park means a state park or state recreation area designated by the director

Sec 3 (1) The department shall create a foundation to be known as the Michigan state parks foundation. The foundation shall exercise its powers, functions, and duties independently of the department of natural resources. The foundation shall be governed by an executive board consisting of the director who shall serve as a nonvoting ex officio member and 13 voting members who shall be appointed by the governor.

(2) The members of the foundation who are appointed by the governor pursuant to subsection (1) shall serve for a term of 4 years or until a successor is appointed, whichever is later, except that of the members first appointed 3 shall serve for 1 year, 3 shall serve for 2 years, and 3 shall serve for 3 years.

(3) If a vacancy occurs on the foundation from the members appointed by the governor, an appointment shall be made for the unexpired term in the same manner as the original appointment. The governor may remove appointed foundation members for neglect of duty or malfeasance in relation to the member's foundation duties.

(4) The foundation shall meet immediately upon complete formation and then shall meet at least quarterly.

(5) Seven members of the foundation shall constitute a quorum for the conducting of business. The foundation shall select a chairperson, vice chairperson, and other officials from the membership as the members of the foundation consider necessary.

(6) A member of the foundation shall not receive compensation for his or her services but may be reimbursed for expenses incurred in the performance of his or her duties as a member of the foundation.

(7) The department shall provide staff assistance to the foundation as necessary for it to carry out its functions.

(8) The business the executive board of the foundation may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meetings shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

Sec. 4. The purpose of the foundation is to support the overall enhancement of the Michigan state parks system and to foster awareness, appreciation, understanding, and involvement in the system through focused assistance that is supplementary to appropriated parks funding.

Sec. 5. The foundation shall do the following:

(a) Determine those projects or undertakings for which the foundation will solicit funding. In determining projects to fund, the foundation shall select projects that enhance the use, preservation, enjoyment, or understanding of the natural and historic resources of the state parks through the following focus areas of need:

(i) Education and outreach;

(ii) Visitor information services and interpretive facilities;

(iii) Support for volunteer activities;

(iv) Employee support program;

(b) Maintain a current list and description of projects for which contributions are sought;

(c) Provide for methods by which persons who contribute to the foundation projects may be commemorated for their contributions;

(d) Advise potential contributors of all tax ramifications of contributions to the foundation;

(e) Invest assets of the foundation in any instrument, obligation, security, or property considered appropriate by the executive board of the foundation;

(f) Provide for receiving contributions in lump sums or periodic sums;

(g) Administer money collected by the foundation;

(h) Segregate contributions to the foundation into various accounts;

(i) Procure insurance against any loss in connection with the assets of the foundation or foundation activities;

(j) Enter into contracts on behalf of the foundation;

(k) Define the terms and conditions under which money may be disbursed by the foundation;

(l) Contract for goods and services and engage personnel as is necessary and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for rendering professional management and technical assistance and advice payable out of any money of the foundation. However, not more than 10% of the money of the foundation shall be used for the purpose of this subdivision or other administrative costs of the foundation.

(m) Exercise other powers necessary or convenient to carry out and effectuate the purposes, objectives, and provisions of this act and the purposes of the foundation.

Sec. 6. The foundation shall be managed solely pursuant to and for the purpose set forth in this act, and money or other assets of the foundation shall not be loaned or otherwise transferred or used by the state for any purpose other than the purposes of this act.

Sec. 7. The foundation shall annually prepare or cause to be prepared an accounting which shall be a public document and shall transmit a copy of the accounting to the governor, the senate majority and minority leaders, and the Republican and Democratic leaders of the house of representatives. The foundation may also make available the accounting of the foundation to a contributor to the foundation. The accounts of the foundation shall be subject to annual audits by the state auditor general or a certified public accountant appointed by the auditor general.

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor