

# HOUSE BILL No. 4041

February 1, 1989, Introduced by Rep. Middaugh and referred to the Committee on Marine Affairs and Port Development.

A bill to authorize the donation of the Lake Michigan maritime museum, real property, and artifacts to the department of state; to prescribe the powers and duties of the department in relation to the museum; to provide for the operation and administration of the museum; to create a museum advisory board; to create a revolving trust fund and provide for the operation of that fund; and to encourage establishment of a recognized friends organization.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "Lake Michigan maritime museum act".

3       Sec. 2. As used in this act:

4       (a) "Advisory board" means the Lake Michigan maritime museum  
5 advisory board created by section 8.

1 (b) "City" means the city of South Haven, a home rule city  
2 situated in Van Buren county.

3 (c) "Corporation" means the Lake Michigan maritime museum,  
4 inc., a nonprofit corporation, CID 706-436.

5 (d) "Department" means the department of state.

6 (e) "Maritime museum" means the Lake Michigan maritime  
7 museum.

8 (f) "Trust fund" means the Lake Michigan maritime museum  
9 trust fund created by section 10.

10 Sec. 3. (1) The department, on behalf of the state of  
11 Michigan, may accept as sesquicentennial gifts all of the  
12 following:

13 (a) Real property and improvements on the real property,  
14 commonly known as the Lake Michigan maritime museum, free of any  
15 lease, and related personal property from the city. The real  
16 property is described as follows:

17 Commencing on the southerly line of Dyckman Avenue at a  
18 point 31.5 feet northwesterly from the northwest corner of lot 2,  
19 block 8, thence south 17°-40' west 153 feet, thence north 47°-34'  
20 west 265 feet, thence south 23°-33' east 132.60 feet, thence  
21 north 22°-27'-50" east 265.14 feet, thence north 70°-27'-50" east  
22 95.42 feet, thence south 61°-32'-10" east 263.36 feet, thence  
23 north 21°-51' east approximately 49.29 feet, thence north 68°-09'  
24 west 95 feet, thence north 21°-51' east 139 feet to the southerly  
25 line of Dyckman Avenue, thence northwesterly along said line to  
26 point of beginning, excepting any and all docks or finger piers  
27 located on or adjacent to, or connected to the foregoing

1 described property. Said parcel is part of Dyckman and Woodman's  
2 Addition, City of South Haven, County of Van Buren, State of  
3 Michigan T1S, R17W.

4 (b) All of the historical artifacts and collections and any  
5 other personal property owned by the corporation.

6 (2) Any liability of the corporation, including, but not  
7 limited to, a lien against the real property described in subsec-  
8 tion (1) that is outstanding and is identified to the department  
9 on the effective date of the transfer of the real property, shall  
10 be accepted by the department. A liability that is not identi-  
11 fied to the department on the date of transfer or that arises  
12 subsequent to the date of transfer is not the responsibility of  
13 the department.

14 Sec. 4. (1) If the city elects to make the gift specified  
15 in section 3, the city shall deliver to the department a quit-  
16 claim deed for the real property described in section 3, subject  
17 to any and all encumbrances, easements, and restrictions of  
18 record at the time of transfer. The deed shall include a cove-  
19 nant that provides that the property shall be used exclusively as  
20 a maritime museum or public park, or both, and that upon termina-  
21 tion of those uses or upon use for any other purpose, title to  
22 the property shall revert immediately to the city. This covenant  
23 shall run with the land.

24 (2) If the corporation elects to make the gift specified in  
25 section 3, the corporation shall deliver to the department a mem-  
26 orandum of gift that describes each donated artifact or other  
27 property and includes museum accession numbers.

1       (3) The quitclaim deed and memorandum of gift required by  
2 this section, and any other legal documents required to effect  
3 the transfers specified in section 3, shall be approved by the  
4 attorney general.

5       (4) If the department receives the real property described  
6 in section 3 and later elects to sell any of that property, the  
7 city shall have the right of first refusal with respect to pur-  
8 chasing the property at its fair market value.

9       Sec. 5. (1) At the time of transfer, employees of the cor-  
10 poration working at the maritime museum on the effective date of  
11 this act shall become employees of the department in accordance  
12 with a plan prepared by the department and approved by the  
13 department of civil service. The plan shall relate to compensa-  
14 tion, classification, status, probationary periods, seniority,  
15 longevity, annual and sick leave, group insurance coverages,  
16 retirement, and other terms and conditions of employment.

17       (2) Nothing in subsection (1) shall be construed to restrict  
18 the department from assigning new duties to, or otherwise trans-  
19 ferring, a former employee of the maritime museum after the  
20 person becomes an employee of the department.

21       Sec. 6. (1) The department's bureau of history shall oper-  
22 ate the maritime museum as part of its statewide museum system.

23       (2) The maritime museum shall be dedicated to maritime pre-  
24 servation and education.

25       (3) The programs undertaken at the maritime museum shall  
26 include research, restoration, and conservation efforts, with the

1 intent of preserving and interpreting maritime history and  
2 culture, both in material and documentary forms.

3 (4) The regional emphasis of the maritime museum shall be on  
4 the Great Lakes area, with special attention given to the Lake  
5 Michigan coastal zone and the subject of the evolution of Great  
6 Lakes watercraft.

7 (5) The programs presented at the maritime museum may  
8 include those that recognize the effect of changes in the water,  
9 air, shoreline, and marine life upon the maritime history of the  
10 Great Lakes region and that promote a sense of awareness and  
11 understanding of Great Lakes environmental issues.

12 (6) The department may disseminate information concerning  
13 maritime matters to the public in relevant forms, including, but  
14 not limited to, maritime museum publications, seminars, special  
15 exhibits, and public presentations such as boat building  
16 classes.

17 (7) As part of its maritime museum program, the department  
18 may train persons in the areas of maritime research, interpreta-  
19 tion, and preservation.

20 (8) The department shall maintain and operate a maritime  
21 library at the maritime museum. This program shall be known as  
22 the Marialyce Canonie Great Lakes research library.

23 (9) All documents, artifacts, vessels, and other  
24 history-related property given to the department under section 3  
25 shall not at any time be permanently removed from the maritime  
26 museum, sold, or transferred.

1       Sec. 7. With respect to the maritime museum and in addition  
2 to its other powers and duties, the department may do any of the  
3 following:

4       (a) Act to preserve maritime documents, artifacts, vessels,  
5 and related items of historical interest.

6       (b) Accept on behalf of the state donations of money, real  
7 property, historical artifacts, and other personal property  
8 related to the themes of the maritime museum. Donations of money  
9 made under this subdivision shall be credited to the trust fund.

10       (c) Purchase historical artifacts related to the themes of  
11 the maritime museum within the limits of funds available.

12       Sec. 8. (1) The Lake Michigan maritime museum advisory  
13 board is created within the department.

14       (2) The advisory board shall consist of 9 members appointed  
15 by the governor, including all of the following:

16       (a) Two representatives from the city of South Haven.

17       (b) One representative from the corporation.

18       (c) One representative from the maritime industry.

19       (d) Two representatives from southwestern Michigan.

20       (e) Three representatives of the general citizenry of the  
21 state, at least 1 of whom shall be a resident of the Upper  
22 Peninsula.

23       (3) Each member of the advisory board shall be a registered  
24 voter and a resident of this state. The governor may appoint 1  
25 or more directors of the corporation to serve on the advisory  
26 board under subsection (2)(a), (c), (d), and (e).

1 (4) Not more than 5 members of the advisory board shall be  
2 of the same political party at any 1 time.

3 (5) Except for members first appointed, each member of the  
4 advisory board shall serve for a 4-year term. The initial term  
5 of office for the members first appointed under subsection (2)  
6 shall be determined at the first meeting of the advisory board by  
7 the drawing of lots among the members with 3 members serving for  
8 4 years, 3 members serving for 3 years, and 3 members serving for  
9 2 years. Vacancies on the advisory board shall be filled in the  
10 same manner as the original appointment for the remainder of the  
11 unexpired term.

12 (6) A member shall not receive compensation for his or her  
13 services as a member of the advisory board, except for expenses  
14 incurred while acting as an official representative of the  
15 advisory board, but not more than \$75.00 per day for not more  
16 than 24 days per calendar year. All claims for expenses shall be  
17 paid pursuant to voucher submitted to the department of  
18 treasury.

19 (7) The members of the advisory board annually shall elect a  
20 chairperson, vice-chairperson, and secretary.

21 (8) The advisory board shall meet not less than twice each  
22 calendar year at the call of the chairperson. A majority of the  
23 members shall constitute a quorum for the transaction of  
24 business. A decision of the advisory board shall be made by  
25 majority vote of the members present and voting at a meeting of  
26 the advisory board.

1       Sec. 9. . (1) The advisory board shall do all of the  
2 following:

3       (a) Advise the department as to construction of and poli-  
4 cies, plans, acquisitions, and programs concerning the maritime  
5 museum.

6       (b) Facilitate cooperation between the department and public  
7 and private entities interested in maritime history and the pro-  
8 grams of the maritime museum.

9       (c) Encourage donations of real and personal property to the  
10 department for purposes incidental to, or connected with, the  
11 maritime museum, including artifacts and vessels associated with  
12 maritime and Great Lakes history.

13       (d) Promote public use of the maritime museum and its  
14 programs.

15       (e) Make recommendations regarding fees and charges for  
16 products and services provided at the maritime museum.

17       (f) Provide other assistance and advice as may be required.

18       (2) The business that the advisory board performs shall be  
19 conducted at a public meeting of the advisory board held in com-  
20 pliance with the open meetings act, Act No. 267 of the Public  
21 Acts of 1976, being sections 15.261 to 15.275 of the Michigan  
22 Compiled Laws. Public notice of the time, date, and place of  
23 each meeting shall be given in the manner required by Act No. 267  
24 of the Public Acts of 1976.

25       (3) A writing prepared, owned, used, in the possession of,  
26 or retained by the advisory board in the performance of an  
27 official function shall be made available to the public in



1 compliance with the freedom of information act, Act No. 442 of  
2 the Public Acts of 1976, being sections 15.231 to 15.246 of the  
3 Michigan Compiled Laws.

4       Sec. 10. (1) In order to assist the funding of the maritime  
5 museum, the department may do all of the following:

6       (a) Charge a reasonable admission fee for entry into the  
7 maritime museum. The fee shall be established by the secretary  
8 of state and shall be reviewed annually.

9       (b) Establish and administer a maritime museum store to pro-  
10 vide the public with information and materials that pertain to  
11 museum exhibits, collections, and programs concerning historical  
12 matters; other history-related programs of the department; and  
13 programs recognizing the effect of changes in the water, air,  
14 shoreline, and marine life upon the maritime history of the Great  
15 Lakes region or promoting a sense of awareness and understanding  
16 of Great Lakes environmental issues. The department may produce,  
17 acquire, and sell at the store craft products, replicas, and  
18 reproductions of artifacts, documents, and merchandise relating  
19 to American, Michigan, and Great Lakes maritime history and may  
20 make a reasonable charge for those items. The department may  
21 establish accounts in credit card banks for the deposit of credit  
22 card sales invoices and to pay discounts and service charges in  
23 connection with the use of credit cards.

24       (c) Establish and operate a snack bar or other food and bev-  
25 erage service at the maritime museum and make reasonable charges  
26 for the items sold. The department may enter into agreements  
27 with a contractor or concessionaire to operate food and beverage

1 concessions at the maritime museum. A food and beverage  
2 concession agreement entered into under authority of this subdi-  
3 vision shall require each contractor or concessionaire to conduct  
4 his or her business in good taste and in keeping with the theme  
5 of the museum.

6       (2) The money collected under subsection (1) shall be cred-  
7 ited to a revolving fund that is created in the state treasury  
8 and shall be known as the Lake Michigan maritime museum trust  
9 fund. Money deposited in the trust fund shall be used to defray  
10 the costs of operating the maritime museum and for making capital  
11 and other substantial improvements to museum facilities. The  
12 department shall administer the trust fund. The money in the  
13 trust fund at the close of the fiscal year shall remain in the  
14 fund.

15       Sec. 11. The department may operate a maritime artifact  
16 conservation service at the maritime museum. If provided, the  
17 service may be made available to the general public and to state,  
18 federal, and local agencies. The department may charge a reason-  
19 able fee for this service, including a markup that is commensu-  
20 rate with industry practice. Money received for conservation  
21 services shall be credited to the trust fund.

22       Sec. 12. (1) The department shall encourage the creation of  
23 an officially recognized friends organization designed to provide  
24 funding, promotional support, volunteer labor, and other forms of  
25 assistance to the maritime museum.

26       (2) If established, the officially recognized friends  
27 organization may do all of the following:

1 (a) Make expenditures on behalf of the programs of the  
2 maritime museum, if such expenditures are requested by the  
3 department.

4 (b) Use the facilities of the maritime museum without charge  
5 upon receipt of written permission from the department to do so.  
6 Use of museum facilities shall be in keeping with the authorized  
7 purposes of the organization, may not be made at times and places  
8 that would unreasonably interfere with opportunities of the gen-  
9 eral public to use the facilities for established purposes, and  
10 shall be subject to the other provisions of this section.

11 (c) Engage in fund-raising activities at the maritime  
12 museum.

13 (d) Operate a museum store or other sales facilities, or  
14 both, if the department enters into a concession agreement with  
15 the organization.

16 (3) To qualify as the officially recognized friends organi-  
17 zation, an organization shall do all of the following:

18 (a) Incorporate under the laws of the state of Michigan.

19 (b) Operate on a nonprofit basis.

20 (c) Request written approval from the department, using pro-  
21 cedures and forms prescribed by the department, to function as an  
22 officially recognized friends organization.

23 (4) If an entity qualifies as the officially recognized  
24 friends organization, the department shall issue a letter of cer-  
25 tification recognizing the organization's qualifications. The  
26 letter shall specify the conditions under which the organization

1 may make expenditures on behalf of the maritime museum and may  
2 include other appropriate provisions.

3       (5) Nothing in this section requires the department to cer-  
4 tify a friends organization that meets the qualifications pre-  
5 scribed in this section.

6       (6) The department may promulgate rules pursuant to the  
7 administrative procedures act of 1969, Act No. 306 of the Public  
8 Acts of 1969, being sections 24.201 to 24.328 of the Michigan  
9 Compiled Laws, to establish special conditions with which the  
10 friends organization shall comply in order to use maritime museum  
11 facilities.

12       (7) The department shall not permit the use of museum facil-  
13 ities if the friends organization fails to provide membership and  
14 employment opportunities to all persons regardless of race,  
15 color, religion, sex, age, national origin, or physical  
16 handicap.