



House of Representatives

General Assembly

File No. 537

February Session, 2006

Substitute House Bill No. 5016

House of Representatives, April 18, 2006

The Committee on Government Administration and Elections reported through REP. CARUSO of the 126th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ESTABLISHING A CONNECTICUT STATE PARK FOUNDATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) There is established a
2 Connecticut State Park Foundation, the resources of which shall be
3 used by the Connecticut State Park Foundation Council established
4 pursuant to subsection (b) of this section to fund programs and
5 projects that support the infrastructure and operations of Connecticut's
6 state parks and forest recreation areas. The resources of the foundation
7 shall be in addition to resources otherwise appropriated by the state
8 for such programs and projects. The foundation shall be organized and
9 comply with the provisions of sections 4-37e to 4-37k, inclusive, of the
10 general statutes. The foundation shall be subject to the provisions of
11 chapter 14 of the general statutes and subject to the same conditions
12 and exceptions of said chapter 14 as a state agency. The foundation
13 may apply for and accept any state, federal or private funds and shall
14 administer such funds in the manner required by applicable law. The

15 foundation may receive money or grants and goods, services and gifts
16 and may operate in cooperation with and contract for services with
17 other foundations. The books and records of the foundation shall be
18 subject to audit by the Auditors of Public Accounts.

19 (b) There shall be established a Connecticut State Park Foundation
20 Council composed of eleven members as follows: (1) The
21 Commissioners of Environmental Protection and Public Works and the
22 executive director of the Connecticut Commission on Culture and
23 Tourism, or their designees; and (2) the following eight public
24 members, whose terms shall be coterminous with the term of office of
25 the respective appointing authority for such member: (A) A
26 representative of a state-wide association dedicated to the promotion
27 of parks, forests and hiking trails, appointed by the Governor; (B) a
28 representative of the state-wide organization Friends of Connecticut
29 State Parks, Inc., appointed by the Governor; (C) a representative of a
30 Friends of Connecticut State Parks, Inc. organization from a shoreline
31 state park, appointed by the president pro tempore of the Senate; (D) a
32 representative of a Friends of Connecticut State Parks, Inc.
33 organization from an inland state park, appointed by the speaker of
34 the House of Representatives; (E) two representatives of the business
35 community with experience in fund-raising, one appointed by the
36 minority leader of the House of Representatives and one by the
37 minority leader of the Senate; and (F) two other individuals with
38 experience in fund-raising, one to be appointed by the majority leader
39 of the House of Representatives and one by the majority leader of the
40 Senate. Members shall serve until their successors are appointed.
41 Vacancies in memberships shall be filled by the respective appointing
42 authority for the balance of the term vacated. The council shall solicit
43 and accept funds on behalf of the Connecticut State Park Foundation
44 established pursuant to subsection (a) of this section, to be used for
45 programs and projects that support the infrastructure and operations
46 of Connecticut's state parks and forest recreation areas. The council
47 shall adopt policies and procedures for the acceptance and expenditure
48 of such funds.

49 (c) The council shall seek to develop public and private partnerships
 50 with organizations, institutions, corporations and individuals who
 51 share an interest in stewardship of state park and forest recreation
 52 areas. The goal of such partnerships shall be to provide a public benefit
 53 consistent with the mission of the state in managing its assets. Such
 54 partnerships shall be designed to increase the ability of the
 55 Department of Environmental Protection to be a stronger steward of
 56 state park and forest assets. The Commissioner of Environmental
 57 Protection may place reasonable conditions on any donation to ensure
 58 that the general statutes, regulations of Connecticut state agencies and
 59 policies of the department are complied with. No improvements to
 60 state property pursuant to the provisions of this section shall be made
 61 without the written approval of the Commissioners of Environmental
 62 Protection and Public Works.

63 (d) On or before July 1, 2007, and annually thereafter, the
 64 Connecticut State Park Foundation Council shall report, in writing, to
 65 the Governor and the joint standing committees of the General
 66 Assembly having cognizance of matters relating to the environment
 67 and government administration concerning the source and amount of
 68 funds received by said council and by the Connecticut State Park
 69 Foundation and the manner in which such funds were administered
 70 and disbursed. The initial report shall include information on the
 71 policies and procedures developed pursuant to subsection (b) of this
 72 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2006	New section

GAE Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Department of Environmental Protection	SF - Revenue Impact	See Below	See Below
Various State Agencies	GF - None	See Below	See Below

Note: SF=Special Fund (Non-appropriated); GF=General Fund

Municipal Impact: None

Explanation

It is anticipated that the establishment of a Connecticut State Park Foundation to help fund Connecticut State parks and forest recreation areas could increase revenue available to operate and maintain these lands and facilities. These funds are to be used in addition to the resources otherwise appropriated for these areas. The exact increase in revenue is unknown.

It is anticipated that the State Auditors can perform audits of the Connecticut State Park Foundation within their normal budgetary resources. Any increase to the workloads of the Connecticut State Park Foundation Council member agencies is anticipated to be within their normal budgetary resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5016*****AN ACT ESTABLISHING A CONNECTICUT STATE PARK FOUNDATION.*****SUMMARY:**

This bill establishes a Connecticut State Park foundation and council. Under the bill, the foundation may receive money, grants, goods, services, and gifts that the council can use to fund programs and projects that support the infrastructure and operations of state parks and forest recreation areas. The foundation is a tax exempt, charitable organization (see BACKGROUND).

The bill establishes the 11-member council's responsibilities, including annually reporting to the governor and the Environment and Government Administration and Election committees, beginning no later than July 1, 2007, (1) the source and amount of funds it and the foundation received and (2) how it used the funds. The initial report must include information on the policies and procedures it develops for accepting and spending the funds.

EFFECTIVE DATE: July 1, 2006

FOUNDATION

The foundation may apply for and accept any state, federal, or private funds and must administer the funds as required by law. Any funds or resources the foundation receives or raises are in addition to the resources otherwise appropriated by the state for park and forest programs and projects.

The foundation is organized under, and must comply with, the laws concerning foundations established to support or improve state agencies, including that salaries, benefits, and expenses of officers and

employees of the foundation must be paid for solely by the foundation and that it must submit a list of its members to Department of Environmental Protection (DEP). The bill subjects the foundation to the same conditions and exceptions of the Freedom of Information Act as a state agency.

The foundation's books and records are subject to audit by the auditors of public accounts.

COUNCIL

Membership

The Connecticut State Park Foundation Council is composed of 11 members. Three are the DEP and the Department of Public Works (DPW) commissioners and the executive director of the Connecticut Commission on Culture and Tourism, or their designees. The eight public members are appointed as follows:

1. The governor appoints (a) one representative of a statewide association dedicated to the promotion of parks, forests, and hiking trails and (b) one from Friends of Connecticut State Parks, Inc.;
2. The Senate president pro tempore appoints one representative from a Friends of Connecticut State Parks, Inc. shoreline state park organization;
3. the House speaker appoints one representative from a Friends of Connecticut State Parks, Inc. inland state park organization;
4. The Senate and House minority leaders each appoint one business community representative with experience in fundraising; and
5. The Senate and House majority leaders each appoint one individual with experience in fundraising.

Members' terms coincide with their appointees', and they serve until their successors are appointed. Membership vacancies are filled

by the appointing authority for the balance of the term vacated.

Duties

The council must solicit and accept funds on behalf of the Connecticut State Park Foundation for programs and projects that support the infrastructure and operations of Connecticut's state parks and forest recreation areas. The council must adopt policies and procedures for accepting and expending the funds.

The council must seek to develop public and private partnerships with organizations, institutions, corporations, and individuals that share an interest in stewardship of state park and forest recreation areas. The goal of the partnerships must be to provide a public benefit consistent with the mission of the state in managing its assets. The partnerships must be designed to increase DEP's ability to be a stronger steward of state park and forest assets.

The DEP commissioner may place reasonable conditions on any donation to ensure compliance with state law and regulations and DEP policies. Any improvements to state property proposed by the council can be completed only with the written approval of the DEP and DPW commissioners.

BACKGROUND

By law, a "foundation" is an organization, fund, or other legal entity (1) exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and (2) established to receive or use private funds for charitable, scientific, cultural, educational, or similar purposes that support or improve a state agency. A foundation is deemed not to be a state agency or a public agency (CGS § 4-37e).

Under federal law, organizations described in Internal Revenue Code § 501(c)(3) are commonly referred to under the general heading of "charitable organizations." The earnings of these organizations may not benefit any private shareholder or individual. In addition, such an organization may not attempt to influence legislation as a substantial part of its activities, and it may not participate at all in campaign

activities for or against political candidates.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 25 Nay 0 (03/08/2006)

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19 Nay 0 (04/04/2006)