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SENATE ANALYSIS SECTION

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Senate Bills 107 (Substitute S-1) and 108 (Substitute S-2)

Sponsors: Senator William Sederburg (S.B. 107)

Senator William Faust (S.B. 108)

Committee: Government Operations

Date Completed: 3-23-87

RATIONALE

According to a 1984 study by the National Conference of State Legislatures there are 28 states that have some form of oversight committee for their state capitols; however, Michigan is not among them. The State Capitol building, which contains offices for a portion of each house of the Legislature and the Executive Office, is technically considered a facility under the control of the Department of Management and Budget (DMB). The Management and Budget Act states that the Capitol building is a facility for which DMB may issue directives for management, operation, maintenance, and repair. The Act also provides that the DMB shall assign space in its facilities, "except to the extent that space in the Capitol building and other buildings and premises is reserved for the Legislature". What has evolved, then, is that while DMB has maintained the Capitol building and grounds as one of its "facilities", the Senate, the House, and the Executive Office have each made, through the years, cosmetic and structural changes to the spaces assigned to them.

In the last few years there has been a growing interest in restoring the Capitol and preserving its historical significance. A group called Friends of the Capitol was formed as a nonprofit corporation to work toward this goal. In Fiscal Year 1986-87 an appropriation of \$150,000 was made to finance a team of architects, engineers, and other professionals to develop a master plan for the building. It has been proposed that a committee consisting of members from each house of the Legislature and the Executive Office be formed to receive the master plan and oversee all physical changes to the Capitol, so that the project, if undertaken, and future maintenance and operation of the Capitol and the grounds, would be performed in a coordinated manner.

CONTENT

Senate Bill 108 (S-2) would add a new chapter to the Legislative Council Act to:

- Create a Michigan Capitol Committee to manage all physical changes of the Capitol building and grounds, and approve a building master plan.
- Establish committee membership, and prescribe the powers and duties of the committee.

Senate Bill 107 (S-1) would amend the Management and Budget Act to remove the Capitol building and grounds from the facilities managed by the Department of Management and Budget.

The bills are tie-barred. A more detailed explanation of Senate Bill 108 (S-2) follows.

Duties

The committee would be given responsibility for restoration and preservation of the Capitol building, and would have control over the management, development, renovation, and maintenance, of the State Capitol building and grounds. In carrying out its duties, the committee would be required to do all of the following:

- Receive and approve a Capitol building master plan.
- Approve all permanent physical changes that were to be made in or on the Capitol building and grounds.
- Develop and seek out public and private financial support for the development, construction, renovation, and preservation of the Capitol building and grounds.
- Be responsible for the selection, design, and placement of statues, memorials, trees, and plants on the Capitol grounds.
- Develop written procedures for the operation of the committee.

The bill also provides that the committee could appoint advisory committees to assist in the development and implementation of a Capitol building master plan.

In order to carry out its duties, the committee would be able to contract with the Department of Management and Budget or any other public or private entity.

Committee Membership

The committee would consist of the following members:

- The Senate Majority Leader, the Speaker of the House of Representatives, and the Governor.
- Three members of the Senate appointed by the Senate Majority Leader, including one member from the minority party.
- Three members of the House appointed by the Speaker of the House, including one member from the minority party.
- Three members of the Executive branch of government appointed by the Governor.

Appointed members would serve two-year terms, and could be reappointed. A vacancy would be filled in the same manner as an original appointment.

Committee Action

Action by the committee would be taken only by concurring majorities of the members from each house of the Legislature and the Executive Office.

Business of the committee would have to be conducted at public meetings held in compliance with the Open Meetings Act, and would have to be made available to the public in compliance with the Freedom of Information Act.

S.B. 107 & 108 (3-23-87)

MCL 4.1101 and 4.1901 (Senate Bill 108)

MCL 18.1114 and 18.1219 (Senate Bill 107)

FISCAL IMPACT

Senate Bill 107

It is unclear at this time whether excluding the State Capitol from the facility definition would jeopardize the eligibility of the Capitol for capital outlay funds under the current mechanisms.

Under current law, the Capitol, as a State agency, is eligible for capital outlay lump sum appropriations for special maintenance projects, remodeling, and additions. These lump sums are appropriated to the Department of Management and Budget for distribution based on agency requests and needs. In addition, section 19 of Act 205 of 1986 (Capital Outlay Appropriations bill) specifies that of the lump sum appropriated to the DMB for special maintenance projects of State agencies, \$250,000 is to be used for the State Capitol House of Representatives and \$250,000 for the State Capitol Senate to upgrade the State Capitol.

Senate Bill 108

The bill would have no fiscal impact on State or local government. (See the fiscal impact statement on S.B. 107 regarding appropriations for capital outlay.)

ARGUMENTS

Supporting Argument

The bills would allow for the creation of a single coordinating entity to manage the restoration and preservation of the Capitol building and its grounds. Although the Capitol is, by statute, considered a facility under the control of the DMB, the statute also provides that space in the Capitol is reserved for the Legislature, and cannot be removed from the Legislature unless agreed to by the leadership. Because of this, and because the Executive Office also has space in the building, changes to the building have been made in various places and ways with little consideration for how they would effect the appearance or structure of the building in total. While there are some who think that the Capitol is simply an old structure that is today inadequate to meet the needs of the Legislature and the Executive Office, there are others who feel the Capitol is of great historical and architectural significance, and needs to be preserved not only for its functional uses but as an important cultural attraction. A single committee assigned to oversee the Capitol building is needed to ensure that an integrated plan is followed, and to avoid any further, haphazard, changes that could damage one of the State's important landmarks.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.