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BILL ANALYSIS

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Senate Bill 107 (Substitute S-1 as passed by the Senate)
Senate Bill 108 (Substitute S-3 as passed by the Senate)
Sponsor: Senator William Sederburg (S.B. 107)
Senator William Faust (S.B. 108)
Committee: Government Operations

Date Completed: 7-9-87

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 capitol; 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 the 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 the 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-3) would add two new chapters to the Legislative Council Act to:

- Change the Council with the responsibility for the restoration and preservation of the State Capitol building, and give the Council control over the Capitol building and grounds.
- Create the Michigan Capitol Committee to make recommendation to the Council regarding the Capitol restoration and preservation, and the operation and maintenance of the building and grounds.
- Require the Council to implement a recommendation of the Committee unless the recommendation were rejected by unanimous vote of the Council.

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 bill is tie-barred to Senate Bill 108.

MCL 18.1114 and 18.1219

A more detailed explanation of Senate Bill 108 (S-3) follows.

Legislative Council

In carrying out its responsibility for the restoration and preservation of the Capitol building, the Council could contract with the Department of Management and Budget or any other public or private entity. The Council could also appoint advisory committees to assist in the development and implementation of a Capitol building master plan.

Capitol Committee Duties

The Michigan Capitol Committee would be required to advise and make recommendations to the Council regarding the restoration and preservation of the Capitol, and do all of the following:

- Make recommendations to the Council regarding the approval of all permanent physical changes that were to be made in or on the Capitol building and grounds.
- Make recommendations to the Council regarding the approval of a master plan, and the selection, design, and placement of statues, memorials, trees, and plants on the Capitol grounds.
- Advise the Council of public and private financial support for development, construction, renovation, and preservation of the Capitol building and grounds.
- Develop written procedures for the operation of the Committee.

The bill provides that the Committee would have powers necessary or appropriate to perform the duties and exercise the powers granted under the bill that were not otherwise prohibited by law. The Committee would not have authority, and could not exercise control, over the internal decisions of the Senate or the House relating to the allocation of space, including legislative or staff offices; all decisions would be made according to the rules or practices of the respective bodies.

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.

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- 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 could 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 documents of the Committee would have to be made available to the public in compliance with the Freedom of Information Act.

Proposed MCL 4.1111 and 4.1701

(Note: House Bill 4776, ordered enrolled June 30, 1987, would create the Michigan Capitol Committee and charge it with the responsibility of making recommendations regarding the restoration and preservation of the Capitol building and grounds.)

FISCAL IMPACT

Creation of the Michigan Capitol Committee by the bills would have no fiscal impact on State or local government, however, there is money appropriated in the 1987-88 budget for various Capitol restoration projects.

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 affect 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.