



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1317 (as enrolled)
House Bill 6033 (as enrolled)
Sponsor: Senator Wayne Kuipers (S.B. 1317)
Representative Leon Drolet (H.B. 6033)
Senate Committee: Local, Urban and State Affairs
House Committee: Government Operations

PUBLIC ACT 489 of 2004
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Date Completed: 2-9-04

RATIONALE

Following the death of former President Ronald Wilson Reagan in June 2004, many of the 40th President's Michigan admirers suggested that the State should take measures to ensure that his contributions to the country continue to be recognized in the future. In particular, many believe that a memorial monument should be constructed in his honor.

CONTENT

Senate Bill 1317 created the "Ronald Wilson Reagan Memorial Monument Fund Commission Act" to establish a commission to oversee the financing, design, site location, and construction of a memorial monument dedicated to former President Reagan; allow the Commission to accept gifts and grants from any source for deposit in the Monument Fund (created by House Bill 6033); and make it a misdemeanor to engage in certain fund-raising activities without the Commission's approval.

House Bill 6033 creates the "Ronald Wilson Reagan Memorial Monument Fund Act" to establish the Ronald Wilson Reagan Memorial Monument Fund, and allow the commission created by Senate Bill 1317 to use money in the Fund as provided in that bill.

The two bills were tie-barred to each other. Senate Bill 1317 took effect on December 28, 2004. House Bill 6033 will take effect on March 30, 2005.

Senate Bill 1317

The bill created the Ronald Wilson Reagan Memorial Monument Fund Commission in the Department of Management and Budget. The Commission is required to oversee the financing, design, site selection, and construction of a monument dedicated to President Ronald Wilson Reagan. The Commission must solicit designs for the monument and select the final design.

The Commission is the governing body of the Ronald Wilson Reagan Memorial Monument Fund (created by House Bill 6033) and consists of all of the following:

- The State Treasurer or his or her designee.
- The Attorney General or his or her designee.
- The Secretary of State or his or her designee.
- Seven members appointed by the Governor, including two selected by the Governor, two recommended by the Senate Majority Leader, two recommended by the Speaker of the House of Representatives, and one recommended by the Ronald Reagan Presidential Foundation.

Members of the Commission are to serve terms of four years or until a successor is appointed, whichever is later. If a vacancy occurs, it must be filled in the same manner as the original appointment.

The Commission must initially convene within six months after the first deposit of money in the Monument Fund. The

Commission is subject to the Open Meetings Act and the Freedom of Information Act. The Commission will be dissolved after the completion of construction of the monument and payment of all amounts due in connection with it.

The Commission may accept, on behalf of the Monument Fund, grants and gifts from the Federal government; an individual; a public or private corporation, organization, or foundation; or any other source. The acceptance and use of Federal funds by the Commission does not commit State money or obligate the Legislature to continue the purposes for which Federal money is made available.

The Commission must transmit money received to the State Treasurer for deposit in the Monument Fund.

The bill prohibits the following:

- Soliciting or collecting money for the Monument Fund through the use of telemarketing.
- Conducting fund-raising activities in the name of the Monument Fund without the prior written approval of the Commission.
- Using the name and logo of the Fund or the Commission in any fund-raising activity without the Commission's prior written approval.

A person who violates these prohibitions is guilty of a misdemeanor for each separate violation, punishable by imprisonment for up to one year or a maximum fine of \$1,000, or both.

House Bill 6033

The bill creates the Ronald Wilson Reagan Memorial Monument Fund as a separate fund in the Department of Treasury. The State Treasurer must credit to the Fund the money appropriated to it, money accepted by the Ronald Wilson Reagan Memorial Monument Fund Commission, and all interest that accrues on money in the Fund. The Commission may use Fund money as described in Senate Bill 1317. The State Treasurer must seek appropriate Federal tax status for the Fund.

After the construction of the monument is completed and all amounts due in connection with the monument are paid, any

balance remaining in the Monument Fund must be used to maintain the monument.

MCL 399.261-399.266 (S.B. 1317)
399.271-399.274 (H.B. 6033)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Following Ronald Wilson Reagan's death in June 2004, it is only fitting that the State honor the man whom some believe to be among the 20th Century's greatest U.S. Presidents and one of this country's most popular leaders. Establishing the Ronald Wilson Reagan Memorial Monument will help ensure that future generations remember former President Reagan. The Commission will be the governing body of the Monument Fund and the State will be under no obligation to contribute funding toward the monument's design or construction.

Opposing Argument

Ronald Reagan was a resident of California before being elected President and appears to have few, if any, ties to Michigan. A monument to former President Reagan might lead the State to build monuments to every president, regardless of Michigan connections.

Response: Ronald Reagan accepted his party's nomination for President at the 1980 Republican Party Convention at Joe Louis Arena in Detroit.

Opposing Argument

There currently is no Michigan monument to former President Gerald Ford, a Michigan resident who represented the State in the U.S. House of Representatives before becoming President. The State should first build a monument to a Michigan resident who became President.

Response: Traditionally, monuments are constructed in the memory of a President who has died, and Gerald Ford is still among the living.

Legislative Analyst: J.P. Finet

FISCAL IMPACT

Senate Bill 1317

The bill will have a minimal fiscal impact regarding Commission expenses and creation of the Monument Fund. The bill does not commit State funds for the Monument Fund. No estimate is available regarding the type, cost, and location of the monument.

There are no data to indicate how many offenders will be convicted of the new misdemeanor. Local units of government incur the costs of misdemeanor probation and incarceration in local facilities, both of which vary by county. Public libraries will benefit from any additional penal fine revenue.

House Bill 6033

The bill will have a minimal fiscal impact on the Department of Treasury related to the creation and maintenance of the Ronald Wilson Reagan Memorial Monument Fund. As provided in Senate Bill 1317, the acceptance and use of Federal funds by the Ronald Wilson Reagan Memorial Monument Fund Commission will not commit State funding or obligate the Legislature to continue the purposes for which Federal money is made available.

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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.