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**BILL ANALYSIS**

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Senate Bills 665 and 666 (as introduced 11-6-13)
Sponsor: Senator Roger Kahn, M.D. (S.B. 665)
Senator Randy Richardville (S.B. 666)
Committee: Government Operations

Date Completed: 11-12-13

CONTENT

Senate Bill 665 would enact the "Michigan State Capitol Historic Site Act" to:

- Establish the Michigan State Capitol Historic Site, consisting of the Capitol building and grounds.
- Create the Michigan State Capitol Commission.
- Require the Commission to operate and manage the State Capitol Historic Site; maintain and restore the Capitol building; establish, maintain, and operate parking facilities in the State Capitol area; and perform other duties.
- Create the "Michigan State Capitol Historic Site Fund", which the Commission could use to carry out its responsibilities.
- Create the "State Capitol Parking Fund", which the Commission could use to operate and maintain the State Capitol parking lot.
- Allow the Commission to collect a fee for use of parking facilities under its control, and require the fees to be credited to the State Capitol Parking Fund.
- State legislative findings and declarations.

Senate Bill 666 would amend the Legislative Council Act to:

- Require the Council Administrator to administer compensation, benefits, and other personnel support for employees of the Michigan State Capitol Commission, and provide technical support to them.
- Require the Michigan Capitol Committee to make recommendations to the Commission, rather than the Governor and Senate and House leaders.
- Delete a provision under which the Committee's recommendations take effect unless rejected.
- Provide that the Committee could not make recommendations regarding the allocation of space in the State Capitol Building or the parking lot.

The bill also would repeal a section of the Act that requires the Legislative Council to maintain and operate parking facilities in the Capitol area, allows the Council to collect parking fees, and requires the fees to be credited to the Legislative Council Parking Fund. Any money in that Fund would be transferred to the proposed State Capitol Parking Fund.

Senate Bill 666 is tie-barred to Senate Bill 665.

Senate Bill 665

State Capitol Historic Site

The Michigan State Capitol Historic Site would consist of the State Capitol Building in Lansing and the grounds of the building bounded by Ottawa Street on the north, Allegan Street on the south, Capitol Avenue on the east, and Walnut Street on the west.

Except as otherwise provided in the proposed Michigan State Capitol Historic Site Act, the Michigan State Capitol Historic Site would be under the exclusive control of the Michigan State Capitol Commission.

Commission

The Michigan State Capitol Commission would consist of the following individuals:

- The Secretary of the Senate.
- The Clerk of the House of Representatives.
- Two individuals, jointly appointed by the Secretary of the Senate and the Clerk of the House, with expertise and experience in operations, maintenance, or restoration of historic structures.
- The Capitol architect.

Within 60 days of the Act's effective date, the Governor would have to appoint an individual with knowledge and expertise in historic architecture to serve as the Capitol architect.

Members of the Commission would have to serve without compensation but could be reimbursed for their actual and necessary expenses incurred in the performance of their duties as Commission members.

The Commission would be subject to the Open Meetings Act and the Freedom of Information Act.

Commission Responsibilities

The Commission would be required to operate and manage the Michigan State Capitol Historic Site, maintain and restore the State Capitol Building, and maintain and improve the grounds of the site.

The Commission would have to appoint an individual to manage the day-to-day operations of the site. This person would be an at-will employee and would serve at the pleasure of the Commission.

The Commission also would have to employ staff to carry out these responsibilities and as otherwise provided by law. Commission employees would be nontenured, at-will employees. The Commission could discipline, terminate, demote, suspend, or summarily discharge an employee.

The Commission would have to contract with any person for purposes of procuring goods or services or otherwise carrying out its responsibilities with regard to the Michigan State Capitol Historic Site.

In addition, the Commission would have to make recommendations to the Governor, the Senate, and the House of Representatives regarding funding for the site, including funding from the Michigan State Capitol Historic Site Fund.

The Commission would not have authority, and could not exercise control, over the internal decisions of the Senate or the House of Representatives related to the allocation of space in the State Capitol Building or its parking lot, including legislative or staff offices. All decisions concerning space in the building and the parking lot would have to be made according to the rules or practices of the Senate and the House.

Michigan State Capitol Historic Site Fund

The Fund would be created in the State Treasury. The State Treasurer could receive money or other assets from any source for deposit in the Fund, including private gifts, bequests, and donations. The State Treasurer would have to direct the Fund's investment, and credit to it interest and earnings from investments.

The Commission would be the administrator of the Fund for auditing purposes, and could spend money from the Fund to carry out its responsibilities under the proposed Act.

Money in the Fund at the close of the fiscal year would remain in the Fund and not lapse to the General Fund.

Parking Facilities & Fund

The Commission would have to establish, maintain, and operate parking facilities in the State Capitol area. The Commission could establish and collect a fee from State employees, State officials, and the general public using parking facilities under the control of the Commission. Parking fees would have to be deposited with the State Treasurer and credited to the State Capitol Parking Fund.

In implementing these requirements, the Commission could provide for the assessment of penalties and fines, the removal of vehicles, and a grievance process.

The State Capitol Parking Fund would be created within the State Treasury. The Commission could spend money from the Fund, upon appropriation, only for operations and maintenance of the State Capitol parking lot.

The State Treasurer could receive money or other assets from any source for deposit in the Fund. The State Treasurer would have to direct the Fund's investment, and credit to it interest and earnings from investments. Money in the Fund at the close of the fiscal year would remain in the Fund and not lapse to the General Fund.

Senate Bill 666

Council Administrator Responsibilities

The Legislative Council consists of six members appointed by the Senate Majority Leader and six appointed by the Speaker of the House of Representatives. Two of the members appointed by the each leader must be members of the minority party. The Council must appoint a Council Administrator, who is the chief executive officer of all Legislative Council agencies.

The bill would require the Council Administrator, in addition to his or her other responsibilities, to do both of the following at the direction of the Michigan State Capitol Commission:

- Administer compensation, benefits, and other personnel support for employees of the Commission.
- Administer computer, telephone, and technical support for Commission employees.

Michigan Capitol Committee

The Michigan Capitol Committee consist of four members of the Senate appointed by the Senate Majority Leader, four members of the House appointed by the Speaker of the House, and four members appointed by the Governor from the executive branch. One of the appointed Senators and one of the appointed Representatives must from the minority party.

The Legislative Council Act requires the Committee to advise and make recommendations to the Governor, the Senate Majority Leader, and the Speaker of the House regarding the restoration and preservation of the State Capitol Building and the management, operation, development, construction, renovation, maintenance, and repair of the State Capitol Building and grounds. These recommendations take effect 15 days after they are submitted unless they are rejected by the Governor, Senator Majority Leader, or Speaker of the House.

The bill would require the Committee to make these recommendations to the Michigan State Capitol Commission, instead of to the Governor and the Senate and House leaders, and would delete the language providing for the recommendations to take effect unless rejected.

The Act also requires the Committee to make recommendations to the Governor, Senate Majority Leader, and Speak of the House regarding the following:

- Implementation of permanent physical changes to be made in or on the Capitol building and all physical changes to be made on the grounds.
- Implementation of a State Capitol Building master plan.
- Public and private financial support for the development, construction, renovation, and preservation of the State Capitol Building and grounds.
- Selection, design, and placement of statues, memorials, trees, and plants on the grounds.

The bill would require the Committee to make these recommendations, instead, to the Michigan State Capitol Commission. The bill also would refer to the grounds of the Michigan State Capitol Historic Site, rather than the Capitol building.

The bill would delete a provision that gives the Michigan Capitol Committee the powers necessary or appropriate to perform its duties and the authority to contract with the Department of Management, Budget, and Technology or any other private or public entity.

Currently, the Committee does not have authority over the internal decisions of the Senate or the House related to the allocation of space in the State Capitol Building and the grounds, including legislative or staff offices. Under the bill, the Committee could not make recommendations regarding the internal decisions of the Senate or the House as they relate to the allocation of space in the State Capitol Building or the State Capitol Building parking lot, including legislative and staff offices.

Parking Facilities

The bill would repeal Section 205 of the Act, which requires the Legislative Council to establish, maintain, and operate legislative parking facilities in the Capitol area; permits the Council to establish and collect a fee from State employees, State officials, and the general public using legislative parking facilities; allows the Council to create the Legislative Council Parking Fund; requires parking fees to be credited to the Fund; and requires the Council to use the Fund to pay the costs of operating and maintaining legislative parking facilities in the Capitol area.

Upon the repeal of Section 205, the bill would transfer any money in the Legislative Council Parking Fund to the proposed State Capitol Parking Fund.

MCL 4.1104a & 4.1702 (S.B. 666)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 665

The bill would have no fiscal impact on State resources. Members of the proposed Commission would serve voluntarily and costs associated with reimbursing members would be minimal and could be absorbed through current appropriations for the Legislature and the Legislative Council. Any costs associated with renovations or restoration could be paid from additional legislative appropriations. The amount of these additional appropriations is indeterminate and would depend on the number of projects and the costs of those projects at that time.

The bill would have no fiscal impact on local government.

Senate Bill 666

The bill would have no fiscal impact on State government resources. According to the Legislative Council, the required responsibilities under the bill are currently performed by the Legislative Council and its staff. These costs are paid for through current annual appropriations. The Council does not anticipate that the bill would result in any additional costs to it.

The bill would have no fiscal impact on local government.

Fiscal Analyst: Joe Carrasco

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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.