

SENATE BILL No. 665

November 6, 2013, Introduced by Senators KAHN, SCHUITMAKER, MEEKHOF, BOOHER, PAPPAGEORGE, RICHARDVILLE, ANDERSON and BIEDA and referred to the Committee on Government Operations.

A bill to designate the state capitol and the grounds of the state capitol as a state historic site; and to prescribe the powers and duties of certain state agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan state capitol historic site act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the Michigan state capitol commission
5 established in section 5.

6 (b) "Fund" means the Michigan state capitol historic site fund
7 created in section 7.

8 (c) "Person" means an individual, partnership, corporation,
9 association, governmental entity, or other legal entity.

10 Sec. 3. The legislature finds and declares all of the

1 following:

2 (a) That the state capitol, which was designed by renowned
3 architect Elijah Myers, remains 1 of the most impressive state
4 capitols in the United States. Construction of the state capitol
5 took 6 years, from 1872 to 1878, and it was dedicated to the people
6 of the state of Michigan in 1879, at a cost of \$1,500,000.00. From
7 1989 to 1992, the state capitol underwent a thorough restoration
8 designed to return it to its former beauty and ensure that it
9 continues to serve as the seat of Michigan state government. The
10 restoration was designed to preserve an irreplaceable piece of
11 Michigan history, art, and architecture, while preparing it for
12 another 100 years of service.

13 (b) That the grounds of the state capitol contain monuments
14 that commemorate some of the most important events of the
15 nineteenth and twentieth centuries, and that serve as dramatic
16 reminders of the sacrifices made by many generations to preserve
17 the freedoms enjoyed by those in the twenty-first century,
18 including all of the following:

19 (i) The Grand Army of the Republic Memorial, the First Michigan
20 Sharpshooters Monument, the Engineers Monument, and the statue of
21 Governor Austin Blair, which honor individuals and units involved
22 in the American Civil War.

23 (ii) The Hiker Memorial, which recognizes veterans of the
24 Spanish-American War, the Philippine Insurrection, and the China
25 Relief Expedition.

26 (iii) The Michigan Veterans Memorial, which recognizes the
27 contributions and sacrifices of Michigan veterans in World War I,

1 World War II, Korea, and Vietnam.

2 (iv) The Freedom Tree, which honors all those captured and made
3 prisoners of war or missing in action.

4 (c) That, in 1992, the state capitol was awarded a National
5 Preservation Honor Award from the National Trust for Historic
6 Preservation, the highest such award in the country, recognizing
7 both the challenge and the success of its magnificent restoration.
8 The state capitol has also been designated as a National Historic
9 Landmark by the National Park Service, a distinction granted only
10 to the most historically important and significant national sites.

11 Sec. 4. (1) The Michigan state capitol historic site is
12 established.

13 (2) The Michigan state capitol historic site consists of the
14 state capitol building in Lansing and the grounds of the state
15 capitol building bounded by Ottawa street on the north, Allegan
16 street on the south, Capitol avenue on the east, and Walnut street
17 on the west.

18 (3) Except as otherwise provided in this act, the Michigan
19 state capitol historic site shall be under the exclusive control of
20 the commission.

21 Sec. 5. (1) The Michigan state capitol commission is
22 established.

23 (2) The commission shall consist of the following members:

24 (a) The secretary of the senate.

25 (b) The clerk of the house of representatives.

26 (c) Two individuals, jointly appointed by the secretary of the
27 senate and the clerk of the house of representatives, who have

1 expertise and experience in operations, maintenance, or restoration
2 of historic structures.

3 (d) The capitol architect appointed under subsection (3).

4 (3) The governor shall appoint an individual with knowledge
5 and expertise in historic architecture to serve as the capitol
6 architect. The capitol architect shall serve at the pleasure of the
7 governor. The governor shall appoint a capitol architect under this
8 subsection within 60 days after the effective date of this act.

9 (4) Members of the commission shall serve without
10 compensation. However, members of the commission may be reimbursed
11 for their actual and necessary expenses incurred in the performance
12 of their official duties as members of the commission.

13 (5) A majority of the members of the commission constitute a
14 quorum for the transaction of business at a meeting of the
15 commission. An affirmative vote of a majority of the members of the
16 commission is required for official action of the commission.

17 (6) The business that the commission may perform shall be
18 conducted at a public meeting of the commission held in compliance
19 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

20 (7) A writing prepared, owned, used, in the possession of, or
21 retained by the commission in the performance of an official
22 function is subject to the freedom of information act, 1976 PA 442,
23 MCL 15.231 to 15.246.

24 Sec. 6. (1) The commission shall do all of the following:

25 (a) Subject to subsection (2), operate and manage the Michigan
26 state capitol historic site.

27 (b) Maintain and restore the state capitol building.

1 (c) Maintain and improve the grounds of the Michigan state
2 capitol historic site.

3 (d) Appoint an individual to manage the day-to-day operations
4 of the Michigan state capitol historic site. The individual
5 appointed under this subdivision is an at-will employee and shall
6 serve at the pleasure of the commission.

7 (e) Employ staff to carry out the commission's
8 responsibilities under subsection (1) and as otherwise provided by
9 law. All individuals employed by the commission are nontenured, at-
10 will employees. The commission may discipline, transfer, demote,
11 suspend, or summarily discharge an employee.

12 (f) Contract with any person for purposes of procuring goods
13 or services or otherwise carrying out the commission's
14 responsibilities with regard to the Michigan state capitol historic
15 site.

16 (g) Make recommendations to the governor, the senate, and the
17 house of representatives regarding funding for the Michigan state
18 capitol historic site, including, but not limited to, funding from
19 the fund.

20 (h) Carry out other responsibilities as provided by law.

21 (2) The commission does not have authority and shall not
22 exercise control over the internal decisions of the senate or the
23 house of representatives related to the allocation of space in the
24 state capitol building or the state capitol building parking lot,
25 including legislative or staff offices. All decisions concerning
26 space in the state capitol building and the state capitol building
27 parking lot shall be made according to the rules or practices of

1 the senate and the house of representatives.

2 Sec. 7. (1) The Michigan state capitol historic site fund is
3 created within the state treasury.

4 (2) The state treasurer may receive money or other assets from
5 any source for deposit into the fund, including private gifts,
6 bequests, and donations. The state treasurer shall direct the
7 investment of the fund. The state treasurer shall credit to the
8 fund interest and earnings from fund investments.

9 (3) Money in the fund at the close of the fiscal year shall
10 remain in the fund and shall not lapse to the general fund.

11 (4) The commission shall be the administrator of the fund for
12 auditing purposes.

13 (5) The commission shall expend money from the fund to carry
14 out its responsibilities under this act.

15 Sec. 8. (1) The commission shall establish, maintain, and
16 operate parking facilities in the state capitol area.

17 (2) The commission may establish and collect a fee from state
18 employees, state officials, and the general public using parking
19 facilities under the control of the commission.

20 (3) Parking fees collected by the commission pursuant to
21 subsection (2) shall be deposited with the state treasurer and
22 credited to the state capitol parking fund created in section 9.

23 (4) In implementing this section, the commission may provide
24 for the assessment of penalties and fines, for the removal of
25 vehicles, and for a grievance process.

26 Sec. 9. (1) The state capitol parking fund is created within
27 the state treasury.

1 (2) The state treasurer may receive money or other assets from
2 any source for deposit into the state capitol parking fund. The
3 state treasurer shall direct the investment of the state capitol
4 parking fund. The state treasurer shall credit to the state capitol
5 parking fund interest and earnings from fund investments.

6 (3) Money in the state capitol parking fund at the close of
7 the fiscal year shall remain in the state capitol parking fund and
8 shall not lapse to the general fund.

9 (4) The commission shall be the administrator of the state
10 capitol parking fund for auditing purposes.

11 (5) The commission shall expend money from the state capitol
12 parking fund, upon appropriation, only for operations and
13 maintenance of the state capitol parking lot.