



**House
Legislative
Analysis
Section**

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**REWRITE CAPITOL COMMITTEE
PROVISIONS**

**House Bill 5984 with committee
amendment
First Analysis (9-17-96)**

**Sponsor: Rep. Gary L. Randall
Committee: House Oversight and Ethics**

THE APPARENT PROBLEM:

Public Act 123 of 1987 created a single coordinating entity, the Michigan Capitol Committee, to manage the restoration and preservation of the Capitol building and its grounds. The committee generally replaced the multiple "managers" of the Capitol: the two chambers of the legislature, the governor, and the Department of Management and Budget (which, under the DMB act, classified the Capitol building as a facility for which the DMB could issue directives for management, operation, maintenance, and repair "except to the extent that space in the Capitol building [was] ... reserved for the legislature"). The committee advises and makes recommendations to the governor and the legislative leadership (the Speaker of the House and the Senate Majority Leader) regarding the restoration and preservation of the Capitol building and grounds. Unless the governor or one of the legislative leaders rejects a recommendation in writing, the committee's recommendations take effect within 15 days after submission. With the approach of term limits, some people are concerned that the recent restoration of the Capitol building could be compromised by future leaders who might decide to make changes to the building that could compromise the integrity of the recent restoration. At the request of the current chair of the Michigan Capitol Committee, legislation has been introduced that would address this issue.

THE CONTENT OF THE BILL:

The bill would repeal Chapter 7 ("The Michigan Capitol Committee") of the Legislative Council Act (MCL 4.1701 and 4.1702), and re-create the Michigan Capitol Committee, with broadened powers, so that generally the committee would have primary authority over the Capitol building and grounds. Thus, instead of the committee making recommendations to the governor and the two legislative leaders regarding the restoration and preservation of the Capitol and its grounds, the governor and the legislative leaders would advise and make recommendations to the committee (but could not make recommendations regarding the architectural, structural,

and mechanical and electrical systems, over which the committee would have exclusive authority). All decisions concerning the allocation of space in the Capitol would continue to be made according to the rules or practices of the House and Senate, but under the bill neither the House or the Senate could change the use of the space under its control without the approval of the committee.

Committee composition and operation. Currently, the 12-member committee consists of four Senate members appointed by the Senate Majority Leader, four members of the House of Representatives appointed by the Speaker of the House, and four members appointed by the governor from the executive branch of government. One Senate member and one House member has to be from the minority party, and each member serves at the pleasure of the official who had appointed them. Members serve for two years, with the terms of the legislative members ending at the end of each two-year legislative session ("legislative biennium"). Vacancies are filled in the same way as the original appointment for the balance of the unexpired term, and members can be reappointed to the committee. Committee action can only be taken by concurring majorities of the three sets of appointees. Committee business must be conducted publicly in compliance with the Open Meetings Act, and committee records of official functions are available to the public under the Freedom of Information Act.

The bill would increase membership on the committee to 15, with five members each from each of the legislative chambers and five appointed by the governor. The additional House member would be the Clerk of the House, the additional Senate member would be the Secretary of the Senate, and the additional executive appointee would have to be a public member (instead of, as the other four executive members, from the executive branch). Instead of a single minority member for each of the sets of legislative appointees, two of the five would be appointed from the majority party and two from the minority party (instead of the current three majority members and single minority member).

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Committee powers and duties. Currently, the Michigan Capitol Committee advises and makes recommendations to the governor and the two legislative leaders (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 (the latter being defined as the property on which the state Capitol building is situated, bordered on the north by Ottawa Street, on the east by Capitol Avenue, on the south by Allegan Street, and on the west by Walnut Street). Recommendations must take effect 15 days after being submitted to the governor and legislative leaders unless rejected by them in writing. The committee currently is required to develop and recommend written procedures for its operation, and to make recommendations to the governor and legislative leaders regarding (a) the implementation of all permanent physical changes to be made in or on the Capitol building and all physical changes to be made on the grounds of the Capitol building; (b) the implementation of a state Capitol building master plan; (c) public and private financial support for the development, construction, renovation, and preservation of the Capitol building and grounds; and (d) the selection, design, and placement of statues, memorials, trees, and plants on the Capitol grounds.

Under the bill, the committee would have "exclusive authority over the architectural, structural, and mechanical and electrical systems" of the state Capitol building and grounds, and changes in these systems couldn't be made without the committee's approval. However, with the exception of these enumerated systems, the governor and the legislative leaders would advise and make recommendations to the committee regarding the restoration and preservation of the Capitol building and the management, operation, development, maintenance, and repair of the Capitol building and grounds.

As currently is the case, the committee would develop (but would not have to recommend to the governor and legislative leaders) written procedures for its operation. In addition, instead of the committee making recommendations to the governor and legislative leaders, the bill would require that -- with the advice and recommendations of the governor, Senate Majority Leader, and House Speaker -- the committee (a) develop guidelines for implementing any permanent physical changes to the Capitol building or grounds; (b) develop and implement a state Capitol building master plan; (c) develop public and private financial support for the development, construction, renovation, and preservation of the Capitol building and grounds; and (d) provide for the selection, design, and placement of statues, memorials, trees, and plants on the Capitol grounds.

Also as currently is the case, the committee would have powers that were necessary or appropriate to perform its duties and exercise its powers as prescribed by the bill (and that weren't otherwise prohibited by law), including both appointing advisory committees and contracting with the Department of Management and Budget or any other public or private entity. Unlike current law, however, the bill would not require that the current labor and trades and safety and regulatory classifications performing duties on the Capitol premises be maintained.

Finally, as currently is the case, all decisions concerning the allocation of space in the Capitol building, including legislative or staff offices, would continue to be made by the Senate and House according to their rules, and the committee would not have authority or control over the internal decisions of the two chambers as they related to the allocation of space in the Capitol. However, under the bill, neither chamber could change the use of space under its control without the approval of the committee.

MCL 4.1701 and 4.1702

BACKGROUND INFORMATION:

The Capitol restoration. The 1879 Capitol building was built to house all three branches of government: the supreme court, the legislature, and the governor (including various administrative offices, such as the attorney general, the State Lands Office, the State Treasury, the superintendent of public instruction, the Insurance Bureau, the Quartermaster General, the Agriculture Department, and the State Geologist, as well as the State Library, Museum, and Armory). Over the years, the pressures for additional state government space, the need to continually update technological systems not anticipated in the original building design, and maintenance problems (including improper maintenance and outright theft), all had negative effects on the building, leading some people to question whether it should be replaced, turned into a museum, or restored and retained as the seat of Michigan state government.

Although the Capitol was constructed with extra office space designed to house future state offices, as Michigan's population -- and state government -- grew, space in the Capitol was quickly filled. Two courses of action were taken to address the need for additional state government space: more and more offices and functions were moved out of the Capitol and into either constructed or rented state office buildings, and modifications to increase the amount of floor space within the Capitol itself were undertaken over the years. As early as 1909, additional state office buildings were proposed to relieve the crowded conditions in the Capitol; in 1917, the governor declared the Capitol overcrowded, and called

for construction of a new state office building. In 1922, the State Office Building (the Lewis Cass Building) opened, and the Historical Museum and State Library were moved from the Capitol to the new building and the old library (occupying parts of the third and fourth floors in the west wing) was "overfloored" (that is, "half stories" or "mezzanine floors" were constructed between the original floors). While the governor's office, the supreme court, and the legislative chambers escaped this "overflooding," the 20-foot ceilings in the interior offices did allow the construction of these half-floors. This sometimes resulted in structurally unsafe situations in which plaster ceilings were used to support heating, ventilation and air-conditioning ducts, fire protection lines, mechanical equipment, and suspended acoustical-tile ceilings. In some cases, the plaster was so weakened that it pulled away from its lath: several sagging overfloor ceilings were found to have separated from the timber beams, and some ceilings in offices on the first and fourth floors actually collapsed. But as the need for more space continued to increase over the years, more offices and functions were moved out of the Capitol and more overfloors were built. In addition, over the years numerous doorways were cut through weight bearing walls and, in at least one known instance, compromised the structural integrity of a portion of the building.

In addition to the structural problems caused by attempts to deal with overcrowding, the need to continually update the Capitol's various technological systems (such as heating, cooling, lighting, and communications) also often had a negative impact on the building, since present-day systems weren't anticipated in the original building design and space for such systems wasn't always available. Thus, for example, telephones, speakers, and computer cables were stapled into the woodwork, electrical panels installed in the decorative painted and scrolled walls, and holes punched through load-bearing walls for ducts and lines. The sub-basement became a bizarre maze of piping and wires, some live and some dead and merely abandoned in place as newer systems were installed. Corroded sewage and water pipes ran next to electrical distribution panel boxes.

Finally, from the very beginning there were problems with the maintenance of the Capitol, with unintentional damage sometimes also being caused by improper maintenance. For example, inside, the building's plaster walls, cornices, and ceilings had been embellished with virtually every painted decorative art of the Victorian period: stenciled and freehand designs, striping, gilding, wood graining, marbleizing, and the lavish use of metallic paints and pigments. However, the metallic paints and pigments apparently quickly deteriorated, and over the years the demanding skills needed to maintain the highly decorated surfaces of the original building were lost. Thus, walls were repainted in inappropriate

colors, the elaborate original decorative wall and ceiling designs were covered with plain paint (apparently because it was easier than duplicating the original work), and colors and patterns gradually disappeared under layers of overpaint, dirt, paneling, and other wall covering. On the outside of the building, the Ohio sandstone that covered the building deteriorated, while the front steps and portico (also made of sandstone) were further damaged in 1964 when an attempt was made to clean the building by sandblasting. The cast iron and sheet metal dome also rusted, various architectural features were removed over the years for safety reasons, and much of the original bronze hardware on the doors (which displayed the seal, apple blossom or harvest design) was stolen for souvenirs.

Complicating matters with regard to maintaining any kind of integrated approach to changing the building, prior to Public Act 123 of 1987, the Capitol building and grounds were "managed" by multiple entities -- the Senate, the House, the governor's office, and the Department of Management and Budget -- so there was no one, centralized planning entity for any proposed changes to the building. Thus changes to the building were made in various places and ways with little consideration for how they would affect the appearance or structure of the whole building. And, given the prestige inherent in having an office in the Capitol, the pressures for additional office space continued to result in ad hoc changes.

In the late 1960s and early 1970s, after a plan to build a new Capitol failed, interior remodeling to add floor space further hid or destroyed much of what remained of the building's original character. However, in the 1970s there was a renewed interest in restoration of the Capitol following the 1976 American bicentennial and the 1978 opening of the state Capitol cornerstone. In August 1982, the governor appointed a Committee on Capitol Restoration which issued a report in December of that year that recommended the preservation of those portions or features of the Capitol that were significant to historic, architectural, and cultural values. After the committee completed its work and issued its report, it reorganized as a public, nonprofit group, the Friends of the Capitol, and continued to promote restoration of the Capitol. In 1985, the legislature appropriated \$150,000 to the Department of Management and Budget to develop a preservation plan for the Capitol; in April 1986, a three-person panel was appointed to select a restoration architect to develop the Capitol Restoration Master Plan, which was completed in May 1987. The plan established the historical significance of the building, and described how the building should be preserved by undertaking an historically accurate and technically correct physical restoration. Limited restoration activities undertaken from 1985 through 1988 showed what the Capitol could be like

if restored: In 1985-86, the second floor Senate chamber lobby was restored; in 1986-87, the hallway chandeliers were restored; and in 1987-88, the Senate and House committee rooms and the decorative painting in the lieutenant governor's office was restored.

Public Act 123 of 1987 created the Michigan Capitol Committee, a 12-member bipartisan legislative-executive body. In 1988, \$45 million was appropriated for restoration, and a budget and schedule for the restoration were adopted. After an additional \$13.5 million in appropriations, the restoration was celebrated in November 1992 with a rededication of the state Capitol.

House and Senate rules. Under House Rule 23, "The Clerk of the House shall exercise supervisory care and control of the Hall of the House of Representatives and all House rooms and equipment assigned to the office of the Clerk. The Clerk shall from time to time, upon prior written authorization by the Speaker, have made such repairs and alterations in the House Chambers and the rooms and corridors connected therewith and their furniture and equipment, as may be necessary." Under Senate Rule 1.116(g), "The Secretary of the Senate shall exercise supervisory care and control of the Senate Chamber, all Senate rooms, corridors, furniture, and equipment. Upon approval of the Senate Majority Leader, the Secretary of the Senate shall purchase all necessary furniture, carpet, equipment, postage, supplies, and services for use by the Senate." Under Senate Rule 1.116(h), "The Secretary of the Senate shall install and maintain any electro-mechanical equipment approved for use by the Senate."

FISCAL IMPLICATIONS:

The House Fiscal Agency reports no fiscal implications. (9-16-96)

ARGUMENTS:

For:

With term limits soon to be implemented, some people believe that the integrity of the recent \$58 million restoration of the Capitol would best be preserved by providing the Michigan Capitol Committee more authority over future possible structural changes to the restored Capitol building. Changing the composition of the committee, especially by adding the Clerk of the House and the Secretary of the Senate, would ensure greater institutional memory and stability to the committee without, at the same time, depriving either the Speaker of the House or the Senate Majority Leader of any of their current powers. Also, by adding a fifth executive appointee from the public, the bill not only would maintain the balance of representation on the

committee between the two chambers and the executive branch, it also would allow the possibility for the appointment of a public member from a group, such as the Friends of the Capitol, who have been and are active in the restoration and preservation of the Capitol. In the past, the structural and historical integrity of the Capitol building were damaged by incremental decisions, made by multiple parties, in response to ever-increasing demands for state government space within the building. Since there will inevitably be ongoing changes to the building in the future -- as well as future pressures for added office space -- a single decision-making body that has the requisite institutional memory, interest, and expertise is needed to ensure that any future changes to the building be based on an integrated, historically and structurally sound plan.

Against:

Currently, the Michigan Capitol Committee advises and makes recommendations to the governor and the legislative leadership regarding changes to the Capitol. Under the bill, this process would be reversed, with the governor and legislative leaders advising and making recommendations to the committee. This would put the governor's office, as well as both legislative chambers, under the authority of this legislative-executive committee. Currently, also, the governor, the House Speaker, or the Senate Majority Leader can effectively veto any of the committee's recommendations, provided that he or she does so in writing and within 15 days after the committee submits its recommendation to the governor and legislative leadership. The bill has no provisions for continuation of such an executive or legislative veto of committee actions. Under the bill, even though the House Speaker and Senate Majority Leader would be represented on the committee by the Clerk of the House and the Secretary of the Senate, they -- and the governor -- wouldn't have the kind of veto power they now have over changes proposed by the committee.

What is more, whereas the original act creating the Michigan Capitol Committee doesn't single out any specific mechanical or electrical systems for special treatment, the bill would specify certain systems -- the architectural, structural, and mechanical and electrical systems -- over which the committee would have "exclusive authority" and which could not be changed without the committee's approval. However, this provision would appear to conflict with existing House and Senate rules, which make the Clerk of the House and the Secretary of the Senate responsible for their respective chamber's rooms, equipment, and furniture. (For these rules, see BACKGROUND INFORMATION.) Under current House and Senate rules, the Clerk of the House and the Secretary of the Senate not only have "supervisory care and control" of

their respective house's chambers, rooms, furniture, and equipment; they also are charged generally with buying, installing, maintaining (including making necessary repairs and alterations to) their respective chamber's rooms, furniture, and equipment. How would the rules be reconciled with the bill's provisions?

The bill further specifies that -- except with regard to the enumerated (architectural, structural, and mechanical and electrical) systems -- the governor and legislative leadership would advise and make recommendations to the committee "regarding the restoration and preservation of the state Capitol building and the management, operation, development, maintenance, and repair of the state Capitol building and grounds." Does this mean that the governor, the House Speaker, and the Senate Majority Leader wouldn't have any direct say (except through their representation on the committee) in changes in any of these systems (such as, for example, their offices' telephone system, or each chamber's voting boards)? Moreover, since the bill would keep current provisions requiring the "concurring majorities" of all three sets of committee members (House, Senate, and executive), presumably a needed change to, say, one of the chamber's voting boards could effectively be vetoed by the other house or by the executive branch's appointees.

POSITIONS:

The Friends of the Capitol organization supports the bill.
(9-16-96)

Analyst: S. Ekstrom

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.