

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 5637 (Substitute S-2 as reported)  
Sponsor: Representative Samuel Buzz Thomas  
House Committee: House Oversight and Ethics  
Senate Committee: Local, Urban and State Affairs

Date Completed: 11-4-98

### **RATIONALE**

The term "Underground Railroad" refers to the efforts made to assist slaves in North America to escape from bondage. The railroad began during the colonial period and reached its peak between 1830 and 1865. Where it existed, the Underground Railroad offered service to runaway slaves, assisting them from one point to another, until the final destination was reached. Reportedly, Michigan has been called the Grand Terminus of the Underground Railroad due to its proximity to Canada and the Great Lakes, which were used as a thoroughfare for moving slaves to Canada.

In 1990, Congress directed the National Park Service to study how best to interpret and commemorate the Underground Railroad, emphasizing the approximate routes taken by escaping slaves. The study was completed with the assistance of the Underground Railroad Advisory Committee. One result of these efforts is the National Underground Railroad Network to Freedom Act (P.L. 105-203), which President Clinton signed on July 21, 1998. Under this Act, the "National Underground Railroad Network to Freedom" is to be established in the National Park Service.

At least one state, New York, has created a commission to commemorate that state's historical sites associated with the Underground Railroad. It has been suggested that such a commission should be formed in Michigan to preserve the history of the Underground Railroad and promote this State's sites for inclusion in the national Freedom Trail system.

### **CONTENT**

**The bill would create the "Michigan Freedom Trail Commission Act" to do the following:**

- **Create the Michigan Freedom Trail Commission within the Department of State.**
- **Require the Commission, among other things, to promote and preserve the history of the Freedom Trail and Underground Railroad in the State.**
- **Require the Commission to report annually to the Governor and Legislature on the Commission's activities in the prior calendar year.**

### **Duties**

The Commission would be required to exercise its duties and functions independently of the Secretary of State. The budgeting, procurement, and related functions of the Commission and administrative responsibilities for the Commission's staff, however, would have to be performed under the direction and supervision of the Secretary of State.

The Commission would be required to do all of the following:

- Review, plan, and implement a master plan to promote and preserve the history of the Freedom Trail and Underground Railroad in the State.
- Work in conjunction with State and Federal authorities to sponsor commemorations, linkages, seminars, and public forums on the Freedom Trail and Underground Railroad in the State and neighboring states.
- Assist and promote the making of applications for inclusion in the National and State register of historic places for significant historic places related to the Freedom Trail and the Underground Railroad in Michigan.
- Assist and develop partnerships to seek public and private funds to carry out activities

to protect, preserve, and promote the legacy of the Freedom Trail and Underground Railroad in the State.

### Membership

The Commission would consist of the following members appointed by the Governor:

- Three from the academic community knowledgeable in African-American history.
- One member actively involved in civil rights issues.
- One member knowledgeable in historic preservation.
- One member representing local communities in which the Underground Railroad had a significant presence.
- Three members at large, including one who was a representative of the Museum of African American History in Detroit.

The Commission also would include the following members (or their representatives) serving ex officio without vote:

- The chief executive officer of the Michigan Jobs Commission.
- The State Librarian.
- The Secretary of State.

The members appointed by the Governor would have to be appointed within 90 days after the bill's effective date. These members would have to serve for four-year terms or until a successor was appointed, whichever was later, except that of the members first appointed, three would serve for one year, three would serve for two years, and three would serve for three years. If a vacancy occurred on the Commission among these members, the Governor would have to make an appointment for the unexpired term in the same manner as the original appointment.

The Governor could remove a Commission member for incompetency, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

At the first meeting, the Commission would have to elect a chairperson and other officers as it considered necessary or appropriate. The Commission then would have to meet at least quarterly, or more frequently at the call of the chairperson or if requested by at least six appointed

members. A majority of the appointed members would constitute a quorum for the transaction of business. A majority of these members present and serving would be required for official action of the Commission. The Commission would be subject to the Open Meetings Act and the Freedom of Information Act.

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

### BACKGROUND

The National Underground Railroad Network to Freedom Act states that its purposes are: "(1) To recognize the importance of the Underground Railroad, the sacrifices made by those who used the Underground Railroad in search of freedom from tyranny and oppression, and the sacrifices made by the people who helped them", and "(2) To authorize the National Park Service to coordinate and facilitate Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad, its significance as a crucial element in the evolution of the national civil rights movement, and its relevance in fostering the spirit of racial harmony and national reconciliation".

According to the Act, the Underground Railroad Advisory Committee found that a few elements of the Underground Railroad are represented in National Park Service units and other sites, but many sites are in imminent danger of being lost or destroyed, and many important resources are not adequately represented and protected. The Committee also found that there are many important sites with a high potential for preservation and visitor use in 29 states, the District of Columbia, and the Virgin Islands; and that the establishment of a variety of partnerships between the Federal government and other levels of government and the private sector would be most appropriate for the protection and interpretation of the Underground Railroad.

The Act specifies that the national network must encompass the following elements:

- All units and programs of the National Park Service pertaining to the Underground Railroad.
- Other Federal, State, local, and privately

owned property pertaining to the Underground Railroad that have a verifiable connection to the railroad and are included on, or eligible for inclusion on, the National Register of Historic Places.

- Other governmental and nongovernmental facilities and programs of an educational, research, or interpretive nature that are directly related to the Underground Railroad.

## **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**

Michigan's role in the Underground Railroad is a significant part of the State's history. By establishing a commission that would coordinate activities to preserve and communicate this history, the State would maximize efforts to tell the story of the Underground Railroad to its own citizens and to out-of-State visitors. The commission would link Michigan's historic preservation efforts to national efforts to commemorate the Freedom Trail, the sacrifices made by individuals, and the importance of the Underground Railroad to the nation's civil rights movement.

### **Supporting Argument**

Promoting this State's inclusion in the Freedom Trail system would create an opportunity for increased travel and tourism dollars. As Michigan's tourism industry continues to flourish, the potential of increased revenue would be enhanced by supporting points of interest that are significant to all citizens. Reportedly, Ohio, Kentucky, and Pennsylvania, in addition to New York, already have begun this process.

Legislative Analyst: S. Lowe

## **FISCAL IMPACT**

The Commission would incur costs from paying expenses to Commission members as well as one staff member to provide administrative support. Public Act 310 of 1998 provided \$71,200 for costs associated with the Michigan Freedom Trail Commission. There would be no impact on local government.

Fiscal Analyst: E. Limbs

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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.