

**RE-SITE THE PROPOSED STATE
VIETNAM VETERANS' MEMORIAL;
CREATE VETERANS MEMORIAL PARK**

**House Bill 6091 as enrolled
Public Act 470 of 2000
Second Analysis (1-10-01)**

**Sponsor: Rep. Randy Richardville
House Committee: Veterans Affairs
Senate Committee: Human Resources,
Labor, Senior Citizens and Veterans
Affairs**

THE APPARENT PROBLEM:

Public Act 122 of 1992 amended the 1988 Michigan Vietnam Veterans Memorial Act to specify a site for a memorial monument that was on state-owned land "directly west of the peak of the Capitol dome" and midway between Allegan and Ottawa Streets in Lansing, Michigan. Appropriations legislation in 1998 (see BACKGROUND INFORMATION) also appropriated funds to the judiciary to build an office building and underground parking facilities in Lansing, and work is underway on land in the portion of the "Capitol Loop" bounded on the north by Ottawa Street, on the south by Allegan Street, on the west by Martin Luther King, Jr. Boulevard, and on the east by Butler Street.

Legislation has been introduced to move the proposed site of the Vietnam Veterans' memorial monument, which currently sites the monument in front of the future Hall of Justice and on a line-of-sight with the state Capitol Building directly to the east, about 15 feet to the south of its current location midway between Ottawa and Allegan streets.

THE CONTENT OF THE BILL:

The Michigan Vietnam Veterans Memorial Act (Public Act 234 of 1988) created a Vietnam veterans memorial fund and established a commission to govern the fund. The bill would amend the act to establish a 2½ acre veterans' memorial park in an area bounded on three sides by Ottawa, Butler, and Allegan Streets in Lansing, and to require that the Vietnam Veterans Memorial Monument be located on a one-acre site within the proposed veterans' memorial park. The bill also contains a more precise technical description of the site, which would be to the west of the Capitol. The

west line of the Vietnam Veterans Memorial parcel would be bounded on the west by a line located 41.71 feet east of and parallel with the east right-of-way line of Butler Street; the north line of the parcel would be 30 feet north of and parallel to the centerline of Michigan Avenue. The actual structure of the Vietnam Veterans Memorial Monument could not be closer than 15.625 feet south of "the center axis" [which is where Michigan Avenue would be if it extended through the state land extending west of the Capitol Building].

MCL 35.1052 and 35.1055

BACKGROUND INFORMATION:

Public Act 234 of 1988 created a Michigan Vietnam Veterans Fund and established a nine-member Vietnam Veterans Memorial Fund Commission to oversee the financing and construction of a memorial monument "dedicated to Vietnam veterans from Michigan who died or are listed as missing in action as a result of the Vietnam conflict." The act did not designate a specific site for the monument, but said only that the monument was to be located on state-owned land "in the capital city."

Public Act 306 of 1988 amended the Management and Budget Act to create a Capitol Park Commission and to describe the site of the Michigan Capitol Park, which was to consist of all real property that was owned by the state in downtown Lansing bounded on the north by Ottawa Street, on the south by Allegan Street, on the west by Martin Luther King Boulevard, and on the east by "the vacated portion" of Sycamore Street (between Ottawa and Allegan Streets).

Enrolled House Bill 4730 of 1991 would have specified that the Vietnam Veterans' monument be located in downtown Lansing, directly west of the peak of the Capitol dome and directly north of the arch of the Library of Michigan. This site was recommended by the Design and Construction Committee of the Vietnam Memorial Commission as being "the most appropriate site for the monument" by having "government, represented by the Capitol dome, intersect with knowledge and history, which the state library embodies." The committee was aware that the proposed site was being used as a parking area, and anticipated that the several years it would take to raise the funds to build the monument would allow time to resolve the parking issue. However, the bill was vetoed by the governor (reportedly on the grounds that the site described in the bill was not suitable because it was "in the middle of a parking lot," namely, the paved Butler reserved parking lot), who recommended that the search for a suitable site continue so that a Vietnam memorial could be located in an area that could eventually be expanded to include a tribute to Michigan veterans of all wars. (See the House Legislative Analysis Section analysis of House Bill 4995 and Senate Bill 704, dated 6-12-92.) In that same legislative session, a three-bill package of legislation was subsequently enacted (see below) that designated a Veterans' memorial monument site (Public Act 122 of 1992) and created a Veterans' Memorial Park which would contain a Vietnam veterans' memorial monument site (Public Act 132 of 1992), as well as addressing some issues regarding the Michigan Vietnam Veterans Memorial Fund (Public Act 121 of 1992).

Public Act 122 of 1992. After the governor vetoed enrolled House Bill 4730 of 1991, enrolled House Bill 5028 was enacted as Public Act 122 of 1992. The act amended the Michigan Vietnam Veterans Memorial Act to designate a site for a memorial monument to be located on a state-owned site of not more than one acre that would be at the west end of the Capitol Park site (near Martin Luther King Boulevard) in the southeast corner of another state parking lot, the Butler gravel parking lot.

Public Act 132 of 1992 amended the Management and Budget Act (MCL 18.1298b) to designate certain western portions of the Michigan Capitol Park area (created by Public Act 306 of 1988 -- see above) as the Michigan Veterans' Memorial Park, under the jurisdiction of the Michigan Veterans' Memorial Park Commission. The technical description of the monument site is identical to that given in Public Act 122 of 1992.

Public Act 538 of 1998, an appropriations act for capital outlay, among other things authorized (in Section 2102) a grant of \$87 million to the judiciary "for design and construction of a new office facility and underground parking structure to be located in Lansing."

Public Act 921 of 2000 makes supplemental appropriations to a number of executive departments, the judiciary, and the legislature. Among the supplemental appropriations to state departments is a \$500,000 grant for the Vietnam Veterans Memorial. Section 450 of the act says that the appropriation for the Vietnam Veterans Memorial "shall be expended for construction and related professional design services upon certification that donations and other funds have been secured sufficient to meet total project costs, and after Department of Management and Budget approval of final design specification and site." Reportedly, the \$500,000 grant would be added to \$1 million in state payment and privately-raised funds to begin construction of the monument west of the state Capitol building.

Senate substitute S-1/enrolled version of House Bill 6091. The Senate substitute for the bill, which became the enrolled version, changed the length of the proposed boundaries of the proposed veterans memorial park and changed its technical description. The House version, among other things, describes an east-west boundary length for the proposed park of approximately 165.44 feet and a north-south boundary length of approximately 660.0 feet, and includes a northerly boundary as being the southerly right-of-way of Butler street. The Senate-passed version of the bill describes an east-west boundary length of approximately 260.17 feet and a north-south boundary of approximately 419.75 feet, and drops reference to a northerly boundary for the park, while keeping an overall 2.5 acre size for the proposed park.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no state or local fiscal implications. The analysis points out that \$1 million in general funds was appropriated for the memorial in a fiscal year 1996-97 supplemental appropriations bill, and an additional \$500,000 was appropriated in a fiscal year 1999-2000 supplemental bill [enrolled Senate Bill 968 of 1999, Public Act 921 of 2000]. Through September 2000, \$955,823 has been raised for the memorial from private sources net of fund raising costs. (1-10-01)

ARGUMENTS:

For:

From the amount of legislation that has been introduced and adopted since 1988, it is apparent that there have been ongoing concerns about the siting of a state Vietnam veterans memorial. According to testimony nearly ten years ago before the House Veterans Affairs Committee concerning the memorial, as of 1991 at least 40 states had been identified as having established state-wide memorials to honor Vietnam veterans. Apparently part of the problem in Michigan had been that the original 1988 legislation establishing the Vietnam Memorial fund and commission did not specify a site for the monument (other than to say that it was to be “in the capital city”), and consequently it was difficult to come up with a design and construction plan – which then made the solicitation of the necessary funds to construct the monument virtually impossible. Legislation enacted in 1992 did come up with a site for the monument. According to testimony before the House Veterans Affairs Committee, the current site needs to be changed, however, to decrease the amount of potential foot traffic through the site and to allow those who come to visit the memorial monument solace and relative solitude, free from state workers who might be passing through the site or using the site as a place to eat their lunches.

Response:

Since one of the major purposes of the Vietnam veterans memorial monument is to remind people of the sacrifices made by the veterans and their families in that traumatic conflict, it would seem highly desirable to site the monument at a location where more, not fewer, people regularly visited it, for whatever reasons. It seems counterintuitive to move the site just because “too many” people would be walking through it.

Against:

The bill would result in positioning the Vietnam veterans’ memorial monument in a location that is not directly west of the Capitol Building dome, and thus would result in the loss of an important symbolic component of the monument. Moreover, the original enabling legislation for the monument was enacted over a decade ago, and the issue of the siting of the monument already has been visited and revisited in legislation at least twice since then (see BACKGROUND INFORMATION). This repeated legislative re-siting of the monument not only makes it difficult to finalize architectural plans for the monument, but also gives at least the appearance of a lack of firm commitment to the importance of the project. From the beginning, those most closely

involved in working with the project have believed in the symbolic importance of linking the monument site to other important symbols of government and history. Thus, the enrolled House Bill 4730 (see BACKGROUND INFORMATION, above) that was vetoed by the governor in 1992 would have sited the memorial monument due north of the arch of the state library and historical center, symbolic of knowledge and history, and due west of the dome of the Capitol Building, symbolizing the center of state government. The intersection – in the form of a memorial monument to Vietnam veterans – of knowledge, history, and government would have been an important and powerful symbolic aspect of the proposed monument. But even though the current site, adopted under Public Act 122 of 1992, was moved west of the site proposed in the vetoed bill so that it no longer has a line-of-sight connection with the state symbol of history and knowledge, it still does have a line-of-sight relationship to the dome of the state Capitol Building, the symbolic center of state government (and working seat of the legislative branch of the state government). The bill would move the current site south of the midline of the east-west axis of the state-owned land on which the Capitol Building stands, thereby breaking the symbolic connection between the monument and the seat of state government. This could be seen as sending a less than positive message to the veterans community that has been working for over a decade to have its contribution to the state and nation acknowledged. In fact, the bill as introduced, had language referring to locating the memorial monument “with a line of [sight] of the capitol,” but this language is absent in the substituted bill reported from the House Committee on Veterans Affairs. To truly honor the Vietnam veterans, the state ought to keep its word, as given in current legislation, and let the monument remain on the centerline, with a line-of-sight to the Capitol dome.

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#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.