

Legislative Analysis



MONUMENTS ON THE CAPITOL GROUNDS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4962 as passed by the House
Sponsor: Rep. Leon Drolet
Committee: Government Operations

3rd Summary
Complete to 1-10-06

A SUMMARY OF HOUSE BILL 4962 AS PASSED BY THE HOUSE 10-5-05

The bill would amend the Management and Budget Act (MCL 18.1298c) to require the Michigan Capitol Park Commission to place on the Capitol grounds, the plaque honoring the right to keep and bear arms under Article II of the U.S. Constitution and Section 6, Article I of the State Constitution as donated by *Brass Roots*, a private organization, when sufficient money is received to cover the cost of placement.

The bill would also require the commission to place on the Capitol grounds, when sufficient funds are available, a plaque honoring the First Amendment to the U.S. Constitution and Article I of the State Constitution, as donated by the American Civil Liberties Union, Michigan Press Association, Michigan Association of Broadcasters, League of Women Voters, Thomas Jefferson Center for the Protection of Free Expression, American Libraries Association, Reporters Committee for Freedom of the Press, or another organization with a similar history of supporting First Amendment rights.

Further, the bill would require the commission to place on the Capitol grounds, when sufficient funds are available, a plaque honoring the 13th, 14th, 15th or any other amendments or combination of amendments to the U.S. Constitution or Article I of the State Constitution.

In the case of the plaques honoring the amendments, any plaque would be subject to review by the Capitol Park Commission and would have to be nonpartisan in nature.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local governmental units.

BACKGROUND INFORMATION:

Right to Keep and Bear Arms

Article 1, Section 6 of the State Constitution states: "Every person has a right to keep and bear arms for the defense of himself and the state."

The Second Amendment to the U.S. Constitution states: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."

Brass Roots Plaque

According to its website (www.brassrootsusa.org), Brass Roots has the stated mission of being a "non-partisan organization dedicated to the political defeat of elected officials who offer or support any rule, legislation, or judgment that denies the people of Michigan the exercise of their inalienable right to Keep and Bear Arms." The organization was founded in 1995 by Jon Coon, a 1994 Michigan Libertarian Party Candidate for the U.S. Senate.

The website further notes that the plaque is made up of more than 18,000 empty shells collected at a rally at the State Capitol in September 1994 that were melted down and formed into a 4 ft. X 6 ft. plaque inscribed with the Second Amendment to the U.S. Constitution and Article 1, Section 6 of the State Constitution.



First Amendment

The First Amendment to the U.S. Constitution states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

Similar provisions are contained in Article I, Sections 3 through 5 of the State Constitution:

- Article I, Section 3: "The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the government for redress of grievances."
- Article I, Section 4: "Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief."
- Article I, Section 5: "Every person may freely speak, write, express and publish his views on all subjects, being responsible for the abuse of such right; and no law shall be enacted to restrain or abridge the liberty of speech or of the press."

The websites of the cited First Amendment organizations are as follows.

- American Civil Liberties Union: www.aclu.org or www.aclumich.org
- Michigan Press Association: www.michiganpress.org
- Michigan Association of Broadcasters: www.michmab.org
- League of Women Voters: www.lwv.org or www.lwvmi.org
- Thomas Jefferson Center for the Protection of Free Expression: www.tjcenter.org
- American Library Association: www.ala.org
- Reporters Committee for Freedom of the Press: www.rcfp.org

POSITIONS:

Brass Roots and the Michigan Coalition for Responsible Gun Owners support the bill. .
(9-20-05)

Legislative Analyst: Mark Wolf
Fiscal Analyst: Robin Risko

■ 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.