

## **MICHIGAN STATE CAPITOL HISTORIC SITE ACT**

### **Act 240 of 2013**

AN ACT 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.

**History:** 2013, Act 240, Eff. Mar. 14, 2014.

*The People of the State of Michigan enact:*

#### **4.1941 Short title.**

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

**History:** 2013, Act 240, Eff. Mar. 14, 2014.

#### **4.1942 Definitions.**

Sec. 2. As used in this act:

- (a) "Commission" means the Michigan state capitol commission established in section 5.
- (b) "Fund" means the Michigan state capitol historic site fund created in section 7.
- (c) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

**History:** 2013, Act 240, Eff. Mar. 14, 2014.

#### **4.1943 Legislative findings.**

Sec. 3. The legislature finds and declares all of the following:

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

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

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

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

(iii) The Michigan Veterans Memorial, which recognizes the contributions and sacrifices of Michigan veterans in World War I, World War II, Korea, and Vietnam.

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

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

**History:** 2013, Act 240, Eff. Mar. 14, 2014.

#### **4.1944 Michigan state capitol historic site; establishment; boundaries; exclusive control by commission.**

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

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

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

**History:** 2013, Act 240, Eff. Mar. 14, 2014.

**4.1945 Michigan state capitol commission; establishment; membership; compensation; expenses; quorum; vote; compliance with open meetings act; writings subject to freedom of information act.**

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

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

(a) The secretary of the senate.

(b) The clerk of the house of representatives.

(c) Two individuals, jointly appointed by the secretary of the senate and the clerk of the house of representatives, who have expertise and experience in operations, maintenance, or restoration of historic structures.

(d) Two individuals, appointed by the governor, at least 1 of whom has expertise and experience in historic preservation.

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

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

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

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

**History:** 2013, Act 240, Eff. Mar. 14, 2014.

**4.1946 Commission; duties; limitation.**

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

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

(b) Maintain and restore the state capitol building.

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

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

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

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

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

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

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

**History:** 2013, Act 240, Eff. Mar. 14, 2014.

**4.1947 Michigan state capitol historic site fund; creation within state treasury; deposit of money or other assets into fund; investment; money remaining at end of fiscal year; administration; expenditures.**

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

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

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

- (4) The commission shall be the administrator of the fund for auditing purposes.
- (5) The commission shall expend money from the fund to carry out its responsibilities under this act.

**History:** 2013, Act 240, Eff. Mar. 14, 2014.

#### **4.1948 Parking facilities.**

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

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

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

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

**History:** 2013, Act 240, Eff. Mar. 14, 2014.

#### **4.1949 State capitol parking fund; creation within state treasury; deposit of money or other assets; investment; money remaining at end of fiscal year; administration; expenditures.**

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

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

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

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

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

**History:** 2013, Act 240, Eff. Mar. 14, 2014.