

HOUSE BILL No. 4312

February 15, 1991, Introduced by Reps. Hertel, Hoffman, Niederstadt, Anthony, Ouwinga, DeBeaussaert, Olshove, Weeks, Leland, Ciaramitaro, Muxlow and Dobronski and referred to the Committee on Appropriations.

A bill to create the Michigan police officers memorial monument; to establish a commission to oversee the financing and construction of the memorial monument; to create the monument fund within the department of treasury; to prescribe the purpose of the monument fund; to prescribe the powers and duties of the commission and certain state departments and officers; to provide for legislative oversight; and to provide for dissolution of the commission and monument fund.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan police officers memorial act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the Michigan police officers memorial
5 monument commission established in section 4.

1 (b) "Killed" means that a traumatic injury or a disease
2 caused by or resulting from a traumatic injury is a substantial
3 factor in the individual's death.

4 (c) "Line of duty" means an action that a Michigan police
5 officer is obligated or authorized to perform by rule, regula-
6 tion, condition of employment or service, or law including, but
7 not limited to, those social, ceremonial, or athletic functions
8 that the Michigan police officer is assigned to or compensated
9 for by the public agency he or she serves.

10 (d) "Michigan police officer" means a sheriff or sheriff's
11 deputy; village or township marshal; officer of the police
12 department of a city, village, or township; officer of the
13 Michigan state police; or another police officer or law enforce-
14 ment officer trained and certified pursuant to the Michigan law
15 enforcement officers training council act of 1965, Act No. 203 of
16 the Public Acts of 1965, being sections 28.601 to 28.616 of the
17 Michigan Compiled Laws.

18 (e) "Monument fund" means the Michigan police officers memo-
19 rial monument fund created in section 5.

20 (f) "Occupational disease" means a disease that routinely
21 constitutes a special hazard in, or is commonly regarded as con-
22 comitant of the Michigan police officer's occupation.

23 (g) "State capitol grounds" means the property upon which
24 the state capitol building is situated, bordered on the north by
25 Ottawa street; on the east by Capitol avenue; on the south by
26 Allegan street; and on the west by Walnut street.

1 (h) "Traumatic injury" means a wound or the condition of the
2 body caused by external force including, but not limited to,
3 injuries inflicted by bullets, explosives, sharp instruments,
4 blunt objects or other physical blows, chemicals, electricity,
5 climatic conditions, infectious diseases, radiation, and bacter-
6 ia, but excluding stress, strain, or occupational diseases.

7 Sec. 3. (1) The commission shall oversee the financing and
8 construction of a memorial monument dedicated to Michigan police
9 officers killed in the line of duty that shall be located on the
10 state capitol grounds. The commission shall solicit designs for
11 the monument and shall select the final design. The commission
12 may contract with the department of management and budget or any
13 other public or private entity. The current labor and trades and
14 safety and regulatory classifications performing duties on the
15 state capitol grounds shall be maintained.

16 (2) The name of each Michigan police officer killed in the
17 line of duty shall be inscribed on the monument.

18 Sec. 4. (1) The Michigan police officers memorial monument
19 commission is established as the governing body of the monument
20 fund. The commission consists of 9 members. The governor shall
21 appoint 5 members of the commission, not less than 2 of whom
22 shall be Michigan police officers. The speaker of the house of
23 representatives and the senate majority leader shall each appoint
24 2 members of the commission. Not less than 1 of each of those 2
25 shall be a Michigan police officer. Subject to section 7, com-
26 mission members shall be appointed for 4-year terms and may be

1 reappointed. A vacancy in the commission shall be filled in the
2 same manner as originally appointed.

3 (2) The commission shall initially convene within 6 months
4 after the first deposit of money in the monument fund. The com-
5 mission shall meet often enough to expedite the completion of the
6 monument as prescribed in section 3. A majority of the members
7 of the commission constitutes a quorum for conducting business.

8 (3) The commission shall conduct its business at public
9 meetings held in compliance with the open meetings act, Act
10 No. 267 of the Public Acts of 1976, being sections 15.261 to
11 15.275 of the Michigan Compiled Laws. A writing prepared, owned,
12 used, in the possession of, or retained by the commission in the
13 performance of an official function shall be available to the
14 public in compliance with the freedom of information act, Act
15 No. 442 of the Public Acts of 1976, being sections 15.231 to
16 15.246 of the Michigan Compiled Laws.

17 (4) A member of the commission is not entitled to per diem
18 compensation, but each member of the commission is entitled to
19 actual and necessary travel expenses and other expenses incurred
20 in the performance of official duties under this act.

21 Sec. 5. The Michigan police officers memorial monument fund
22 is created as a separate fund in the department of treasury. The
23 state treasurer shall credit to the monument fund the money
24 appropriated to the monument fund and money received for the mon-
25 ument fund under section 6.

26 Sec. 6. The commission may accept on behalf of the monument
27 fund grants or gifts from the federal government, an individual,

1 a public or private corporation, organization, or foundation, or
2 any other source. The acceptance and use of federal funds by the
3 commission does not commit state money and does not obligate the
4 legislature to continue the purposes for which federal money is
5 made available. The commission shall transmit money received
6 under this section to the state treasurer for deposit in the mon-
7 ument fund.

8 Sec. 7. After the completion of construction of the monu-
9 ment pursuant to section 3 and payment of all amounts due in con-
10 nection with the monument, the commission is dissolved. The
11 state treasurer shall credit the department of management and
12 budget with any balance remaining in the monument fund. Money
13 credited to the department of management and budget shall be used
14 for the purpose of construction or maintenance of other monuments
15 dedicated to public service or military personnel.

16 Sec. 8. The office of criminal justice in the department of
17 management and budget shall do all of the following:

18 (a) Determine if a Michigan police officer was killed in the
19 line of duty.

20 (b) Before the completion of construction of the memorial
21 monument under this act, provide to the commission a list of
22 names of Michigan police officers killed in the line of duty.

23 (c) After the completion of construction of the memorial
24 monument under this act, provide the names of Michigan police
25 officers killed in the line of duty to the Michigan capitol
26 committee. The names of the Michigan police officers killed in
27 the line of duty shall be added to the memorial monument.