



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bills 4800 and 5039
Sponsor: Representative Jim McBryde
House Committee: Judiciary and Civil Rights
Senate Committee: Government Operations

Date Completed: 11-1-95

SUMMARY OF HOUSE BILLS 4800 and 5039 as passed by the House:

House Bill 4800 would amend Public Act 59 of 1935, which creates the Department of State Police and prescribes its powers and duties, to allow the Director of the State Police to appoint a regularly employed member of a Michigan tribal police force (who was appointed pursuant to Federal regulations) to act as a police officer for a Michigan Indian tribe upon "Indian country" of the tribe.

Under the bill, "Indian country" would include all land within any Indian reservation under the jurisdiction of the U.S. government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory of the dependent Indian community, and whether within or without the limits of a state; and all Indian allotments, still having Indian titles, including rights-of-way. "Michigan Indian tribe" would mean a Federally recognized Indian tribe having trust lands located within this State.

The bill provides that the Department and the Director would not be liable for the acts of a law enforcement officer of a Michigan Indian tribal police force who was appointed by the Director. Further, the tribe to which an officer was appointed would have to pay the officer's compensation, and the officer would not be eligible to participate in any State pension, disability, or life insurance plan, or any hospitalization or other medical insurance plan of the Department, solely on the basis of his or her employment as an appointee.

House Bill 5039 would amend the Michigan Law Enforcement Officers Training Council Act to change a reference to the Code of Federal Regulations. Currently, the Act defines "law enforcement officer of a Michigan Indian tribal police force" as a regularly employed member of a police force of a Michigan Indian tribe who is appointed pursuant to 25 C.F.R. 11.301 to 11.304. The bill would change the reference to 25 C.F.R. 12.100 to 12.103.

House Bills 4800 and 5039 are tie-barred to each other.

Proposed MCL 28.6e (H.B. 4800)
MCL 28.602 (H.B. 5039)

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: B. Baker

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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.