



HOUSE BILL No. 4800

May 10, 1995, Introduced by Reps. McBryde, LaForge, Brewer, Gagliardi, McManus, McNutt, Randall, Anthony, Pitoniak, Walberg, Bodem, Llewellyn, Hammerstrom, Gernaat, Cropsey, Dalman, Brackenridge, DeMars, Oxender, Kukuk, Jersevic, Bush, Voorhees, Galloway, Gustafson, Law, Goschka, Hill, Fitzgerald, Gilmer, Lowe, Jellema and Ryan and referred to the Committee on Judiciary and Civil Rights.

A bill to amend Act No. 59 of the Public Acts of 1935, entitled as amended

"An act to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state fire marshal, the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal Act No. 26 of the Public Acts of 1919, being sections 556 to 562, inclusive, of the Compiled Laws of 1929, and Act No. 123 of the Public Acts of 1921, as amended, being sections 545 to 555, inclusive, of the Compiled Laws of 1929,"

as amended, being sections 28.1 to 28.16 of the Michigan Compiled Laws, by adding section 6e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 59 of the Public Acts of 1935, as
2 amended, being sections 28.1 to 28.16 of the Michigan Compiled
3 Laws, is amended by adding section 6e to read as follows:

4 SEC. 6E. (1) THE DIRECTOR MAY APPOINT A LAW ENFORCEMENT
5 OFFICER OF A MICHIGAN INDIAN TRIBAL POLICE FORCE TO ACT AS A
6 POLICE OFFICER FOR A MICHIGAN INDIAN TRIBE UPON INDIAN COUNTRY OF
7 THE TRIBE.

8 (2) THE DEPARTMENT OF STATE POLICE AND THE DIRECTOR ARE NOT
9 LIABLE FOR THE ACTS OF A LAW ENFORCEMENT OFFICER OF A MICHIGAN
10 INDIAN TRIBAL POLICE FORCE WHO IS APPOINTED UNDER THIS SECTION.

11 (3) THE MICHIGAN INDIAN TRIBE TO WHICH THE LAW ENFORCEMENT
12 OFFICER OF A MICHIGAN INDIAN TRIBAL POLICE FORCE IS APPOINTED
13 SHALL PAY COMPENSATION TO THE OFFICER.

14 (4) A LAW ENFORCEMENT OFFICER OF A MICHIGAN INDIAN TRIBAL
15 POLICE FORCE APPOINTED UNDER THIS SECTION IS NOT ELIGIBLE TO PAR-
16 TICIPATE IN ANY STATE PENSION, DISABILITY, OR LIFE INSURANCE PLAN
17 OR ANY HOSPITALIZATION OR OTHER MEDICAL INSURANCE PLAN OF THE
18 DEPARTMENT SOLELY OF THE BASIS OF HIS OR HER EMPLOYMENT UNDER
19 THIS SECTION.

20 (5) AS USED IN THIS SECTION:

21 (A) "LAW ENFORCEMENT OFFICER OF A MICHIGAN INDIAN TRIBAL
22 POLICE FORCE" MEANS A REGULARLY EMPLOYED MEMBER OF A POLICE FORCE
23 OF A MICHIGAN INDIAN TRIBE WHO IS APPOINTED PURSUANT TO 25
24 C.F.R. 12.100 TO 12.103.

25 (B) "MICHIGAN INDIAN TRIBE" MEANS A FEDERALLY RECOGNIZED
26 INDIAN TRIBE THAT HAS TRUST LANDS LOCATED WITHIN THIS STATE.

(C) "INDIAN COUNTRY" MEANS ALL OF THE FOLLOWING:

(i) ALL LAND WITHIN THE LIMITS OF ANY INDIAN RESERVATION UNDER THE JURISDICTION OF THE UNITED STATES GOVERNMENT, NOTWITHSTANDING THE ISSUANCE OF ANY PATENT, AND INCLUDING RIGHTS-OF-WAY RUNNING THROUGH THE RESERVATION.

(ii) 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.

(iii) ALL INDIAN ALLOTMENTS, THE INDIAN TITLES TO WHICH HAVE NOT BEEN EXTINGUISHED, INCLUDING RIGHTS-OF-WAY.