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SFA

BILL ANALYSIS

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Senate Bill 498 (as introduced 5-8-97)
Sponsor: Senator John J.H. Schwarz, M.D.
Committee: Local, Urban and State Affairs

Date Completed: 4-29-98

CONTENT

The bill would create the “Michigan Police Officers Memorial Act” to create the Michigan Police Officers Memorial Monument Fund; establish the Police Officers Memorial Monument Fund Commission; and require the Commission to oversee the financing and construction of a memorial monument dedicated to police officers who died in the line of duty.

The Fund would be created as a separate fund in the Department of Treasury. The State Treasurer would have to seek appropriate Federal tax status for the Fund, and credit to the Fund the money appropriated to it, money received from other sources, and all interest that accrued on money in the Fund. The Commission could use money in the Fund as described in the bill.

The Michigan Police Officers Memorial Monument Fund Commission would be established as the governing body of the Fund. The Commission would consist of all of the Attorney General or his or her designee, and two members appointed by the Governor as follows:

- One member appointed from a list of three or more candidates provided by MICOPS, a Michigan nonprofit corporation, or its successor.
- One member who was a police chaplain with five or more years' experience as a police chaplain.

The bill would require the Commission to convene initially within six months after the first deposit of money in the Fund, and to meet often enough to expedite the completion of the memorial monument. The Commission would be subject to the Open Meetings Act and the Freedom of Information Act. Commission members would serve four-year terms.

The Commission would have to oversee the financing and construction of a memorial monument dedicated to police officers from Michigan who died in the line of duty. The name of each police officer who died in the line of duty would have to be inscribed on the monument. The Commission would have to solicit designs for the monument and select the final design. The monument would have to be located on the grounds of the State Capitol.

The Commission could accept on behalf of the Fund grants or gifts from the Federal government, an individual, a public or private corporation, organization, or foundation, or any other source. The bill specifies that the Commission's acceptance and use of Federal funds would not commit State money or obligate the Legislature to continue the purposes for which Federal money was made available. Money for the Fund could not be collected or solicited through the use of telemarketing.

The Commission would be dissolved after construction of the monument was completed and all

amounts due in connection with it were paid. The State Treasurer would have to credit the Department of Management and Budget with any balance remaining in the Fund, which would have to be used to maintain the monument.

The bill would incorporate the definition of "police officer" from the Michigan Law Enforcement Officers Training Council Act. That Act states that "police officer", unless the context requires otherwise, means either of the following:

- A member of a police force or other organization of a city, county, township, or village, or of the State, regularly employed as such, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this State, but does not include a person serving as such solely by virtue of his or her occupying any other office or position.
- A law enforcement officer of a Michigan tribal police force, subject to limitations set forth in the Act.

Legislative Analyst: S. Lowe

FISCAL IMPACT

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

Fiscal Analyst: E. Limbs