

**SUBSTITUTE FOR
HOUSE BILL NO. 5494**

A bill to create the Michigan law enforcement officers memorial monument fund; to establish a commission to govern the monument fund; 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 penalties; 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 law enforcement officers memorial act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the Michigan law enforcement officers
5 memorial monument fund commission created in section 4.

6 (b) "Law enforcement officer" means that term as defined in
7 section 2 of the commission on law enforcement standards act,
8 1965 PA 203, MCL 28.602.

1 (c) "Monument fund" means the Michigan police officers
2 memorial monument fund created in section 3.

3 (d) "Survivor" means any of the following:

4 (i) A spouse of a law enforcement officer killed on duty.

5 (ii) A parent of a law enforcement officer killed on duty.

6 (iii) A sibling of a law enforcement officer killed on duty.

7 (iv) A child of a law enforcement officer killed on duty.

8 Sec. 3. The Michigan law enforcement officers memorial
9 monument fund is created as a separate fund in the department of
10 treasury. The state treasurer shall seek appropriate federal tax
11 status for the monument fund. The state treasurer shall credit
12 to the monument fund the money appropriated to the monument fund,
13 money received for the monument fund under section 6, and all
14 interest that accrues on money in the monument fund. The
15 commission may use money in the monument fund as described in
16 this act.

17 Sec. 4. (1) The Michigan law enforcement officers memorial
18 monument fund commission is created as a type II agency in the
19 department of management and budget. The commission is the
20 governing body of the monument fund. The commission shall
21 consist of all of the following:

22 (a) The state treasurer or his or her designee.

23 (b) The attorney general or his or her designee.

24 (c) Five members appointed by the governor as follows:

25 (i) One member who is a police chaplain who has 5 or more
26 years' experience as a police chaplain.

27 (ii) One member nominated by the Michigan state troopers

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1 association who is a survivor of an officer of the Michigan state
2 police killed while on duty.

3 (iii) One member nominated by the executive director of the
4 sheriff's association of Michigan who is a survivor of an officer
5 of a county sheriff's department killed while on duty.

6 (iv) One member nominated by the chief of police of a
7 municipal police department of a municipality with a population
8 of more than 500,000 who is a survivor of an officer of that
9 police department killed while on duty.

10 (v) One member nominated by the executive director of the
11 Michigan fraternal order of police who is a survivor of an
12 officer killed while on duty who served with a municipal police
13 department of a municipality with a population of 500,000 or
14 less.

15 (2) Members of the commission <<appointed under subsection (1)(c)>>
16 shall serve for terms of 4
17 years or until a successor is appointed, whichever is later. If
18 a vacancy occurs on the commission, the vacancy shall be filled
19 in the same manner as the original appointment. <<The governor may remove
20 a member of the commission for incompetency, dereliction of duty,
21 malfeasance, misfeasance, or nonfeasance in office, or any other good
22 cause.>>

23 (3) The commission shall initially convene within 6 months
24 after the first deposit of money in the monument fund. The
25 commission shall meet often enough to expedite the completion of
26 the monument as prescribed in section 5. <<At the first meeting, the
27 commission shall elect from among its members a chairperson and other
28 officers as it considers necessary or appropriate.>> A majority of the
29 members of the commission constitute a quorum for conducting
30 business.

31 (4) The commission shall conduct its business at public
32 meetings held in compliance with the open meetings act, 1976 PA
33 267, MCL 15.261 to 15.275. A writing prepared, owned, used, in

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1 the possession of, or retained by the commission in the
2 performance of an official function shall be available to the
3 public in compliance with the freedom of information act, 1976 PA
4 442, MCL 15.231 to 15.246.

<<(5) 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.>>

5 Sec. 5. (1) The commission shall oversee the financing,
6 design, and construction of a memorial monument dedicated to law
7 enforcement officers from Michigan who died in the line of duty.
8 The commission shall solicit designs for the monument and shall
9 select the final design.

10 (2) The name of each law enforcement officer who died in the
11 line of duty shall be inscribed on the Michigan law enforcement
12 officers memorial monument.

13 (3) In consultation with the Michigan capitol park
14 commission, the Michigan law enforcement officers memorial
15 monument shall be located on land under the jurisdiction of the
16 Michigan capitol park commission but shall not be located on the
17 grounds of the state capitol.

18 Sec. 6. (1) The commission may accept on behalf of the
19 monument fund grants or gifts from the federal government, an
20 individual, a public or private corporation, organization, or
21 foundation, or any other source. The acceptance and use of
22 federal funds by the commission does not commit state money and
23 does not obligate the legislature to continue the purposes for
24 which federal money is made available. The commission shall
25 transmit money received under this section to the state treasurer
26 for deposit in the monument fund.

27 (2) A person shall not solicit or collect money for the

1 monument fund through the use of telemarketing.

2 (3) A person shall not conduct any fund-raising activities in
3 the name of the Michigan law enforcement officers memorial
4 monument fund without prior written approval from the Michigan
5 law enforcement officers memorial monument fund commission.

6 (4) A person shall not use the name or logo of the Michigan
7 law enforcement officers memorial monument fund or commission in
8 any fund-raising activity without prior written approval of the
9 commission.

10 (5) A person who violates subsection (2), (3), or (4) is
11 guilty of a misdemeanor for each separate violation, punishable
12 by imprisonment for not more than 1 year or a fine of not more
13 than \$1,000.00, or both.

14 Sec. 7. After the completion of construction of the
15 monument pursuant to section 5 and payment of all amounts due in
16 connection with the monument, the commission is dissolved. Any
17 balance remaining in the monument fund shall be used to maintain
18 the Michigan law enforcement officers memorial monument.