

HOUSE BILL No. 5494

February 10, 2004, Introduced by Reps. Julian, Caswell, Meyer, Stakoe, Gaffney, Vagnozzi, Plakas, McConico, Voorhees, Mortimer, Anderson, Garfield, Tobocman, O'Neil, Pappageorge, Hoogendyk, Ehardt, Richardville, Van Regenmorter, Farhat, Pastor, Tabor, Sak, Vander Veen and Nofs and referred to the Committee on Judiciary.

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; 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. The commission is the
19 governing body of the monument fund. The commission shall
20 consist of all of the following:

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

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

23 (c) Six members appointed by the governor as follows:

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

26 (ii) One member nominated by the Michigan state troopers
27 association who is a survivor of an officer of the Michigan state

1 police killed while on duty.

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

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

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

14 (2) Members of the commission shall serve for terms of 4
15 years or until a successor is appointed, whichever is later. If
16 a vacancy occurs on the commission, the vacancy shall be filled
17 in the same manner as the original appointment.

18 (3) The commission shall initially convene within 6 months
19 after the first deposit of money in the monument fund. The
20 commission shall meet often enough to expedite the completion of
21 the monument as prescribed in section 5. A majority of the
22 members of the commission constitute a quorum for conducting
23 business.

24 (4) The commission shall conduct its business at public
25 meetings held in compliance with the open meetings act, 1976 PA
26 267, MCL 15.261 to 15.275. A writing prepared, owned, used, in
27 the possession of, or retained by the commission in the

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

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

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

12 (3) The Michigan law enforcement officers memorial monument
13 shall be located on the grounds of the state capitol.

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

23 (2) A person shall not solicit or collect money for the
24 monument fund through the use of telemarketing.

25 (3) A person shall not conduct any fund-raising activities in
26 the name of the Michigan law enforcement officers memorial
27 monument fund without prior written approval from the Michigan

1 law enforcement officers memorial monument fund commission.

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

6 (5) A person who violates subsection (2), (3), or (4) is
7 responsible for a civil violation and shall be fined not more
8 than \$100,000.00. Money received from the payment of a civil
9 fine under this section shall be deposited into the fund.

10 Sec. 7. After the completion of construction of the
11 monument pursuant to section 5 and payment of all amounts due in
12 connection with the monument, the commission is dissolved. The
13 state treasurer shall credit the department of management and
14 budget with any balance remaining in the monument fund. Money
15 credited to the department of management and budget under this
16 section shall be used to maintain the Michigan law enforcement
17 officers memorial monument.