

Act No. 177
Public Acts of 2004
Approved by the Governor
July 1, 2004
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**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 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, Nofs, Hardman, Woronchak, Stewart, Rocca, Gielegem, Drolet, Shulman, Phillips, Rick Johnson, Minore, Zelenko, Kolb, Jannick, Spade, Lipsey, Bisbee, Murphy, Koetje, Hager, Hummel, Newell, Dennis, Howell, Williams, Rivet, Pumford, Ruth Johnson, Sheltroun, Shackleton, Adamini, Brown, Palmer, Hunter, Farrah, LaJoy, Hopgood, Law, Brandenburg, Bieda, Meisner, Wojno, Acciavatti, Clack, Condino, DeRoche, Taub, Accavitti, Amos, Hune, Gleason, Robertson, Milosch, Shaffer, Ward, Byrum, Emmons, Steil, Nitz, Stahl, Sheen, Elkins, Moolenaar, Palsrok, Walker, Gillard and Casperson

ENROLLED HOUSE BILL No. 5494

AN ACT 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:

Sec. 1. This act shall be known and may be cited as the "Michigan law enforcement officers memorial act".

Sec. 2. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) One member nominated by the Michigan state troopers association who is a survivor of an officer of the Michigan state police killed while on duty.

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

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

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

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

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

(4) The commission shall conduct its business at public meetings held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be available to the public in compliance with the freedom of information act, 1976 PA 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.

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

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

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

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

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

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

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

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor