

HOUSE BILL No. 4838

May 18, 1989, Introduced by Reps. Hertel, Stupak, Bartnik, DeMars, Palamara and Maynard and referred to the Committee on Appropriations.

A bill to create the Michigan police 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 legislative oversight; 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 police officers memorial act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the Michigan police officers memorial
5 monument fund commission established in section 4.

6 (b) "Killed" means that a traumatic injury or a disease
7 caused by or resulting from a traumatic injury is a substantial
8 factor in the individual's death.

1 (c) "Line of duty" means an action that a Michigan police
2 officer is obligated or authorized to perform by rule, regula-
3 tion, condition of employment or service, or law including, but
4 not limited to, those social, ceremonial, or athletic functions
5 that the Michigan police officer is assigned to or compensated
6 for by the public agency he or she serves.

7 (d) "Michigan police officer" means a sheriff or sheriff's
8 deputy; village or township marshal; officer of the police
9 department of a city, village, or township; officer of the
10 Michigan state police; or another police officer or law enforce-
11 ment officer trained and certified pursuant to the Michigan law
12 enforcement officers training council act of 1965, Act No. 203 of
13 the Public Acts of 1965, being sections 28.601 to 28.616 of the
14 Michigan Compiled Laws.

15 (e) "Monument fund" means the Michigan police officers memo-
16 rial monument fund created in section 3.

17 (f) "Occupational disease" means a disease that routinely
18 constitutes a special hazard in, or is commonly regarded as con-
19 comitant of the Michigan police officer's occupation.

20 (g) "State capitol grounds" means the property upon which
21 the state capitol building is situated, bordered on the north by
22 Ottawa street; on the east by Capitol avenue; on the south by
23 Allegan street; and on the west by Walnut street.

24 (h) "Traumatic injury" means a wound or the condition of the
25 body caused by external force including, but not limited to,
26 injuries inflicted by bullets, explosives, sharp instruments,
27 blunt objects or other physical blows, chemicals, electricity,

1 climatic conditions, infectious diseases, radiation, and
2 bacteria, but excluding stress, strain, or occupational
3 diseases.

4 Sec. 3. The Michigan police officers memorial monument fund
5 is created as a separate fund in the department of treasury. The
6 state treasurer shall seek appropriate federal tax status. The
7 state treasurer shall credit to the monument fund the money
8 appropriated to the monument fund and money received for the mon-
9 ument fund under section 6.

10 Sec. 4. (1) The Michigan police officers memorial monument
11 fund commission is established as the governing body of the monu-
12 ment fund. The commission consists of 9 members. The governor
13 shall appoint 5 members of the commission, not less than 2 of
14 whom shall be police officers. The speaker of the house of rep-
15 resentatives and the senate majority leader shall each appoint 2
16 members of the commission. Not less than 1 of each of those 2
17 shall be a police officer.

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

23 (3) The commission shall conduct its business at public
24 meetings held in compliance with the open meetings act, Act
25 No. 267 of the Public Acts of 1976, being sections 15.261 to
26 15.275 of the Michigan Compiled Laws. A writing prepared, owned,
27 used, in 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, Act
3 No. 442 of the Public Acts of 1976, being sections 15.231 to
4 15.246 of the Michigan Compiled Laws.

5 Sec. 5. (1) The commission shall oversee the financing and
6 construction of a memorial monument dedicated to Michigan police
7 officers killed in the line of duty. The commission shall
8 solicit designs for the monument and shall select the final
9 design. The commission may contract with the department of man-
10 agement and budget or any other public or private entity. The
11 current labor and trades and safety and regulatory classifica-
12 tions performing duties on the state capitol grounds shall be
13 maintained.

14 (2) The name of each Michigan police officer who has been or
15 is killed in the line of duty shall be inscribed on the
16 monument.

17 (3) The monument shall be located on the state capitol
18 grounds.

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

1 Sec. 7. After the completion of construction of the
2 monument pursuant to section 5 and payment of all amounts due in
3 connection with the monument, the commission is dissolved. The
4 state treasurer shall credit the department of management and
5 budget with any balance remaining in the monument fund. Money
6 credited to the department of management and budget shall be used
7 for the purpose of construction or maintenance of other monuments
8 dedicated to public service or military personnel.

9 Sec. 8. The office of criminal justice in the department of
10 management and budget shall do all of the following:

11 (a) Determine if a Michigan police officer has been or is
12 killed in the line of duty.

13 (d) Prior to the completion of construction of the memorial
14 monument under this act, provide to the commission a list of
15 names of Michigan police officers who have been killed in the
16 line of duty.

17 (c) After the completion of construction of the memorial
18 monument under this act, provide the names of Michigan police
19 officers who are killed in the line of duty to the Michigan capi-
20 tol committee.