

Legislative Analysis



LAW ENFORCEMENT OFFICERS MEMORIAL ACT

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House Bill 5494

Sponsor: Rep. Larry Julian

Committee: Judiciary

Complete to 5-17-04

A SUMMARY OF HOUSE BILL 5494 AS INTRODUCED 2-10-04

The bill would create the Michigan Law Enforcement Officers Memorial Act, create a monument fund, establish a commission to oversee the fund and the construction of a memorial monument to law enforcement officers slain in the line of duty, and provide for the dissolution of the commission and fund after the monument was completed.

Michigan Law Enforcement Officers Memorial Monument Fund. The fund would be a separate fund within the Department of Treasury. The state treasurer would have to seek federal tax status for the fund and credit to the fund any money appropriated to the monument fund or received from public and private sources, as well as accrued interest.

Any fund-raising activities conducted to raise money for the memorial fund would have to be approved in writing from the Michigan Law Enforcement Officers Memorial Monument Fund Commission and could not include telemarketing. Using the name or logo of the fund or commission in a fund-raising activity without prior written approval would be prohibited. A violation of the bill's restrictions on fund-raising activities would be a civil violation punishable by a fine not to exceed \$100,000. Money received from fines would be deposited into the fund.

Any balance remaining at the time the monument was completed would be credited to the Department of Management and Budget and be used to maintain the memorial monument.

Michigan Law Enforcement Officers Memorial Monument. The financing, design, and construction of a memorial monument dedicated to Michigan law enforcement officers who died in the line of duty would be overseen by the commission. The names of each slain officer would have to be inscribed on the monument. The monument would be located on the grounds of the State Capitol.

The Michigan Law Enforcement Officers Memorial Monument Fund Commission would be created as the governing body of the monument fund. The bill would prescribe commission membership (which would include survivors of slain officers), establish four year terms, and provide for filling vacancies. The commission would have to initially

convene within six months after the first deposit of money into the fund and meet thereafter as necessary to expedite completion of the monument.

A simple majority would constitute a quorum for conducting business; all business would have to be conducted in compliance with the Open Meetings Act; and writings owned, used, prepared, etc. by the commission in the performance of an official function would be available to the public under provisions of the Freedom of Information Act.

Duties would include overseeing the financing, design, and construction of the memorial monument. The commission would have to solicit designs for the monument and select the final design. The commission could also accept grants or gifts from the federal government and private and public corporations, organizations, foundations, or other sources. Money received under this provision would be transmitted by the commission to the state treasurer for deposit in the memorial monument fund. Acceptance or use of federal money would not commit state money and would not obligate the state to complete the memorial project. The commission would be dissolved after the construction of the monument and payment of all amounts due in connection with the monument were completed.

FISCAL IMPACT:

House Bill 5494 would have no fiscal impact on state or local governments.

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