



HOUSE BILL No. 4424

February 15, 1995, Introduced by Reps. McBryde, McNutt, Oxender, Middleton, Geiger, Gilmer, Johnson and Bobier and referred to the Committee on Appropriations.

EXECUTIVE BUDGET BILL

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1996; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide testing of certain persons; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 101. There is appropriated for the department of state police,
2 for the fiscal year ending September 30, 1996, from the funds identified
3 as follows:

1	DEPARTMENT OF STATE POLICE	
2	APPROPRIATIONS SUMMARY:	
3	Unclassified positions	3.0
4	Permanent career FTE employees	3,204.0
5	GROSS APPROPRIATION	\$ 330,306,800
6	Interdepartmental grant revenues:	
7	Total interdepartmental grants and	
8	intradepartmental transfers	6,364,900
9	ADJUSTED GROSS APPROPRIATION	\$ 323,941,900
10	Federal revenues:	
11	Total federal revenues	29,497,900
12	Special revenue funds:	
13	Total local revenues	4,368,800
14	Total private revenues	0
15	Total other state restricted revenues	50,920,800
16	State general fund/general purpose	\$ 239,154,400
17	EXECUTIVE DIRECTION	
18	Unclassified positions	\$ 219,500
19	Executive direction	3,188,600
20	Auto theft prevention program	<u>8,320,200</u>
21	GROSS APPROPRIATION	\$ 11,728,400
22	Appropriated from:	
23	Special revenue funds:	
24	Auto theft prevention fees	8,320,200
25	State general fund/general purpose	\$ 3,408,200
26	DEPARTMENTWIDE APPROPRIATIONS	
27	Special maintenance	\$ 84,900
28	Rent	1,795,800
29	Workers' compensation	2,262,800

1	Fleet leasing	10,730,900
2	Inservice training	850,000
3	Building occupancy charges-property management	
4	services	2,125,500
5	Emergency response compensation	2,969,700
6	Federal drug forfeiture enhancement	95,000
7	Narcotics investigation funds	<u>170,000</u>
8	GROSS APPROPRIATION	\$ 21,084,600
9	Appropriated from:	
10	Intradepartmental transfer revenues:	
11	IDT-Michigan justice training fund	850,000
12	Federal revenues:	
13	Federal narcotics investigation revenues	95,000
14	Special revenue funds:	
15	Narcotics investigation revenues	170,000
16	State general fund/general purpose	\$ 19,969,600
17	ADMINISTRATIVE SERVICES	
18	Personnel division	\$ 1,645,600
19	Management services	3,780,500
20	Headquarters utilities	<u>320,000</u>
21	GROSS APPROPRIATION	\$ 5,746,100
22	Appropriated from:	
23	Special revenue funds:	
24	Local-LEIN fees	31,900
25	Auto theft prevention fees	19,200
26	Narcotics investigation revenues	37,100
27	Motor carrier fees	73,000
28	State general fund/general purpose	\$ 5,584,900
29	HIGHWAY SAFETY PLANNING	

1	State program planning and administration	1,156,400
2	Grants to local governments and non-profit	
3	organizations	4,000,000
4	Secondary road patrol administration	79,300
5	Secondary road patrol and traffic accident	
6	basic grants	2,468,900
7	Secondary road patrol and traffic accident	
8	enhanced grants	4,644,500
9	Truck safety program	2,969,100
10	Field coordination and analysis	1,309,200
11	Traffic safety data	174,900
12	Fatal accident reporting system	112,900
13	Highway traffic safety	<u>2,913,700</u>
14	GROSS APPROPRIATION	\$ 19,828,900
15	Appropriated from:	
16	Federal revenues:	
17	DOT-NHTSA, state and community highway safety . .	8,941,300
18	Special revenue funds:	
19	Truck driver safety fund	2,969,100
20	Secondary road patrol and training fund	4,644,500
21	Michigan transportation fund	550,900
22	State general fund/general purpose	\$ 2,723,100
23	CENTRAL RECORDS	
24	Central records division	\$ 3,636,900
25	Criminal records improvement	<u>1,000,000</u>
26	GROSS APPROPRIATION	\$ 4,636,900
27	Appropriated from:	
28	Federal revenues:	
29	DOJ-BJS, criminal justice statistics development	750,000

1	Special revenue funds:		
2	Central records service fees		1,024,100
3	State general fund/general purpose	\$	2,862,800
4	CRIMINAL JUSTICE DATA CENTER		
5	State police-management information systems	\$	1,660,100
6	Traffic accident records		954,500
7	Local LEIN services		4,837,300
8	Computer services		655,600
9	Automated fingerprint identification system		<u>2,695,900</u>
10	GROSS APPROPRIATION	\$	10,803,400
11	Appropriated from:		
12	Interdepartmental grant revenues:		
13	IDG from department of state		318,200
14	IDG from department of social services		51,600
15	Special revenue funds:		
16	Local-LEIN fees		1,462,300
17	State trunkline fund		318,200
18	State general fund/general purpose	\$	8,653,100
19	FORENSIC SCIENCES		
20	Laboratory operations	\$	11,428,100
21	DNA analysis program		900,200
22	Federal anti-drug initiatives		438,200
23	Reimbursed services		<u>15,000</u>
24	GROSS APPROPRIATION	\$	12,781,500
25	Appropriated from:		
26	Federal revenues:		
27	DOJ-DEA, controlled substance analysis		309,000
28	DOJ-OJP, drug control and system improvement,		
29	formula grants		179,200

1	Special revenue funds:		
2	Forensic science reimbursement fees		15,000
3	State general fund/general purpose	\$	12,278,300
4	TRAINING ADMINISTRATION		
5	Training division	\$	1,867,500
6	Reimbursed training		1,025,000
7	Precision driving track		<u>1,236,300</u>
8	GROSS APPROPRIATION	\$	4,128,800
9	Appropriated from:		
10	Interdepartmental grant revenues:		
11	IDG-training academy charges		1,583,800
12	Special revenue funds:		
13	Reimbursements		20,000
14	Precision driving track fees		853,800
15	State general fund/general purpose	\$	1,671,200
16	LAW ENFORCEMENT OFFICERS TRAINING COUNCIL		
17	Standards and training	\$	924,200
18	Training only to local units		548,500
19	Michigan justice training commission		<u>9,010,000</u>
20	GROSS APPROPRIATION	\$	10,482,700
21	Appropriated from:		
22	Special revenue funds:		
23	Secondary road patrol and training fund		548,500
24	Michigan justice training fund		9,010,000
25	State general fund/general purpose	\$	924,200
26	FIRE MARSHAL		
27	Fire marshal programs	\$	5,934,900
28	Fire investigation training to locals		51,500
29	Fire alarm and suppression system		155,300

1	Federal fire safety inspections	\$	1,869,000
2	Hazardous materials inspection		670,000
3	Fire fighters training council		787,200
4	Fire safety board		<u>176,000</u>
5	GROSS APPROPRIATION	\$	9,643,900
6	Appropriated from:		
7	Interdepartmental grant revenues:		
8	IDG-department of social services,		
9	inspection contract		98,400
10	IDG-department of public health, inspection		
11	contract		183,600
12	Federal revenues:		
13	HHS-HCFA, medicare-supplementary medical		
14	insurance		342,700
15	HHS-HCFA, state survey and certification of		
16	health care providers and suppliers, medicaid .		930,700
17	Special revenue funds:		
18	Hazardous materials inspection fees		670,000
19	Fire alarm regulation fees		155,300
20	Fire service fees		2,542,500
21	State general fund/general purpose	\$	4,720,700
22	EMERGENCY MANAGEMENT		
23	State program planning and administration	\$	1,693,200
24	Emergency management training		576,500
25	Grants to local government		2,482,100
26	FEMA program assistance		1,480,400
27	Nuclear power plant emergency planning		517,500
28	Hazardous materials title III		292,100
29	Hazardous materials transportation		658,800

1	Hazardous materials training center	<u>504,100</u>
2	GROSS APPROPRIATION	\$ 8,204,700
3	Appropriated from:	
4	Federal revenues:	
5	FEMA-PTED, hazardous material assistance program .	4,972,600
6	DOT-RSPA, interagency hazardous materials public	
7	sector training and planning grants	658,800
8	EPA-OSWER, superfund innovative technology	
9	evaluation program	452,300
10	Special revenue funds:	
11	Nuclear plant emergency planning	
12	reimbursement	517,400
13	Hazardous materials training center fees	504,100
14	State general fund/general purpose	\$ 1,099,500
15	UNIFORM SERVICES	
16	Uniform services	\$ 44,357,000
17	Security guards	1,782,400
18	Reimbursed services	500,000
19	At-post troopers	96,253,600
20	Communication centers	<u>1,639,300</u>
21	GROSS APPROPRIATION	\$ 144,532,300
22	Appropriated from:	
23	Interdepartmental grant revenues:	
24	IDG-department of management and	
25	budget, building occupancy charges	1,015,400
26	Special revenue funds:	
27	Local-communication centers	1,633,600
28	Highway safety fund	6,000,000
29	Michigan transportation fund	67,300

1	State police service fees	500,000
2	State general fund/general purpose	\$ 135,316,000
3	SPECIAL OPERATIONS	
4	Operational support	\$ 2,088,100
5	Traffic services	3,253,600
6	Aviation program	1,209,400
7	Communications	8,515,000
8	Project DARE	<u>573,100</u>
9	GROSS APPROPRIATION	\$ 15,639,200
10	Appropriated from:	
11	Interdepartmental grant revenues:	
12	IDG-department of corrections, contract	60,500
13	Federal revenues:	
14	DOT-NHTSA, state and community highway safety . .	1,848,800
15	DOJ-OJP, drug control and system improvement,	
16	formula grants	555,100
17	Special revenue funds:	
18	Local-DARE funds	18,000
19	Rental of department aircraft	201,300
20	Drunk driving prevention and training fund	738,800
21	State general fund/general purpose	\$ 12,216,700
22	INVESTIGATIVE SERVICES	
23	Investigative services	\$ 26,119,200
24	Federal anti-drug initiatives	7,489,400
25	Reimbursed services, materials, and equipment . .	1,525,200
26	Food stamp investigation	617,500
27	Auto theft prevention	<u>931,300</u>
28	GROSS APPROPRIATION	\$ 36,682,600
29	Appropriated from:	

1	Interdepartmental grant and intradepartmental	
2	transfer revenues:	
3	IDT-auto theft funds	691,900
4	IDG-MDNR, MUSTFA	106,400
5	IDG-MDNR, UST	87,900
6	IDG-MDTR, tobacco tax	319,800
7	Federal revenues:	
8	Federal investigations-reimbursed services	302,200
9	DOJ-OJP, drug control and system improvement,	
10	formula grants	4,876,400
11	DAG-FNS, state administrative matching grants	
12	for food stamp program	308,900
13	Federal narcotics investigation revenues	123,700
14	Special revenue funds:	
15	Local-reimbursed services	1,223,000
16	Narcotics investigation revenues	499,200
17	Forfeiture funds	269,000
18	Licensing fees	148,100
19	State general fund/general purpose	\$ 27,726,100
20	MOTOR CARRIER ENFORCEMENT	
21	Motor carrier enforcement	\$ 7,711,200
22	Grants to local/non-profit organizations	500,000
23	Truck safety enforcement team operations	935,900
24	Safety inspections	2,983,800
25	Hazardous materials transportation enforcement	392,600
26	School bus inspections	805,000
27	Safety projects	<u>1,054,300</u>
28	GROSS APPROPRIATION	\$ 14,382,800
29	Appropriated from:	

1 Intradepartmental transfer revenues:

2 IDT, truck driver safety fund 997,400

3 Federal revenues:

4 DOT-NHTSA, state and community highway safety . . 3,851,200

5 Special revenue funds:

6 Hazardous materials inspection fees 392,600

7 Commercial vehicle self inspection fees 28,700

8 Motor carrier fees 2,664,100

9 Safety registration 805,000

10 State trunkline fund 5,643,800

11 State general fund/general purpose \$ 0

12 **GENERAL SECTIONS**

13 Sec. 201. The expenditures and funding sources authorized under
 14 this bill are subject to the management and budget act, Act No. 431 of
 15 the Public Acts of 1984, being sections 18.1101 to 18.1594 of the
 16 Michigan Compiled Laws.

17 Sec. 202. (1) The amounts appropriated from one fund to another
 18 fund shall be authorized pursuant to annual appropriations within the
 19 departments responsible for each fund's appropriations.

20 (2) Funds for which the state is acting as the custodian or agent
 21 are not subject to annual appropriation.

22 Sec. 203. (1) The number of permanent career FTE employees shall
 23 not exceed the number listed in section 101 of this bill unless an
 24 exception has been granted by the director of the department of
 25 management and budget. Exceptions shall only be given if failure to
 26 fill the positions will result in rendering the department unable to
 27 deliver basic services, cause a loss of revenue to the state, or
 28 necessitate additional expenditures that exceed savings from
 29 maintaining a vacancy. On the fifteenth of each month, the department

1 of management and budget shall report to the house and senate
2 appropriations committees and the governor any exceptions that have
3 been granted in the preceding month.

4 (2) Permanent career appointments shall be used as defined by the
5 civil service commission.

6 (3) The number of FTEs to be funded by each individual line item
7 amount shall be determined by the department within the overall limit
8 on permanent career FTEs for the department.

9 Sec. 204. (1) Any federal, local, private, or state restricted
10 funds received by a department in addition to the amount appropriated
11 in section 101, are appropriated.

12 (2) Funds appropriated in subsection (1) totalling less than
13 \$50,000.00 during the fiscal year from any one source may be expended
14 for the purposes for which the funds were made available. Receipt of
15 these funds shall be reported to the senate and house appropriations
16 committees and the house and senate fiscal agencies within thirty days
17 after the close of each fiscal quarter.

18 (3) Funds appropriated in subsection (1) totalling \$50,000.00 or
19 more during the fiscal year are not available for expenditure until
20 they have been transferred to another line item in this act through an
21 administrative transfer as defined in section 393(1) of Act No. 431 of
22 the Public Acts of 1984, as amended, being section 18.1393(1) of the
23 Michigan Compiled Laws.

24 Sec. 205. The department of civil service shall bill departments
25 and/or agencies at the end of the first fiscal quarter for the 1%
26 charges authorized by section 5 of Article XI of the State Constitution
27 of 1963. Payments shall be made for the total amount of the billing by
28 the end of the second fiscal quarter.

29 Sec. 206. As used in this appropriation bill:

30 (a) "AFIS" means the automated fingerprint identification system.

- 1 (b) "IDG" means interdepartmental grant.
- 2 (c) "IDT" means intradepartmental transfer.
- 3 (d) "DAG" means the United States department of agriculture.
- 4 (e) "DAG-FNS" means the DAG food and nutrition service.
- 5 (f) "DARE" means drug abuse resistance education.
- 6 (g) "Department" means the department of state police.
- 7 (h) "DNA" means deoxyribonucleic acid.
- 8 (i) "DOJ" means the United States department of justice.
- 9 (j) "DOJ-BJS" means the United States DOJ bureau of justice
10 statistics.
- 11 (k) "DOJ-DEA" means the DOJ drug enforcement administration.
- 12 (l) "DOJ-OJP" means the DOJ office of justice programs.
- 13 (m) "DOT" means the United States department of transportation.
- 14 (n) "DOT-RSPA" means the DOT research and special programs
15 administration.
- 16 (o) "DOT-NHTSA" means the DOT national highway traffic safety
17 administration.
- 18 (p) "EPA" means the environmental protection agency.
- 19 (q) "EPA-OSWER" means the EPA office of solid waste and emergency
20 response.
- 21 (r) "FEMA" means the federal emergency management agency.
- 22 (s) "FEMA-PTED" means the FEMA preparedness, training, and
23 exercises directorate.
- 24 (t) "HHS" means the United States department of health and human
25 services.
- 26 (u) "HHS-HCFA" means the HHS health care financing administration.
- 27 (v) "LEIN" means the law enforcement information network.
- 28 (w) "MDNR" means the Michigan department of natural resources.
- 29 (x) "MDOT" means the Michigan department of transportation.
- 30 (y) "MDTR" means the Michigan department of treasury.

1 (z) "MLEOTC" means the Michigan law enforcement officer training
2 council.

3 (aa) "MUSTFA" means the Michigan underground storage tank financial
4 assurance fund.

5 (bb) "Title XVIII" means title XVIII of the social security act,
6 chapter 531, 49 Stat. 620, 42 U.S.C. 1395 to 1395b, 1395b-2, 1395c to
7 1395i, 1395i-2 to 1395i-4, 1395j to 1395t, 1395u to 1395w-2, and
8 1395w-4 to 1395ccc.

9 (cc) "Title XIX" means title XIX of the social security act,
10 chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396g and 1396i to 1396v.

11 (dd) "UST" means underground storage tank.

12 Sec. 207. Of the general fund/general purpose revenue appropriated
13 in section 101, \$21,229,900.00 represents a state spending increase
14 over the amount provided to the department of state police for the
15 fiscal year ending September 30, 1995, and may be used to meet state
16 match requirements of programs contained in the federal violent crime
17 control and law enforcement act of 1994, or successor grant programs,
18 so that any additional federal funds received shall supplement funding
19 provided to the department of state police in section 101.

20 Sec. 208. From the funds appropriated in section 101 such payments
21 of wages and salaries as are made for classified state employees shall
22 be made in accordance with applicable laws, rules, and regulations of
23 the civil service commission. The funds identified in section 101 for
24 unclassified employees are based upon prior year levels adjusted
25 consistent with pay plan recommendations for non-exclusively
26 represented employees (NEREs) of the civil service commission, except
27 in the case of department directors and heads of type I agencies, where
28 the funds provided are in an amount equal to the standards established
29 by the civil service commission as the maximum pay for state executive
30 service classification 20 and state executive service classification 18

1 employees, respectively. Although the funds identified in section 101
2 for unclassified employees are based upon the standards set forth
3 above, the exact salaries of individual unclassified employees shall be
4 set by the appointing authority, not to exceed the state executive
5 service classification 20 maximum payment in the case of a department
6 director, or the state executive service classification 18 maximum
7 payment in the case of a head of a type I agency. The salaries of
8 individual unclassified employees shall be a matter of public record.

9 **DEPARTMENTWIDE APPROPRIATIONS**

10 Sec. 301. Money shall not be expended by the department to hire or
11 train an applicant for employment by the department unless that
12 applicant agrees in writing to submit to a controlled substance test
13 that is supervised by the department.

14 **HIGHWAY SAFETY PLANNING**

15 Sec. 401. In addition to the funds appropriated in section 101, the
16 department may receive and expend state restricted funds for the
17 support of the secondary road patrol and traffic accident enhanced
18 grants program in accordance with section 629e of the Michigan vehicle
19 code, Act No. 300 of the Public Acts of 1949, being section 257.629e of
20 the Michigan Compiled Laws.

21 **CRIMINAL JUSTICE DATA CENTER**

22 Sec. 501. In addition to the funds appropriated in section 101, the
23 department may receive funds from local units of government to expand
24 or upgrade the law enforcement information network, if the funds do not
25 require state money for matching purposes, or for continuing programs
26 if the funds from local units of government become unavailable.

27 Sec. 502. The funds appropriated in section 101 for computer
28 services shall be funded by LEIN user fees sufficient to pay 1/3 of the
29 service and contract maintenance costs.

30 Sec. 503. For the fiscal year ending September 30, 1996, the

1 department, in conjunction with the departments of social services,
2 transportation, secretary of state, and management and budget, shall
3 determine a cost of maintaining the traffic accident records program
4 based on each department's respective use.

5 Sec. 504. (1) The funds appropriated in section 101 include funds
6 for the purchase of AFIS equipment.

7 (2) Funds expended by the department for the purchase of AFIS
8 equipment for local consortiums shall be on a per capita basis.

9 (3) State funds shall not be used in the operation or maintenance
10 of AFIS equipment for local consortiums.

11 (4) In addition to funds appropriated under section 101, the
12 department may receive and expend funds from local units of government
13 pursuant to section 7 of the AFIS policy council act, Act No. 307 of
14 the Public Acts of 1988, being section 28.157 of the Michigan Compiled
15 Laws, for the purpose of acquiring equipment for the automated
16 fingerprint identification system.

17 **LAW ENFORCEMENT OFFICERS TRAINING COUNCIL**

18 Sec. 601. (1) The funds appropriated to the law enforcement
19 officers training council for maintenance and delivery of training to
20 locals is provided in accordance with a state reimbursement policy in
21 which 100% of the determined state reimbursement rate shall be
22 distributed upon certification by the law enforcement officers training
23 council.

24 (2) Funds shall not be expended by MLEOTC for training a law
25 enforcement officer candidate, and a candidate shall not be certified
26 by the MLEOTC, unless the candidate tests negative on a test prescribed
27 by the MLEOTC that is designed to detect the illegal use of controlled
28 substances. A test shall be conducted before basic training and before
29 application for certification. A candidate who tests positive or
30 refuses to submit to a test is not eligible for MLEOTC training or

1 certification until the expiration of 2 years after the positive test
2 or the refusal to submit to the test. Funds shall not be expended to
3 employ, train, or certify a candidate who tests positive or who refuses
4 a test, until the expiration of 2 years after the positive test or the
5 refusal to submit to the test.

6 **EMERGENCY MANAGEMENT**

7 Sec. 701. (1) The state director of emergency management may expend
8 funds appropriated under this act to call upon any agency or department
9 of the state or any resource of the state to protect life or property
10 or to provide for the health or safety of the population in any area of
11 the state in which the governor proclaims a state of emergency or state
12 of disaster under Act No. 302 of the Public Acts of 1945, being
13 sections 10.31 to 10.33 of the Michigan Compiled Laws, or under the
14 emergency management act, Act No. 390 of the Public Acts of 1976, being
15 sections 30.401 to 30.420 of the Michigan Compiled Laws. The state
16 director of emergency management may expend the amounts the director
17 considers necessary to accomplish these purposes. The director shall
18 submit to the state budget director as soon as possible a complete
19 report of all actions taken under the authority of this section. The
20 report shall contain, as a separate item, a statement of all funds
21 expended that are not reimbursable from federal funds. The state budget
22 director shall review the expenditures and submit recommendations to
23 the legislature in regard to any possible need for a supplemental
24 appropriation.

25 (2) In addition to the funds appropriated in section 101, the
26 department may receive and expend funds from local, private, federal,
27 or state sources for the purpose of providing emergency management
28 training to local or private interests and for the purpose of
29 supporting emergency preparedness, response, recovery, and mitigation
30 activity.

1 **UNIFORM SERVICES**

2 Sec. 801. The department shall not expend any portion of the funds
3 appropriated in section 101, including any expenditure made pursuant to
4 an executive order, to plan for or to implement a roadblock or check
5 lane system that has as its primary objective the deterrence or
6 detection of intoxicated drivers in this state.

7 Sec. 802. Upon service of proper notification by the department of
8 its intent to cancel the lease at any post that is subject to
9 consolidation, funds appropriated in section 101 shall not be used for
10 rent expenses at that post beyond the minimum time required for
11 cancellation of the lease.

12 Sec. 803. State police enlisted personnel who are employed to
13 enforce traffic laws pursuant to section 629e of the Michigan vehicle
14 code, Act No. 300 of the Public Acts of 1949, being section 257.629e of
15 the Michigan Compiled Laws, shall not be prohibited from responding to
16 crimes in progress or other emergency situations, and shall be
17 responsible for protecting every citizen of this state from harm.

18 **SPECIAL OPERATIONS**

19 Sec. 901. Funds appropriated under section 101 for the state public
20 safety communications system shall be expended upon approval of an
21 expenditure plan by the department of management and budget.

22 **INVESTIGATIVE SERVICES**

23 Sec. 1001. (1) There are sufficient funds appropriated in section
24 101 to investigative services to ensure that the citizens in a service
25 area of any state police post in the vicinity of a state prison do not
26 experience a downgrading of state police services in their area.
27 Investigative services shall be available by temporary or permanent
28 assignment of a detective when either a temporary or permanent prison
29 facility is opened.

30 (2) If the department is unable to comply with subsection (1) and

1 there is a prison scheduled to open, the department shall provide
2 troopers to serve as investigators on an interim basis.