

Act No. 107
 Public Acts of 1997
 Approved by the Governor
 August 14, 1997
 Filed with the Secretary of State
 August 18, 1997
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STATE OF MICHIGAN
 89TH LEGISLATURE
 REGULAR SESSION OF 1997

Introduced by Senators Cisky, Hoffman, Conroy and McManus

ENROLLED SENATE BILL No. 173

AN ACT to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1998; 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 for the 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:

Sec. 101. There is appropriated for the department of state police, for the fiscal year ending September 30, 1998, from the funds identified as follows:

DEPARTMENT OF STATE POLICE

Full-time equated unclassified positions	4.0		
Full-time equated classified positions	3,447.0		
GROSS APPROPRIATION.....		\$	342,031,000
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers			13,480,500
ADJUSTED GROSS APPROPRIATION.....		\$	328,550,500
Federal revenues:			
Total federal revenues			30,076,700
Special revenue funds:			
Total local revenues			3,668,600
Total private revenues.....			0
Total state restricted revenues.....			40,635,300
State general fund/general purpose		\$	254,169,900

For Fiscal Year
Ending Sept. 30,
1998

EXECUTIVE DIRECTION

Full-time equated unclassified positions	4.0	
Full-time equated classified positions.....	52.0	
Unclassified positions.....		\$ 298,900
Executive direction—45.0 FTE positions		3,289,800
Auto theft prevention program—7.0 FTE positions.....		6,494,400
GROSS APPROPRIATION.....		\$ <u>10,083,100</u>
Appropriated from:		
Special revenue funds:		
Auto theft prevention fees.....		6,494,400
State general fund/general purpose		\$ 3,588,700

DEPARTMENTWIDE APPROPRIATIONS

Special maintenance		\$ 84,900
Rent.....		2,988,800
Worker's compensation.....		2,172,300
Fleet leasing		12,652,700
In-service training		850,000
Building occupancy charges - property management services		2,722,500
Narcotics investigation funds.....		265,000
GROSS APPROPRIATION.....		\$ <u>21,736,200</u>
Appropriated from:		
Intradepartmental transfer revenues:		
IDT, Michigan justice training fund.....		850,000
Federal revenues:		
Federal narcotics investigation revenues		95,000
Special revenue funds:		
Narcotics investigation revenues.....		170,000
State general fund/general purpose		\$ 20,621,200

SUPPORT SERVICES

Full-time equated classified positions.....	138.5	
Personnel division—26.5 FTE positions.....		\$ 1,737,400
Management services—67.0 FTE positions.....		3,911,400
Training administration—45.0 FTE positions		4,244,500
Headquarters utilities.....		360,000
GROSS APPROPRIATION.....		\$ <u>10,253,300</u>
Appropriated from:		
Interdepartmental grant revenues:		
IDG, training academy charges		2,286,800
Special revenue funds:		
Local - LEIN fees		31,900
Auto theft prevention fees.....		21,000
Reimbursements		10,000
Precision driving track fees		208,500
Narcotics investigation revenues.....		40,600
Motor carrier fees.....		76,300
State general fund/general purpose		\$ 7,578,200

HIGHWAY SAFETY PLANNING

Full-time equated classified positions.....	33.5	
State program planning and administration—16.0 FTE positions		\$ 1,142,600
Grants to local governments and nonprofit organizations		4,000,000
Secondary road patrol administration—1.0 FTE position		78,100
Secondary road patrol and traffic accident basic grants.....		3,059,700
Secondary road patrol and traffic accident enhanced grants		5,701,300
Truck safety program—2.0 FTE positions		2,967,400
Field coordination and analysis—8.0 FTE positions		1,300,200
Traffic safety data—3.5 FTE positions		171,500

	For Fiscal Year Ending Sept. 30, 1998
Fatal accident reporting system—2.0 FTE positions	\$ 131,200
Highway traffic safety—1.0 FTE position	2,913,800
GROSS APPROPRIATION	\$ 21,465,800
Appropriated from:	
Interdepartmental grant revenues:	
IDG, department of transportation	544,300
Federal revenues:	
DOT-NHTSA, federal highway administration	8,943,500
Special revenue funds:	
Truck driver safety fund	2,967,400
Secondary road patrol and training fund	5,701,300
State general fund/general purpose	\$ 3,309,300
CENTRAL RECORDS	
Full-time equated classified positions	71.0
Central records division—70.0 FTE positions	\$ 4,462,300
Criminal records improvement—1.0 FTE position	2,713,900
GROSS APPROPRIATION	\$ 7,176,200
Appropriated from:	
Federal revenues:	
DOJ-BJS, national criminal history improvement program (NCHIP)	2,613,900
DOJ-BJA, drug control and system improvements, formula grants	100,000
Special revenue funds:	
Central records service fees	1,678,500
State general fund/general purpose	\$ 2,783,800
CRIMINAL JUSTICE DATA CENTER	
Full-time equated classified positions	93.0
State police - management information systems—26.5 FTE positions	\$ 1,637,700
Traffic accident records—17.0 FTE positions	1,194,800
Local LEIN services—28.5 FTE positions	5,602,600
Automated fingerprint identification system—21.0 FTE positions	2,763,400
Computer services	655,600
GROSS APPROPRIATION	\$ 11,854,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG, department of state	315,300
IDG, department of transportation	315,300
Federal revenues:	
DOT-NHTSA, federal highway administration	300,000
Special revenue funds:	
Local - LEIN fees	2,031,600
Local - AFIS fees	33,000
State general fund/general purpose	\$ 8,858,900
FORENSIC SCIENCES	
Full-time equated classified positions	184.0
Laboratory operations—173.0 FTE positions	\$ 13,025,500
DNA analysis program—11.0 FTE positions	1,583,200
Grant to city of Detroit	894,300
GROSS APPROPRIATION	\$ 15,503,000
Appropriated from:	
Federal revenues:	
DOJ-BJA, drug control and system improvement, formula grants	580,200
DOD-CVSA research grant	40,000
Special revenue funds:	
Forensic science reimbursement fees	15,000
State forensic laboratory fund	455,000
State general fund/general purpose	\$ 14,412,800

LAW ENFORCEMENT OFFICERS TRAINING COUNCIL

Full-time equated classified positions.....	22.5		
Standards and training—15.5 FTE positions.....		\$	1,277,000
Community policing coordination—3.0 FTE positions.....			150,000
Training only to local units.....			619,400
Officer's survivor tuition program.....			178,000
Michigan justice training commission—4.0 FTE positions.....			9,010,000
GROSS APPROPRIATION.....		\$	<u>11,234,400</u>
Appropriated from:			
Federal revenues:			
DOJ-OJP.....			360,000
Special revenue funds:			
Secondary road patrol and training fund.....			619,400
Michigan justice training fund.....			9,010,000
State general fund/general purpose.....		\$	1,245,000

FIRE MARSHAL

Full-time equated classified positions.....	52.0		
Fire marshal programs—45.0 FTE positions.....		\$	3,673,100
Fire investigation training to locals.....			51,500
Fire fighters training council—7.0 FTE positions.....			963,300
GROSS APPROPRIATION.....		\$	<u>4,687,900</u>
Appropriated from:			
Federal revenues:			
FEMA-PTED, hazardous material assistance program.....			50,000
DOT-RSPA, interagency hazardous materials public training.....			50,000
Special revenue funds:			
State general fund/general purpose.....		\$	4,587,900

EMERGENCY MANAGEMENT

Full-time equated classified positions.....	48.0		
Emergency management planning and administration—18.5 FTE positions.....		\$	1,684,100
Grants to local government.....			2,482,100
FEMA program assistance—13.5 FTE positions.....			1,998,600
Nuclear power plant emergency planning—6.0 FTE positions.....			1,073,300
Hazardous materials transportation—1.0 FTE position.....			609,400
Hazardous materials programs—9.0 FTE positions.....			1,299,000
GROSS APPROPRIATION.....		\$	<u>9,146,500</u>
Appropriated from:			
Federal revenues:			
FEMA-PTED, hazardous material assistance program.....			4,911,300
DOT-RSPA, interagency hazardous materials public sector training and planning grants.....			609,400
EPA-OSWER, superfund innovative technology evaluation program.....			451,000
Special revenue funds:			
Nuclear plant emergency planning reimbursement.....			1,073,300
Hazardous materials training center fees.....			1,021,900
State general fund/general purpose.....		\$	1,079,600

UNIFORM SERVICES

Full-time equated classified positions.....	2,010.5		
Uniform services—620.0 FTE positions.....		\$	46,556,500
Security guards—44.0 FTE positions.....			1,857,700
Reimbursed services.....			500,000
At-post troopers—1,346.5 FTE positions.....			101,182,900
GROSS APPROPRIATION.....		\$	<u>150,097,100</u>
Appropriated from:			
Interdepartmental grant revenues:			
IDG, department of management and budget, building occupancy charges.....			1,004,300

	For Fiscal Year Ending Sept. 30, 1998
IDG, department of corrections.....	\$ 94,700
IDG, department of transportation.....	66,500
Federal revenues:	
DOL, job training partnership act.....	250,000
DOJ-OJP.....	200,000
Special revenue funds:	
Highway safety fund.....	6,000,000
State police service fees.....	500,000
State general fund/general purpose.....	\$ 141,981,600
 SPECIAL OPERATIONS	
Full-time equated classified positions.....	142.5
Operational support—30.0 FTE positions.....	\$ 2,259,600
Traffic safety—14.5 FTE positions.....	3,489,800
Aviation program—8.0 FTE positions.....	1,226,100
Communications—85.0 FTE positions.....	10,703,300
Project DARE—5.0 FTE positions.....	675,400
GROSS APPROPRIATION.....	\$ 18,354,200
Appropriated from:	
Interdepartmental grant revenues:	
IDG, department of corrections, contract.....	61,500
Federal revenues:	
DOT-NHTSA, federal highway administration.....	1,957,200
Special revenue funds:	
Local - DARE funds.....	183,600
Rental of department aircraft.....	201,300
Drunk driving prevention and training fund.....	798,900
State general fund/general purpose.....	\$ 15,151,700
 CRIMINAL INVESTIGATIONS	
Full-time equated classified positions.....	390.5
Criminal investigations—309.5 FTE positions.....	\$ 28,124,000
Federal anti-drug initiatives—72.0 FTE positions.....	7,252,800
Reimbursed services, materials, and equipment.....	1,696,700
Auto theft prevention—9.0 FTE positions.....	1,057,600
GROSS APPROPRIATION.....	\$ 38,131,100
Appropriated from:	
Interdepartmental grant and intradepartmental transfer revenues:	
IDT, auto theft funds.....	810,100
IDG, department of community health, tobacco tax.....	609,100
Federal revenues:	
Federal investigations - reimbursed services.....	308,200
DOJ-BJA, drug control and system improvement, formula grants.....	4,894,600
Federal narcotics investigation revenues.....	375,200
Special revenue funds:	
Local - reimbursed services.....	1,388,500
Narcotics investigation revenues.....	505,300
Forfeiture funds.....	276,600
Licensing fees.....	190,400
State general fund/general purpose.....	\$ 28,773,100
 MOTOR CARRIER ENFORCEMENT	
Full-time equated classified positions.....	209.0
Motor carrier enforcement—125.0 FTE positions.....	\$ 7,571,100
Grants to local/nonprofit organizations.....	500,000
Truck safety enforcement team operations—15.0 FTE positions.....	913,300
Safety inspections—46.5 FTE positions.....	2,921,400

	For Fiscal Year Ending Sept. 30, 1998
School bus inspections—16.0 FTE positions.....	\$ 1,400,000
Safety projects—6.5 FTE positions	204,200
GROSS APPROPRIATION.....	\$ 13,510,000
Appropriated from:	
Interdepartmental grant and intradepartmental transfer revenues:	
IDT, truck safety fund.....	974,900
IDG, department of transportation.....	5,547,700
Federal revenues:	
DOT-NHTSA, federal highway administration	2,987,200
Special revenue funds:	
Motor carrier fees.....	2,600,200
State general fund/general purpose	\$ 1,400,000
 EARLY RETIREMENT SAVINGS	
Early retirement savings	\$ (1,201,900)
GROSS APPROPRIATION.....	\$ (1,201,900)
Appropriated from:	
Special revenue funds:	
State general fund/general purpose	\$ (1,201,900)

GENERAL SECTIONS

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1997-98 is estimated at \$294,805,200.00 in this act from state sources and state spending paid to local units of government for fiscal year 1997-98 is estimated at \$16,306,900.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF STATE POLICE	
OFFICE OF HIGHWAY SAFETY PLANNING	
Secondary road patrol and traffic accident basic grants.....	\$ 3,059,700
Secondary road patrol and traffic accident enhanced grants	5,701,300
 FORENSIC SCIENCES	
Grant to city of Detroit	\$ 894,300
 LAW ENFORCEMENT OFFICERS TRAINING COUNCIL	
Training only to local units	\$ 619,400
Michigan justice training commission.....	5,624,700
 FIRE MARSHAL	
Fire fighters training council.....	\$ 356,000
Fire investigation training for locals.....	51,500
Total	\$ 16,306,900

(2) If it appears to the principal executive officer of the department or branch that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the director shall immediately give notice of the approximate shortfall to the department of management and budget, the senate and house appropriations committees, and the senate and house fiscal agencies.

Sec. 202. The expenditures and funding sources authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. (1) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$3,500,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(2) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$3,500,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$1,000,000.00 for local contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in section 101, there is appropriated an amount not to exceed \$200,000.00 for private contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 204. The department of civil service shall bill departments or agencies at the end of the first fiscal quarter for the 1% charges authorized by section 5 of article XI of the state constitution of 1963. Payments shall be made for the total amount of the billing by the end of the second fiscal quarter.

Sec. 205. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "CVSA" means computerized voice stress analyzer.
- (c) "DARE" means drug abuse resistance education.
- (d) "Department" means the department of state police.
- (e) "DNA" means deoxyribonucleic acid.
- (f) "DOD" means the United States department of defense.
- (g) "DOJ" means the United States department of justice.
- (h) "DOJ-BJA" means the DOJ bureau of justice assistance.
- (i) "DOJ-BJS" means the United States DOJ bureau of justice statistics.
- (j) "DOJ-OJP" means the DOJ office of justice programs.
- (k) "DOL" means the United States department of labor.
- (l) "DOT" means the United States department of transportation.
- (m) "DOT-NHTSA" means DOT national highway traffic safety administration.
- (n) "DOT-NHTSA/FHWA" means the DOT-NHTSA federal highway administration.
- (o) "DOT-RSPA" means the DOT research and special programs administration.
- (p) "EPA" means environmental protection agency.
- (q) "EPA-OSWER" means the EPA office of solid waste and emergency response.
- (r) "FEMA" means the federal emergency management agency.
- (s) "FEMA-PTED" means the FEMA preparedness, training, and exercises directorate.
- (t) "FTE" means full-time equated.
- (u) "HHS" means the United States department of health and human services.
- (v) "HHS-HCFA" means the HHS health care financing administration.
- (w) "IDG" means interdepartmental grant.
- (x) "IDT" means intradepartmental transfer.
- (y) "LEIN" means law enforcement information network.
- (z) "MDCH" means the Michigan department of community health.
- (aa) "MDOT" means the Michigan department of transportation.
- (bb) "MLEOTC" means the Michigan law enforcement officers training council.

Sec. 206. It is the intent of the legislature that personnel of the department who request and are eligible for reimbursement of expenses related to the operation of the department be reimbursed from the appropriations provided in section 101 within 30 days after submitting a request, or the eligible personnel shall be paid an additional amount equal to 0.75% of the payment due. The department shall pay an additional amount equal to 0.75% of the payment due for the first month and each succeeding month or portion of a month the payment remains past due.

Sec. 207. To avoid the overexpenditure of money appropriated under this act, the department beginning October 1, 1997 shall report quarterly and upon request to the state police subcommittees of the senate and house appropriations committees the current status of the accounts set forth in section 101 on forms prescribed by the senate and house fiscal agencies and the department.

Sec. 208. (1) Beginning October 1, 1997, there is a hiring freeze imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers from 1 position to another within a department or to positions that are funded 80% or more from federal or restricted money.

(2) The director of the department of management and budget shall grant exceptions to this hiring freeze when the director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services. The director of the department of management and budget shall report by the fifteenth of each month to the chairpersons of the senate and house appropriations committees the number of exclusions to the hiring freeze approved during the previous month and the reasons justifying the exclusions.

Sec. 209. Money appropriated in section 101 shall not be used for the purchase of foreign goods or services when competitively priced and comparable quality American goods or services are available. By May 1, 1998, the department of state police shall submit a report to the department of management and budget, the speaker and minority leaders of the house of representatives, the majority and minority leaders of the senate, and the chairpersons of the house and senate appropriations committees on efforts to comply with this section.

Sec. 210. Of the general fund/general purpose revenue appropriated in section 101, \$42,916,900.00 represents a state spending increase over the amount provided to the department of state police for the fiscal year ending September 30, 1994, and may be used to meet state match requirements of programs contained in the federal violent crime control and law enforcement act of 1994, or successor grant programs, so that any additional federal money received supplements funding provided to the department of state police in section 101.

Sec. 211. The department shall not implement an affirmative action plan unless it has been submitted to the Michigan civil rights commission for approval in accordance with section 210 of the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2210, and the Michigan civil rights commission has approved the plan. The department shall also submit by November 1, 1997 to the senate and house of representatives appropriations subcommittees on state police and the senate and house of representatives standing committees on state police issues a report on all court judgments and out-of-court settlements involving state police for the past 3 years. The report shall give a detailed description of each lawsuit, including the amount of the judgment or settlement.

Sec. 212. (1) The director of the department shall take all reasonable steps to ensure that businesses in depressed and deprived communities compete for and perform contracts to provide services or supplies, or both, for the department.

(2) The director of the department shall strongly encourage firms with which the department contracts to subcontract with businesses certified by the department of civil rights in depressed and deprived communities for services or supplies, or both.

Sec. 213. (1) The department shall submit to the department of management and budget, the house and senate appropriations committees, the house and senate fiscal agencies, and the house and senate standing committees having jurisdiction over technology issues, periodic reports on the department's efforts to change the department's computer software and hardware as necessary to perform properly in the year 2000 and beyond. These reports shall identify actual progress in comparison to the department's approved work plan for these efforts.

(2) The department may present progress billings to the department of management and budget for the costs incurred in changing computer software and hardware as necessary to perform properly in the year 2000 and beyond. At the time progress billings are presented for reimbursement, the department shall identify and forward as appropriate the funding sources that should support the work performed.

Sec. 214. The negative appropriation in section 101 for early retirement compensation savings represents savings from the state's 1997 early retirement program. Not later than October 15, 1997, the department and the state budget director shall request legislative transfers under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, to apply the retirement costs and salary and fringe benefits savings to the appropriated line items affected by the early retirement of state employees.

Sec. 215. (1) The appropriation in section 101 for 5.0 FTEs and \$675,400.00 for Project DARE is for DARE training in the state. The amount appropriated from the general fund for this program is \$491,800.00 and is for the purpose of replacing federal funds that previously funded this program but are no longer available for use by the state. It is the intent of the legislature that this training program be continued for fiscal year 1997-98 by the department or some other entity.

(2) If the director of the department determines that an entity other than the department, such as Michigan State University, has successfully applied for and received federal funding for a DARE training program that would adequately replace such services that are currently provided by the department, the director shall notify the senate and house appropriations committees of that determination and may request the director of the department of management and budget to adjust the annual appropriations contained in section 101 by transferring general purpose funds from the appropriations for Project DARE to budget lines up to the amounts as follows:

- (a) Fleet leasing, \$122,000.00.
- (b) Worker's compensation, \$125,800.00.
- (c) Officers' survivor tuition program, \$122,000.00.
- (d) Communications, \$122,000.00.

Sec. 216. In addition to the amount appropriated in section 101, funds distributed by the Michigan gaming control board to the department of state police for oversight of casino gaming are appropriated upon receipt. These funds may be used to fill not more than 48 FTE positions and pay for costs incurred for casino gaming oversight activities. Officers assigned to the gaming oversight section shall not be employed by a licensed gaming establishment until at least 2 years after termination of employment with the department. Not later than March 15, 1998 and September 30, 1998, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight:

- (a) The amount of money received and expended.
- (b) The nature and structure of the casino gaming oversight section.
- (c) The positions and classifications of employees assigned.
- (d) The number of full-time and part-time employees and the aggregate number of FTEs.
- (e) The number of enlisted and civilian positions.
- (f) The duties and responsibilities of the assigned employees.
- (g) The immediate past position of the enlisted employees assigned.

Sec. 218. The department is authorized to receive and to expend upon receipt any federal or state forfeiture money. Upon receipt of federal or state forfeiture money, the department shall notify the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies.

Sec. 219. Any law enforcement entity receiving GF/GP funds from this act shall not evaluate an employee or consider an employee for promotion or assignment on the basis of motor vehicle citations issued.

DEPARTMENTWIDE APPROPRIATIONS

Sec. 301. Money appropriated under this act shall not be expended by the department to hire or train an applicant for employment by the department unless that applicant agrees in writing to submit to a controlled substance test that is supervised by the department.

HIGHWAY SAFETY PLANNING

Sec. 401. In addition to the money appropriated in section 101, the department may receive and expend state restricted funds for the support of the secondary road patrol and traffic accident enhanced grants program in accordance with section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e. Expenditures for the support of the secondary road patrol and traffic accident enhanced grants program shall not exceed revenues received.

CRIMINAL JUSTICE DATA CENTER

Sec. 501. The money appropriated in section 101 for computer services shall be funded by LEIN user fees sufficient to pay 1/3 of the service and contract maintenance costs of the LEIN mainframe computer system.

Sec. 502. For the fiscal year ending September 30, 1998, the department, in conjunction with the departments of transportation, state, and management and budget, shall determine a cost of maintaining the traffic accident records program based on each department's respective use.

Sec. 503. A portion of the funds appropriated in section 101 for the criminal justice data center shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the law enforcement information network. The report shall include a description of departmental measures to protect the security of information in the law enforcement information network including safeguards that would prevent unauthorized persons from obtaining information from the law enforcement information network. The department shall deliver a copy of this report to the senate and house appropriation committees no later than April 1, 1998.

FORENSIC SCIENCES

Sec. 601. It is the intent of the legislature that the grant to the city of Detroit under section 101 be allocated by the city to supplement the city's appropriations for the Detroit crime lab and the Detroit police special events account.

Sec. 602. By March 15, 1998, the department shall develop a plan to safeguard the privacy of individuals who contribute DNA specimens for elimination purposes. The plan shall include a projected timeline for implementation. A progress report shall be due to the house and senate appropriation subcommittees on state police by December 15, 1997.

LAW ENFORCEMENT OFFICERS TRAINING COUNCIL

Sec. 701. (1) The money appropriated to the MLEOTC for maintenance and delivery of training to locals is provided in accordance with a state reimbursement policy in which 100% of the determined state reimbursement rate shall be distributed upon certification by the MLEOTC.

(2) Money appropriated under this act shall not be expended by the MLEOTC for training a law enforcement officer candidate, and a candidate shall not be certified by the MLEOTC, unless the candidate tests negative on a test prescribed by the MLEOTC that is designed to detect the illegal use of controlled substances. A test shall be conducted before basic training and before application for certification. A candidate who tests positive or refuses to submit to a test is not eligible for MLEOTC training or certification until the expiration of 2 years after the positive test or the refusal to submit to the test. Money shall not be expended to employ, train, or certify a candidate who tests positive or who refuses a test, until the expiration of 2 years after the positive test or the refusal to submit to the test.

Sec. 702. The money appropriated in section 101 for community policing coordination shall be used by the department to work in conjunction with local criminal justice agencies to identify appropriate curriculum to support community policing. The department shall work as a coordinator to deliver community policing training.

EMERGENCY MANAGEMENT

Sec. 801. (1) The state director of emergency management may expend money appropriated under this act to call upon any agency or department of the state or any resource of the state to protect life or property or to provide for the health or safety of the population in any area of the state in which the governor proclaims a state of emergency or state of disaster under 1945 PA 302, MCL 10.31 to 10.33, or under the emergency management act, 1976 PA 390, MCL 30.401 to 30.420. The state director of emergency management may expend the amounts the director considers necessary to accomplish these purposes. The director shall submit to the state budget director as soon as possible a complete report of all actions taken under the authority of this section. The report shall contain, as a separate item, a statement of all money expended that is not reimbursable from federal money. The state budget director shall review the expenditures and submit recommendations to the legislature in regard to any possible need for a supplemental appropriation.

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

Sec. 802. (1) The emergency management division shall study the impact of extreme weather conditions, such as snow or ice storms that cause road closures, on local emergency services. Emergency service shall include services that affect health, safety, or human welfare, but not be limited to ambulance, police and fire, and rescue services.

(2) The emergency management division, in accordance with subsection (1), shall issue a formal report to the legislature by June 1, 1998.

UNIFORM SERVICES

Sec. 901. The department shall not expend any portion of the money appropriated in section 101, including any expenditure made under an executive order, to plan for or to implement a roadblock or check lane system that has as its primary objective the deterrence or detection of intoxicated drivers in this state.

Sec. 902. It is the intent of the legislature that the department maintain the maximum number of troopers on the road from the available money appropriated in section 101.

Sec. 903. Upon service of proper notification by the department of its intent to cancel the lease at any post that is subject to consolidation, money appropriated in section 101 shall not be used for rent expenses at that post beyond the minimum time required for cancellation of the lease.

Sec. 904. State police enlisted personnel who are employed to enforce traffic laws as provided in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited from responding to crimes in progress or other emergency situations, and are responsible for protecting every citizen of this state from harm.

SPECIAL OPERATIONS

Sec. 1001. (1) Money appropriated under section 101 for the Michigan public safety communications system shall be expended upon approval of an expenditure plan by the department of management and budget.

(2) The department of state police shall assess all subscribers of the Michigan public safety communications system reasonable access and maintenance fees.

(3) All money received by the department of state police under this section shall be deposited to the state general fund pursuant to section 443 of the management and budget act, 1984 PA 431, MCL 18.1443.

(4) The department of state police shall provide a report to the house and senate appropriations committees, house and senate fiscal agencies, and the department of management and budget on April 15, 1998, and on October 15, 1998, indicating the amount of revenue collected under this section and deposited to the state general fund for the immediately preceding 6-month period.

Sec. 1002. In addition to the appropriations in section 101 to the department of state police for the aviation program, the department is authorized to sell its aircraft and the proceeds from the sale are appropriated and may be applied to the renovation cost of replacement aircraft.

CRIMINAL INVESTIGATIONS

Sec. 1101. (1) There is sufficient money appropriated in section 101 to criminal investigations to ensure that the citizens in a service area of any state police post in the vicinity of a state prison do not experience a downgrading of state police services in their area. Criminal investigations shall be available by temporary or permanent assignment of a detective when either a temporary or permanent prison facility is opened.

(2) If the department is unable to comply with subsection (1) and there is a prison scheduled to open, the department shall provide troopers to serve as investigators on an interim basis.

FIRE MARSHAL

Sec. 1201. The fire fighters training council shall report any proposed changes in educational and/or training requirements for volunteer fire fighters to the house and senate appropriation subcommittees on state police and military affairs 30 days prior to implementing the proposed changes.

Sec. 1203. (1) The department shall prepare a detailed report and deliver it to the senate and house subcommittees on the state police not later than May 15, 1998.

(2) The report shall contain input from a delegate appointed from and by the following organizations:

- (a) Michigan fire chiefs association.
- (b) Michigan state fireman's association.
- (c) Michigan firefighter's union.
- (d) Michigan fire service instructors association.
- (e) Michigan fire inspectors society.
- (f) Michigan chapter of the international association of arson investigators.

(3) The report shall contain information about the quality and adequacy of service from the state fire safety inspections, enforcement, investigation, and education and training under the proposed reorganization of the fire marshal division responsibilities. The report shall be based on the performance of the fire marshal division in the performance of its fire safety duties during the first 6 months of fiscal year 1997-98.

MOTOR CARRIER ENFORCEMENT

Sec. 1301. The appropriation in section 101 for school bus inspections shall be used by the department of state police to inspect each school bus and pupil transportation vehicle annually, as required under 1949 PA 300, MCL 257.715a, and 1990 PA 187, MCL 257.1839.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Mary R. Bell

Clerk of the House of Representatives.

Approved

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Governor.