

SENATE BILL No. 319

March 19, 2003, Introduced by Senator CLARKE 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, 2004; 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:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this bill, the amounts listed in this part are appropriated for the department of state police for the fiscal year ending September 30, 2004, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF STATE POLICE

APPROPRIATIONS SUMMARY:

Full-time equated unclassified positions.....	3.0	
Full-time equated classified positions.....	3,334.5	
GROSS APPROPRIATION.....	\$	410,786,600
Interdepartmental grant revenues:		
Total interdepartmental grants and interdepartmental transfers		17,882,800
ADJUSTED GROSS APPROPRIATION.....	\$	392,903,800
Federal revenues:		
Total federal revenues.....		55,292,300
Special revenue funds:		
Total local revenues.....		4,506,600
Total private revenues.....		0
Total other state restricted revenues.....		101,863,400
State general fund/general purpose.....	\$	231,241,500
Sec. 102. EXECUTIVE DIRECTION		
Full-time equated unclassified positions.....	3.0	
Full-time equated classified positions.....	36.0	
Unclassified positions.....	\$	258,500

1	Executive direction--29.0 FTE positions	3,148,900
2	Auto theft prevention program--7.0 FTE positions	<u>7,065,000</u>
3	GROSS APPROPRIATION.....	\$ 10,472,400
4	Appropriated from:	
5	Special revenue funds:	
6	Auto theft prevention fund.....	7,065,000
7	Fire services fees.....	10,000
8	State general fund/general purpose.....	\$ 3,397,400
9	Sec 103. DEPARTMENTWIDE APPROPRIATIONS	
10	Special maintenance and utilities.....	\$ 479,400
11	Rent and building occupancy charges.....	8,216,000
12	Worker's compensation.....	3,174,000
13	Fleet leasing.....	15,169,200
14	In-service training.....	850,000
15	Narcotics investigation funds.....	<u>265,000</u>
16	GROSS APPROPRIATION.....	\$ 28,153,600
17	Appropriated from:	
18	Interdepartmental grant revenues:	
19	IDT-Michigan justice training fund.....	850,000
20	Federal revenues:	
21	Federal narcotics investigation revenues.....	95,000
22	Special revenue funds:	
23	Narcotics investigation revenues.....	170,000
24	Fire services fees.....	328,700
25	State general fund/general purpose.....	\$ 26,709,900
26	Sec. 104. SUPPORT SERVICES	
27	Full-time equated classified positions.....	154.5

1	Human resources--35.5 FTE positions.....	\$	2,183,800
2	Management services--59.0 FTE positions.....		3,416,000
3	Training administration--43.0 FTE positions.....		4,544,200
4	Communications--17.0 FTE positions.....		<u>5,968,300</u>
5	GROSS APPROPRIATION.....	\$	16,112,300
6	Appropriated from:		
7	Interdepartmental grant revenues:		
8	IDT, auto theft funds.....		21,000
9	IDG, training academy charges.....		2,726,400
10	Special revenue funds:		
11	Local - LEIN fees.....		31,900
12	Precision driving track fees.....		264,100
13	Narcotics investigation revenues.....		40,600
14	Fire services fees.....		174,800
15	Motor carrier fees.....		125,500
16	State general fund/general purpose.....	\$	12,728,000
17	Sec. 105. HIGHWAY SAFETY PLANNING		
18	Full-time equated classified positions.....25.0		
19	State program planning and administration--13.0 FTE		
20	positions	\$	1,111,000
21	Grants to local governments and nonprofit		
22	organizations		4,500,000
23	Secondary road patrol program--1.0 FTE position		12,506,600
24	Truck safety program--2.0 FTE positions		2,983,800
25	Highway traffic safety coordination--9.0 FTE		
26	positions		<u>5,949,700</u>
27	GROSS APPROPRIATION	\$	27,051,100

1	Appropriated from:	
2	Federal revenues:	
3	DOT	10,492,000
4	DOJ	560,000
5	Special revenue funds:	
6	Truck driver safety fund	2,983,800
7	Secondary road patrol and training fund	12,506,600
8	State general fund/general purpose	\$ 508,700
9	Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER	
10	Full-time equated classified positions.....	96.5
11	Criminal justice information center division--	78.0 FTE
12	positions	\$ 7,248,900
13	Criminal records improvement--	1.0 FTE position
14	Traffic safety--	17.5 FTE positions.....
15	GROSS APPROPRIATION.....	\$ 13,483,600
16	Appropriated from:	
17	Interdepartmental grant revenues:	
18	IDG-MDOS	313,600
19	IDG-MDOT, state trunkline fund.....	336,900
20	Federal revenues:	
21	DOJ	4,726,200
22	DOT	388,500
23	Special revenue funds:	
24	Criminal justice information center service fees	5,954,300
25	State general fund/general purpose	\$ 1,764,100
26	Sec. 107. FORENSIC SCIENCES	
27	Full-time equated classified positions.....	215.0

1	Laboratory operations--191.0 FTE positions	\$	16,978,100
2	DNA analysis program--24.0 FTE positions		<u>7,393,800</u>
3	GROSS APPROPRIATION	\$	24,371,900
4	Appropriated from:		
5	Federal revenues:		
6	D0J		3,442,900
7	Special revenue funds:		
8	Forensic science reimbursement fees		1,626,400
9	Fire services fees		525,100
10	State forensic laboratory fund		1,500,000
11	State general fund/general purpose	\$	17,277,500
12	Sec. 108. MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS		
13	Full-time equated classified positions.....29.0		
14	Standards and training--23.0 FTE positions	\$	2,174,800
15	Training only to local units--2.0 FTE positions		690,000
16	Concealed weapons enforcement training		140,000
17	Officer's survivor tuition program		48,800
18	Justice training grants--4.0 FTE positions		<u>9,032,000</u>
19	GROSS APPROPRIATION	\$	12,085,600
20	Appropriated from:		
21	Federal revenues:		
22	D0J		360,000
23	Special revenue funds:		
24	Secondary road patrol and training fund		690,000
25	Concealed weapons enforcement fee		140,000
26	Michigan justice training fund		9,032,000
27	Licensing fees		50,000

1	State general fund/general purpose	\$	1,813,600
2	Sec. 109. FIRE MARSHAL		
3	Full-time equated classified positions.....	55.0	
4	Fire marshal programs--44.0 FTE positions.....	\$	3,832,000
5	Fire investigation training to locals.....		50,500
6	Fire fighters training council--11.0 FTE positions.....		<u>1,558,600</u>
7	GROSS APPROPRIATION.....	\$	5,441,100
8	Appropriated from:		
9	Federal revenues:		
10	FEMA		150,000
11	DOT		85,000
12	Special revenue funds:		
13	Fire services fees.....		5,206,100
14	State general fund/general purpose	\$	0
15	Sec. 110. EMERGENCY MANAGEMENT		
16	Full-time equated classified positions.....	49.0	
17	Emergency management planning and administration--	32.0	
18	FTE positions	\$	2,869,000
19	Grants to local government.....		2,182,100
20	FEMA program assistance--3.0 FTE positions.....		962,300
21	Nuclear power plant emergency planning--6.0 FTE		
22	positions		1,209,200
23	Hazardous materials transportation--1.0 FTE position...		579,200
24	Hazardous materials programs--7.0 FTE positions.....		<u>12,983,800</u>
25	GROSS APPROPRIATION.....	\$	20,785,600
26	Appropriated from:		
27	Federal revenues:		

1	FEMA	4,664,100
2	DOT	579,200
3	DOJ	11,400,000
4	Special revenue funds:	
5	Nuclear power plant emergency planning reimbursement ...	1,209,200
6	Hazardous materials training center fees	1,253,800
7	State general fund/general purpose..... \$	1,679,300
8	Sec. 111. UNIFORM SERVICES	
9	Full-time equated classified positions.....1,966.5	
10	Uniform services--583.0 FTE positions..... \$	46,581,700
11	Security guards--29.0 FTE positions.....	899,100
12	Reimbursed services.....	1,983,000
13	At-post troopers--1,354.5 FTE positions.....	<u>110,185,300</u>
14	GROSS APPROPRIATION..... \$	159,649,100
15	Appropriated from:	
16	Interdepartmental grant revenues:	
17	IDG-MDMB, building occupancy charges.....	610,100
18	Federal revenues:	
19	DOJ	1,500,000
20	Special revenue funds:	
21	Highway safety fund.....	7,000,000
22	State police service fees.....	1,983,000
23	Traffic enforcement and safety fund.....	36,400,000
24	State general fund/general purpose..... \$	112,156,000
25	Sec. 112. SPECIAL OPERATIONS	
26	Full-time equated classified positions.....58.5	
27	Operational support--39.0 FTE positions..... \$	2,766,200

1	Traffic services--12.5 FTE positions.....	3,091,100
2	Aviation program--7.0 FTE positions.....	<u>1,498,600</u>
3	GROSS APPROPRIATION.....	\$ 7,355,900
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG-MDOC, contract.....	77,200
7	Federal revenues:	
8	DOT	1,500,000
9	Special revenue funds:	
10	Rental of department aircraft.....	159,300
11	Drunk driving prevention and training fund.....	969,700
12	State general fund/general purpose.....	\$ 4,649,700
13	Sec. 113. CRIMINAL INVESTIGATIONS	
14	Full-time equated classified positions.....440.5	
15	Criminal investigations--326.5 FTE positions.....	\$ 30,640,600
16	Federal antidrug initiatives--72.0 FTE positions.....	10,077,200
17	Reimbursed services, materials, and equipment.....	2,532,900
18	Auto theft prevention--10.0 FTE positions.....	1,366,000
19	Casino gaming oversight--32.0 FTE positions.....	<u>3,513,000</u>
20	GROSS APPROPRIATION.....	\$ 48,129,700
21	Appropriated from:	
22	Interdepartmental grant revenues:	
23	IDT, auto theft funds.....	1,104,000
24	IDG-MDTR, casino gaming fees.....	3,513,000
25	IDG-MDCH, tobacco tax.....	610,000
26	Federal revenues:	
27	Federal investigations - reimbursed services.....	719,700

1	DOJ	7,506,700
2	Federal narcotics investigation revenues	380,800
3	Special revenue funds:	
4	Local - reimbursed services	1,813,200
5	Narcotics investigation revenues	543,000
6	Fire services fees	40,000
7	Forfeiture funds	269,500
8	State general fund/general purpose	\$ 31,629,800
9	Sec. 114. MOTOR CARRIER ENFORCEMENT	
10	Full-time equated classified positions	209.0
11	Motor carrier enforcement--127.0 FTE positions	\$ 8,725,900
12	Truck safety enforcement team operations--16.0 FTE	
13	positions	1,132,100
14	Safety inspections--46.0 FTE positions	6,928,500
15	School bus inspections--16.0 FTE positions	1,146,300
16	Safety projects--4.0 FTE positions	<u>1,170,100</u>
17	GROSS APPROPRIATION	\$ 19,102,900
18	Appropriated from:	
19	Interdepartmental grant revenues:	
20	IDT, truck safety fund	1,132,100
21	IDG-MDOT, state trunkline fund	6,483,200
22	Federal revenues:	
23	DOT	6,712,600
24	Special revenue funds:	
25	Motor carrier fees	3,628,700
26	State general fund/general purpose	\$ 1,146,300
27	Sec. 115. INFORMATION TECHNOLOGY	

1	Information technology services and projects	\$	18,591,800
2	GROSS APPROPRIATION	\$	18,591,800
3	Appropriated from:		
4	Interdepartmental grant revenues:		
5	IDT-MDTR, casino gaming fees		72,100
6	IDG-MDOT, state trunkline fund		33,200
7	Federal revenues:		
8	DOT		29,600
9	Special revenue funds:		
10	Local - LEIN fees		2,628,500
11	Local - AFIS fees		33,000
12	Motor carrier fees		14,200
13	State general fund/general purpose	\$	15,781,200

14 PART 2

15 PROVISIONS CONCERNING APPROPRIATIONS

16 **GENERAL SECTIONS**

17 Sec. 201. Pursuant to section 30 of article IX of the state
 18 constitution of 1963, total state spending from state resources under
 19 part 1 for fiscal year 2003-2004 is \$333,104,900.00 and state spending
 20 from state resources to be paid to units of local government for fiscal
 21 year 2003-2004 is \$18,802,758.00. The itemized statement below
 22 identifies appropriations from which spending to units of local
 23 government will occur:

24 **DEPARTMENT OF STATE POLICE**

25 HIGHWAY SAFETY PLANNING

26	Secondary road patrol program	\$	12,381,500
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27 MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

1	Training only to local units.....	\$	522,500
2	Justice training grants.....		5,575,258

3 FIRE MARSHAL

4	Fire fighters training council.....	\$	273,000
5	Fire investigation training for locals.....		<u>50,500</u>
6	Total	\$	18,802,758

7 Sec. 202. The appropriations authorized under this bill are subject
8 to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

9 Sec. 203. As used in this bill:

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

11 (b) "Department" means the department of state police.

12 (c) "DNA" means deoxyribonucleic acid.

13 (d) "DOJ" means the United States department of justice.

14 (e) "DOT" means the United States department of transportation.

15 (f) "FEMA" means the federal emergency management agency.

16 (g) "FTE" means full-time equated.

17 (h) "IDG" means interdepartmental grant.

18 (i) "IDT" means intradepartmental transfer.

19 (j) "LEIN" means law enforcement information network.

20 (k) "MCOLES" means the Michigan commission on law enforcement
21 standards.

22 (l) "MDCH" means the Michigan department of community health.

23 (m) "MDMB" means the Michigan department of management and
24 budget.

25 (n) "MDOC" means the Michigan department of corrections.

26 (o) "MDOS" means the Michigan department of state.

27 (p) "MDOT" means the Michigan department of transportation.

1 (q) "MDTR" means the Michigan department of treasury.

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

7 Sec. 205. (1) A hiring freeze is imposed on the state classified
8 civil service. State departments and agencies are prohibited from
9 hiring any new state classified civil service employees and prohibited
10 from filling any vacant state classified civil service positions. This
11 hiring freeze does not apply to internal transfers of classified
12 employees from 1 position to another within a department.

13 (2) The state budget director shall grant exceptions to this
14 hiring freeze when the state budget director believes that the hiring
15 freeze will result in rendering a state department or agency unable to
16 deliver basic services, cause a loss of revenue to the state, result in
17 the inability of the state to receive federal funds, or necessitate
18 additional expenditures that exceed any savings from maintaining a
19 vacancy. The state budget director shall report quarterly to the
20 chairpersons of the senate and house of representatives standing
21 committees on appropriations the number of exceptions to the hiring
22 freeze approved during the previous quarter and the reasons to justify
23 the exception.

24 Sec. 206. Unless otherwise specified, the department shall use the
25 Internet to fulfill the reporting requirements of this bill. This
26 requirement may include transmission of reports via electronic mail to
27 the recipients identified for each reporting requirement, or it may

1 include placement of reports on an Internet or Intranet site.

2 Sec. 207. From the funds appropriated in part 1 for information
3 technology, the department shall pay user fees to the department of
4 information technology for technology-related services and projects.
5 Such user fees shall be subject to provisions of an interagency
6 agreement between the department and the department of information
7 technology.

8 Sec. 208. Amounts appropriated in part 1 for information technology
9 may be designated as work projects and carried forward to support
10 department of state police projects under the direction of the
11 department of information technology. Funds designated in this manner
12 are not available for expenditure until approved as work projects under
13 section 451a of the management and budget act, 1984 PA 431, MCL
14 18.1451a.

15 Sec. 209. (1) In addition to the funds appropriated in part 1, there
16 is appropriated an amount not to exceed \$10,000,000.00 for federal
17 contingency funds. These funds are not available for expenditure until
18 they have been transferred to another line item in this bill under
19 section 393(2) of the management and budget act, 1984 PA 431, MCL
20 18.1393.

21 (2) In addition to the funds appropriated in part 1, there is
22 appropriated an amount not to exceed \$3,500,000.00 for state restricted
23 contingency funds. These funds are not available for expenditure until
24 they have been transferred to another line item in this bill under
25 section 393(2) of the management and budget act, 1984 PA 431, MCL
26 18.1393.

27 (3) In addition to the funds appropriated in part 1, there is

1 appropriated an amount not to exceed \$1,000,000.00 for local
2 contingency funds. These funds are not available for expenditure until
3 they have been transferred to another line item in this bill under
4 section 393(2) of the management and budget act, 1984 PA 431, MCL
5 18.1393.

6 (4) In addition to the funds appropriated in part 1, there is
7 appropriated an amount not to exceed \$200,000.00 for private
8 contingency funds. These funds are not available for expenditure until
9 they have been transferred to another line item in this bill under
10 section 393(2) of the management and budget act, 1984 PA 431, MCL
11 18.1393.

12 Sec. 210. (1) In addition to the amounts appropriated in part 1, in
13 order to encourage administrative efficiencies, there is appropriated
14 to the department of state police, an amount not to exceed one-half of
15 the unexpended, unreserved general fund portions of fiscal year 2002-
16 2003 appropriations made to the department for salaries and wages
17 expenses, contractual services, supplies and materials expenses,
18 information technology expenses and program operations costs.

19 (2) The appropriations contained in subsection 1 are subject to
20 the approval of the state budget director and shall be spent for the
21 same purposes for which the original appropriation was made in fiscal
22 year 2002-2003.

23 Sec. 211. Of the state general fund/general purpose revenue
24 appropriated in this bill, \$19,036,700.00 represents a state spending
25 increase over the amount provided to the department of state police for
26 the fiscal year ending September 30, 1994, and may be used to meet
27 state match requirements of programs contained in the violent crime

1 control and law enforcement act of 1994, Public Law 103-322, 108 Stat.
2 1796, or successor grant programs, so that any additional federal money
3 received supplements funding provided to the department of state police
4 in this bill.

5 **HIGHWAY SAFETY PLANNING**

6 Sec. 301. On a quarterly basis, the department shall report to the
7 state budget office and the senate and house appropriations
8 subcommittees on state police and military affairs on the status of
9 assessments collected and authorized under section 629e of the Michigan
10 vehicle code, 1949 PA 300, MCL 257.629e, for the purposes of supporting
11 the secondary road patrol grant program. Each quarterly report shall
12 contain updated information on collection levels, revised projected
13 grant allotments to counties for the year, a comparison of projected
14 collections and grant distribution levels with the funds appropriated
15 in part 1 for the secondary road patrol program, and the extent
16 collection levels have exceeded or failed to meet appropriated levels
17 for the current fiscal year or expenditure levels from the previous
18 fiscal year.

19 **MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**

20 Sec. 401. The money appropriated to the MCOLES for maintenance and
21 delivery of training to locals is provided in accordance with a state
22 reimbursement policy in which 100% of the determined state
23 reimbursement rate shall be distributed upon certification by the
24 MCOLES.

25 **EMERGENCY MANAGEMENT**

26 Sec. 501. (1) The state director of emergency management may expend
27 money appropriated under this bill to call upon any agency or

1 department of the state or any resource of the state to protect life or
2 property or to provide for the health or safety of the population in
3 any area of the state in which the governor proclaims a state of
4 emergency or state of disaster under 1945 PA 302, MCL 10.31 to 10.33,
5 or under the emergency management act, 1976 PA 390, MCL 30.401 to
6 30.421. The state director of emergency management may expend the
7 amounts the director considers necessary to accomplish these purposes.
8 The director shall submit to the state budget director as soon as
9 possible a complete report of all actions taken under the authority of
10 this section. The report shall contain, as a separate item, a
11 statement of all money expended that is not reimbursable from federal
12 money. The state budget director shall review the expenditures and
13 submit recommendations to the legislature in regard to any possible
14 need for a supplemental appropriation.

15 (2) In addition to the money appropriated in this bill, the
16 department may receive and expend money from local, private, federal,
17 or state sources for the purpose of providing emergency management
18 training to local or private interests and for the purpose of
19 supporting emergency preparedness, response, recovery, and mitigation
20 activity. If funds are expended beyond the appropriations enacted for
21 these purposes in part 1, the department shall notify the state budget
22 office, the house and senate appropriations subcommittees on state
23 police and military and veterans affairs, and the house and senate
24 fiscal agencies within 30 days concerning the additional expenditures.

25 **UNIFORM SERVICES**

26 Sec. 601. State police enlisted personnel who are employed to
27 enforce traffic laws as provided in section 629e of the Michigan

1 vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited from
2 responding to crimes in progress or other emergency situations, and are
3 responsible for protecting every citizen of this state from harm.

4 **SPECIAL OPERATIONS**

5 Sec. 701. In addition to the appropriations in part 1 to the
6 department of state police for the aviation program, the department is
7 authorized to sell its aircraft and the proceeds from the sale are
8 appropriated and may be applied to the renovation cost of replacement
9 aircraft. If funds are expended beyond the appropriation enacted in
10 part 1 for the aviation program, the department shall notify the state
11 budget office, the house and senate subcommittees on state police and
12 military and veterans affairs, and the house and senate fiscal agencies
13 within 30 days concerning the additional expenditures.

14 **INFORMATION TECHNOLOGY**

15 Sec. 801. The money appropriated in part 1 for computer services
16 shall be funded by LEIN user fees sufficient to pay 1/3 of the service
17 and contract maintenance costs of the LEIN mainframe computer system.