

SENATE BILL No. 1049

March 2, 2004, 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, 2005; 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, 2005, 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.....	2,948.0	
GROSS APPROPRIATION.....	\$	475,924,200
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		19,677,200
ADJUSTED GROSS APPROPRIATION.....	\$	456,247,000
Federal revenues:		
Total federal revenues.....		106,191,100
Special revenue funds:		
Total local revenues.....		4,681,100
Total private revenues.....		10,700
Total other state restricted revenues.....		99,905,600
State general fund/general purpose.....	\$	245,458,500
Sec. 102. EXECUTIVE DIRECTION		
Full-time equated unclassified positions.....	3.0	
Full-time equated classified positions.....	39.0	
Unclassified positions.....	\$	238,500

1	Executive direction--34.0 FTE positions	3,480,700
2	Auto theft prevention program--5.0 FTE positions	<u>7,094,600</u>
3	GROSS APPROPRIATION.....	\$ 10,813,800
4	Appropriated from:	
5	Special revenue funds:	
6	Auto theft prevention fund.....	7,094,600
7	State general fund/general purpose.....	\$ 3,719,200
8	Sec. 103. DEPARTMENTWIDE APPROPRIATIONS	
9	Special maintenance and utilities.....	\$ 479,400
10	Rent and building occupancy charges.....	7,388,400
11	Worker's compensation.....	2,995,000
12	Fleet leasing.....	14,119,200
13	In-service training.....	850,000
14	Narcotics investigation funds.....	<u>265,000</u>
15	GROSS APPROPRIATION.....	\$ 26,097,000
16	Appropriated from:	
17	Interdepartmental grant revenues:	
18	IDT, Michigan justice training fund.....	850,000
19	IDG, training academy.....	208,600
20	Federal revenues:	
21	DOJ	37,000
22	DOT	18,500
23	DHS	8,500
24	Federal narcotics investigation revenues.....	95,000
25	Special revenue funds:	
26	Forensic science reimbursement fees.....	74,100
27	State forensic laboratory fund.....	74,100

1	Criminal justice information center service fees	109,500
2	Secondary road patrol and training fund	2,400
3	Hazardous materials training center fees	60,100
4	Michigan justice training fund	4,800
5	Motor carrier fees	5,500
6	Highway safety fund	5,900
7	Traffic law enforcement and safety fund	11,600
8	Narcotics investigation revenues	170,000
9	State general fund/general purpose	\$ 24,361,400
10	Sec. 104. SUPPORT SERVICES	
11	Full-time equated classified positions	132.0
12	Human resources--29.0 FTE positions	\$ 2,177,200
13	Human resources optimization user charges	88,600
14	Management services--50.0 FTE positions	3,693,300
15	Training administration--41.0 FTE positions	4,548,700
16	Communications--12.0 FTE positions	<u>4,707,100</u>
17	GROSS APPROPRIATION	\$ 15,214,900
18	Appropriated from:	
19	Interdepartmental grant revenues:	
20	IDT, truck safety fund	4,300
21	IDT, auto theft funds	23,000
22	IDG-MDOT, state truckline fund	30,000
23	IDG, training academy charges	2,690,400
24	IDG-MDTR, casino fees	29,000
25	Special revenue funds:	
26	Local - LEIN fees	34,900
27	Highway safety fund	123,500

1	Auto theft prevention fund.....	4,300
2	Precision driving track fees.....	280,800
3	Traffic law enforcement and safety fund.....	213,500
4	Motor carrier fees.....	136,800
5	Nuclear plant emergency planning reimbursement.....	3,100
6	State general fund/general purpose..... \$	11,641,300
7	Sec. 105. HIGHWAY SAFETY PLANNING	
8	Full-time equated classified positions..... 26.0	
9	State program planning and administration--14.0 FTE	
10	positions	\$ 1,148,600
11	Grants to local governments and nonprofit organizations	4,500,000
12	Secondary road patrol program--2.0 FTE positions.....	14,012,100
13	Truck safety program--2.0 FTE positions.....	2,987,400
14	Highway traffic safety coordination--8.0 FTE positions	<u>5,990,400</u>
15	GROSS APPROPRIATION..... \$	28,638,500
16	Appropriated from:	
17	Federal revenues:	
18	DOT	10,555,600
19	DOJ	563,800
20	Special revenue funds:	
21	Truck driver safety fund.....	2,987,400
22	Secondary road patrol and training fund.....	14,012,100
23	State general fund/general purpose..... \$	519,600
24	Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER	
25	Full-time equated classified positions..... 100.0	
26	Criminal justice information center division--83.0	
27	FTE positions	\$ 7,439,400

1	Criminal records improvement--1.0 FTE positions	4,693,500
2	Traffic safety--16.0 FTE positions	<u>1,521,000</u>
3	GROSS APPROPRIATION	\$ 13,653,900
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG-MDOS	325,900
7	IDG-MDOT, state trunkline fund	347,500
8	Federal revenues:	
9	DOJ	4,693,500
10	DOT	381,900
11	Special revenue funds:	
12	Criminal justice information center service fees	6,091,800
13	State general fund/general purpose	\$ 1,813,300
14	Sec. 107. FORENSIC SCIENCES	
15	Full-time equated classified positions	
16	Laboratory operations--177.0 FTE positions	\$ 17,794,800
17	DNA analysis program--32.0 FTE positions	<u>8,390,600</u>
18	GROSS APPROPRIATION	\$ 26,185,400
19	Appropriated from:	
20	Federal revenues:	
21	DOJ	3,514,600
22	Special revenue funds:	
23	Forensic science reimbursement fees	1,585,300
24	State forensic laboratory fund	1,543,300
25	State general fund/general purpose	\$ 19,542,200
26	Sec. 108. MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS	
27	Full-time equated classified positions	

1	Standards and training--22.0 FTE positions	\$	2,237,500
2	Training only to local units--2.0 FTE positions		825,300
3	Concealed weapons enforcement training		140,000
4	Officer's survivor tuition program		48,800
5	Justice training grants--4.0 FTE positions		<u>9,049,900</u>
6	GROSS APPROPRIATION	\$	12,301,500
7	Appropriated from:		
8	Federal revenues:		
9	DOJ		375,200
10	Special revenue funds:		
11	Secondary road patrol and training fund		825,300
12	Concealed weapons enforcement fee		140,000
13	Michigan justice training fund		9,049,900
14	Licensing fees		51,900
15	State general fund/general purpose	\$	1,859,200
16	Sec. 109. FIRE INVESTIGATION		
17	Full-time equated classified positions	29.0	
18	Fire investigation--29.0 FTE positions	\$	3,571,000
19	Fire investigation training to locals		<u>50,500</u>
20	GROSS APPROPRIATION	\$	3,621,500
21	Appropriated from:		
22	State general fund/general purpose	\$	3,621,500
23	Sec. 110. EMERGENCY MANAGEMENT		
24	Full-time equated classified positions	69.0	
25	Emergency management planning and administration--52.0		
26	FTE positions	\$	3,998,600
27	Grants to local government		2,482,100

1	FEMA program assistance--3.0 FTE positions	983,000
2	Nuclear power plant emergency planning--6.0 FTE positions	1,233,200
3	Hazardous materials transportation--1.0 FTE positions .	580,600
4	Hazardous materials programs--7.0 FTE positions	<u>61,580,400</u>
5	GROSS APPROPRIATION.....	\$ 70,857,900
6	Appropriated from:	
7	Federal revenues:	
8	FEMA	6,079,000
9	DOT	580,600
10	DHS	59,960,000
11	Special revenue funds:	
12	Nuclear plant emergency planning reimbursement	1,233,200
13	Hazardous materials training center fees	1,287,400
14	State general fund/general purpose	\$ 1,717,700
15	Sec. 111. UNIFORM SERVICES	
16	Full-time equated classified positions.....	1,684.0
17	Uniform services--525.0 FTE positions	\$ 47,825,400
18	Commercial mobile radio service projects	800,000
19	Security guards--15.0 FTE positions	950,900
20	Reimbursed services	2,126,900
21	At-post troopers--1,144.0 FTE positions	<u>117,416,000</u>
22	GROSS APPROPRIATION.....	\$ 169,119,200
23	Appropriated from:	
24	Interdepartmental grant revenues:	
25	IDG-MDMB, building occupancy charges	592,600
26	IDG-MDTR emergency telephone fund operations	400,000
27	IDG-MDTR emergency telephone fund coordinator	400,000

1	Federal revenues:	
2	DOJ	1,622,900
3	Special revenue funds:	
4	Narcotics investigation revenues.....	44,000
5	Highway safety fund.....	14,618,000
6	Traffic law enforcement and safety fund.....	29,960,500
7	State police service fees.....	2,126,900
8	State general fund/general purpose.....	\$ 119,354,300
9	Sec. 112. SPECIAL OPERATIONS	
10	Full-time equated classified positions..... 49.0	
11	Operational support--34.0 FTE positions.....	\$ 2,907,500
12	Traffic services--10.0 FTE positions.....	3,337,300
13	Aviation program--5.0 FTE positions.....	<u>1,504,600</u>
14	GROSS APPROPRIATION.....	\$ 7,749,400
15	Appropriated from:	
16	Interdepartmental grant revenues:	
17	IDG-MDOC, contract.....	83,400
18	Federal revenues:	
19	DOT	1,619,300
20	Special revenue funds:	
21	Private donations.....	10,700
22	Rental of department aircraft.....	165,400
23	Drunk driving prevention and training fund.....	1,053,100
24	State general fund/general purpose.....	\$ 4,817,500
25	Sec. 113. CRIMINAL INVESTIGATIONS	
26	Full-time equated classified positions..... 383.0	
27	Criminal investigations--280.0 FTE positions.....	\$ 32,702,700

1	Federal antidrug initiatives--62.0 FTE positions	10,523,100
2	Reimbursed services, materials, and equipment	2,570,200
3	Auto theft prevention--9.0 FTE positions	1,475,000
4	Casino gaming oversight--32.0 FTE positions	<u>3,785,000</u>
5	GROSS APPROPRIATION	\$ 51,056,000
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDT, auto theft funds	1,194,300
9	IDG-MDTR, casino gaming fees	3,785,000
10	IDG-MDCH, tobacco tax	610,000
11	Federal revenues:	
12	Federal investigations - reimbursed services	730,300
13	DOJ	7,908,900
14	Federal narcotics investigation revenues	409,500
15	Special revenue funds:	
16	Local - reimbursed services	1,839,900
17	Narcotics investigation revenues	567,600
18	Forfeiture funds	352,000
19	State general fund/general purpose	\$ 33,658,500
20	Sec. 114. MOTOR CARRIER ENFORCEMENT	
21	Full-time equated classified positions	200.0
22	Motor carrier enforcement--122.0 FTE positions	\$ 9,190,400
23	Truck safety enforcement team operations--15.0 FTE	
24	positions	1,179,000
25	Safety inspections--43.0 FTE positions	7,248,300
26	School bus inspections--16.0 FTE positions	1,205,800
27	Safety projects--4.0 FTE positions	<u>177,300</u>

1	GROSS APPROPRIATION.....	\$	19,000,800
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDT, truck safety fund.....		1,179,000
5	IDG-MDOT, state trunkline fund.....		6,816,000
6	Federal revenues:		
7	DOT		5,979,100
8	Special revenue funds:		
9	Motor carrier fees.....		3,820,900
10	State general fund/general purpose.....	\$	1,205,800
11	Sec. 115. INFORMATION TECHNOLOGY		
12	Information technology services and projects.....	\$	<u>21,614,400</u>
13	GROSS APPROPRIATION.....	\$	21,614,400
14	Appropriated from:		
15	Interdepartmental grant revenues:		
16	IDT-MDTR, casino gaming fees.....		75,000
17	IDG-MDOT, state trunkline fund.....		33,200
18	Federal revenues:		
19	DOT		1,057,900
20	Special revenue funds:		
21	Local - LEIN fees.....		2,771,400
22	Local - AFIS fees.....		34,900
23	Motor carrier fees.....		15,000
24	State general fund/general purpose.....	\$	17,627,000
25	PART 2		
26	PROVISIONS CONCERNING APPROPRIATIONS		
27	<u>GENERAL SECTIONS</u>		

1 Sec. 201. Pursuant to section 30 of article IX of the state
 2 constitution of 1963, total state spending from state resources under
 3 part 1 for fiscal year 2004-2005 is \$345,364,100.00 and state spending
 4 from state resources to be paid to local units of government for fiscal
 5 year 2004-2005 is \$20,107,800.00. The itemized statement below
 6 identifies appropriations from which spending to units of local
 7 government will occur:

8 **DEPARTMENT OF STATE POLICE**

9 OFFICE OF HIGHWAY SAFETY PLANNING

10 Secondary road patrol program..... \$ 13,872,000

11 COMMISSION ON LAW ENFORCEMENT STANDARDS

12 Training only to local units..... \$ 647,200

13 Justice training grants..... 5,538,100

14 FIRE INVESTIGATION

15 Fire investigation training for locals..... \$ 50,500

16 Total \$ 20,107,800

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

19 Sec. 203. As used in this bill:

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

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

23 (c) "DHS" means the United States department of homeland
 24 security.

25 (d) "DNA" means deoxyribonucleic acid.

26 (e) "DOJ" means the United States department of justice.

27 (f) "DOT" means the United States department of transportation.

(g) "FEMA" means the federal emergency management agency.

(h) "FTE" means full-time equated.

(i) "IDG" means interdepartmental grant.

(j) "IDT" means intradepartmental transfer.

(k) "LEIN" means law enforcement information network.

(l) "MCOLES" means the Michigan commission on law enforcement standards.

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

(n) "MDMB" means the Michigan department of management and budget.

(o) "MDOC" means the Michigan department of corrections.

(p) "MDOS" means the Michigan department of state.

(q) "MDOT" means the Michigan department of transportation.

(r) "MDTR" means the Michigan department of treasury.

Sec. 204. The department of civil service shall bill the department at the end of the first fiscal quarter for the 1% charge 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. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this bill. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement, or it may include placement of reports on an Internet or Intranet site.

Sec. 212. Of the state general fund/general purpose revenue appropriated in this bill, \$33,253,700.00 represents a state spending increase over the amount provided to the department of state police for

1 the fiscal year ending September 30, 1994, and may be used to meet
2 state match requirements of programs contained in the violent crime
3 control and law enforcement act of 1994, Public Law 103-322, 108 Stat.
4 1796, or successor grant programs, so that any additional federal money
5 received supplements funding provided to the department of state police
6 in this bill.

7 Sec. 214. From the funds appropriated in part 1 for information
8 technology, the department shall pay user fees to the department of
9 information technology for technology-related services and projects.
10 Such user fees shall be subject to provisions of an interagency
11 agreement between the department and the department of information
12 technology.

13 Sec. 217. Amounts appropriated in part 1 for information technology
14 may be designated as work projects and carried forward to support
15 technology projects under the direction of the department of
16 information technology. Funds designated in this manner are not
17 available for expenditure until approved as work projects under section
18 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

19 Sec. 222. (1) In addition to the funds appropriated in part 1,
20 there is appropriated an amount not to exceed \$10,000,000.00 for
21 federal contingency funds. These funds are not available for
22 expenditure until they have been transferred to another line item in
23 this bill under section 393(2) of the management and budget act, 1984
24 PA 431, MCL 18.1393.

25 (2) In addition to the funds appropriated in part 1, there is
26 appropriated an amount not to exceed \$3,500,000.00 for state restricted
27 contingency funds. These funds are not available for expenditure until

1 they have been transferred to another line item in this bill under
2 section 393(2) of the management and budget act, 1984 PA 431, MCL
3 18.1393.

4 (3) In addition to the funds appropriated in part 1, there is
5 appropriated an amount not to exceed \$1,000,000.00 for local
6 contingency funds. These funds are not available for expenditure until
7 they have been transferred to another line item in this bill under
8 section 393(2) of the management and budget act, 1984 PA 431, MCL
9 18.1393.

10 (4) In addition to the funds appropriated in part 1, there is
11 appropriated an amount not to exceed \$200,000.00 for private
12 contingency funds. These funds are not available for expenditure until
13 they have been transferred to another line item in this bill under
14 section 393(2) of the management and budget act, 1984 PA 431, MCL
15 18.1393.

16 Sec. 223. Funds appropriated in part 1 shall not be used for the
17 purchase of foreign goods or services, or both, if competitively priced
18 and comparable quality American goods or services, or both, are
19 available. Preference should be given to goods and services or both,
20 manufactured or provided by Michigan businesses if they are
21 competitively priced and of comparable value.

22 **INFORMATION TECHNOLOGY**

23 Sec. 301. The money appropriated in part 1 for computer services
24 shall be funded by LEIN user fees sufficient to pay 1/3 of the service
25 and contract maintenance costs of the LEIN system.

26 **MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**

27 Sec. 601. The money appropriated to the MCOLES for maintenance and

1 delivery of training to locals is provided in accordance with a state
2 reimbursement policy in which 100% of the determined state
3 reimbursement rate shall be distributed upon certification by the
4 MCOLES.

5 **EMERGENCY MANAGEMENT**

6 Sec. 801. (1) The state director of emergency management may
7 expend money appropriated under this bill to call upon any agency or
8 department of the state or any resource of the state to protect life or
9 property or to provide for the health or safety of the population in
10 any area of the state in which the governor proclaims a state of
11 emergency or state of disaster under 1945 PA 302, MCL 10.31 to 10.33,
12 or under the emergency management act, 1976 PA 390, MCL 30.401 to
13 30.421. The state director of emergency management may expend the
14 amounts the director considers necessary to accomplish these purposes.
15 The director shall submit to the state budget director as soon as
16 possible a complete report of all actions taken under the authority of
17 this section. The report shall contain, as a separate item, a
18 statement of all money expended that is not reimbursable from federal
19 money. The state budget director shall review the expenditures and
20 submit recommendations to the legislature in regard to any possible
21 need for a supplemental appropriation.

22 (2) In addition to the money appropriated in this bill, the
23 department may receive and expend money from local, private, federal,
24 or state sources for the purpose of providing emergency management
25 training to local or private interests and for the purpose of
26 supporting emergency preparedness, response, recovery, and mitigation
27 activity. If additional expenditure authorization in the Michigan

1 administrative information network is approved by the state budget
2 office under this section, the department and the state budget office
3 shall notify the house and senate appropriations subcommittees on state
4 police and military and veterans affairs and the house and senate
5 fiscal agencies within 10 days after the approval. The notification
6 shall include the amount and source of the additional authorization,
7 the date of its approval, and the projected use of funds to be expended
8 under the authorization.

9 **UNIFORM SERVICES**

10 Sec. 901. State police enlisted personnel who are employed to
11 enforce traffic laws as provided in section 629e of the Michigan
12 vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited from
13 responding to crimes in progress or other emergency situations, and are
14 responsible for protecting every citizen of this state from harm.

15 **SPECIAL OPERATIONS**

16 Sec. 1001. In addition to the appropriations in section 112 to the
17 department of state police for the aviation program, the department is
18 authorized to sell its aircraft and the proceeds from the sale are
19 appropriated and may be applied to the renovation cost of replacement
20 aircraft. If additional expenditure authorization in the Michigan
21 administrative information network is approved by the state budget
22 office under this section, the department and the state budget office
23 shall notify the house and senate appropriations subcommittees on state
24 police and military and veterans affairs and the house and senate
25 fiscal agencies within 10 days after the approval. The notification
26 shall include the amount and source of the additional authorization,
27 the date of its approval, and the projected use of funds to be expended

1 under the authorization.

2 Sec. 1002. Money privately donated to the department is
3 appropriated under section 112 to purchase equipment and other items to
4 enhance operations.