

Act No. 348
Public Acts of 2004
Approved by the Governor
September 28, 2004
Filed with the Secretary of State
September 29, 2004
EFFECTIVE DATE: September 29, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Rep. Shulman

ENROLLED HOUSE BILL No. 5526

AN ACT 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 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 act, 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

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	3.0	
Full-time equated classified positions	2,948.0	
GROSS APPROPRIATION		\$ 475,845,900
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		19,916,800
ADJUSTED GROSS APPROPRIATION		\$ 455,929,100
Federal revenues:		
Total federal revenues		106,255,100
Special revenue funds:		
Total local revenues		4,681,100
Total private revenues		10,700
Total other state restricted revenues		100,602,000
State general fund/general purpose		\$ 244,380,200

Sec. 102. EXECUTIVE DIRECTION

Full-time equated unclassified positions	3.0	
Full-time equated classified positions	39.0	
Unclassified positions.....		\$ 238,300
Executive direction—34.0 FTE positions		3,467,800
Auto theft prevention program—5.0 FTE positions.....		7,098,600
GROSS APPROPRIATION.....		\$ 10,804,700
Appropriated from:		
Special revenue funds:		
Auto theft prevention fund.....		7,098,600
State general fund/general purpose		\$ 3,706,100

Sec. 103. DEPARTMENTWIDE APPROPRIATIONS

Special maintenance and utilities.....		\$ 479,400
Rent and building occupancy charges.....		7,388,400
Worker's compensation.....		2,995,000
Fleet leasing		14,119,200
In-service training.....		850,000
Narcotics investigation funds.....		265,000
GROSS APPROPRIATION.....		\$ 26,097,000
Appropriated from:		
Interdepartmental grant revenues:		
IDT, Michigan justice training fund.....		850,000
IDG, training academy charges		208,600
Federal revenues:		
DOJ.....		37,000
DOT.....		18,500
DHS.....		8,500
Federal narcotics investigation revenues		95,000
Special revenue funds:		
Forensic science reimbursement fees		74,100
State forensic laboratory fund.....		74,100
Criminal justice information center service fees		109,500
Secondary road patrol and training fund		2,400
Hazardous materials training center fees		60,100
Michigan justice training fund.....		4,800
Motor carrier fees.....		5,500
Highway safety fund.....		5,900
Traffic law enforcement and safety fund		11,600
Narcotics investigation revenues.....		170,000
State general fund/general purpose		\$ 24,361,400

Sec. 104. SUPPORT SERVICES

Full-time equated classified positions	132.0	
Human resources—29.0 FTE positions		\$ 2,170,900
Human resources optimization user charges.....		88,600
Management services—50.0 FTE positions.....		3,683,900
Training administration—41.0 FTE positions		4,746,900
Communications—12.0 FTE positions		4,661,000
GROSS APPROPRIATION.....		\$ 15,351,300
Appropriated from:		
Interdepartmental grant revenues:		
IDT, truck safety fund.....		4,300
IDT, auto theft funds.....		23,000
IDG-MDOT, state trunkline fund		30,000
IDG, training academy charges		2,899,000
IDG-MDTR, casino gaming fees		29,000

Special revenue funds:	
Local - LEIN fees	\$ 34,900
Highway safety fund	123,500
Auto theft prevention fund	4,300
Precision driving track fees	280,800
Traffic law enforcement and safety fund	213,500
Motor carrier fees	136,800
Nuclear plant emergency planning reimbursement	3,100
State general fund/general purpose	\$ 11,569,100

Sec. 105. HIGHWAY SAFETY PLANNING

Full-time equated classified positions	26.0
State program planning and administration—14.0 FTE positions	\$ 1,146,000
Grants to local governments and nonprofit organizations	4,500,000
Secondary road patrol program—2.0 FTE positions	14,012,100
Truck safety program—2.0 FTE positions	2,987,400
Highway traffic safety coordination—8.0 FTE positions	5,990,400
GROSS APPROPRIATION	\$ 28,635,900

Appropriated from:

Federal revenues:

DOT	10,555,600
DOJ	563,800

Special revenue funds:

Truck driver safety fund	2,987,400
Secondary road patrol and training fund	14,012,100
State general fund/general purpose	\$ 517,000

Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER

Full-time equated classified positions	100.0
Criminal justice information center division—83.0 FTE positions	\$ 7,533,100
Criminal records improvement—1.0 FTE position	4,730,500
Traffic safety—16.0 FTE positions	1,537,200
GROSS APPROPRIATION	\$ 13,800,800

Appropriated from:

Interdepartmental grant revenues:

IDG-MDOS	325,900
IDG-MDOT, state trunkline fund	347,500

Federal revenues:

DOJ	4,730,500
DOT	400,400

Special revenue funds:

Criminal justice information center service fees	6,201,300
State general fund/general purpose	\$ 1,795,200

Sec. 107. FORENSIC SCIENCES

Full-time equated classified positions	209.0
Laboratory operations—177.0 FTE positions	\$ 17,741,700
DNA analysis program—32.0 FTE positions	8,529,200
GROSS APPROPRIATION	\$ 26,270,900

Appropriated from:

Federal revenues:

DOJ	3,514,600
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Special revenue funds:

Forensic science reimbursement fees	1,659,400
State forensic laboratory fund	1,617,400
State general fund/general purpose	\$ 19,479,500

Sec. 108. MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Full-time equated classified positions	28.0	
Standards and training—22.0 FTE positions		\$ 2,231,100
Training only to local units—2.0 FTE positions		827,700
Concealed weapons enforcement training.....		140,000
Officer's survivor tuition program.....		48,800
Public safety officers benefit program.....		150,000
Justice training grants—4.0 FTE positions.....		9,054,700
GROSS APPROPRIATION.....		\$ 12,452,300
Appropriated from:		
Federal revenues:		
DOJ.....		375,200
Special revenue funds:		
Secondary road patrol and training fund		827,700
Concealed weapons enforcement fee.....		140,000
Michigan justice training fund.....		9,054,700
Licensing fees.....		51,900
State general fund/general purpose		\$ 2,002,800

Sec. 109. FIRE INVESTIGATION

Full-time equated classified positions	29.0	
Fire investigation—29.0 FTE positions		\$ 3,555,200
Fire investigation training to locals		50,500
GROSS APPROPRIATION.....		\$ 3,605,700
Appropriated from:		
State general fund/general purpose		\$ 3,605,700

Sec. 110. EMERGENCY MANAGEMENT

Full-time equated classified positions	69.0	
Emergency management planning and administration—52.0 FTE positions		\$ 3,988,350
Grants to local government		2,482,100
FEMA program assistance—3.0 FTE positions		983,000
Nuclear power plant emergency planning—6.0 FTE positions		1,236,200
Hazardous materials transportation—1.0 FTE position		580,600
Hazardous materials programs—7.0 FTE positions		61,646,050
GROSS APPROPRIATION.....		\$ 70,916,300
Appropriated from:		
Federal revenues:		
FEMA.....		6,079,000
DOT.....		580,600
DHS.....		59,968,500
Special revenue funds:		
Nuclear plant emergency planning reimbursement.....		1,236,200
Hazardous materials training center fees		1,347,500
State general fund/general purpose		\$ 1,704,500

Sec. 111. UNIFORM SERVICES

Full-time equated classified positions	1,684.0	
Uniform services—525.0 FTE positions.....		\$ 47,701,300
Commercial mobile radio service projects		800,000
Security guards—15.0 FTE positions		948,500
Reimbursed services		2,126,900
At-post troopers—1,144.0 FTE positions.....		117,432,600
GROSS APPROPRIATION.....		\$ 169,009,300
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDMB, building occupancy charges		592,600
IDG-MDTR, emergency telephone fund operations		400,000
IDG-MDTR, emergency telephone fund coordinator.....		400,000

Federal revenues:		
DOJ.....	\$	1,622,900
Special revenue funds:		
Narcotics investigation revenues.....		44,000
Highway safety fund.....		14,738,900
State police service fees.....		2,126,900
Traffic enforcement and safety fund.....		30,170,500
State general fund/general purpose.....	\$	118,913,500

Sec. 112. SPECIAL OPERATIONS

Full-time equated classified positions.....	49.0	
Operational support—34.0 FTE positions.....		\$ 2,891,100
Traffic services—10.0 FTE positions.....		3,326,900
Aviation program—5.0 FTE positions.....		1,498,400
GROSS APPROPRIATION.....		\$ 7,716,400
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDOC, contract.....		83,400
Federal revenues:		
DOT.....		1,619,300
Special revenue funds:		
Private donations.....		10,700
Rental of department aircraft.....		165,400
Drunk driving prevention and training fund.....		1,053,100
State general fund/general purpose.....		\$ 4,784,500

Sec. 113. CRIMINAL INVESTIGATIONS

Full-time equated classified positions.....	383.0	
Criminal investigations—280.0 FTE positions.....		\$ 32,558,100
Federal antidrug initiatives—62.0 FTE positions.....		10,504,600
Reimbursed services, materials, and equipment.....		2,570,200
Auto theft prevention—9.0 FTE positions.....		1,471,100
Casino gaming oversight—32.0 FTE positions.....		3,812,000
GROSS APPROPRIATION.....		\$ 50,916,000
Appropriated from:		
Interdepartmental grant revenues:		
IDT, auto theft funds.....		1,194,300
IDG-MDTR, casino gaming fees.....		3,812,000
IDG-MDCH, tobacco tax.....		610,000
Federal revenues:		
Federal investigations - reimbursed services.....		730,300
DOJ.....		7,908,900
Federal narcotics investigation revenues.....		409,500
Special revenue funds:		
Local - reimbursed services.....		1,839,900
Narcotics investigation revenues.....		567,600
Forfeiture funds.....		352,000
State general fund/general purpose.....		\$ 33,491,500

Sec. 114. MOTOR CARRIER ENFORCEMENT

Full-time equated classified positions.....	200.0	
Motor carrier enforcement—122.0 FTE positions.....		\$ 9,219,900
Truck safety enforcement team operations—15.0 FTE positions.....		1,183,000
Safety inspections—43.0 FTE positions.....		7,252,300
School bus inspections—16.0 FTE positions.....		1,200,700
Safety projects—4.0 FTE positions.....		177,300
GROSS APPROPRIATION.....		\$ 19,033,200

Appropriated from:	
Interdepartmental grant revenues:	
IDT, truck safety fund.....	\$ 1,183,000
IDG-MDOT, state trunkline fund	6,816,000
Federal revenues:	
DOT.....	5,979,100
Special revenue funds:	
Motor carrier fees.....	3,854,400
State general fund/general purpose	\$ 1,200,700

Sec. 115. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$ 21,236,100
GROSS APPROPRIATION.....	\$ 21,236,100

Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDTR, casino gaming fees	75,000
IDG-MDOT, state trunkline fund	33,200
Federal revenues:	
DOT.....	1,057,900
Special revenue funds:	
Local - LEIN fees	2,771,400
Local - AFIS fees	34,900
Motor carrier fees.....	15,000
State general fund/general purpose	\$ 17,248,700

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2004-2005 is \$344,982,200.00 and state spending from state resources to be paid to local units of government for fiscal year 2004-2005 is \$20,107,800.00. 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 program	\$ 13,872,000
COMMISSION ON LAW ENFORCEMENT STANDARDS	
Training only to local units	\$ 647,200
Justice training grants.....	5,538,100
FIRE INVESTIGATION	
Fire investigation training for locals.....	\$ 50,500
Total	\$ 20,107,800

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

Sec. 203. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "Department" means the department of state police.
- (c) "DHS" means the United States department of homeland security.

- (d) "DNA" means deoxyribonucleic acid.
- (e) "DOJ" means the United States department of justice.
- (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. 205. (1) Beginning October 1, a hiring freeze is 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 of classified employees from 1 position to another within a department.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report by the last business day of each month to the chairpersons of the senate and house of representatives standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous month and the justification for the exception.

Sec. 207. At least 60 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. 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. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable value.

Sec. 210. The director of each department receiving appropriations in part 1 shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both, for the department. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in depressed and deprived communities for services or supplies, or both.

Sec. 211. 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 this act 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. 212. Of the state general fund/general purpose revenue appropriated in this act, \$32,175,400.00 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 violent crime control and law enforcement act of 1994, 42 USC 13701 to 14223, or successor grant programs, so that any additional federal money received supplements funding provided to the department of state police in this act.

Sec. 213. (1) It is the intent of the legislature that the department shall not provide any subsidy for contractual services it provides.

(2) When the department provides contractual services to a local unit of government, the department shall be reimbursed for all costs incurred in providing the services, including, but not limited to, retirement and overtime costs.

(3) Contractual services provided to an entity other than a local unit of government may be provided by department personnel, but only on an overtime basis outside the normal work schedule of the personnel.

(4) This section does not apply to state agencies.

Sec. 214. The departments and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. The department shall follow all federal guidelines and state laws regarding short-term and long-term retention of records.

Sec. 215. Not later than January 1, 2005, 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 during fiscal year 2003-2004:

(a) The amount of money received and expended.

(b) The nature and structure of the casino gaming oversight unit.

(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. 216. The department shall collect and computerize the vehicle identification number (VIN) of all vehicles that are entered into the state accident data collection system and make this and other vehicle information available to the public at cost. For bulk access to the accident records in which the VIN has been collected and computerized, the department shall make those records available to the public at cost, provided that the name and address have been excluded.

Sec. 217. From the funds appropriated in part 1, the department shall maintain a toll-free hotline in collaboration with the department of education. The toll-free hotline shall be operated 24 hours per day, 7 days per week, and shall provide students, school officials, and other individuals an opportunity to report specific threats of imminent school violence or other suspicious or criminal conduct by juveniles to the appropriate local law enforcement entities for investigation. The department may expend funds for the promotion of the hotline.

Sec. 218. (1) Funds appropriated in part 1 for at-post troopers shall only be expended for trooper salaries, wages, benefits, retirement, equipment, supplies, and other expenses directly related to state troopers assigned to general law enforcement duties at a department post, detachment, satellite office, or a resident trooper function.

(2) From the funds appropriated in part 1 for at-post troopers, 1 or more trooper recruit schools of a size, length, and date to be determined by the department or the legislature shall be conducted during fiscal year 2004-2005 with the goal of maintaining at-post trooper strength of at least 1,075 on September 30, 2005.

(3) The department shall submit quarterly written reports to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than December 1, 2004, March 1, 2005, June 1, 2005, and September 1, 2005 which shall include a trooper strength report and the status of the department's plan for accomplishing the goal of subsection (2). If the department determines that insufficient appropriations exist under part 1 to accomplish the goal of subsection (2), the department shall submit a proposal outlining a plan to accomplish the goal including an accounting of any additional funding necessary to that end.

Sec. 219. The department of state police shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies not less than 180 days before recommending to close or consolidate any state police posts.

Sec. 220. The department of state police, in keeping with its role as the general law enforcement agency of the state and as the law enforcement agency of last resort for communities that are either without local law enforcement resources or are seriously underserved by local law enforcement resources, shall provide general law enforcement assistance to those communities until adequate law enforcement services can be provided to those communities by other means.

Sec. 221. (1) Of the funds appropriated in part 1 for rent and building occupancy charges, funds shall be used for the necessary rental costs for a state police post in Marshall.

(2) From the funds appropriated in part 1, the state police and the department of management and budget shall conduct a study regarding the feasibility of a new state police post in Marshall to replace the current post in Battle Creek. The study shall review the possibility of partnering with local communities and first responders in the construction and occupancy of the new facility and shall be completed and the findings communicated to the senate and house of representatives appropriations subcommittees on state police by November 15, 2004.

Sec. 223. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2005 shall be limited to situations in which 1 or more of the following conditions apply:

(a) The travel is required by legal mandate or court order or for law enforcement purposes.

(b) The travel is necessary to protect the health or safety of Michigan citizens or visitors or to assist other states in similar circumstances.

(c) The travel is necessary to produce budgetary savings or to increase state revenues, including protecting existing federal funds or securing additional federal funds.

(d) The travel is necessary to comply with federal requirements.

(e) The travel is necessary to secure specialized training for staff that is not available within this state.

(f) The travel is financed entirely by federal or nonstate funds.

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the state budget director may grant an exception to allow the travel. Any exceptions granted by the state budget director shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

(a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

(d) A brief statement of the reason for each travel occurrence.

(e) The transportation and related costs of each travel occurrence, including the proportion funded with state general fund/general purpose revenues, the proportion funded with state restricted revenues, the proportion funded with federal revenues, and the proportion funded with other revenues.

(f) A total of all out-of-state travel funded for the immediately preceding fiscal year.

INFORMATION TECHNOLOGY

Sec. 301. The money appropriated in part 1 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 system.

Sec. 302. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the department and the department of information technology.

Sec. 303. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Sec. 304. A portion of the funds appropriated in part 1 shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the LEIN system. The report shall include a description of departmental measures to protect the security of information in the LEIN system including safeguards that would prevent unauthorized persons from obtaining information from the LEIN system. The department shall submit a copy of this report to the senate and house appropriations committees not later than April 1, 2005.

Sec. 305. The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the LEIN system. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all suspected incidents of improper access or improper use of information from the LEIN system and determine whether or not those incidents were illegal. In those incidents that may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. If an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

Sec. 306. (1) The department of state police, working with the criminal justice information systems policy council, shall implement procedures by which all probation information is placed on the LEIN system. The LEIN system shall include information on each probationer, including any probation conditions placed on a probationer and the name of the probation officer assigned to a probationer. The LEIN system shall also include any nonstandard probation terms.

(2) If the department determines that amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are required to include all probation information on the LEIN system, the department shall deliver to members of the senate and house appropriations subcommittees on state police and military affairs amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, that, in the department's view, are necessary to accomplish this goal. These proposed amendments shall be delivered to subcommittee members not later than December 1, 2004.

Sec. 307. The department of state police shall serve as an active liaison between the department of information technology and local public safety agencies to facilitate the use of the Michigan public safety communications system towers by those local public safety agencies that have an interest in using the towers as a part of their own communications system. The department of state police shall deliver a written report to the senate and house appropriations subcommittees on state police and military and veterans affairs by April 1, 2005, which shall include an assessment of the progress toward establishing local public safety agency use of the Michigan public safety communications system towers, an accounting of problems that may be preventing local use of the towers, and any recommendations the department has that may foster this utilization.

HIGHWAY SAFETY PLANNING

Sec. 401. On a quarterly basis, the department shall report to the senate and house appropriations subcommittees on state police and military affairs on the status of assessments collected and authorized under section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, for the purposes of supporting the secondary road patrol grant program. Each quarterly report shall contain updated information on collection levels, revised projected grant allotments to counties for the year, a comparison of projected collections and grant distribution levels with the funds appropriated in part 1 for the secondary road patrol program, and the extent collection levels have exceeded or failed to meet appropriated levels for the current fiscal year or expenditure levels from the previous fiscal year.

FORENSIC SCIENCES

Sec. 501. (1) The department shall distribute a copy of the department's protocol for retaining and purging DNA analysis samples and records to each police agency in this state.

(2) The department shall report to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies when any changes to the department's DNA protocol are made.

Sec. 502. The department shall work with the department of community health, the Michigan hospital association, the Michigan state medical society, and the Michigan nurses association to ensure that the recommendations included in the "Standard Recommended Procedures for the Emergency Treatment of Sexual Assault Victims" are followed in the collection of evidence.

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Sec. 601. The money appropriated to the MCOLES 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 MCOLES.

Sec. 602. From the appropriations in part 1 for the training of new state troopers and other new police officers in the state and for the continuing education of all law enforcement officers in the state, sufficient funds shall be used to include curricula on the content and application of federal firearms laws, including the procedures necessary for law enforcement to turn appropriate cases over to the federal bureau of alcohol, tobacco, and firearms or any other applicable federal criminal justice agency.

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 30.421. 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 this act, 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. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

Sec. 802. The department shall not make any purchases related to a statewide emergency management computer network unless authorized to do so by the director of the department of information technology.

UNIFORM SERVICES

Sec. 901. 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. In addition to the appropriations in section 112 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. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

Sec. 1002. Money privately donated to the department is appropriated under section 112 to be used for the purposes designated by the donor of the money. Money privately donated to the department's canine unit shall be used to

purchase equipment and other items to enhance the operation of the canine unit. It is the intent of the legislature that money from private donations not supplant general fund appropriations.

CRIMINAL INVESTIGATIONS

Sec. 1101. (1) There is sufficient money appropriated in section 113 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.

MOTOR CARRIER ENFORCEMENT

Sec. 1201. (1) The department shall report to the house and senate appropriations subcommittees on state police and the house and senate fiscal agencies by March 1, 2005 regarding the inspection of school buses and other motor vehicles under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The report shall include the following information regarding inspections conducted in calendar year 2004:

- (a) The number of buses and vehicles inspected by the department.
- (b) The number of buses and vehicles passing and failing inspection.
- (c) The estimated number of buses and vehicles not inspected.

(2) If each school bus within a school system receives a 100% successful state inspection on its first inspection in a given year, the department shall award a certificate to that school system.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor