

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 238

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2008; 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:

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PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the

1 amounts listed in this part are appropriated for the department of  
 2 state police for the fiscal year ending September 30, 2008, from  
 3 the funds indicated in this part. The following is a summary of the  
 4 appropriations in this part:

5 **DEPARTMENT OF STATE POLICE**

6 APPROPRIATION SUMMARY:

7	Full-time equated unclassified positions.....	0.0		
8	Full-time equated classified positions.....	0.0		
9	GROSS APPROPRIATION.....		\$	0
10	Interdepartmental grant revenues:			
11	Total interdepartmental grants and intradepartmental			
12	transfers .....			0
13	ADJUSTED GROSS APPROPRIATION.....		\$	0
14	Federal revenues:			
15	Total federal revenues.....			0
16	Special revenue funds:			
17	Total local revenues.....			0
18	Total private revenues.....			0
19	Total other state restricted revenues.....			0
20	State general fund/general purpose.....		\$	0
21	<b>Sec. 102. EXECUTIVE DIRECTION</b>			
22	Full-time equated unclassified positions.....	0.0		
23	Full-time equated classified positions.....	0.0		
24	Unclassified positions.....		\$	0
25	Executive direction--0.0 FTE positions.....			0
26	Auto theft prevention program--0.0 FTE positions .....			<u>0</u>

1	GROSS APPROPRIATION.....	\$	0
2	Appropriated from:		
3	Special revenue funds:		
4	Motor carrier fees.....		0
5	Auto theft prevention fund.....		0
6	State general fund/general purpose.....	\$	0
7	<b>Sec. 103. DEPARTMENTWIDE APPROPRIATIONS</b>		
8	Special maintenance and utilities.....	\$	0
9	Rent and building occupancy charges.....		0
10	Worker's compensation.....		0
11	Fleet leasing.....		0
12	In-service training - law enforcement distribution...		0
13	In-service training - competitive.....		0
14	Narcotics investigation funds.....		0
15	GROSS APPROPRIATION.....	\$	0
16	Appropriated from:		
17	Interdepartmental grant revenues:		
18	IDT, Michigan justice training fund.....		0
19	IDG, training academy charges.....		0
20	Federal revenues:		
21	DOT.....		0
22	DHS.....		0
23	Federal narcotics investigation revenues.....		0
24	Special revenue funds:		
25	Forensic science reimbursement fees.....		0
26	State forensic laboratory fund.....		0
27	Criminal justice information center service fees.....		0

1	Secondary road patrol and training fund.....		0
2	Hazardous materials training center fees.....		0
3	Michigan justice training fund.....		0
4	Motor carrier fees.....		0
5	Highway safety fund.....		0
6	Traffic law enforcement and safety fund.....		0
7	Narcotics investigation revenues.....		0
8	State general fund/general purpose.....	\$	0
9	<b>Sec. 104. SUPPORT SERVICES</b>		
10	Full-time equated classified positions.....	0.0	
11	Human resources--0.0 FTE positions.....	\$	0
12	Human resources optimization user charges.....		0
13	Management services--0.0 FTE positions.....		0
14	Training administration--0.0 FTE positions.....		0
15	Communications--0.0 FTE positions.....		0
16	Budget and financial services--0.0 FTE positions.....		0
17	GROSS APPROPRIATION.....	\$	0
18	Appropriated from:		
19	Interdepartmental grant revenues:		
20	IDT, truck safety fund.....		0
21	IDT, auto theft funds.....		0
22	IDG-MDOS.....		0
23	IDG-MDOT, state trunkline fund.....		0
24	IDG, training academy charges.....		0
25	IDG-MDTR, casino gaming fees.....		0
26	IDG-MDTR, emergency telephone fund coordinator.....		0
27	IDG-MDTR, emergency telephone fund operations.....		0

1	IDG-MDOC, contract.....	0
2	Federal revenues:	
3	DOT.....	0
4	Special revenue funds:	
5	Local - LEIN fees.....	0
6	Local - MPSCS subscriber fees.....	0
7	Local - school bus revenue.....	0
8	Highway safety fund.....	0
9	Auto theft prevention fund.....	0
10	Drunk driving prevention and training fund.....	0
11	Hazardous materials training center fees.....	0
12	Michigan justice training fund.....	0
13	Narcotics investigation revenues.....	0
14	Secondary road patrol and training fund.....	0
15	Truck driver safety fund.....	0
16	Precision driving track fees.....	0
17	Criminal justice information center service fees.....	0
18	Reimbursed services.....	0
19	Traffic law enforcement and safety fund.....	0
20	Motor carrier fees.....	0
21	Forensic science reimbursement fee.....	0
22	Nuclear plant emergency planning reimbursement.....	0
23	State general fund/general purpose.....	\$ 0
24	<b>Sec. 105. HIGHWAY SAFETY PLANNING</b>	
25	Full-time equated classified positions.....	0.0
26	State program planning and administration--	0.0 FTE
27	positions .....	\$ 0

1	Secondary road patrol program--0.0 FTE positions .....		0
2	Truck safety program--0.0 FTE positions .....		0
3	Federal highway traffic safety coordination--0.0 FTE		
4	positions .....	<hr/>	0
5	GROSS APPROPRIATION.....	\$	0
6	Appropriated from:		
7	Federal revenues:		
8	DOT.....		0
9	DOJ.....		0
10	Special revenue funds:		
11	Truck driver safety fund.....		0
12	Secondary road patrol and training fund.....		0
13	State general fund/general purpose.....	\$	0
14	<b>Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER</b>		
15	Full-time equated classified positions.....	0.0	
16	Criminal justice information center division--0.0 FTE		
17	positions .....	\$	0
18	Criminal records improvement--0.0 FTE positions .....		0
19	Traffic safety--0.0 FTE positions .....	<hr/>	0
20	GROSS APPROPRIATION.....	\$	0
21	Appropriated from:		
22	Interdepartmental grant revenues:		
23	IDG-MDOS.....		0
24	IDG-MDCH, crime victims rights fund.....		0
25	IDG-MDOT, state trunkline fund.....		0
26	Federal revenues:		
27	DOJ.....		0

1	DOT.....		0
2	Special revenue funds:		
3	Traffic crash revenue.....		0
4	Criminal justice information center service fees.....		0
5	Sex offender registration fund.....		0
6	State general fund/general purpose.....	\$	0
7	<b>Sec. 107. FORENSIC SCIENCES</b>		
8	Full-time equated classified positions.....	0.0	
9	Laboratory operations--0.0 FTE positions.....	\$	0
10	DNA analysis program--0.0 FTE positions.....		0
11	GROSS APPROPRIATION.....	\$	0
12	Appropriated from:		
13	Interdepartmental grant revenues:		
14	IDG-MDCH, crime victims rights fund.....		0
15	Federal revenues:		
16	DOJ.....		0
17	Special revenue funds:		
18	Forensic science reimbursement fees.....		0
19	State forensic laboratory fund.....		0
20	State general fund/general purpose.....	\$	0
21	<b>Sec. 108. MICHIGAN COMMISSION ON LAW ENFORCEMENT</b>		
22	<b>STANDARDS</b>		
23	Full-time equated classified positions.....	0.0	
24	Standards and training--0.0 FTE positions.....	\$	0
25	Training only to local units--0.0 FTE positions.....		0
26	Concealed weapons enforcement training.....		0
27	Officer's survivor tuition program.....		0

1	Public safety officers benefit program.....		0
2	Justice training grants--0.0 FTE positions.....		0
3	GROSS APPROPRIATION.....	\$	0
4	Appropriated from:		
5	Federal revenues:		
6	DOJ.....		0
7	Special revenue funds:		
8	Secondary road patrol and training fund.....		0
9	Concealed weapons enforcement fee.....		0
10	Michigan justice training fund.....		0
11	Licensing fees.....		0
12	State general fund/general purpose.....	\$	0
13	<b>Sec. 109. EMERGENCY MANAGEMENT</b>		
14	Full-time equated classified positions.....	0.0	
15	Emergency management planning and administration--0.0		
16	FTE positions .....	\$	0
17	Grants to local government.....		0
18	FEMA program assistance--0.0 FTE positions.....		0
19	Nuclear power plant emergency planning--0.0 FTE		
20	positions .....		0
21	Hazardous materials programs--0.0 FTE positions .....		0
22	GROSS APPROPRIATION.....	\$	0
23	Appropriated from:		
24	Federal revenues:		
25	DOT.....		0
26	DHS.....		0
27	Special revenue funds:		



1	Nuclear plant emergency planning reimbursement .....		0
2	Hazardous materials training center fees .....		0
3	State general fund/general purpose .....	\$	0
4	<b>Sec. 110. POST UNIFORM SERVICES</b>		
5	Full-time equated classified positions .....	0.0	
6	Uniform services--0.0 FTE positions .....	\$	0
7	Security guards--0.0 FTE positions .....		0
8	Reimbursed services .....		0
9	At-post troopers--0.0 FTE positions .....		0
10	Michigan international speedway traffic control .....		0
11	GROSS APPROPRIATION .....	\$	0
12	Appropriated from:		
13	Interdepartmental grant revenues:		
14	IDG-MDMB, building occupancy charges .....		0
15	Special revenue funds:		
16	Highway safety fund .....		0
17	State police service fees .....		0
18	Traffic law enforcement and safety fund .....		0
19	Liquor license revenue .....		0
20	State general fund/general purpose .....	\$	0
21	<b>Sec. 111. STATEWIDE FIELD OPERATIONS</b>		
22	Full-time equated classified positions .....	0.0	
23	Operational support--0.0 FTE positions .....	\$	0
24	Traffic services--0.0 FTE positions .....		0
25	Aviation program--0.0 FTE positions .....		0
26	GROSS APPROPRIATION .....	\$	0
27	Appropriated from:		

1	Interdepartmental grant revenues:		
2	IDG-MDOC, contract.....		0
3	IDG-MDOT, state trunkline fund.....		0
4	IDG-MDCH, crime victims rights fund.....		0
5	Federal revenues:		
6	DOT.....		0
7	Special revenue funds:		
8	Private donations.....		0
9	Rental of department aircraft.....		0
10	Drunk driving prevention and training fund.....		0
11	State general fund/general purpose.....	\$	0
12	<b>Sec. 112. SPECIAL INVESTIGATIONS</b>		
13	Full-time equated classified positions.....	0.0	
14	Criminal investigations--0.0 FTE positions.....	\$	0
15	Federal antidrug initiatives--0.0 FTE positions.....		0
16	Reimbursed services, materials, and equipment.....		0
17	Auto theft prevention--0.0 FTE positions.....		0
18	Casino gaming oversight--0.0 FTE positions.....		0
19	Fire investigation--0.0 FTE positions.....		0
20	Fire investigation training to locals.....		0
21	GROSS APPROPRIATION.....	\$	0
22	Appropriated from:		
23	Interdepartmental grant revenues:		
24	IDT, auto theft funds.....		0
25	IDG-MDTR, casino gaming fees.....		0
26	IDG-MDCH, tobacco tax.....		0
27	Federal revenues:		

1	Federal investigations - reimbursed services .....	0
2	DOJ.....	0
3	Federal narcotics investigation revenues .....	0
4	Special revenue funds:	
5	Local - reimbursed services .....	0
6	Narcotics investigation revenues .....	0
7	Forfeiture funds .....	0
8	Liquor license revenue .....	0
9	State general fund/general purpose .....	\$ 0
10	<b>Sec. 113. MOTOR CARRIER ENFORCEMENT</b>	
11	Full-time equated classified positions.....	0.0
12	Motor carrier enforcement--0.0 FTE positions .....	\$ 0
13	Truck safety enforcement team operations--0.0 FTE	
14	positions .....	0
15	Safety inspections--0.0 FTE positions .....	0
16	School bus inspections--0.0 FTE positions .....	0
17	Safety projects--0.0 FTE positions .....	<u>0</u>
18	GROSS APPROPRIATION .....	\$ 0
19	Appropriated from:	
20	Interdepartmental grant revenues:	
21	IDT, truck safety fund .....	0
22	IDG-MDOT, state trunkline fund .....	0
23	Federal revenues:	
24	DOT .....	0
25	Special revenue funds:	
26	Local - school bus revenue .....	0
27	Motor carrier fees .....	0

1	State general fund/general purpose .....	\$	0
2	<b>Sec. 114. INFORMATION TECHNOLOGY</b>		
3	Information technology services and projects .....	\$	0
4	Michigan public safety communications system .....		<u>0</u>
5	GROSS APPROPRIATION .....	\$	0
6	Appropriated from:		
7	Interdepartmental grants revenues:		
8	IDG-MDTR, casino gaming fees .....		0
9	IDG-MDOT, state trunkline fund .....		0
10	IDG, training academy charges .....		0
11	IDG-MDTR, emergency telephone fund coordinator .....		0
12	IDG-MDOS .....		0
13	Federal revenues:		
14	DOT .....		0
15	DOJ .....		0
16	DHS .....		0
17	Special revenue funds:		
18	Local - LEIN fees .....		0
19	Local - AFIS fees .....		0
20	Local - MPSCS subscriber fees .....		0
21	Local - school bus revenue .....		0
22	Auto theft prevention fund .....		0
23	Criminal justice information center service fees .....		0
24	Drunk driving prevention and training fund .....		0
25	Forensic science reimbursement fees .....		0
26	Hazardous materials training center fees .....		0
27	Liquor license revenue .....		0

1	Michigan justice training fund.....	0
2	Motor carrier fees.....	0
3	Narcotics investigation revenues.....	0
4	Nuclear plant emergency planning reimbursement.....	0
5	Precision driving track fees.....	0
6	Secondary road patrol and training fund.....	0
7	Sex offender registration fund.....	0
8	State forensic laboratory fund.....	0
9	State police service fees.....	0
10	Truck driver safety fund.....	0
11	Reimbursed services.....	0
12	State general fund/general purpose..... \$	0

13

## PART 2

14

## PROVISIONS CONCERNING APPROPRIATIONS

15

**GENERAL SECTIONS**

16

Sec. 201. Pursuant to section 30 of article IX of the state

17

constitution of 1963, total state spending from state resources

18

under part 1 for fiscal year 2007-2008 is \$0 and state spending

19

from state resources to be paid to local units of government for

20

fiscal year 2007-2008 is \$0. The itemized statement below

21

identifies appropriations from which spending to units of local

22

government will occur:

23

DEPARTMENT OF STATE POLICE

24

OFFICE OF HIGHWAY SAFETY PLANNING

25

Secondary road patrol program.....	\$	0
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## 1 MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

2 Training only to local units..... \$ 0

3 Justice training grants..... 0

## 4 SPECIAL INVESTIGATIONS

5 Fire investigation training for locals..... 0

## 6 SUPPORT SERVICES

7 Communications..... \$ 0

8 Total..... \$ 0

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

12 Sec. 203. As used in this act:

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

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

16 (c) "DHS" means the United States department of homeland  
 17 security.

18 (d) "DNA" means deoxyribonucleic acid.

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

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

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

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

24 (i) "IDG" means interdepartmental grant.

25 (j) "IDT" means intradepartmental transfer.

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

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

1 standards.

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

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

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

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

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

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

9 (s) "MPSCS" means the Michigan public safety communications  
10 system.

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

16 Sec. 205. (1) Beginning October 1, a hiring freeze is imposed  
17 on the state classified civil service. State departments and  
18 agencies are prohibited from hiring any new full-time state  
19 classified civil service employees and prohibited from filling any  
20 vacant state classified civil service positions. This hiring freeze  
21 does not apply to internal transfers of classified employees from 1  
22 position to another within a department.

23 (2) The state budget director shall grant exceptions to this  
24 hiring freeze when the state budget director believes that the  
25 hiring freeze will result in rendering a state department or agency  
26 unable to deliver basic services, cause loss of revenue to the  
27 state, result in the inability of the state to receive federal

1 funds, or necessitate additional expenditures that exceed any  
2 savings from maintaining a vacancy. The state budget director shall  
3 report by the last business day of each month to the chairpersons  
4 of the senate and house of representatives standing committees on  
5 appropriations the number of exceptions to the hiring freeze  
6 approved during the previous month and the justification for the  
7 exception.

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

17       Sec. 208. Unless otherwise specified, the department shall use  
18 the Internet to fulfill the reporting requirements of this act.  
19 This requirement may include transmission of reports via electronic  
20 mail to the recipients identified for each reporting requirement or  
21 it may include placement of reports on an Internet or Intranet  
22 site.

23       Sec. 209. Funds appropriated in part 1 shall not be used for  
24 the purchase of foreign goods or services, or both, if  
25 competitively priced and of comparable quality American goods or  
26 services, or both, are available. Preference should be given to  
27 goods or services, or both, manufactured or provided by Michigan



1 businesses, if they are competitively priced and of comparable  
2 quality.

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

11       Sec. 211. It is the intent of the legislature that personnel  
12 of the department who request and are eligible for reimbursement of  
13 expenses related to the operation of the department be reimbursed  
14 from the appropriations provided in this act within 30 days after  
15 submitting a request, or the eligible personnel shall be paid an  
16 additional amount equal to 0.75% of the payment due. The department  
17 shall pay an additional amount equal to 0.75% of the payment due  
18 for the first month and each succeeding month or portion of a month  
19 the payment remains past due.

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

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

27       (3) Contractual services provided to an entity other than a

1 local unit of government may be provided by department personnel,  
2 but only on an overtime basis outside the normal work schedule of  
3 the personnel.

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

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

10 Sec. 215. Not later than January 1, 2008, the department shall  
11 report to the state police appropriations subcommittees of the  
12 house and senate and the house and senate fiscal agencies. The  
13 report shall contain the following information regarding the  
14 department's activities related to casino gaming oversight during  
15 fiscal year 2006-2007:

16 (a) The amount of money received and expended.

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

19 (c) The positions and classifications of employees assigned.

20 (d) The number of full-time and part-time employees and the  
21 aggregate number of FTEs.

22 (e) The number of enlisted and civilian positions.

23 (f) The duties and responsibilities of the assigned employees.

24 (g) The immediate past position of the enlisted employees  
25 assigned.

26 Sec. 216. The department shall collect and computerize the  
27 vehicle identification number (VIN) of all vehicles that are

1 entered into the state accident data collection system and make  
2 this and other vehicle information available to the public at cost.  
3 For bulk access to the accident records in which the VIN has been  
4 collected and computerized, the department shall make those records  
5 available to the public at cost, provided that the name and address  
6 have been excluded.

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

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

22       (2) From the funds appropriated in part 1 for at-post  
23 troopers, 1 or more trooper recruit schools of a size, length, and  
24 date to be determined by the department or the legislature shall be  
25 conducted during fiscal year 2007-2008 with the goal of maintaining  
26 at-post trooper strength of at least 1,075 on September 30, 2008.

27       (3) The department shall submit quarterly written reports to

1 the senate and house appropriations subcommittees on state police  
2 and military and veterans affairs no later than December 1, 2007,  
3 March 1, 2008, June 1, 2008, and September 1, 2008 which shall  
4 include a trooper strength report and the status of the  
5 department's plan for accomplishing the goal of subsection (2). If  
6 the department determines that insufficient appropriations exist  
7 under part 1 to accomplish the goal of subsection (2), the  
8 department shall submit a proposal outlining a plan to accomplish  
9 the goal including an accounting of any additional funding  
10 necessary to that end.

11       Sec. 219. The department of state police shall notify the  
12 house and senate appropriations subcommittees on state police and  
13 military and veterans affairs and the house and senate fiscal  
14 agencies not less than 180 days before recommending to close or  
15 consolidate any state police posts. The notification shall include  
16 a local and state impact study of the proposed post closure or  
17 consolidation.

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

26       Sec. 221. The department of state police may pursue entering  
27 into an agreement with Calhoun County to build a new facility in

1 Marshall which would serve as a new state police post to replace  
2 the current state police post in Battle Creek.

3 Sec. 223. (1) Due to the current budgetary problems in this  
4 state, out-of-state travel for the fiscal year ending September 30,  
5 2008 shall be limited to situations in which 1 or more of the  
6 following conditions apply:

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

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

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

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

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

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

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

27 (3) Not later than January 1 of each year, each department

1 shall prepare a travel report listing all travel by classified and  
2 unclassified employees outside this state in the immediately  
3 preceding fiscal year that was funded in whole or in part with  
4 funds appropriated in the department's budget. The report shall be  
5 submitted to the chairs and members of the senate and house of  
6 representatives standing committees on appropriations, the fiscal  
7 agencies, and the state budget director. The report shall include  
8 the following information:

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

11 (b) The destination of each travel occurrence.

12 (c) The dates of each travel occurrence.

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

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

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

22 Sec. 224. The department shall not take disciplinary action  
23 against an employee for communicating with a member of the  
24 legislature or his or her staff.

25 Sec. 225. It is the intent of the legislature that the  
26 administration, working with the MCOLES, continue the long-held  
27 practice that all revenue made available to the department from the

1 Michigan justice training fund be used solely for costs directly  
2 related to the delivery of Michigan justice training fund grants,  
3 so that in the future, eligible entities as provided under 1982 PA  
4 302, MCL 18.421 to 18.429, will have a stable and accurate source  
5 of training funds.

6       Sec. 226. The department of state police, in cooperation with  
7 the department of information technology and others, shall take  
8 steps to encourage the development of state, local, and regional  
9 tactical interoperable communication plans with the ultimate goal  
10 being to ensure that effective and efficient communication  
11 interoperability between radio communication systems of local,  
12 regional, state, and federal agencies is established in every area  
13 of the state. The department shall provide a written report to the  
14 senate and house appropriations subcommittees on state police and  
15 military and veterans affairs no later than April 1, 2008 on the  
16 current status of reaching this objective. The report shall include  
17 an accounting of exactly where within the state desired  
18 interoperability has been achieved and what cooperative measures  
19 and use of technology were used to achieve this interoperability,  
20 and which areas of the state have not yet achieved such status. The  
21 report shall also include a description of what strategies need to  
22 be employed to ensure that the remaining areas of the state, and  
23 the state as a whole, will have a communication system with  
24 efficient and effective interoperability, particularly on occasions  
25 when a multijurisdictional response to an emergency is warranted.

26       Sec. 227. (1) From the funds appropriated in part 1, the  
27 department of state police is prohibited from transporting

1 employees of institutions of higher education on state-owned  
2 aircraft.

3 (2) From the funds appropriated in part 1, the department is  
4 prohibited from transporting legislators or legislative staff on  
5 state-owned aircraft without prior approval from the senate  
6 majority leader or the speaker of the house of representatives, or  
7 both.

8 (3) From the funds appropriated in part 1, the department is  
9 prohibited from transporting local government employees on state-  
10 owned aircraft.

11 (4) It is the intent of the legislature that state elected  
12 officials use commercial or other private air service, unless air  
13 travel on state-owned aircraft is part of official state business.

14 (5) This section shall not apply to transportation that is  
15 related to law enforcement or homeland security activities.

16 Sec. 228. (1) In addition to the funds appropriated in part 1,  
17 there is appropriated an amount not to exceed \$5,000,000.00 for  
18 federal contingency funds. These funds are not available for  
19 expenditure until they have been transferred to another line item  
20 in this act under section 393(2) of the management and budget act,  
21 1984 PA 431, MCL 18.1393.

22 (2) In addition to the funds appropriated in part 1, there is  
23 appropriated an amount not to exceed \$2,000,000.00 for state  
24 restricted contingency funds. These funds are not available for  
25 expenditure until they have been transferred to another line item  
26 in this act under section 393(2) of the management and budget act,  
27 1984 PA 431, MCL 18.1393.



1           (3) In addition to the funds appropriated in part 1, there is  
2 appropriated an amount not to exceed \$100,000.00 for local  
3 contingency funds. These funds are not available for expenditure  
4 until they have been transferred to another line item in this act  
5 under section 393(2) of the management and budget act, 1984 PA 431,  
6 MCL 18.1393.

7           (4) In addition to the funds appropriated in part 1, there is  
8 appropriated an amount not to exceed \$100,000.00 for private  
9 contingency funds. These funds are not available for expenditure  
10 until they have been transferred to another line item in this act  
11 under section 393(2) of the management and budget act, 1984 PA 431,  
12 MCL 18.1393.

13           Sec. 232. The department shall place emphasis on recruiting  
14 MCOLES certified police officers for any trooper recruit schools  
15 conducted during fiscal year 2007-2008. Emphasis shall be given in  
16 the hiring process to those officers who are on layoff and possess  
17 valid MCOLES certification. Any emphasis given in the recruiting  
18 and selection process shall be consistent with the department's  
19 hiring standards and in accordance with civil service rules. The  
20 department shall report to the chairpersons of the senate and house  
21 of representatives standing committees on appropriations the  
22 results of its recruitment and selection process, including the  
23 actual number of certified officers selected for the recruit school  
24 by September 30, 2008.

25           Sec. 237. From the funds appropriated in part 1, the  
26 department shall maintain, for the full 2007-2008 fiscal year,  
27 either the operation of each Michigan state police post which was

Senate Bill No. 238 (H-6) as amended September 6, 2007 (1 of 2)  
1 in operation as of April 2, 2007, or an alternative work station in  
2 the vicinity of a current Michigan state police post.

3 Sec. 239. From the funds appropriated in part 1, the  
4 department shall maintain, for the full 2007-2008 fiscal year, a  
5 post in the Calumet area as close in proximity to the current post  
6 as reasonably possible.

[Sec. 240. From the funds appropriated in part 1, the department shall implement continuous improvement efficiency mechanisms in the programs administered by the department. The continuous improvement efficiency mechanisms shall identify changes made in programs to increase efficiency and reduce expenditures in the programs. On March 31, 2008 and September 30, 2008, the department shall report to the state budget director, the senate and house appropriation subcommittees, and the senate and house fiscal agencies on the progress made toward increased efficiencies in departmental programs. At a minimum, each report shall include information on the program review process, the type of improvement mechanisms implemented, and actual and projected expenditure savings as a result of the increased program efficiencies.]

7 **INFORMATION TECHNOLOGY**

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

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

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

24 Sec. 304. A portion of the funds appropriated in part 1 shall

Senate Bill No. 238 (H-6) as amended September 6, 2007 (2 of 2)

25 be used by the department to produce a written report detailing

26 departmental policies regarding access to and use of information

1 from the LEIN system. The report shall include a description of  
2 departmental measures to protect the security of information in the  
3 LEIN system including safeguards that would prevent unauthorized  
4 persons from obtaining information from the LEIN system. The  
5 department shall submit a copy of this report to the senate and  
6 house appropriations committees not later than April 1, 2008.

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

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

1 probationer. The LEIN system shall also include any nonstandard  
2 probation terms.

3 (2) If the department determines that amendments to the code  
4 of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are  
5 required to include all probation information on the LEIN system,  
6 the department shall deliver to members of the senate and house  
7 appropriations subcommittees on state police and military affairs  
8 amendments to the code of criminal procedure, 1927 PA 175, MCL  
9 760.1 to 777.69, that, in the department's view, are necessary to  
10 accomplish this goal. These proposed amendments shall be delivered  
11 to subcommittee members not later than December 1, 2007.

12 Sec. 307. The department of state police shall serve as an  
13 active liaison between the department of information technology and  
14 local public safety agencies to facilitate the use of the Michigan  
15 public safety communications system towers by those local public  
16 safety agencies that have an interest in using the towers as a part  
17 of their own communications system. The department of state police  
18 shall deliver a written report to the senate and house  
19 appropriations subcommittees on state police and military and  
20 veterans affairs by April 1, 2008, which shall include an  
21 assessment of the progress toward establishing local public safety  
22 agency use of the Michigan public safety communications system  
23 towers, an accounting of problems that may be preventing local use  
24 of the towers, and any recommendations the department has that may  
25 foster this utilization.

26 Sec. 308. The department of state police shall report any LEIN  
27 fee increase to the senate and house appropriations subcommittees

1 on state police and military and veterans affairs 60 days prior to  
2 the effective date of that increase. The report shall contain the  
3 following information: the current fee structure and the total  
4 revenue earned each year; the new fee structure and the total  
5 revenue it is expected to earn annually; the total annual cost of  
6 the LEIN system; and the total amount of LEIN fees paid by the  
7 department under both the old and the new structure.

#### 8 HIGHWAY SAFETY PLANNING

9 Sec. 401. On a quarterly basis, the department shall report to  
10 the senate and house appropriations subcommittees on state police  
11 and military affairs on the status of assessments collected and  
12 authorized under section 629e of the Michigan vehicle code, 1949 PA  
13 300, MCL 257.629e, for the purposes of supporting the secondary  
14 road patrol grant program. Each quarterly report shall contain  
15 updated information on collection levels, revised projected grant  
16 allotments to counties for the year, a comparison of projected  
17 collections and grant distribution levels with the funds  
18 appropriated in part 1 for the secondary road patrol program, and  
19 the extent collection levels have exceeded or failed to meet  
20 appropriated levels for the current fiscal year or expenditure  
21 levels from the previous fiscal year.

#### 22 FORENSIC SCIENCES

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

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

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

11    **MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**

12           Sec. 601. The money appropriated to the MCOLES for maintenance  
13 and delivery of training to locals is provided in accordance with a  
14 state reimbursement policy in which 100% of the determined state  
15 reimbursement rate shall be distributed upon certification by the  
16 MCOLES.

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

25           Sec. 603. From the funds appropriated in part 1 to the  
26 Michigan commission on law enforcement standards, up to \$500,000

1 may be used to provide training for motor carrier officers and  
2 capitol security officers for the purpose of qualifying them for  
3 MCOLES certification.

#### 4 **EMERGENCY MANAGEMENT**

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

22       (2) In addition to the money appropriated in this act, the  
23 department may receive and expend money from local, private,  
24 federal, or state sources for the purpose of providing emergency  
25 management training to local or private interests and for the  
26 purpose of supporting emergency preparedness, response, recovery,



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

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

15       Sec. 803. The department's emergency management division shall  
16 make every effort to ensure both of the following:

17       (a) That homeland security grants offered by the federal  
18 government and channeled through the department are allocated to  
19 first responder entities in the highest percentage possible.

20       (b) That homeland security grants awarded to the city of  
21 Detroit shall not be used to supplant city general funds designated  
22 to support first responder operations.

### 23   POST UNIFORM SERVICES

24       Sec. 901. State police enlisted personnel who are employed to  
25 enforce traffic laws as provided in section 629e of the Michigan  
26 vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited

1 from responding to crimes in progress or other emergency  
2 situations, and are responsible for protecting every citizen of  
3 this state from harm.

#### 4 **STATEWIDE FIELD OPERATIONS**

5 Sec. 1001. In addition to the appropriations in part 1 to the  
6 department of state police for the aviation program, the department  
7 is authorized to sell its aircraft and the proceeds from the sale  
8 are appropriated and may be applied to the renovation cost of  
9 replacement aircraft, cost of enhancing and maintaining existing  
10 aircraft, pilot training cost, and reimbursement for use of other  
11 state agency aircraft. If additional expenditure authorization in  
12 the Michigan administrative information network is approved by the  
13 state budget office under this section, the department and the  
14 state budget office shall notify the house and senate  
15 appropriations subcommittees on state police and military and  
16 veterans affairs and the house and senate fiscal agencies within 10  
17 days after the approval. The notification shall include the amount  
18 and source of the additional authorization, the date of its  
19 approval, and the projected use of funds to be expended under the  
20 authorization.

21 Sec. 1002. Money privately donated to the department is  
22 appropriated under part 1 to be used for the purposes designated by  
23 the donor of the money. Money privately donated to the department's  
24 canine unit shall be used to purchase equipment and other items to  
25 enhance the operation of the canine unit. It is the intent of the  
26 legislature that money from private donations not supplant general

1 fund appropriations.

2 **SPECIAL INVESTIGATIONS**

3 Sec. 1101. (1) There is sufficient money appropriated in part  
4 1 to special investigations to ensure that the citizens in a  
5 service area of any state police post in the vicinity of a state  
6 prison do not experience a downgrading of state police services in  
7 their area. Special investigations shall be available by temporary  
8 or permanent assignment of a detective when either a temporary or  
9 permanent prison facility is opened.

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

13 Sec. 1102. From the funds appropriated in part 1 for special  
14 investigations, the department shall provide a report to the  
15 chairpersons of the senate and house of representatives standing  
16 committees on appropriations no later than April 1, 2008 concerning  
17 methamphetamine-related criminal activities.

18 **MOTOR CARRIER ENFORCEMENT**

19 Sec. 1201. (1) The department shall report to the house and  
20 senate appropriations subcommittees on state police and the house  
21 and senate fiscal agencies by March 1, 2008 regarding the  
22 inspection of school buses and other motor vehicles under section  
23 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and  
24 section 39 of the pupil transportation act, 1990 PA 187, MCL  
25 257.1839. The report shall include the following information

1 regarding inspections conducted in calendar year 2007:

2 (a) The number of buses and vehicles inspected by the  
3 department.

4 (b) The number of buses and vehicles passing and failing  
5 inspection.

6 (c) The estimated number of buses and vehicles not inspected.

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