

**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

Senate Bill No. 238 as amended August 22, 2007

amounts listed in this part are appropriated for the department of state police for the fiscal year ending September 30, 2008, 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..... 2,899.0

GROSS APPROPRIATION..... \$ <<559,209,400>>

Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers 26,143,700

ADJUSTED GROSS APPROPRIATION..... \$ <<533,065,700>>

Federal revenues:

Total federal revenues..... 146,240,200

Special revenue funds:

Total local revenues..... 8,739,100

Total private revenues..... 262,500

Total state restricted revenues..... 111,318,800

State general fund/general purpose..... \$ <<266,505,100>>

Sec. 102. EXECUTIVE DIRECTION

Full-time equated unclassified positions..... 3.0

Full-time equated classified positions..... 39.0

Unclassified positions..... \$ 358,100

Law enforcement resource study..... 1,000

Executive direction--34.0 FTE positions..... 1,525,400

Dignitary protection..... 2,500,000

1	Auto theft prevention program--5.0 FTE positions	<u>10,752,200</u>
2	GROSS APPROPRIATION.....	\$ 15,136,700
3	Appropriated from:	
4	Special revenue funds:	
5	Auto theft prevention fund.....	10,752,200
6	Motor carrier fees.....	450,000
7	State general fund/general purpose.....	\$ 3,934,500
8	Sec. 103. DEPARTMENTWIDE APPROPRIATIONS	
9	Special maintenance and utilities.....	\$ 447,600
10	Rent and building occupancy charges.....	9,399,300
11	Worker's compensation.....	2,901,000
12	Fleet leasing.....	15,783,700
13	In-service training - law enforcement distribution...	450,000
14	In-service training - competitive.....	600,000
15	Narcotics investigation funds.....	<u>265,000</u>
16	GROSS APPROPRIATION.....	\$ 29,846,600
17	Appropriated from:	
18	Interdepartmental grant revenues:	
19	IDG, training academy charges.....	265,400
20	IDT, Michigan justice training fund.....	1,050,000
21	Federal revenues:	
22	Federal narcotics investigation revenues.....	95,000
23	DOT.....	23,600
24	DHS.....	163,100
25	Special revenue funds:	
26	Forensic science reimbursement fee.....	94,200
27	Narcotics investigation revenues.....	170,000

1	State forensic laboratory fund.....		94,200
2	Criminal justice information center service fees		186,600
3	Secondary road patrol and training fund.....		6,600
4	Hazardous materials training center fees.....		98,400
5	Michigan justice training fund.....		13,600
6	Motor carrier fees.....		7,000
7	Highway safety fund.....		7,500
8	Traffic law enforcement and safety fund.....		14,800
9	State general fund/general purpose.....	\$	27,556,600
10	Sec. 104. SUPPORT SERVICES		
11	Full-time equated classified positions.....	213.0	
12	Human resources--25.0 FTE positions.....	\$	2,239,400
13	Human resources optimization user charges.....		178,300
14	Management services--114.0 FTE positions.....		12,394,900
15	Training administration--37.0 FTE positions.....		5,781,500
16	Communications--12.0 FTE positions.....		2,730,300
17	Budget and financial services--25.0 FTE positions....		<u>2,265,900</u>
18	GROSS APPROPRIATION.....	\$	25,590,300
19	Appropriated from:		
20	Interdepartmental grant revenues:		
21	IDT, auto theft funds.....		26,900
22	IDG, training academy charges.....		3,191,700
23	IDT, truck safety fund.....		5,000
24	IDG-MDOT, state trunkline fund.....		2,300
25	IDG-MDTR, casino gaming fees.....		42,100
26	IDG-MDTR, emergency telephone fund coordinator.....		419,900
27	IDG-MDTR, emergency telephone fund operations.....		476,800

1	IDG-MDOS.....	2,000
2	IDG-MDOC, contract.....	1,072,800
3	Federal revenues:	
4	DOT.....	212,600
5	Special revenues funds:	
6	Local - LEIN fees.....	255,500
7	Local - MPSCS subscriber fees.....	26,600
8	Local - school bus revenue.....	1,300
9	Highway safety fund.....	138,700
10	Auto theft prevention fund.....	6,700
11	Nuclear plant emergency planning reimbursement.....	5,600
12	Precision driving track fees.....	287,200
13	Criminal justice information center service fees.....	758,600
14	Traffic law enforcement and safety fund.....	239,700
15	Reimbursed services.....	1,374,500
16	Forensic science reimbursement fees.....	36,700
17	Drunk driving prevention and training fund.....	1,300
18	Hazardous materials training center fees.....	500
19	Michigan justice training fund.....	2,300
20	Narcotics investigation revenues.....	1,200
21	Secondary road patrol and training fund.....	1,700
22	Truck driver safety fund.....	1,100
23	Motor carrier fees.....	237,300
24	State general fund/general purpose.....	\$ 16,761,700
25	Sec. 105. HIGHWAY SAFETY PLANNING	
26	Full-time equated classified positions..... 26.0	
27	State program planning and administration--14.0 FTE	

1	positions	\$	1,216,600
2	Secondary road patrol program--2.0 FTE positions		14,029,900
3	Truck safety program--2.0 FTE positions		3,000,300
4	Federal highway traffic safety coordination--8.0 FTE		
5	positions		<u>10,593,000</u>
6	GROSS APPROPRIATION.....	\$	28,839,800
7	Appropriated from:		
8	Federal revenues:		
9	DOT.....		10,728,500
10	DOJ.....		575,600
11	Special revenue funds:		
12	Truck driver safety fund.....		3,000,300
13	Secondary road patrol and training fund.....		14,029,900
14	State general fund/general purpose	\$	505,500
15	Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER		
16	Full-time equated classified positions.....		90.0
17	Criminal justice information center division--73.0		
18	FTE positions	\$	9,200,100
19	Criminal records improvement--1.0 FTE position		2,240,500
20	Traffic safety--16.0 FTE positions		<u>2,684,600</u>
21	GROSS APPROPRIATION.....	\$	14,125,200
22	Appropriated from:		
23	Interdepartmental grant revenues:		
24	IDG-MDOS.....		281,700
25	IDG-MDCH, crime victims rights fund.....		475,800
26	IDG-MDOT, state trunkline fund.....		871,000
27	Federal revenues:		

1	DOJ.....		2,240,500
2	DOT.....		1,454,700
3	Special revenue funds:		
4	Traffic crash revenue.....		77,200
5	Sex offender registration fund.....		60,500
6	Criminal justice information center service fees.....		8,663,800
7	State general fund/general purpose.....	\$	0
8	Sec. 107. FORENSIC SCIENCES		
9	Full-time equated classified positions..... 220.0		
10	Laboratory operations--180.0 FTE positions.....	\$	20,935,400
11	Uncompensated services.....		1,000
12	DNA analysis program--40.0 FTE positions.....		<u>7,080,100</u>
13	GROSS APPROPRIATION.....	\$	28,016,500
14	Appropriated from:		
15	Interdepartmental grant revenues:		
16	IDG-MDCH, crime victims rights fund.....		430,000
17	Federal revenues:		
18	DOJ.....		4,054,200
19	Special revenue funds:		
20	Forensic science reimbursement fees.....		423,900
21	State forensic laboratory fund.....		1,497,000
22	State general fund/general purpose.....	\$	21,611,400
23	Sec. 108. MICHIGAN COMMISSION ON LAW ENFORCEMENT		
24	STANDARDS		
25	Full-time equated classified positions..... 28.0		
26	Standards and training--22.0 FTE positions.....	\$	2,204,300
27	Justice training grants--4.0 FTE positions.....		7,916,900

1	Concealed weapons enforcement training.....	140,000
2	Training only to local units--2.0 FTE positions	770,300
3	Mental health awareness training.....	100,000
4	Officer's survivor tuition program.....	48,500
5	Public safety officers benefit program.....	<u>150,000</u>
6	GROSS APPROPRIATION.....	\$ 11,330,000
7	Appropriated from:	
8	Interdepartmental grant revenues:	
9	IDG-MDOC.....	100,000
10	Federal revenues:	
11	DOJ.....	182,600
12	Special revenue funds:	
13	Secondary road patrol and training fund.....	770,300
14	Michigan justice training fund.....	8,042,700
15	Licensing fees.....	5,300
16	Concealed weapons enforcement fee.....	140,000
17	State general fund/general purpose.....	\$ 2,089,100
18	Sec. 109. EMERGENCY MANAGEMENT	
19	Full-time equated classified positions.....	72.0
20	Emergency management planning and	
21	administration--55.0 FTE positions.....	\$ 4,804,500
22	Grants to local government.....	2,482,100
23	FEMA program assistance--3.0 FTE positions	1,027,400
24	Nuclear power plant emergency planning--6.0 FTE	
25	positions	1,513,600
26	Hazardous materials programs--8.0 FTE positions	<u>102,239,200</u>
27	GROSS APPROPRIATION.....	\$ 112,066,800

1	Appropriated from:	
2	Federal revenues:	
3	DOT.....	583,800
4	DHS.....	106,317,300
5	Special revenue funds:	
6	Nuclear plant emergency planning reimbursement	1,513,600
7	Hazardous materials training center fees	1,503,300
8	State general fund/general purpose	\$ 2,148,800
9	Sec. 110. POST UNIFORM SERVICES	
10	Full-time equated classified positions.....	1,578.0
11	Uniform services--422.0 FTE positions	\$ 46,932,200
12	Security guards--15.0 FTE positions	1,097,000
13	Reimbursed services	1,709,000
14	At-post troopers--1,141.0 FTE positions	136,755,100
15	Communities in need	1,000
16	Special events	<u>1,000</u>
17	GROSS APPROPRIATION	\$ 186,495,300
18	Appropriated from:	
19	Interdepartmental grant revenues:	
20	IDG-MDMB, building occupancy charges	648,400
21	Special revenue funds:	
22	Highway safety fund	15,451,400
23	Traffic law enforcement and safety fund	29,303,000
24	State police service fees	1,709,000
25	State general fund/general purpose	\$ 139,383,500
26	Sec. 111. STATEWIDE FIELD OPERATIONS	
27	Full-time equated classified positions.....	70.0

1	Operational support--53.0 FTE positions	\$	5,927,600
2	Traffic services--10.0 FTE positions		3,861,000
3	Aviation program--7.0 FTE positions		1,453,200
4	Unmanned aerial vehicle		<u>1,000</u>
5	GROSS APPROPRIATION	\$	11,242,800
6	Appropriated from:		
7	Interdepartmental grant revenues:		
8	IDG-MDCH, crime victims rights fund		121,500
9	IDG-MDOT, state trunkline fund		365,700
10	IDG-MDOC, contract		97,500
11	Federal revenues:		
12	DOT		1,878,900
13	Special revenue funds:		
14	Private donations		262,500
15	Rental of department aircraft		51,200
16	Drunk driving prevention and training fund		1,280,300
17	State general fund/general purpose	\$	7,185,200
18	Sec. 112. SPECIAL INVESTIGATIONS		
19	Full-time equated classified positions		349.0
20	Criminal investigations--233.0 FTE positions	\$	31,493,700
21	Federal antidrug initiatives--62.0 FTE positions		9,949,200
22	Reimbursed services, materials, and equipment		2,641,000
23	Auto theft prevention--9.0 FTE positions		1,675,000
24	Casino gaming oversight--32.0 FTE positions		4,404,300
25	Fire investigation--13.0 FTE positions		1,542,300
26	Fire investigation training to locals		<u>50,000</u>
27	GROSS APPROPRIATION	\$	51,755,500

1	Appropriated from:	
2	Interdepartmental grant revenues:	
3	IDT, auto theft funds.....	1,364,300
4	IDG-MDTR, casino gaming fees.....	4,404,300
5	IDG-MDCH, tobacco tax.....	610,000
6	Federal revenues:	
7	Federal investigations - reimbursed services.....	750,500
8	DOJ.....	7,020,600
9	Federal narcotics investigation revenues.....	464,100
10	Special revenue funds:	
11	Local - reimbursed services.....	1,890,500
12	Narcotics investigation revenues.....	668,200
13	Forfeiture funds.....	510,500
14	State general fund/general purpose.....	\$ 34,072,500
15	Sec. 113. MOTOR CARRIER ENFORCEMENT	
16	Full-time equated classified positions.....	214.0
17	Motor carrier enforcement--106.0 FTE positions.....	\$ 10,449,300
18	Truck safety enforcement team operations--10.0 FTE	
19	positions	1,325,000
20	Safety inspections--64.0 FTE positions.....	8,156,200
21	School bus inspections--16.0 FTE positions.....	1,395,300
22	Safety projects--18.0 FTE positions.....	<u>2,115,900</u>
23	GROSS APPROPRIATION.....	\$ 23,441,700
24	Appropriated from:	
25	Interdepartmental grant revenues:	
26	IDT, truck safety fund.....	1,325,000
27	IDG-MDOT, state trunkline fund.....	8,235,300

1	Federal revenues:	
2	DOT.....	8,640,900
3	Special revenue funds:	
4	Local school bus revenue.....	1,395,300
5	Motor carrier fees.....	3,845,200
6	State general fund/general purpose.....	\$ 0
7	Sec. 114. INFORMATION TECHNOLOGY	
8	Information technology services and projects.....	\$ 18,541,900
9	Michigan public safety communications system.....	<u>10,005,800</u>
10	GROSS APPROPRIATION.....	\$ 28,547,700
11	Appropriated from:	
12	Interdepartmental grant revenues:	
13	IDG-MDTR, casino gaming fees.....	85,700
14	IDG-MDOT, state trunkline fund.....	90,500
15	IDG, training academy charges.....	32,600
16	IDG-MDOS.....	47,700
17	IDG-MDTR, emergency telephone fund coordinator.....	1,800
18	Federal revenues:	
19	DOJ.....	516,600
20	DHS.....	263,800
21	DOT.....	73,300
22	Special revenue funds:	
23	Local - LEIN fees.....	3,582,900
24	Local - AFIS fees.....	38,800
25	Local - MPSCS subscriber fees.....	1,544,000
26	Local - school bus revenue.....	4,200
27	Auto theft prevention fund.....	3,800

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1	Criminal justice information center service fees	1,129,300
2	Drunk driving prevention and training fund	2,900
3	Forensic science reimbursement fees	1,128,400
4	Hazardous materials center fees	1,100
5	Michigan justice training fund	221,200
6	Narcotics investigation revenue	2,700
7	Nuclear plant emergency planning reimbursement	4,900
8	Precision driving track fees	300
9	Secondary road patrol and training fund	86,800
10	Sex offender registration fund	208,500
11	State forensic laboratory fund	347,500
12	State police service fees	7,500
13	Truck driver safety fund	2,400
14	Reimbursed services	8,100
15	Motor carrier fees	628,600
16	State general fund/general purpose	\$ 18,481,800
	<<Sec. 115. BUDGETARY SAVINGS	
	Budgetary savings	\$ (7,225,500)
	GROSS APPROPRIATION	\$ (7,225,500)
	Appropriated from:	
	State general fund/general purpose	\$ (7,225,500) >>

17 PART 2

18 PROVISIONS CONCERNING APPROPRIATIONS

19 GENERAL SECTIONS

20 Sec. 201. Pursuant to section 30 of article IX of the state
 21 constitution of 1963, total state spending from state resources
 22 under part 1 for fiscal year 2007-2008 is <<\$377,823,900.00>> and state
 23 spending from state resources to be paid to local units of
 24 government for fiscal year 2007-2008 is \$20,594,700.00. The
 25 itemized statement below identifies appropriations from which

1 spending to units of local government will occur:

2 DEPARTMENT OF STATE POLICE

3 OFFICE OF HIGHWAY SAFETY PLANNING

4 Secondary road patrol program..... \$ 13,889,600

5 MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

6 Training only to local units..... \$ 650,200

7 Justice training grants..... 5,528,100

8 SPECIAL INVESTIGATIONS

9 Fire investigation training for locals..... 50,000

10 SUPPORT SERVICES

11 Communications..... \$ 476,800

12 Total..... \$ 20,594,700

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

16 Sec. 203. As used in this act:

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

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

20 (c) "DHS" means the United States department of homeland
21 security.

22 (d) "DNA" means deoxyribonucleic acid.

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

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

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

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

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(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.

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

Sec. 204. The department of civil service shall bill departments and agencies 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) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring employees into the classified state civil service or unclassified positions within the executive branch of state government; creating new positions within the classified state civil service or new unclassified positions; and filling new or existing vacant positions by external hire from outside of state government, transfer or promotion between state departments or agencies, or internal promotions within a department or

1 agency. The hiring freeze described in this section applies regardless of
2 the fund source financing the position but does not apply to appointments
3 required by law.

4 (2) The state budget director may grant exceptions to the hiring
5 freeze if 1 or more of the following apply:

6 (a) The creation of a position or filling a vacant position by any
7 method is required by legal mandate, federal mandate, or court order.

8 (b) The creation of a position or filling a vacant position by any
9 method is necessary to protect the health or safety of Michigan citizens.

10 (c) The creation of a position or filling a vacant position by any
11 method is necessary to produce budgetary savings or to protect existing
state revenue or secure additional state revenue.

(d) The creation of a position or filling a vacant position by any
method is necessary to provide for the basic daily living requirements of
residents of a state institution or facility.

(3) The state budget director shall report quarterly to the
chairpersons of the senate and house of representatives standing
committees on appropriations and the respective fiscal agencies the
number of exceptions to the hiring freeze approved for each state
department or agency during the immediately preceding quarter and the
reasons to justify the exception.

(4) The attorney general and secretary of state may grant
exceptions to the hiring freeze for their respective departments under
the same criteria that the state budget director is able to grant
exceptions.>>

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

21 Sec. 208. Unless otherwise specified, the department shall use

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22 the Internet to fulfill the reporting requirements of this act.

23 This requirement may include transmission of reports via electronic

24 mail to the recipients identified for each reporting requirement or

25 it may include placement of reports on an Internet or Intranet

26 site.

27 <<Sec. 209. Funds appropriated in part 1 shall not be used for the

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1 purchase of foreign goods or services, or both, if competitively priced
2 and of comparable quality American goods or services, or both, are
3 available. Preference should be given to goods or services, or both,
4 manufactured or provided by Michigan businesses, if they are
5 competitively priced and of comparable quality. In addition, preference
6 should be given to goods or services, or both, that are manufactured or
provided by Michigan businesses owned and operated by veterans, if they
are competitively priced and of comparable quality.>>

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

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

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

27 (2) When the department provides contractual services to a

1 local unit of government, the department shall be reimbursed for
2 all costs incurred in providing the services, including, but not
3 limited to, retirement and overtime costs.

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

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

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

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

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

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

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

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

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

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

1 (g) The immediate past position of the enlisted employees
2 assigned.

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

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

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

26 (2) It is the intent of the legislature that every effort be
27 made to identify funding sufficient to conduct a trooper school for

1 the purpose of working toward the goal of establishing a minimum
2 at-post trooper strength of 1,075 in this state.

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

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

21 Sec. 220. (1) The department of state police, in keeping with
22 its role as the general law enforcement agency of the state and as
23 the law enforcement agency of last resort for communities that are
24 either without local law enforcement resources or are seriously
25 underserved by local law enforcement resources, shall provide
26 general law enforcement assistance to those communities until
27 adequate law enforcement services can be provided to those

1 communities by other means.

2 (2) Not later than May 1, 2008, the department shall deliver
3 to the house and senate appropriations subcommittees on state
4 police and military and veterans affairs and the house and senate
5 fiscal agencies a report on the additional costs incurred by the
6 department in each locality for providing the services described in
7 subsection (1) during the first 6 months of the fiscal year 2007-
8 2008.

9 Sec. 223. (1) Due to the current budgetary problems in this
10 state, out-of-state travel for the fiscal year ending September 30,
11 2008 shall be limited to situations in which 1 or more of the
12 following conditions apply:

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

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

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

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

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

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

27 (2) If out-of-state travel is necessary but does not meet 1 or

1 more of the conditions in subsection (1), the state budget director
2 may grant an exception to allow the travel. Any exceptions granted
3 by the state budget director shall be reported on a monthly basis
4 to the senate and house of representatives standing committees on
5 appropriations.

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

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

17 (b) The destination of each travel occurrence.

18 (c) The dates of each travel occurrence.

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

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

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

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

4 Sec. 225. It is the intent of the legislature that the
5 administration, working with the MCOLES, continue the long-held
6 practice that all revenue made available to the department from the
7 Michigan justice training fund be used solely for costs directly
8 related to the delivery of Michigan justice training fund grants,
9 so that in the future, eligible entities as provided under 1982 PA
10 302, MCL 18.421 to 18.429, will have a stable and accurate source
11 of training funds.

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

1 be employed to ensure that the remaining areas of the state, and
2 the state as a whole, will have a communication system with
3 efficient and effective interoperability, particularly on occasions
4 when a multijurisdictional response to an emergency is warranted.

5 Sec. 227. (1) From the funds appropriated in part 1, the
6 department of state police is prohibited from transporting
7 employees of institutions of higher education on state-owned
8 aircraft.

9 (2) From the funds appropriated in part 1, the department is
10 prohibited from transporting legislators or legislative staff on
11 state-owned aircraft without prior approval from the senate
12 majority leader or the speaker of the house of representatives, or
13 both.

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

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

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

22 Sec. 230. The unexpended and unencumbered balance of the
23 appropriation for the department contained in 2006 PA 345 shall be
24 used toward the establishment of a trooper school. The funds shall
25 be available for appropriation in the fiscal year ending September
26 30, 2008.

27 Sec. 232. The department shall place emphasis on recruiting

1 MCOLES certified police officers for the trooper recruit school.
2 Emphasis shall be given in the hiring process to those officers who
3 are on layoff and possess valid MCOLES certification. Any emphasis
4 given in the recruiting and selection process shall be consistent
5 with the department's hiring standards and in accordance with civil
6 service rules. The department shall report to the chairpersons of
7 the senate and house of representatives standing committees on
8 appropriations the results of its recruitment and selection
9 process, including the actual number of certified officers selected
10 for any recruit school that is held by September 30, 2008.

11 Sec. 233. The appropriation in part 1 for a law enforcement
12 resource study shall be used to contract with a nationally
13 recognized law enforcement research entity to prepare a study that
14 examines the law enforcement needs of each state police district of
15 this state. The study shall provide information concerning the
16 police patrol and response needs within each state police district
17 of this state, baseline coverage recommendations, and information
18 concerning what would be required in terms of personnel and
19 resources to meet the recommendations. The study shall include an
20 inventory of all levels of existing police resources for a given
21 area and how those resources could most efficiently be allocated to
22 achieve the recommendations, along with the amount of any
23 additional resources that may be needed.

24 Sec. 234. Funds appropriated in part 1 shall not be used by a
25 principal executive department, state agency, or authority to hire
26 a person to provide legal services that are the responsibility of
27 the attorney general.

1 Sec. 235. (1) If a spending plan for the funds appropriated in
2 part 1 for dignitary protection, or sources of financing related to
3 the spending plan, do not provide the level of program service
4 provided for in the current fiscal year, the funds appropriated in
5 part 1 for post uniform services or forensic sciences shall not be
6 used to fund the shortfall.

7 (2) If a spending plan for the funds appropriated in part 1
8 for dignitary protection, or sources of financing related to the
9 spending plan, are in excess of that necessary to provide the level
10 of program service provided for in the current fiscal year, the
11 department shall take steps to transfer whatever excess funding may
12 exist to the funds appropriated in part 1 for post uniform services
13 and forensic sciences.

14 Sec. 236. (1) The department shall report no later than April
15 1, 2008 on each specific policy change made to implement enacted
16 legislation to the senate and house appropriations subcommittees on
17 the department budget, the senate and house standing committees on
18 the department budget, the chairperson of the joint committee on
19 administrative rules, and the senate and house fiscal agencies and
20 policy offices.

21 (2) Funds appropriated in part 1 shall not be used to prepare
22 regulatory plans or promulgate rules that fail to reduce the
23 disproportionate economic impact on small businesses pursuant to
24 section 40 of the administrative procedures act of 1969, 1969 PA
25 306, MCL 24.240.

26 Sec. 237. From the funds appropriated in part 1, the
27 department shall maintain, for the full 2007-08 fiscal year, either

Senate Bill No. 238 as amended August 22, 2007

1 the operation of each Michigan state police post which was in
2 operation as of April 2, 2007, or an alternative work station in
3 the vicinity of a current Michigan state police post.

4 Sec. 238. The department of management and budget shall work
5 with the department of state police to reduce building operations
6 and leasing costs for all Michigan state police facilities and to
7 identify efficiencies and savings.

<<Sec. 239. Appropriation authorization adjustments required due to
negative appropriations for budgetary savings shall be made only after
the approval of transfers by the legislature under section 393(2) of the
management and budget act, 1984 PA 431, MCL 18.1393.>>

8 **INFORMATION TECHNOLOGY**

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

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

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

25 Sec. 304. A portion of the funds appropriated in part 1 shall
26 be used by the department to produce a written report detailing

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

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

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

1 probationer and the name of the probation officer assigned to a
2 probationer. The LEIN system shall also include any nonstandard
3 probation terms.

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

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

27 Sec. 308. The department of state police shall report any LEIN

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

9 **HIGHWAY SAFETY PLANNING**

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

23 **FORENSIC SCIENCES**

24 Sec. 501. (1) The department shall distribute a copy of the
25 department's protocol for retaining and purging DNA analysis

1 samples and records to each police agency in this state.

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

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

12 MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

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

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

26 Sec. 603. The appropriation in part 1 for mental health

1 awareness training shall be made available as grants to local law
2 enforcement agencies for training law enforcement officers in
3 effective and safe ways of assisting people with mental illness and
4 directing people with mental illness to treatment programs.

5 **EMERGENCY MANAGEMENT**

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

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

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

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

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

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

20 POST UNIFORM SERVICES

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

1 **STATEWIDE FIELD OPERATIONS**

2 Sec. 1002. Money privately donated to the department is
3 appropriated under part 1 to be used for the purposes designated by
4 the donor of the money. Money privately donated to the department's
5 canine unit shall be used to purchase equipment and other items to
6 enhance the operation of the canine unit. It is the intent of the
7 legislature that money from private donations not supplant general
8 fund appropriations.

9 **SPECIAL INVESTIGATIONS**

10 Sec. 1101. (1) There is sufficient money appropriated in part
11 1 to special investigations to ensure that the citizens in a
12 service area of any state police post in the vicinity of a state
13 prison do not experience a downgrading of state police services in
14 their area. Special investigations shall be available by temporary
15 or permanent assignment of a detective when either a temporary or
16 permanent prison facility is opened.

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

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

1 **MOTOR CARRIER ENFORCEMENT**

2 Sec. 1201. (1) The department shall report to the house and
3 senate appropriations subcommittees on state police and the house
4 and senate fiscal agencies by March 1, 2008 regarding the
5 inspection of school buses and other motor vehicles under section
6 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and
7 section 39 of the pupil transportation act, 1990 PA 187, MCL
8 257.1839. The report shall include the following information
9 regarding inspections conducted in calendar year 2007:

10 (a) The number of buses and vehicles inspected by the
11 department.

12 (b) The number of buses and vehicles passing and failing
13 inspection.

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

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