

Act No. 249
Public Acts of 2008
Approved by the Governor
July 17, 2008
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**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Rep. LeBlanc

ENROLLED HOUSE BILL No. 5811

AN ACT to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2009; to provide for the expenditure of those appropriations; to provide for certain reports and the consideration of those reports; to provide for the disposition of other income received by the various state agencies; to provide for certain emergency powers; and to provide for the powers and duties of certain committees, certain state agencies, and certain employees.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of state police for the fiscal year ending September 30, 2009, 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	2,924.0	
GROSS APPROPRIATION		\$ 530,292,600
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		26,321,900
ADJUSTED GROSS APPROPRIATION		\$ 503,970,700
Federal revenues:		
Total federal revenues		94,733,400
Special revenue funds:		
Total local revenues		8,522,200
Total private revenues		263,600
Total state restricted revenues		115,529,900
State general fund/general purpose		\$ 284,921,600

Sec. 102. EXECUTIVE DIRECTION

Full-time equated unclassified positions	3.0	
Full-time equated classified positions	42.5	
Unclassified positions		\$ 366,100

	For Fiscal Year Ending Sept. 30, 2009
Executive direction—21.0 FTE positions	\$ 1,940,200
Special operations and events—17.5 FTE positions	2,511,300
Auto theft prevention program—4.0 FTE positions.....	10,744,100
GROSS APPROPRIATION.....	\$ 15,561,700
Appropriated from:	
Interdepartmental grant revenues:	
IDT, truck safety fund.....	17,100
Special revenue funds:	
Auto theft prevention fund.....	10,744,100
Motor carrier fees.....	9,100
Criminal justice information center fees	48,500
Forensic science reimbursement fees	25,400
Highway safety fund.....	37,300
Precision driving track fees.....	2,300
Sex offender registration fund	4,400
Traffic law enforcement and safety fund	80,500
State general fund/general purpose	\$ 4,593,000

Sec. 103. DEPARTMENTWIDE APPROPRIATIONS

Special maintenance and utilities.....	\$ 447,600
Rent and building occupancy charges.....	9,157,400
Worker's compensation.....	2,867,600
Fleet leasing	16,184,100
In-service training - law enforcement distribution	450,000
In-service training - competitive	600,000
Narcotics investigation funds.....	237,000
GROSS APPROPRIATION.....	\$ 29,943,700

Appropriated from:	
Interdepartmental grant revenues:	
IDG, training academy charges	258,700
IDT, Michigan justice training fund.....	1,050,000
Federal revenues:	
Federal narcotics investigation revenues	95,000
DOT.....	23,000
DHS.....	161,900
Special revenue funds:	
Forensic science reimbursement fee.....	91,800
Narcotics investigation revenues.....	142,000
State forensic laboratory fund.....	91,800
Criminal justice information center service fees	182,000
Secondary road patrol and training fund	4,500
Hazardous materials training center fees	95,900
Michigan justice training fund.....	7,700
Motor carrier fees.....	6,800
Highway safety fund.....	7,300
Traffic law enforcement and safety fund	14,400
State general fund/general purpose	\$ 27,710,900

Sec. 104. SUPPORT SERVICES

Full-time equated classified positions.....	197.5
Management services—139.0 FTE positions.....	\$ 13,711,800
Training administration—34.0 FTE positions	6,732,900
Budget and financial services—24.5 FTE positions	2,437,200
Internal audit services.....	68,900
GROSS APPROPRIATION.....	\$ 22,950,800

Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds.....	15,900

		For Fiscal Year Ending Sept. 30, 2009
IDG, training academy charges	\$	3,199,100
IDG-MDOT, state trunkline fund		6,700
IDG-MDTR, casino gaming fees		55,700
IDG-MDTR, emergency telephone fund coordinator.....		514,900
IDG-MDTR, emergency telephone fund operations		453,600
IDG-MDOS		2,000
IDG-MDOC, contract		1,076,400
Federal revenues:		
DOT		463,800
DHS		4,100
Special revenues funds:		
Local - LEIN fees		17,200
Local - MPSCS subscriber fees.....		44,100
Local - school bus revenue.....		2,200
Highway safety fund		130,900
Auto theft prevention fund		14,400
Nuclear plant emergency planning reimbursement		25,000
Precision driving track fees		287,200
Criminal justice information center service fees		405,500
Traffic law enforcement and safety fund		348,500
Reimbursed services		1,240,300
Forensic science reimbursement fees		5,900
Drunk driving prevention and training fund.....		17,400
Hazardous materials training center fees		25,700
Michigan justice training fund.....		10,600
Narcotics investigation revenues.....		12,200
Secondary road patrol and training fund		300
State forensic laboratory fund.....		30,300
Traffic crash revenue		1,200
Truck driver safety fund		100
Motor carrier fees		171,400
State general fund/general purpose	\$	14,368,200

Sec. 105. HIGHWAY SAFETY PLANNING

Full-time equated classified positions.....	30.0	
State program planning and administration—8.0 FTE positions.....		\$ 1,213,800
Secondary road patrol program—2.0 FTE positions		14,031,800
Truck safety program—1.0 FTE position.....		3,003,900
Federal highway traffic safety coordination—19.0 FTE positions.....		10,594,400
GROSS APPROPRIATION		\$ 28,843,900
Appropriated from:		
Federal revenues:		
DOT		10,730,700
DOJ		575,800
Special revenue funds:		
Truck driver safety fund		3,003,900
Secondary road patrol and training fund		14,031,800
State general fund/general purpose		\$ 501,700

Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER

Full-time equated classified positions.....	136.0	
Criminal justice information center division—116.0 FTE positions		\$ 13,235,300
Criminal records improvement—1.0 FTE position		2,241,500
Traffic safety—19.0 FTE positions		1,803,900
GROSS APPROPRIATION		\$ 17,280,700
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDOS		325,500

		For Fiscal Year Ending Sept. 30, 2009
IDG-MDCH, crime victim's rights fund	\$	476,800
IDG-MDOT, state trunkline fund		900,100
Federal revenues:		
DOJ.....		2,241,500
DOT.....		501,000
Special revenue funds:		
Traffic crash revenue		77,300
Sex offender registration fund		60,600
Criminal justice information center service fees		10,923,200
State general fund/general purpose	\$	1,774,700

Sec. 107. FORENSIC SCIENCES

Full-time equated classified positions	213.5	
Laboratory operations—156.0 FTE positions	\$	22,300,700
DNA analysis program—57.5 FTE positions		8,138,100
City of Detroit laboratory		200,000
GROSS APPROPRIATION	\$	30,638,800
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDCH, crime victim's rights fund		431,600
Federal revenues:		
DOJ.....		4,067,100
DOT.....		617,300
Special revenue funds:		
Forensic science reimbursement fees		1,384,400
State forensic laboratory fund.....		3,402,600
State general fund/general purpose	\$	20,735,800

Sec. 108. MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Full-time equated classified positions	26.0	
Standards and training—20.0 FTE positions	\$	2,207,600
Justice training grants—4.0 FTE positions		7,924,300
Concealed weapons enforcement training.....		240,000
Training only to local units—2.0 FTE positions		625,700
Mental health awareness training		100,000
Officer's survivor tuition program.....		48,500
Public safety officers benefit program.....		150,000
GROSS APPROPRIATION	\$	11,296,100
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDOC		100,000
Federal revenues:		
DOJ.....		183,400
Special revenue funds:		
Secondary road patrol and training fund		625,700
Michigan justice training fund.....		8,050,600
Licensing fees.....		5,300
Concealed weapons enforcement fee.....		240,000
State general fund/general purpose	\$	2,091,100

Sec. 109. EMERGENCY MANAGEMENT

Full-time equated classified positions	87.5	
Emergency management planning and administration—56.0 FTE positions	\$	5,057,400
Grants to local government		2,482,100
FEMA program assistance—6.0 FTE positions		1,924,200
Nuclear power plant emergency planning—6.0 FTE positions		1,514,300
Hazardous materials programs—19.5 FTE positions		51,014,600
GROSS APPROPRIATION	\$	61,992,600

Appropriated from:	
Federal revenues:	
DOT	\$ 583,800
DHS	56,026,000
Special revenue funds:	
Nuclear plant emergency planning reimbursement	1,514,300
Hazardous materials training center fees	1,477,200
State general fund/general purpose	\$ 2,391,300

Sec. 110. POST UNIFORM SERVICES

Full-time equated classified positions	1,569.0
Uniform services—388.0 FTE positions	\$ 45,898,200
Security guards—14.0 FTE positions	1,099,400
Reimbursed services—11.0 FTE positions	1,726,100
At-post troopers—1,156.0 FTE positions	146,108,700
GROSS APPROPRIATION	\$ 194,832,400

Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDMB, building occupancy charges	648,400
Special revenue funds:	
Highway safety fund	15,429,500
Traffic law enforcement and safety fund	29,131,800
State police service fees	1,726,100
State general fund/general purpose	\$ 147,896,600

Sec. 111. STATEWIDE FIELD OPERATIONS

Full-time equated classified positions	105.0
Operational support—98.0 FTE positions	\$ 11,732,200
Aviation program—7.0 FTE positions	1,455,500
GROSS APPROPRIATION	\$ 13,187,700

Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDCH, crime victim's rights fund	122,000
IDG-MDOC, contract	98,000
IDG-MDCH, tobacco tax	610,000
Special revenue funds:	
Private donations	263,600
Rental of department aircraft	51,100
State general fund/general purpose	\$ 12,043,000

Sec. 112. SPECIAL INVESTIGATIONS

Full-time equated classified positions	288.0
Criminal investigations—176.0 FTE positions	\$ 25,615,500
Federal antidrug initiatives—49.5 FTE positions	8,462,700
Reimbursed services, materials, and equipment—3.5 FTE positions	2,645,500
Auto theft prevention—13.0 FTE positions	1,679,700
Casino gaming oversight—32.0 FTE positions	4,383,200
Fire investigation—14.0 FTE positions	1,602,400
Fire investigation training to locals	50,000
Parole absconder sweeps	10,000
GROSS APPROPRIATION	\$ 44,449,000

Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds	1,368,400
IDG-MDTR, casino gaming fees	4,383,200
Federal revenues:	
Federal investigations - reimbursed services	751,700

		For Fiscal Year Ending Sept. 30, 2009
DOJ.....	\$	5,532,400
Federal narcotics investigation revenues		465,100
Special revenue funds:		
Local - reimbursed services.....		1,893,800
Narcotics investigation revenues.....		666,500
Forfeiture funds.....		511,700
State general fund/general purpose	\$	28,876,200
Sec. 113. TRAFFIC SAFETY		
Full-time equated classified positions.....	229.0	
Motor carrier enforcement—106.0 FTE positions.....	\$	10,434,100
Truck safety enforcement team operations—10.0 FTE positions		1,320,800
Safety inspections—63.0 FTE positions		8,145,000
School bus inspections—15.0 FTE positions.....		1,397,100
Safety projects—18.0 FTE positions		2,122,600
Traffic services—17.0 FTE positions.....		4,951,100
GROSS APPROPRIATION.....	\$	28,370,700
Appropriated from:		
Interdepartmental grant revenues:		
IDT, truck safety fund.....		1,320,800
IDG-MDOT, state trunkline fund		8,566,000
Federal revenues:		
DOT.....		10,523,200
Special revenue funds:		
Local school bus revenue		1,397,100
Drunk driving prevention and training fund.....		1,289,900
Motor carrier fees.....		3,871,400
State general fund/general purpose	\$	1,402,300
Sec. 114. INFORMATION TECHNOLOGY		
Information technology services and projects.....	\$	18,315,600
Michigan public safety communications system.....		12,628,900
GROSS APPROPRIATION.....	\$	30,944,500
Appropriated from:		
Interdepartmental grant revenues:		
IDG-MDTR, casino gaming fees		90,600
IDG-MDOT, state trunkline fund		120,600
IDG, training academy charges		32,600
IDG-MDOS		4,500
IDG-MDTR, emergency telephone fund coordinator.....		1,800
IDG-MDTR, emergency telephone fund operations		63,500
IDT, truck safety fund.....		7,400
Federal revenues:		
DOJ.....		517,200
DHS.....		564,400
DOT.....		105,000
Special revenue funds:		
Local - LEIN fees		3,577,200
Local - AFIS fees		38,800
Local - MPSCS subscriber fees.....		1,547,600
Local - school bus revenue.....		4,200
Auto theft prevention fund.....		3,800
Criminal justice information center service fees		1,531,100
Drunk driving prevention and training fund.....		1,600
Forensic science reimbursement fees		140,500
Hazardous materials center fees.....		22,600
Michigan justice training fund.....		71,300
Narcotics investigation revenue		33,000

		For Fiscal Year Ending Sept. 30, 2009
Nuclear plant emergency planning reimbursement	\$	4,900
Precision driving track fees		300
Secondary road patrol and training fund		384,600
Sex offender registration fund		208,800
State forensic laboratory fund		348,000
State police service fees		9,500
Reimbursed services		145,800
Motor carrier fees		603,300
Traffic crash revenue		223,200
State general fund/general purpose	\$	20,536,800

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state resources under part 1 for fiscal year 2008-2009 is \$400,451,500.00 and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$20,741,400.00. The itemized statement below identifies appropriations from which spending to units of local government will occur:

DEPARTMENT OF STATE POLICE

OFFICE OF HIGHWAY SAFETY PLANNING

Secondary road patrol program	\$	13,891,500
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MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Training only to local units	\$	421,600
Justice training grants		5,724,700

SPECIAL INVESTIGATIONS

Fire investigation training for locals	\$	50,000
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FORENSIC SCIENCES

City of Detroit laboratory	\$	200,000
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SUPPORT SERVICES

Management services	\$	453,600
Total	\$	20,741,400

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

Sec. 203. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "Department" means the department of state police.
- (c) "DHS" means the United States department of homeland security.
- (d) "DNA" means deoxyribonucleic acid.
- (e) "DOJ" means the United States department of justice.
- (f) "DOT" means the United States department of transportation.
- (g) "FEMA" means the federal emergency management agency.
- (h) "FTE" means full-time equated.
- (i) "IDG" means interdepartmental grant.

- (j) "IDT" means intradepartmental transfer.
- (k) "LEIN" means law enforcement information network.
- (l) "MCOLES" means the Michigan commission on law enforcement standards.
- (m) "MDCH" means the Michigan department of community health.
- (n) "MDMB" means the Michigan department of management and budget.
- (o) "MDOC" means the Michigan department of corrections.
- (p) "MDOS" means the Michigan department of state.
- (q) "MDOT" means the Michigan department of transportation.
- (r) "MDTR" means the Michigan department of treasury.
- (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 any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

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

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

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

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference 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.

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

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

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

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

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

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

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

Sec. 215. Not later than January 1, 2009, the department shall report to the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies. The report shall contain the following information regarding the department's activities related to casino gaming oversight during fiscal year 2007-2008:

- (a) The amount of money received and expended.
- (b) The nature and structure of the casino gaming oversight unit.
- (c) The positions and classifications of employees assigned.
- (d) The number of full-time and part-time employees and the aggregate number of FTEs.
- (e) The number of enlisted and civilian positions.
- (f) The duties and responsibilities of the assigned employees.
- (g) The immediate past position of the enlisted employees assigned.

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

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

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

(2) It is the intent of the legislature that every effort be made to identify funding sufficient to conduct a trooper school for the purpose of working toward the goal of establishing a minimum at-post trooper strength of 1,075 in this state.

(3) The department shall submit quarterly written reports to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than December 1, 2008, March 1, 2009, June 1, 2009, and September 1, 2009 which shall include a trooper strength report and the status of the department's plan for accomplishing the goal of subsection (2). If the department determines that insufficient appropriations exist under part 1 to accomplish the goal of subsection (2), the department shall submit a proposal outlining a plan to accomplish the goal, including an accounting of any additional funding necessary to that end.

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

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

(2) Not later than May 1, 2009, the department shall deliver to the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies a report on the additional costs incurred by the department in each locality for providing the services described in subsection (1) during the first 6 months of the fiscal year 2008-2009.

Sec. 221. The department of state police may pursue entering into an agreement with Calhoun County to build a new facility in Marshall which would serve as a new state police post to replace the current state police post in Battle Creek.

Sec. 223. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2009 shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

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

(3) Not later than January 1, 2009, each department shall prepare a travel report listing all travel by classified and unclassified employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the department's budget. The report shall be submitted to the chairs and members of the senate and house of representatives standing committees on appropriations, the fiscal agencies, and the state budget director. The report shall include the following information:

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

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

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

Sec. 226. The department of state police, in cooperation with the department of information technology and others, shall take steps to encourage the development of state, local, and regional tactical interoperable communication plans with the ultimate goal being to ensure that effective and efficient communication interoperability between radio communication systems of local, regional, state, and federal agencies is established in every area of the state. The department shall provide a written report to the senate and house appropriations subcommittees on state police and military and veterans affairs no later than April 1, 2009 on the current status of reaching this objective. The report shall include an accounting of exactly where within the state desired interoperability has been achieved and what cooperative measures and use of technology were used to achieve this interoperability, and which areas of the state have not yet achieved such status. The report shall also include a description of what strategies need to be employed to ensure that the remaining areas of the state, and the state as a whole, will have a communication system with efficient and effective interoperability, particularly on occasions when a multijurisdictional response to an emergency is warranted.

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

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

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

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

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

Sec. 228. The department shall not approve the travel of more than 1 departmental employee to a specific professional development conference or training seminar that is located outside of this state unless the professional development conference or training seminar is funded by a federal or private funding source and requires more than 1 person from a department to attend, or the conference or training seminar includes multiple issues in which 1 employee from the department does not have expertise.

Sec. 230. The unexpended and unencumbered balance of the appropriation for the department contained in 2007 PA 130 shall be used toward the payment of \$400,000.00 to the Michigan state police troopers association. The funds shall be available for appropriation in the fiscal year ending September 30, 2009.

Sec. 232. The department shall place emphasis on recruiting MCOLES certified police officers for the trooper recruit school. Emphasis shall be given in the hiring process to those officers who are on layoff and possess valid MCOLES certification. Any emphasis given in the recruiting and selection process shall be consistent with the department's hiring standards and in accordance with civil service rules. The department shall report to the chairpersons of the senate and house of representatives standing committees on appropriations the results of its recruitment and selection process, including the actual number of certified officers selected for any recruit school that is held by September 30, 2009.

Sec. 233. From the funds appropriated in part 1 for at-post troopers, up to \$200,000.00 shall be used for the timely completion of a law enforcement resource study produced by contract with an accredited in-state university. The study shall examine the law enforcement needs of each state police district of this state. The study shall provide recommendations concerning state police patrol and response needs within each state police district and post area of this state, baseline coverage recommendations, and information concerning what is required in terms of personnel and resources to meet the recommendations and how those resources could most efficiently be allocated to achieve the recommendations, along with the amount of any additional resources that may be needed. The study shall examine, at a minimum, crime statistics, population, geographic area, and inventory of all levels of existing police resources for a given area, and any other pertinent information. The department shall keep the house and senate appropriations subcommittee chairs informed as to the progress toward the completion of this report and make every effort to have this report completed no later than November 1, 2009. The department shall provide a copy of the report to both of the subcommittees.

Sec. 234. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Sec. 235. (1) If a spending plan for the funds appropriated in part 1 for special operations and events, or sources of financing related to the spending plan, do not provide the level of program service provided for in the current fiscal year, the funds appropriated in part 1 for post uniform services or forensic sciences shall not be used to fund the shortfall.

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

Sec. 236. (1) The department shall report to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, and the senate and house fiscal agencies by no later than April 1, 2009 on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year.

(2) Funds appropriated in part 1 shall not be used by the department to adopt a rule that will apply to a small business and that will have a disproportionate economic impact on small businesses because of the size of those businesses if the department fails to reduce the disproportionate economic impact of the rule on small businesses as provided under section 40 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

(3) As used in this section:

(a) "Rule" means that term as defined under section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

(b) "Small business" means that term as defined under section 7a of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207a.

Sec. 237. From the funds appropriated in part 1, the department shall maintain, for the full 2008-2009 fiscal year, either the operation of each Michigan state police post which was in operation as of April 2, 2007, or an alternative work station in the vicinity of a current Michigan state police post.

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

Sec. 239. It is the intent of the legislature that, should funding become available, funds may be appropriated to the department for traffic control purposes at the Michigan international speedway.

Sec. 240. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

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

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

Sec. 241. From the funds appropriated in part 1, the department shall continue the creation of a plan to operate a trooper recruit school composed of 50 or fewer recruits on an annual or biannual basis. These trooper recruit schools shall be operated on a shorter time frame than typical trooper recruit schools and shall consist of recruits who possess current certification as a law enforcement officer. This plan will result in a trooper recruit school that assists in restoring overall trooper strength to an optimum level while being more efficient in terms of time and financial expenditure.

INFORMATION TECHNOLOGY

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

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

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

Sec. 304. A portion of the funds appropriated in part 1 shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the LEIN system. The report shall include a description of departmental measures to protect the security of information in the LEIN system including safeguards that would prevent unauthorized persons from obtaining information from the LEIN system. The department shall submit a copy of this report to the senate and house appropriations committees not later than April 1, 2009.

Sec. 305. The criminal justice information systems policy council shall encourage members of the law enforcement agencies in the state to be sensitive to, and note when necessary, activities or circumstances that may suggest the unauthorized access or misuse of information from the LEIN system. The criminal justice information systems policy council shall advise LEIN auditors, as a part of their audit of law enforcement agencies, to investigate in depth all

suspected incidents of improper access or improper use of information from the LEIN system and determine whether or not those incidents were illegal. In those incidents that may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. If an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

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

(2) If the department determines that amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are required to include all probation information on the LEIN system, the department shall deliver to members of the senate and house appropriations subcommittees on state police and military affairs amendments to the code of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, that, in the department's view, are necessary to accomplish this goal. These proposed amendments shall be delivered to subcommittee members not later than December 1, 2008.

Sec. 307. The department of state police shall serve as an active liaison between the department of information technology and local public safety agencies to facilitate the use of the Michigan public safety communications system towers by those local public safety agencies that have an interest in using the towers as a part of their own communications system. The department of state police shall deliver a written report to the senate and house appropriations subcommittees on state police and military and veterans affairs by April 1, 2009, which shall include an assessment of the progress toward establishing local public safety agency use of the Michigan public safety communications system towers, an accounting of problems that may be preventing local use of the towers, and any recommendations the department has that may foster this utilization.

Sec. 308. The department of state police shall report any LEIN fee increase to the senate and house appropriations subcommittees on state police and military and veterans affairs 60 days prior to the effective date of that increase. The report shall contain the following information: the current fee structure and the total revenue earned each year; the new fee structure and the total revenue it is expected to earn annually; the total annual cost of the LEIN system; and the total amount of LEIN fees paid by the department under both the old and the new structure.

Sec. 309. From the funds appropriated in part 1 for information technology, the department may develop and issue a request for proposal for the development, implementation, and maintenance of an electronic system for real-time enforcement of section 3101 of the insurance code of 1956, 1956 PA 218, MCL 500.3101.

HIGHWAY SAFETY PLANNING

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

FORENSIC SCIENCES

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

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

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

Sec. 503. From the funds appropriated in part 1 for the city of Detroit laboratory, funds shall be used for the initial hiring of a quality assurance manager and a biologist. The quality assurance manager shall be responsible for the laboratory's quality assurance program, the safety program, and the grant program with an emphasis on quality assurance and shall provide a report to the house and senate appropriations subcommittees on state police and military and veterans affairs concerning the benchmarks implemented to improve the laboratory's performance, the progress on those benchmarks, and the problems related to these goals the laboratory may be facing. The report is due by June 1, 2009. The biologist hired with these funds shall be primarily responsible for operating a DNA extraction machine.

Sec. 504. For the fiscal year ending September 30, 2009, surplus funds of \$1,900,000.00 in the state services fee fund are appropriated to the state forensic laboratory fund. These funds shall only be utilized in support of state police laboratory operations.

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

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

Sec. 603. The appropriation in part 1 for mental health awareness training shall be made available as grants to local law enforcement agencies for training law enforcement officers in effective and safe ways of assisting people with mental illness and directing people with mental illness to treatment programs.

Sec. 604. From the funds appropriated in part 1 to the Michigan commission on law enforcement standards funds may be used to provide training for motor carrier officers and capitol security officers for the purpose of qualifying them for MCOLES certification.

EMERGENCY MANAGEMENT

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

(2) In addition to the money appropriated in this act, the department may receive and expend money from local, private, federal, or state sources for the purpose of providing emergency management training to local or private interests and for the purpose of supporting emergency preparedness, response, recovery, and mitigation activity. If additional expenditure authorization in the Michigan administrative information network is approved by the state budget office under this section, the department and the state budget office shall notify the house and senate appropriations subcommittees on state police and military and veterans affairs and the house and senate fiscal agencies within 10 days after the approval. The notification shall include the amount and source of the additional authorization, the date of its approval, and the projected use of funds to be expended under the authorization.

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

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

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

POST UNIFORM SERVICES

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

STATEWIDE FIELD OPERATIONS

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

SPECIAL INVESTIGATIONS

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

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

Sec. 1102. From the funds appropriated in part 1 for special investigations, the department shall provide a report to the chairpersons of the senate and house of representatives standing committees on appropriations no later than April 1, 2009 concerning methamphetamine-related criminal activities.

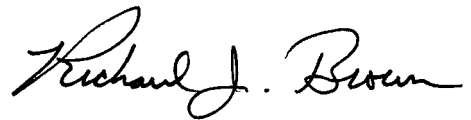
MOTOR CARRIER ENFORCEMENT

Sec. 1201. (1) The department shall report to the house and senate appropriations subcommittees on state police and the house and senate fiscal agencies by March 1, 2009 regarding the inspection of school buses and other motor vehicles under section 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839. The report shall include the following information regarding inspections conducted in calendar year 2008:

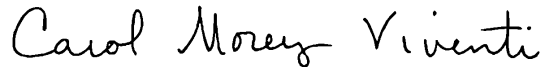
- (a) The number of buses and vehicles inspected by the department.
- (b) The number of buses and vehicles passing and failing inspection.
- (c) The estimated number of buses and vehicles not inspected.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor