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BILL



ANALYSIS

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Senate Bill 1404 (as introduced 6-24-10)
Sponsor: Senator Valde Garcia
Committee: Homeland Security and Emerging Technologies

Date Completed: 9-21-10

CONTENT

The bill would create the "State Intelligence Center Act" to establish the Michigan Intelligence Operations Center for Homeland Security within the Michigan Department of State Police (MSP). Specifically, the bill would do the following:

- **Require information and intelligence provided to the Center to be collected, analyzed, and disseminated under applicable laws.**
- **Create the Advisory Board for the Center, and require it to make recommendations regarding the Center's privacy policy and management policies and procedures.**
- **Require the MSP to review the Center's policy regarding the privacy of information and intelligence annually.**
- **Require other State departments and agencies to cooperate with the Center and the Advisory Board.**

Creation of Intelligence Center

The bill would create the Michigan Intelligence Operations Center for Homeland Security within the MSP. The authority, powers, duties, and functions of the Center, including budgeting, procurement, and related management functions, would have to be performed under the direction and supervision of the MSP Director. The Director would have to supervise the operation of the Center, and would be responsible for developing and implementing its management and operational policies.

Information and intelligence provided to the Center would have to be collected, evaluated, collated, analyzed, and disseminated under applicable Federal and State laws and regulations.

Advisory Board Creation

The bill would create the Advisory Board for the Michigan Intelligence Operations Center for Homeland Security within the MSP. The Advisory Board would consist of the following members:

- The MSP Director.
- The Adjutant General or his or her designee from within the Department of Military and Veterans Affairs.

- The Director of the Department of Civil Rights or his or her designee from within that Department or from the Civil Rights Commission.
- The Director of the Department of Corrections or his or her designee.
- The Attorney General or his or her designee.

In addition, the Advisory Board would have to include the following members appointed by the Governor:

- An individual representing local police departments in Michigan or the Michigan Association of Chiefs of Police.
- An individual representing local sheriffs' departments in Michigan or the Michigan Sheriff's Association.
- An individual representing the office of a county prosecuting attorney or the Prosecuting Attorneys Association of Michigan.
- Three Michigan residents representing the general public.

Members appointed initially by the Governor would serve terms of three, four, or five years. After the initial appointments, members would be appointed for four-year terms.

The MSP Director would serve as the chairperson. The Advisory Board annually would have to elect a member to serve as vice-chairperson. The Board would be staffed and assisted by personnel from the MSP, as directed by the Director. The budgeting, procurement, and related management functions of the Advisory Board would have to be performed under the direction and supervision of the Director.

Members would serve without compensation, but could be reimbursed for necessary travel and expenses according to relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Management and Budget, subject to available funding.

The Advisory Board could accept donations of labor, services, or other things of value from any public or private agency or person.

Advisory Board Activities

The Advisory Board would have to meet at the call of the chairperson and as provided in procedures adopted by the Board.

The Advisory Board would have to adopt procedures consistent with Michigan law governing its organization and operations. In addition, the Board would have to make recommendations regarding the privacy policy and management policies and procedures for the Center to comply with any applicable laws, including the C.J.I.S. Policy Council Act. (That statute requires the Criminal Justice Information Systems Policy Council to establish policy and promulgate rules governing access, use, and disclosure of information in criminal justice information systems.)

The Advisory Board could establish advisory workgroups composed of representatives of law enforcement agencies participating in Center activities, other law enforcement or public safety agencies, and other public participation as the Board deemed necessary to assist it in its duties and responsibilities. The Advisory Board could adopt, reject, or modify any recommendations proposed by a workgroup.

As appropriate, the Advisory Board could make inquiries, studies, and investigations; hold hearings; and receive public comments. The Board also could consult with outside experts in order to perform its duties, including experts in the private sector, organized labor, and government agencies and at institutions of higher education.

The Advisory Board would have to invite the participation of up to five Michigan residents representing Federal homeland security or law enforcement agencies, such as the U.S. Department of Homeland Security; the Federal Bureau of Investigation; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the U.S. Attorney's Office for the Eastern District of Michigan; or the U.S. Attorney's Office for the Western District of Michigan.

Members of the Advisory Board would have to refer all legal, legislative, and medical contacts to the MSP.

Privacy Policy

Each year, the MSP, in consultation with the Advisory Board, would have to review the Center's privacy policy for information and intelligence in the Center's possession. The review would have to ensure that the policy protected the political and civil rights of Michigan residents consistent with applicable State and Federal law, including laws and regulations relating to privacy and public access to government information, and preserved the integrity and effectiveness of law enforcement responsibilities and functions, while also ensuring that Michigan residents remained protected from the inappropriate use or release of private information.

Cooperation with Center

State departments and agencies would have to cooperate actively with the Center and the Advisory Board in the performance of their duties and responsibilities under the proposed Act.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would require the MSP to provide support for the administrative needs of the proposed Advisory Board, and for the Michigan Intelligence Operations Center itself. As the Center has been functioning for years (established by Executive Order 2007-47), an administrative support unit is already in place within the MSP and, according to the Department, could assume all requirements of the bill by using existing resources.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.