

SENATE BILL No. 1404

June 24, 2010, Introduced by Senators GARCIA, NOFS, PRUSI and CROPSEY and referred to the Committee on Homeland Security and Emerging Technologies.

A bill to create the Michigan intelligence operations center for homeland security and the advisory board for the center; and to prescribe their powers and duties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "state
2 intelligence center act".

3 Sec. 2. As used in this act:

4 (a) "Advisory board" means the advisory board for the Michigan
5 intelligence operations center for homeland security created within
6 the department under section 4.

7 (b) "Center" means the Michigan intelligence operations center
8 for homeland security created within the department under section
9 3.

10 (c) "Department", except where the context indicates

1 otherwise, means the department of state police.

2 Sec. 3. (1) The Michigan intelligence operations center for
3 homeland security is created within the department.

4 (2) The authority, powers, duties, and functions of the
5 center, including, but not limited to, budgeting, procurement, and
6 related management functions, shall be performed under the
7 direction and supervision of the director of the department. The
8 director of the department shall direct and supervise the operation
9 of the center and is responsible for developing and implementing
10 the management and operational policies of the center.

11 (3) Information and intelligence provided to the center shall
12 be collected, evaluated, collated, analyzed, and disseminated under
13 applicable federal and state laws and regulations.

14 Sec. 4. (1) The advisory board for the Michigan intelligence
15 operations center for homeland security is created as an advisory
16 body within the department.

17 (2) The advisory board consists of the following members:

18 (a) The director of the department.

19 (b) The adjutant general or his or her designee from within
20 the department of military and veterans affairs.

21 (c) The director of the department of civil rights or his or
22 her designee from within the department of civil rights or from the
23 civil rights commission.

24 (d) The director of the department of corrections or his or
25 her designee from within the department of corrections.

26 (e) The attorney general or his or her designee from within
27 the department of attorney general.

1 (f) The following members appointed by the governor:

2 (i) An individual representing local police departments in this
3 state or the Michigan association of chiefs of police.

4 (ii) An individual representing local sheriff's departments in
5 this state or the Michigan sheriffs' association.

6 (iii) An individual representing the office of a county
7 prosecuting attorney or the prosecuting attorneys association of
8 Michigan.

9 (iv) Three residents of this state representing the general
10 public.

11 Sec. 5. (1) Of the members of the advisory board initially
12 appointed by the governor under section 4(2)(f), 2 members shall be
13 appointed for terms of 3 years each, 2 members shall be appointed
14 for terms of 4 years each, and 2 members shall be appointed for
15 terms of 5 years each. After the initial appointments, members of
16 the advisory board appointed by the governor under section 4(2)(f)
17 shall be appointed for terms of 4 years. A vacancy caused other
18 than by expiration of a term shall be filled in the same manner as
19 the original appointment for the remainder of the term.

20 (2) The director of the department shall serve as the
21 chairperson of the advisory board. The advisory board shall
22 annually elect a member of the advisory board to serve as vice-
23 chairperson of the advisory board.

24 (3) The advisory board shall be staffed and assisted by
25 personnel from the department, as directed by the director of the
26 department. The budgeting, procurement, and related management
27 functions of the advisory board shall be performed under the

1 direction and supervision of the director of the department.

2 (4) The advisory board shall adopt procedures consistent with
3 the laws of this state governing its organization and operations.
4 The advisory board shall make recommendations regarding the privacy
5 policy and management policies and procedures for the center to
6 comply with any applicable laws, including, but not limited to, the
7 C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

8 (5) A majority of the members of the advisory board serving
9 constitutes a quorum for the transaction of the advisory board's
10 business. The advisory board shall act by a majority vote of its
11 serving members.

12 (6) Members of the advisory board shall serve without
13 compensation. Members of the advisory board may receive
14 reimbursement for necessary travel and expenses according to
15 relevant statutes and the rules and procedures of the civil service
16 commission and the department of management and budget, subject to
17 available funding.

18 (7) The advisory board shall meet at the call of the
19 chairperson and as may be provided in procedures adopted by the
20 advisory board.

21 Sec. 6. (1) The advisory board may establish advisory
22 workgroups composed of representatives of law enforcement agencies
23 participating in center activities, other law enforcement or public
24 safety agencies, and other public participation as the advisory
25 board deems necessary to assist it in its duties and
26 responsibilities. The advisory board may adopt, reject, or modify
27 any recommendations proposed by an advisory workgroup.

1 (2) The advisory board may, as appropriate, make inquiries,
2 studies, and investigations, hold hearings, and receive comments
3 from the public. The advisory board may also consult with outside
4 experts in order to perform its duties, including, but not limited
5 to, experts in the private sector, organized labor, and government
6 agencies and at institutions of higher education.

7 (3) The advisory board shall invite the participation of up to
8 5 residents of this state representing federal homeland security or
9 law enforcement agencies, such as the United States department of
10 homeland security, the federal bureau of investigation, the bureau
11 of alcohol, tobacco, firearms and explosives, the United States
12 attorney's office for the eastern district of Michigan, or the
13 United States attorney's office for the western district of
14 Michigan.

15 (4) The advisory board may accept donations of labor,
16 services, or other things of value from any public or private
17 agency or person.

18 (5) Members of the advisory board shall refer all legal,
19 legislative, and media contacts to the department.

20 Sec. 7. Each year, the department, in consultation with the
21 advisory board, shall review the center's privacy policy for
22 information and intelligence in the possession of the center. The
23 review shall ensure that the privacy policy protects the political
24 and civil rights of the residents of this state consistent with
25 applicable state and federal law, including, but not limited to,
26 laws and regulations relating to privacy and public access to
27 government information, and preserves the integrity and

1 effectiveness of law enforcement responsibilities and functions,
2 while also assuring that residents of this state remain protected
3 from the inappropriate use or release of private information.

4 Sec. 8. State departments and agencies shall actively
5 cooperate with the center and advisory board in the performance of
6 their duties and responsibilities under this act.