

1998 PUBLIC AND LOCAL ACTS

[No. 293]

(HB 5593)

AN ACT to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 1999; 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 the testing of certain persons; 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

Department of state police; appropriation.

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, 1999, 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	5.0	
Full-time equated classified positions	3,557.0	
GROSS APPROPRIATION		\$ 351,453,700
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		18,259,000
ADJUSTED GROSS APPROPRIATION		\$ 333,194,700
Federal revenues:		
Total federal revenues		30,039,400
Special revenue funds:		
Total local revenues		3,453,400
Total private revenues		0
Total other state restricted revenues		41,328,900
State general fund/general purpose		\$ 258,373,000

Department of state police; executive direction.

Sec. 102. EXECUTIVE DIRECTION

Full-time equated unclassified positions	5.0	
Full-time equated classified positions	51.0	
Unclassified positions		\$ 390,500
Executive direction—44.0 FTE positions		3,216,700
Auto theft prevention program—7.0 FTE positions		6,494,900
GROSS APPROPRIATION		\$ 10,102,100
Appropriated from:		
Special revenue funds:		
Auto theft prevention fees		6,494,900
State general fund/general purpose		\$ 3,607,200

1998 PUBLIC AND LOCAL ACTS

For Fiscal Year
Ending Sept. 30,
1999

Department of state police; departmentwide appropriations.

Sec. 103. DEPARTMENTWIDE APPROPRIATIONS

Special maintenance and utilities.....	\$	459,300
Rent.....		3,074,800
Worker's compensation.....		2,482,600
Fleet leasing		13,030,200
In-service training.....		850,000
Building occupancy charges-property management services.....		2,761,000
Narcotics investigation funds.....		265,000
GROSS APPROPRIATION.....	\$	22,922,900

Appropriated from:

Interdepartmental grant revenues:

IDT, Michigan justice training fund.....		850,000
--	--	---------

Federal revenues:

Federal narcotics investigation revenues		95,000
--	--	--------

Special revenue funds:

Narcotics investigation revenues.....		170,000
---------------------------------------	--	---------

State general fund/general purpose	\$	21,807,900
--	----	------------

Department of state police; support services.

Sec. 104. SUPPORT SERVICES

Full-time equated classified positions.....132.5

Human resources—28.5 FTE positions.....	\$	1,948,100
Management services—60.0 FTE positions.....		3,747,200
Training administration—44.0 FTE positions.....		4,231,700
GROSS APPROPRIATION.....	\$	9,927,000

Appropriated from:

Interdepartmental grant revenues:

IDG, training academy charges		2,326,900
-------------------------------------	--	-----------

Special revenue funds:

Local - LEIN fees		31,900
-------------------------	--	--------

Auto theft prevention fees.....		21,000
---------------------------------	--	--------

Reimbursements.....		10,000
---------------------	--	--------

Precision driving track fees.....		208,500
-----------------------------------	--	---------

Narcotics investigation revenues.....		40,600
---------------------------------------	--	--------

Motor carrier fees.....		76,300
-------------------------	--	--------

State general fund/general purpose	\$	7,211,800
--	----	-----------

Department of state police; highway safety planning.

Sec. 105. HIGHWAY SAFETY PLANNING

Full-time equated classified positions.....26.0

State program planning and administration— 14.0 FTE positions.....	\$	1,148,600
Grants to local governments and nonprofit organizations		4,000,000
Secondary road patrol administration—1.0 FTE position		80,500
Secondary road patrol and traffic accident basic grants.....		4,452,100
Secondary road patrol and traffic accident enhanced grants.....		6,069,000
Truck safety program—2.0 FTE positions		2,967,600
Field coordination and analysis—8.0 FTE positions.....		1,303,300

1998 PUBLIC AND LOCAL ACTS

	For Fiscal Year Ending Sept. 30, 1999
Highway traffic safety—1.0 FTE position.....	\$ 2,913,800
GROSS APPROPRIATION.....	\$ 22,934,900
Appropriated from:	
Interdepartmental grant revenues:	
IDG from MDOT, Michigan transportation fund.....	547,200
Federal revenues:	
DOT-NHTSA.....	8,818,500
Special revenue funds:	
Truck driver safety fund.....	2,967,600
Secondary road patrol and training fund.....	6,069,000
State general fund/general purpose.....	\$ 4,532,600

Department of state police; central records.

Sec. 106. CENTRAL RECORDS

Full-time equated classified positions.....	65.5
Central records division—60.0 FTE positions.....	\$ 4,151,800
Criminal records improvement—1.0 FTE position.....	2,714,500
Traffic safety—4.5 FTE positions.....	253,400
GROSS APPROPRIATION.....	\$ 7,119,700

Appropriated from:

Federal revenues:	
DOJ-BJS, national criminal history improvement program (NCHIP).....	2,614,500
DOJ-BJA, drug control and system improvements, formula grants.....	100,000
DOT-NHTSA, federal highway administration.....	131,900
Special revenue funds:	
Central records service fees.....	1,700,300
State general fund/general purpose.....	\$ 2,573,000

Department of state police; criminal justice data center.

Sec. 107. CRIMINAL JUSTICE DATA CENTER

Full-time equated classified positions.....	82.0
State police - management information systems— 24.5 FTE positions.....	\$ 1,920,200
Traffic accident records—13.0 FTE positions.....	822,300
Local LEIN services—23.5 FTE positions.....	5,060,400
Automated fingerprint identification system— 21.0 FTE positions.....	2,732,700
Computer services.....	655,600
GROSS APPROPRIATION.....	\$ 11,191,200

Appropriated from:

Interdepartmental grant revenues:	
IDG, department of state.....	302,400
IDG, department of transportation-state trunkline fund.....	302,400
Special revenue funds:	
Local - LEIN fees.....	2,000,000
Local - AFIS fees.....	33,000
State general fund/general purpose.....	\$ 8,553,400

1998 PUBLIC AND LOCAL ACTS

For Fiscal Year
Ending Sept. 30,
1999

Department of state police; forensic sciences.

Sec. 108. FORENSIC SCIENCES

Full-time equated classified positions.....	197.0	
Laboratory operations—178.0 FTE positions		\$ 13,695,100
DNA analysis program—19.0 FTE positions		2,170,400
Grant to city of Detroit		921,100
GROSS APPROPRIATION.....		\$ 16,786,600
Appropriated from:		
Federal revenues:		
DOJ-BJA, drug control and system improvement, formula grants.....		580,200
DOD-CVSA research grant.....		40,000
Special revenue funds:		
Forensic science reimbursement fees		15,000
State forensic laboratory fund.....		455,000
State general fund/general purpose		\$ 15,696,400

Department of state police; law enforcement officers training council.

Sec. 109. LAW ENFORCEMENT OFFICERS TRAINING COUNCIL

Full-time equated classified positions.....	22.5	
Standards and training—15.5 FTE positions		\$ 1,291,200
Community policing coordination—3.0 FTE positions		154,100
Training only to local units		650,400
Officer's survivor tuition program.....		50,000
Michigan justice training commission—4.0 FTE positions		9,010,000
GROSS APPROPRIATION.....		\$ 11,155,700
Appropriated from:		
Federal revenues:		
DOJ-OJP.....		360,000
Special revenue funds:		
Secondary road patrol and training fund		650,400
Michigan justice training fund.....		9,010,000
State general fund/general purpose		\$ 1,135,300

Department of state police; fire marshal.

Sec. 110. FIRE MARSHAL

Full-time equated classified positions.....	51.0	
Fire marshal programs—44.0 FTE positions		\$ 3,572,400
Fire investigation training to locals		51,500
Fire fighters training council—7.0 FTE positions.....		964,500
GROSS APPROPRIATION.....		\$ 4,588,400
Appropriated from:		
Federal revenues:		
FEMA-PTED, hazardous material assistance program.....		50,000
DOT-RSPA, interagency hazardous materials public training		50,000
Special revenue funds:		
State general fund/general purpose		\$ 4,488,400

1998 PUBLIC AND LOCAL ACTS

For Fiscal Year
Ending Sept. 30,
1999

Department of state police; emergency management.

Sec. 111. EMERGENCY MANAGEMENT

Full-time equated classified positions.....	49.0	
Emergency management planning and administration—		
18.5 FTE positions.....		\$ 1,662,500
Grants to local government		2,182,100
FEMA program assistance—13.5 FTE positions		1,998,200
Nuclear power plant emergency planning—6.0 FTE positions		1,070,800
Hazardous materials transportation—1.0 FTE position		609,800
Hazardous materials programs—10.0 FTE positions		1,598,200
GROSS APPROPRIATION.....		\$ 9,121,600
Appropriated from:		
Federal revenues:		
FEMA-PTED, hazardous material assistance program.....		4,900,100
DOT-RSPA, interagency hazardous materials public		
sector training and planning grants		609,800
EPA-OSWER, superfund innovative technology		
evaluation program		151,000
DOJ-BJA, antiterrorism training		249,900
Special revenue funds:		
Nuclear plant emergency planning reimbursement.....		1,070,800
Hazardous materials training center fees		1,021,400
State general fund/general purpose		\$ 1,118,600

Department of state police; uniform services.

Sec. 112. UNIFORM SERVICES

Full-time equated classified positions.....	2,075.5	
Uniform services—610.0 FTE positions.....		\$ 45,372,300
Security guards—35.0 FTE positions.....		1,331,000
Reimbursed services		500,000
At-post troopers—1,430.5 FTE positions.....		101,467,700
GROSS APPROPRIATION.....		\$ 148,671,000
Appropriated from:		
Interdepartmental grant revenues:		
IDG, department of corrections.....		94,700
IDG, department of management and budget, building		
occupancy charges		579,300
Federal revenues:		
DOL-ETA		150,000
DOJ-OJP.....		200,000
Special revenue funds:		
Highway safety fund.....		6,300,000
State police service fees		500,000
State general fund/general purpose		\$ 140,847,000

Department of state police; special operations.

Sec. 113. SPECIAL OPERATIONS

Full-time equated classified positions.....	156.5	
Operational support—35.0 FTE positions.....		\$ 2,227,200

1998 PUBLIC AND LOCAL ACTS

	For Fiscal Year Ending Sept. 30, 1999
Traffic safety—13.5 FTE positions	\$ 3,321,500
Aviation program—8.0 FTE positions.....	1,213,800
Communications—100.0 FTE positions.....	13,114,800
GROSS APPROPRIATION.....	\$ 19,877,300
Appropriated from:	
Interdepartmental grant revenues:	
IDG, department of corrections, contract	61,500
Federal revenues:	
DOT-NHTSA.....	1,902,500
Special revenue funds:	
Rental of department aircraft	201,300
Drunk driving prevention and training fund.....	776,700
State general fund/general purpose	\$ 16,935,300

Department of state police; criminal investigations.

Sec. 114. CRIMINAL INVESTIGATIONS

Full-time equated classified positions.....	442.5
Criminal investigations—312.5 FTE positions.....	\$ 28,304,500
Federal anti-drug initiatives—72.0 FTE positions.....	7,132,900
Reimbursed services, materials, and equipment	1,696,700
Auto theft prevention—10.0 FTE positions.....	1,020,700
Casino gaming oversight—48.0 FTE positions.....	4,845,400
GROSS APPROPRIATION.....	\$ 43,000,200
Appropriated from:	
Interdepartmental grant revenues:	
IDT, auto theft funds.....	781,700
IDG-MDTR, casino gaming fees.....	4,845,400
IDG, department of community health, tobacco tax.....	593,200
Federal revenues:	
Federal investigations-reimbursed services.....	308,200
DOJ-BJA, drug control and system improvement, formula grants.....	4,812,400
DOJ-BJS.....	475,000
Federal narcotics investigation revenues	368,600
Special revenue funds:	
Local-reimbursed services	1,388,500
Narcotics investigation revenues.....	496,900
Forfeiture funds.....	269,500
Licensing fees.....	190,400
State general fund/general purpose	\$ 28,470,400

Department of state police; motor carrier enforcement.

Sec. 115. MOTOR CARRIER ENFORCEMENT

Full-time equated classified positions.....	206.0
Motor carrier enforcement—123.0 FTE positions.....	\$ 7,804,200
Truck safety enforcement team operations—15.0 FTE positions	1,125,800
Safety inspections—45.5 FTE positions.....	2,913,800

1998 PUBLIC AND LOCAL ACTS

	For Fiscal Year Ending Sept. 30, 1999
School bus inspections—16.0 FTE positions.....	\$ 1,395,700
Safety projects—6.5 FTE positions	815,600
GROSS APPROPRIATION.....	\$ 14,055,100
Appropriated from:	
Interdepartmental grant revenues:	
IDT, truck safety fund.....	1,189,200
IDG, department of transportation-state trunkline fund.....	5,785,100
Federal revenues:	
DOT-NHTSA, federal highway administration	3,071,800
Special revenue funds:	
Motor carrier fees.....	2,613,300
State general fund/general purpose	\$ 1,395,700

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

Total state spending; payment to local units of government; notice of approximate shortfall.

Sec. 201. (1) Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1998-99 is estimated at \$299,701,900.00 in this act from state sources and state spending paid to local units of government for fiscal year 1998-99 is estimated at \$18,124,800.00. 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 and traffic accident basic grants.....	\$ 4,452,100
Secondary road patrol and traffic accident enhanced grants.....	6,069,000

FORENSIC SCIENCES

Grant to city of Detroit	\$ 921,100
--------------------------------	------------

LAW ENFORCEMENT OFFICERS TRAINING COUNCIL

Training only to local units	\$ 650,400
Michigan justice training commission	5,624,700

FIRE MARSHAL

Fire fighters training council.....	\$ 356,000
Fire investigation training for locals.....	51,500
Total	\$ 18,124,800

(2) If it appears to the principal executive officer of the department or branch that state spending to local units of government will be less than the amount that was projected to be expended under subsection (1), the director shall immediately give notice of the approximate shortfall to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies.

1998 PUBLIC AND LOCAL ACTS

Expenditures and funding sources subject to §§18.1101 to 18.1594.

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

Contingency funds.

Sec. 203. (1) In addition to the funds appropriated in this act, 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 pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(2) In addition to the funds appropriated in this act, 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 pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(3) In addition to the funds appropriated in this act, 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 pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

(4) In addition to the funds appropriated in this act, 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 pursuant to section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Billing by department of civil service.

Sec. 204. The department of civil service shall bill departments or agencies at the end of the first fiscal quarter for the 1% charges 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.

Definitions.

Sec. 205. As used in this act:

- (a) "AFIS" means the automated fingerprint identification system.
- (b) "Department" means the department of state police.
- (c) "DNA" means deoxyribonucleic acid.
- (d) "DOD" means the United States department of defense.
- (e) "DOD-CVSA" means the DOD computerized voice stress analyzer.
- (f) "DOJ" means the United States department of justice.
- (g) "DOJ-BJA" means the DOJ bureau of justice assistance.
- (h) "DOJ-BJS" means the United States DOJ bureau of justice statistics.
- (i) "DOJ-OJP" means the DOJ office of justice programs.
- (j) "DOL" means the United States department of labor.
- (k) "DOL-ETA" means the DOL employment and training administration.
- (l) "DOT" means the United States department of transportation.
- (m) "DOT-NHTSA" means DOT national highway traffic safety administration.
- (n) "DOT-FHWA" means the DOT federal highway administration.
- (o) "DOT-RSPA" means the DOT research and special programs administration.

1998 PUBLIC AND LOCAL ACTS

- (p) "EPA" means environmental protection agency.
- (q) "EPA-OSWER" means the EPA office of solid waste and emergency response.
- (r) "FEMA" means the federal emergency management agency.
- (s) "FEMA-PTED" means the FEMA preparedness, training, and exercises directorate.
- (t) "FTE" means full-time equated.
- (u) "IDG" means interdepartmental grant.
- (v) "IDT" means intradepartmental transfer.
- (w) "LEIN" means law enforcement information network.
- (x) "MDCH" means the Michigan department of community health.
- (y) "MDOC" means the Michigan department of corrections.
- (z) "MDOS" means the Michigan department of state.
- (aa) "MDOT" means the Michigan department of transportation.
- (bb) "MDTR" means the Michigan department of treasury.
- (cc) "MLEOTC" means the Michigan law enforcement officers training council.

Reimbursement of expenses; payment.

Sec. 206. 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.

Hiring freeze; exceptions.

Sec. 207. (1) Beginning October 1, 1998, there is a hiring freeze 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 from 1 position to another within a department or to positions that are funded 80% or more from federal or restricted money.

(2) The state budget director shall grant exceptions to this hiring freeze when the state budget director believes that the hiring freeze will result in the state department or agency being unable to deliver basic services. The state budget director shall report by the fifteenth of each month to the chairpersons of the senate and house appropriations committees the number of exclusions to the hiring freeze approved during the previous month and the reasons for the exclusions.

Purchase of foreign goods and/or services.

Sec. 208. Funds appropriated in part 1 shall not be used for the purchase of foreign goods and/or services if competitively priced American goods and/or services of comparable quality are available.

State spending increase; use as state match requirements.

Sec. 209. Of the state general fund/general purpose revenue appropriated in this act, \$55,716,900.00 represents a state spending increase over the amount provided to the department of state police for the fiscal year ending September 30, 1994, and may be used

1998 PUBLIC AND LOCAL ACTS

to meet state match requirements of programs contained in the federal violent crime control and law enforcement act of 1994, or successor grant programs, so that any additional federal money received supplements funding provided to the department of state police in this act.

Businesses in deprived and depressed communities; contracts to provide services or supplies; subcontracts.

Sec. 210. (1) The director 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.

(2) 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.

Changing computer software and hardware to perform in year 2000; progress billings.

Sec. 211. (1) The department shall submit to the department of management and budget, the house and senate appropriations committees, the house and senate fiscal agencies, and the house and senate standing committees having jurisdiction over technology issues, periodic reports on the department's efforts to change the department's computer software and hardware as necessary to perform properly in the year 2000 and beyond. These reports shall identify actual progress in comparison to the department's approved work plan for these efforts.

(2) The department may present progress billings to the department of management and budget for the costs incurred in changing computer software and hardware as necessary to perform properly in the year 2000 and beyond. At the time progress billings are presented for reimbursement, the department shall identify and forward as appropriate the funding sources that should support the work performed.

Department activities relating to casino gaming oversight; report.

Sec. 212. Not later than March 15, 1999 and September 30, 1999, 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:

- (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.

Receipt and expenditure of federal or state forfeiture money; notice.

Sec. 213. The department is authorized to receive and to expend upon receipt any federal or state forfeiture money. Each quarter, the department shall notify the state police appropriations subcommittees of the house and senate and the house and senate fiscal agencies of the receipt of any federal or state forfeiture money.

1998 PUBLIC AND LOCAL ACTS

Law enforcement entity receiving GF/GP funds; evaluation or consideration of employee; basis.

Sec. 214. Any law enforcement entity receiving GF/GP funds from this act shall not evaluate an employee or consider an employee for promotion or assignment on the basis of motor vehicle citations issued.

Capped federal funds, special revenue funds, and healthy Michigan fund; report; accounting.

Sec. 215. Within 10 working days after formal presentation of the executive budget, the state budget director shall report to the members of the senate and house appropriations committees and to the senate and house fiscal agencies on the amounts and sources of all capped federal funds, special revenue funds as defined in the state of Michigan's comprehensive annual financial report, and the healthy Michigan fund, and an accounting of the state departments or agencies in which the executive budget proposed to spend the funds.

Sex offenders website; establishment; listing; information.

Sec. 216. Money appropriated under this act shall be used to establish a sex offenders registry website on the Internet. The website shall be capable of being linked to and immediately be accessible from the websites of public officials, including legislators. The sex offenders registry website shall contain a listing of all those persons in the state convicted of a sex offense and required to be registered with the state under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732. Persons listed on the sex offenders registry website shall have information listed about them including, but not limited to, their name, aliases, date of birth, address, physical description, including a photograph, and a list of sex offenses of which they were convicted.

Personal service contracts; notice; reports.

Sec. 217. (1) The department of management and budget and each principal executive department and agency shall provide to the senate and house of representatives standing committees on appropriations and the senate and house fiscal agencies a monthly report on all personal service contracts awarded without competitive bidding, pricing, or rate setting. The notification shall include all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

(2) For personal service contracts of \$100,000.00 or more, the department of management and budget shall provide a monthly report on all of the following:

- (a) The total dollar amount of the contract.
- (b) The duration of the contract.
- (c) The name of the vendor.
- (d) The type of service to be provided.

(3) The department of management and budget shall provide a monthly listing of all bid requests or requests for proposal that were issued.

(4) Each principal executive department and agency shall provide a monthly summary listing of information that identifies any authorizations for personal service contracts that are provided to the department of civil service pursuant to delegated authority granted to each principal executive department and agency related to personal service contracts.

1998 PUBLIC AND LOCAL ACTS

Contracts with temporary service agency hiring retired state employee; limitation; applicability.

Sec. 218. If a department enters into a personal services contract with any temporary service agency or similar contractor that hires or subcontracts with a person who retired from employment in the department under the early retirement program under section 19f of the state employees' retirement act, 1943 PA 240, MCL 38.19f, the retired state employee shall be limited to 500 hours for professional, technical, or clerical services and 250 hours for management services. This limitation does not apply to computer technology services. This provision only applies during a 24-month period after the date of retirement. This section applies to each principal executive department and agency.

Privatization; project plan; evaluation.

Sec. 219. Sixty days prior to beginning any effort to privatize, the department shall submit a complete project plan to the appropriate house and senate appropriations subcommittees and the house and senate 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 house and senate appropriations subcommittees and the house and senate fiscal agencies within 30 months.

DEPARTMENTWIDE APPROPRIATIONS

Employment applicant; submission to controlled substance test.

Sec. 301. Money appropriated under this act shall not be expended by the department to hire or train an applicant for employment by the department unless that applicant agrees in writing to submit to a controlled substance test that is supervised by the department.

HIGHWAY SAFETY PLANNING

Secondary road patrol and traffic accident enhanced grants program.

Sec. 401. In addition to the money appropriated in section 105, the department may receive and expend state restricted funds for the support of the secondary road patrol and traffic accident enhanced grants program in accordance with section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e. Expenditures for the support of the secondary road patrol and traffic accident enhanced grants program shall not exceed revenues received.

CRIMINAL JUSTICE DATA CENTER

Computer services; funding by LEIN user fees.

Sec. 501. The money appropriated in section 107 for computer services shall be funded by LEIN user fees sufficient to pay 1/3 of the service and contract maintenance costs of the LEIN mainframe computer system.

1998 PUBLIC AND LOCAL ACTS

Traffic accident records program; determining maintenance costs.

Sec. 502. For the fiscal year ending September 30, 1999, the department, in conjunction with the departments of transportation and state and the state budget director, shall determine the cost of maintaining the traffic accident records program based on each department's respective use.

Access to and use of information from law enforcement information network; report.

Sec. 503. A portion of the funds appropriated in section 107 for the criminal justice data center shall be used by the department to produce a written report detailing departmental policies regarding access to and use of information from the law enforcement information network. The report shall include a description of departmental measures to protect the security of information in the law enforcement information network including safeguards that would prevent unauthorized persons from obtaining information from the law enforcement information network. The department shall deliver a copy of this report to the senate and house appropriations committees no later than April 1, 1999.

Unauthorized access or misuse of information from law enforcement information network; investigation; determination.

Sec. 504. 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 law enforcement information network. 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 law enforcement information network and determine whether or not those incidents were illegal. In those incidents which may be determined to be illegal, the executive secretary for the council shall determine whether those incidents were of a negligent or criminal nature. When an incident is determined to be an illegal act, the council shall inform the chairs of both the senate and house appropriations committees.

FORENSIC SCIENCES

Detroit crime lab and Detroit police special events account; supplement.

Sec. 601. It is the intent of the legislature that the grant to the city of Detroit under section 108 be allocated by the city to supplement the city's appropriations for the Detroit crime lab and the Detroit police special events account.

DNA analysis samples and records; retaining and purging; protocol.

Sec. 602. (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 the house and senate fiscal agencies whenever any changes to the department's DNA protocol are made.

1998 PUBLIC AND LOCAL ACTS

Request for assistance received from Detroit crime lab; compliance.

Sec. 603. If a forensic laboratory operated by the department of state police receives a request for technical or other assistance from the Detroit crime lab, the department of state police shall comply with the request in a thorough and timely manner.

LAW ENFORCEMENT OFFICERS TRAINING COUNCIL

Maintenance and delivery of training to locals; state reimbursement; test to detect illegal use of controlled substances required.

Sec. 701. (1) The money appropriated to the MLEOTC 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 MLEOTC.

(2) Money appropriated under this act shall not be expended by the MLEOTC for training a law enforcement officer candidate, and a candidate shall not be certified by the MLEOTC, unless the candidate tests negative on a test prescribed by the MLEOTC that is designed to detect the illegal use of controlled substances. A test shall be conducted before basic training and before application for certification. A candidate who tests positive or refuses to submit to a test is not eligible for MLEOTC training or certification until the expiration of 2 years after the positive test or the refusal to submit to the test. Money shall not be expended to employ, train, or certify a candidate who tests positive or who refuses a test, until the expiration of 2 years after the positive test or the refusal to submit to the test.

Community policing coordination; identification of curriculum; delivery of training.

Sec. 702. The money appropriated in section 109 for community policing coordination shall be used by the department to work in conjunction with local criminal justice agencies to identify appropriate curriculum to support community policing. The department shall work as a coordinator to deliver community policing training.

EMERGENCY MANAGEMENT

State of emergency or state of disaster; report of actions taken; training to local or private interests.

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 30.420. 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.

1998 PUBLIC AND LOCAL ACTS

(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.

Extreme weather conditions; emergency services; report.

Sec. 802. (1) The emergency management division shall study the impact of extreme weather conditions, such as snow or ice storms that cause road closures, on local emergency services. Emergency service shall include services that affect health, safety, or human welfare, but not be limited to ambulance, police and fire, and rescue services.

(2) The emergency management division, in accordance with subsection (1), shall issue a formal report to the legislature by June 1, 1999.

UNIFORM SERVICES

Deterrence or detection of intoxicated drivers; expenditure to plan or implement roadblock or check lane system prohibited.

Sec. 901. The department shall not expend any portion of the money appropriated in this act, including any expenditure made under an executive order, to plan for or to implement a roadblock or check lane system that has as its primary objective the deterrence or detection of intoxicated drivers in this state.

Number of troopers maintained on road.

Sec. 902. It is the intent of the legislature that the department maintain the maximum number of troopers on the road from the available money appropriated in this act.

Post subject to consolidation; intent to cancel lease; rent expenses.

Sec. 903. Upon service of proper notification by the department of its intent to cancel the lease at any post that is subject to consolidation, money appropriated in this act shall not be used for rent expenses at that post beyond the minimum time required for cancellation of the lease.

Personnel employed to enforce traffic laws; other duties.

Sec. 904. 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.

SPECIAL OPERATIONS

Michigan public safety communications system; access and maintenance fees; disposition of money received; report.

Sec. 1001. (1) Money appropriated under section 113 for the Michigan public safety communications system shall be expended upon approval of an expenditure plan by the state budget director.

(2) The department of state police shall assess all subscribers of the Michigan public safety communications system reasonable access and maintenance fees.

1998 PUBLIC AND LOCAL ACTS

(3) All money received by the department of state police under this section shall be deposited to the state general fund pursuant to section 443 of the management and budget act, 1984 PA 431, MCL 18.1443.

(4) The department of state police shall provide a report to the house and senate appropriations committees, house and senate fiscal agencies, and the state budget director on April 15, 1999, and on October 15, 1999, indicating the amount of revenue collected under this section and deposited to the state general fund for the immediately preceding 6-month period.

Renovation cost of replacement aircraft; authority to apply proceeds from sale of aircraft.

Sec. 1002. In addition to the appropriations in section 113 to the department of state police for the aviation program, the department is authorized to sell its aircraft and the proceeds from the sale are appropriated and may be applied to the renovation cost of replacement aircraft.

CRIMINAL INVESTIGATIONS

State police post in vicinity of state prison; downgrading of services prohibited; troopers as investigators.

Sec. 1101. (1) There is sufficient money appropriated in section 113 to criminal 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. Criminal 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.

FIRE MARSHAL

Volunteer fire fighters; changes in educational and/or training requirements.

Sec. 1201. The fire fighters training council shall report any proposed changes in educational and/or training requirements for volunteer fire fighters to the house and senate appropriations subcommittees on state police and military affairs 30 days prior to implementing the proposed changes.

Report; organizations providing input; contents.

Sec. 1203. (1) The department shall prepare a detailed report and deliver it to the senate and house subcommittees on the state police not later than May 15, 1999.

(2) The report shall contain input from a delegate appointed from and by the following organizations:

(a) Michigan fire chiefs association.

(b) Michigan state fireman's association.

(c) Michigan firefighter's union.

(d) Michigan fire service instructors association.

(e) Michigan fire inspectors society.

(f) Michigan chapter of the international association of arson investigators.

(3) The report shall contain information about the quality and adequacy of service from the state fire safety inspections, enforcement, investigation, and education and training under the proposed reorganization of the fire marshal division responsibilities. The report shall be based on the performance of the fire marshal division in the performance of its fire safety duties during the first 6 months of fiscal year 1998-99.

MOTOR CARRIER ENFORCEMENT

School bus inspections.

Sec. 1301. The appropriation in section 115 for school bus inspections shall be used by the department of state police to inspect each school bus and pupil transportation vehicle annually, as required 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.

This act is ordered to take immediate effect.

Approved July 27, 1998.

Filed with Secretary of State July 28, 1998.
