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STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GRETCHEN WHITMER  
GOVERNOR

GARLIN GILCHRIST II  
LT. GOVERNOR

Date: Sept 29, 2019

Time: 3:22pm

To the President of the Senate:

Sir – I have this day approved and signed

Enrolled Senate Bill No. 147 (Public Act No. 53) being

AN ACT to make appropriations for the department of state police for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

Respectfully,

Governor

2019 SEP 29  
OCT-1  
A 9:05  
SECRETARY OF STATE  
ENROLLING CLERKS

FILED WITH SECRETARY OF STATE

ON 9/30/19 AT 7:12PM.



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GRETCHEN WHITMER  
GOVERNOR

GARLIN GILCHRIST II  
LT. GOVERNOR

September 30, 2019

Michigan State Senate  
State Capitol  
Lansing, MI 48909-7536

Senators,

I have signed Enrolled Senate Bill 147, which makes appropriations for the Department of State Police for the fiscal year ending September 30, 2020. I have, however, disapproved four items pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

To provide direction regarding the implementation of this appropriations act, I note the following:

- Sections 226 and 228, and subsections (8) and (9) of section 704, violate article 4, section 25 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Section 216 violates article 4, section 24 of the Michigan Constitution of 1963, and is therefore unenforceable.
- Sections 216 and 228 violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable.
- Subsections (2) and (3) of section 601, subsections (2) through (5) of section 602, subsection (3) of section 603, subsection (2) of section 604, subsections (3) and (4) of section 701, subsections (2) through (7) of section 702, and the annual property inspection goal in subsection (8) of section 702, also violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable. Although the Michigan State Police, as a matter of practice, meets or exceeds the availability and staffing requirements described in the aforementioned provisions, the Michigan Constitution of 1963 grants to the executive branch exclusive control over the management of its employees, which necessarily includes the administrative function of managing deployment of staff resources to accomplish departmental goals.

2019 SEP 31 A 9:05  
SECRETARY OF STATE  
ENROLLING CLERKS

Michigan State Senate

September 30, 2019

Page 2 of 2

- Subsection (4) of section 703, which purports to place funds into a commercial vehicle enforcement operations reserve fund under the control of the legislature, amounts to an attempt to condition the department's expenditure of appropriated funds on further legislative approval. It therefore violates the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and is unenforceable.

Thank you for your attention to these matters.

Sincerely,



Gretchen Whitmer

Governor

cc: Michigan House of Representatives  
The Honorable Jocelyn Benson

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2019**

Introduced by Senator Barrett

# ENROLLED SENATE BILL No. 147

AN ACT to make appropriations for the department of state police for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

*The People of the State of Michigan enact:*

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of state police for the fiscal year ending September 30, 2020, from the following funds:

**DEPARTMENT OF STATE POLICE  
APPROPRIATION SUMMARY**

Full-time equated unclassified positions .....	3.0	
Full-time equated classified positions .....	3,580.0	
<b>GROSS APPROPRIATION .....</b>		<b>\$ 728,943,500</b>
Interdepartmental grant revenues:		
IDG from department of corrections .....		344,200
IDG from department of state .....		383,800
IDG from department of technology, management, and budget .....		665,100
IDG from department of transportation .....		11,903,300
IDG from department of treasury .....		5,475,100
IDG from other restricted funding .....		2,608,500
Intradepartmental transfers .....		3,553,900
Total interdepartmental grants and intradepartmental transfers .....		24,933,900
<b>ADJUSTED GROSS APPROPRIATION .....</b>		<b>\$ 704,009,600</b>
Federal revenues:		
Other federal revenues .....		75,728,500
Total federal revenues .....		75,728,500
Special revenue funds:		
Local revenues .....		4,766,200
Total local revenues .....		4,766,200
Private revenues .....		35,000
Total private revenues .....		35,000
Michigan merit award trust fund .....		851,500

	For Fiscal Year Ending Sept. 30, 2020
State services fee fund .....	\$ 10,925,200
Other state restricted revenue .....	135,381,500
Total state restricted revenues .....	147,158,200
State general fund/general purpose .....	\$ 476,321,700
State general fund/general purpose schedule:	
Ongoing state general fund/general purpose.....	464,244,300
One-time state general fund/general purpose .....	12,077,400

**Sec. 102. DEPARTMENTAL ADMINISTRATION AND SUPPORT**

Full-time equated unclassified positions .....	3.0
Full-time equated classified positions .....	83.0
Unclassified salaries—3.0 FTE positions .....	\$ 621,700
Accounting service center .....	1,456,200
Department services—58.0 FTE positions .....	9,028,500
Departmentwide .....	41,408,500
Executive direction—25.0 FTE positions .....	4,301,700
GROSS APPROPRIATION .....	\$ 56,816,600
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of corrections .....	26,000
IDG from department of state .....	1,400
IDG from department of transportation .....	3,900
IDG from department of treasury .....	116,200
IDG from other restricted funding.....	170,300
Intradepartmental transfers.....	38,200
Federal revenues:	
Other federal revenues .....	353,000
Special revenue funds:	
Local revenues .....	1,200
Michigan merit award trust fund.....	18,000
State services fee fund .....	309,900
Other state restricted revenues.....	2,932,200
State general fund/general purpose .....	\$ 52,846,300

**Sec. 103. LAW ENFORCEMENT SERVICES**

Full-time equated classified positions .....	529.0
Biometrics and identification—54.0 FTE positions .....	\$ 9,639,700
Criminal justice information center—132.0 FTE positions.....	22,456,300
Forensic science—265.0 FTE positions .....	45,045,500
Grants and community services—15.0 FTE positions.....	15,933,900
Office of school safety—3.0 FTE positions .....	500,000
State 9-1-1 administration—5.0 FTE positions .....	1,093,900
Training—55.0 FTE positions.....	10,618,300
GROSS APPROPRIATION .....	\$ 105,287,600
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of corrections .....	318,200
IDG from department of state .....	378,600
IDG from department of transportation .....	1,227,400
IDG from other restricted funding.....	2,426,000
Intradepartmental transfers.....	750,000
Federal revenues:	
Other federal funds .....	13,325,200
Special revenue funds:	
Local revenue funds .....	918,300
Private revenues.....	20,000
State services fee fund .....	8,033,300
Other state restricted revenues.....	32,708,100
State general fund/general purpose .....	\$ 45,182,500

**Sec. 104. MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**

Full-time equated classified positions.....	18.0	
Public safety officers benefit program—1.0 FTE position .....		\$ 302,100
Standards and training/justice training grants—17.0 FTE positions .....		10,995,500
<del>Training only to local units .....</del>		<del>654,500</del>
<b>GROSS APPROPRIATION .....</b>		<b>\$ 11,952,100</b>
Appropriated from:		
Federal revenues:		
Other federal revenues.....		250,000
Special revenue funds:		
Other state restricted revenues.....		10,128,800
State general fund/general purpose .....		\$ 1,573,300

**Sec. 105. FIELD SERVICES**

Full-time equated classified positions.....	2,350.0	
Investigative services—170.5 FTE positions .....		\$ 33,256,900
Post operations—2,149.5 FTE positions.....		330,769,500
Secure cities partnership—30.0 FTE positions.....		7,793,900
<b>GROSS APPROPRIATION .....</b>		<b>\$ 371,825,300</b>
Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of treasury.....		5,162,100
Intradepartmental transfers.....		794,300
Federal revenues:		
Other federal revenues.....		6,711,400
Special revenue funds:		
Local revenues .....		1,200,000
State services fee fund .....		2,500,000
Michigan merit award trust fund.....		827,400
Other state restricted revenues.....		48,990,100
State general fund/general purpose .....		\$ 305,640,000

**Sec. 106. SPECIALIZED SERVICES**

Full-time equated classified positions.....	600.0	
Commercial vehicle enforcement, headquarters and central costs—30.0 FTE positions.....		\$ 8,644,700
Commercial vehicle enforcement, first district—48.0 FTE positions .....		6,003,200
Commercial vehicle enforcement, second district—31.0 FTE positions.....		3,697,400
Commercial vehicle enforcement, third district—25.0 FTE positions.....		3,040,500
Commercial vehicle enforcement, fifth district—28.0 FTE positions .....		3,441,400
Commercial vehicle enforcement, sixth district—20.0 FTE positions.....		2,456,400
Commercial vehicle enforcement, seventh district—7.0 FTE positions.....		961,200
Commercial vehicle enforcement, eighth district—13.0 FTE positions .....		1,702,900
School bus inspections—14.0 FTE positions.....		1,742,700
Emergency management and homeland security—64.0 FTE positions .....		15,946,100
Hazardous materials programs—25.0 FTE positions .....		23,759,000
Highway safety planning—26.0 FTE positions.....		18,101,900
Intelligence operations—202.0 FTE positions.....		28,151,300
<del>Secondary road patrol program—1.0 FTE position .....</del>		<del>13,074,300</del>
<del>Civil Air Patrol .....</del>		<del>20,000</del>
Special operations—66.0 FTE positions .....		11,908,600
<b>GROSS APPROPRIATION .....</b>		<b>\$ 142,651,600</b>
Appropriated from:		
Interdepartmental grant revenues:		
IDG from department of technology, management, and budget.....		665,100
IDG from department of transportation .....		10,413,600
IDG from department of treasury.....		100,000
Intradepartmental transfers.....		1,950,600
Federal revenues:		
Other federal revenues.....		54,128,500



For Fiscal Year  
Ending Sept. 30,  
2020

Special revenue funds:	
Local revenues .....	\$ 1,742,700
Private revenues .....	15,000
Other state restricted revenues .....	28,602,800
State general fund/general purpose .....	\$ 45,033,300

**Sec. 107. INFORMATION TECHNOLOGY**

Information technology services and projects .....	\$ 28,332,900
GROSS APPROPRIATION .....	\$ 28,332,900

Appropriated from:

Interdepartmental grant revenues:

IDG from department of state .....	3,800
IDG from department of transportation .....	258,400
IDG from department of treasury .....	96,800
IDG from other restricted funding .....	12,200
Intradepartmental transfers .....	20,800

Federal revenues:

Other federal revenues .....	960,400
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Special revenue funds:

Local revenues .....	904,000
Michigan merit award trust fund .....	6,100
State services fee fund .....	\$ 82,000
Other state restricted revenues .....	12,019,500
State general fund/general purpose .....	\$ 13,968,900

**Sec. 108. ONE-TIME APPROPRIATIONS**

First responder communications network .....	\$ 2,000,000
In-car camera video streaming network .....	766,600
<del>Michigan International Speedway traffic control .....</del>	<del>600,000</del>
Sexual assault prevention and education initiative .....	1,321,000
Trooper school .....	7,389,800
GROSS APPROPRIATION .....	\$ 12,077,400

Appropriated from:

State general fund/general purpose .....	\$ 12,077,400
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*sku*

PART 2

PROVISIONS CONCERNING APPROPRIATIONS  
FOR FISCAL YEAR 2019-2020

**GENERAL SECTIONS**

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources under part 1 for fiscal year 2019-2020 is \$623,479,900.00 and state spending from state sources to be paid to local units of government for fiscal year 2019-2020 is \$16,078,600.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF STATE POLICE

Secondary road patrol program .....	\$ 12,963,600
Standards and training/justice training grants .....	2,460,500
Training only to local units .....	654,500
TOTAL .....	\$ 16,078,600

Sec. 202. The appropriations authorized under this part and part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this part and part 1:

- (a) "CJIS" means Criminal Justice Information Systems.
- (b) "Core service" means that term as defined in section 373 of the management and budget act, 1984 PA 431, MCL 18.1373.
- (c) "Department" means the department of state police.
- (d) "Director" means the director of the department.
- (e) "DNA" means deoxyribonucleic acid.
- (f) "DTMB" means the department of technology, management, and budget.
- (g) "FTE" means full-time equated.
- (h) "IDG" means interdepartmental grant.
- (i) "MCOLES" means the Michigan commission on law enforcement standards.
- (j) "Subcommittees" means the subcommittees of the senate and house standing committees on appropriations with jurisdiction over the budget for the department.
- (k) "Support service" means an activity required to support the ongoing delivery of core services.

Sec. 204. The department and agencies receiving appropriations in part 1 shall use the internet to fulfill the reporting requirements of this part. 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. 205. 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 shall 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 shall 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. 206. 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. 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. 207. The department and agencies receiving appropriations in part 1 shall prepare a report on out-of-state travel expenses not later than January 1 of each year. The travel report shall be a listing of 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 senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director. The report shall include the following information:

- (a) The dates of each travel occurrence.
- (b) 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.

Sec. 208. 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 outside services that the attorney general authorizes.

Sec. 209. Not later than November 30, the state budget office shall prepare and transmit a report that provides for estimates of the total general fund/general purpose appropriation lapses at the close of the prior fiscal year. This report shall summarize the projected year-end general fund/general purpose appropriation lapses by major departmental program or program areas. The report shall be transmitted to the chairpersons of the senate and house appropriations committees, the subcommittees, and the senate and house fiscal agencies.

Sec. 210. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$2,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred to another line item in part 1 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 \$4,000,000.00 for state restricted contingency funds. These funds are not available for expenditure until they have been transferred to another line item in part 1 under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Sec. 211. The department shall cooperate with the DTMB to maintain a searchable website accessible by the public at no cost that includes, but is not limited to, all of the following:

- (a) Fiscal year-to-date expenditures by category.
- (b) Fiscal year-to-date expenditures by appropriation unit.
- (c) Fiscal year-to-date payments to a selected vendor, including the vendor name, payment date, payment amount, and payment description.
- (d) The number of active department employees by job classification.
- (e) Job specifications and wage rates.

Sec. 212. Within 14 days after the release of the executive budget recommendation, the department shall cooperate with the state budget office to provide the senate and house appropriations chairs, the senate and house appropriations subcommittees chairs, and the senate and house fiscal agencies with an annual report on estimated state restricted fund balances, state restricted fund projected revenues, and state restricted fund expenditures for the fiscal years ending September 30, 2019 and September 30, 2020.

Sec. 213. The department shall maintain, on a publicly accessible website, a department scorecard that identifies, tracks, and regularly updates key metrics that are used to monitor and improve the department's performance.

Sec. 214. Total authorized appropriations from all sources under part 1 for legacy costs for the fiscal year ending September 30, 2020 are estimated at \$137,272,300.00. From this amount, total agency appropriations for pension-related legacy costs are estimated at \$74,914,400.00. Total agency appropriations for retiree health care legacy costs are estimated at \$62,357,900.00.

Sec. 215. Based on the availability of federal funding and demonstrated need, as indicated by applications submitted to the state court administrative office, the department shall provide \$1,500,000.00 in Byrne justice assistance grant program funding to the judiciary by interdepartmental grant.

Sec. 216. A department or state agency shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Sec. 217. The department shall provide biannual reports to the subcommittees, the senate and house fiscal agencies, and the state budget office that provide the following data:

- (a) A list of major work projects, including the status of each project.
- (b) The department's financial status, featuring a report of budgeted versus actual expenditures by part 1 line item including a year-end projection of budget requirements. If projected department budget requirements exceed the allocated budget, the report shall include a plan to reduce overall expenses while still satisfying specified service level requirements.
- (c) A report on the performance metrics cited or information required to be reported in this part, reasons for nonachievement of metric targets, and proposed corrective actions.

Sec. 218. The appropriations in part 1 are for the core services, support services, and work projects of the department, including, but not limited to, the following core services:

- (a) State security operations.
- (b) Training.
- (c) MCOLES.
- (d) CJIS.
- (e) Forensic analysis and biometric identification.
- (f) Post operations and investigative services.
- (g) Special operations.
- (h) Intelligence operations.
- (i) Commercial vehicle regulation and enforcement.
- (j) Emergency management and homeland security.
- (k) Highway safety planning.
- (l) Secondary road patrol program.

Sec. 219. The department shall notify the subcommittees, the chairpersons of the senate and house standing committees on appropriations, and the senate and house fiscal agencies not less than 90 days before recommending to close or consolidate any state police post. The notification shall include a local and state impact study of the proposed post closure or consolidation.

Sec. 220. At least 90 days before beginning any effort to privatize, the department shall submit a complete project plan to the 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 subcommittees and the senate and house fiscal agencies within 30 months.

Sec. 221. (1) 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.

(2) The department shall define service cost models for those services requiring reimbursement.

(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 services provided to state agencies.

(5) Revenues received for contractual or reimbursed services in excess of the appropriation in part 1 are appropriated and may be received and expended by the department for the purposes for which funds are received.

(6) If additional authorization is approved in the statewide integrated governmental management application (SIGMA) by the state budget office under this section, the department shall notify the subcommittees and the senate and house fiscal agencies within 10 days after the approval. The notification shall include the amount and funding source of the additional authorization, the date of its approval, and the projected use of funds to be expended.

Sec. 222. The department shall serve as an active liaison between the DTMB and state, local, regional, and federal public safety agencies on matters pertaining to the Michigan public safety communications system and shall report user issues to the DTMB.

Sec. 223. The department may establish and collect fees for publications, videos, conferences, workshops, and related materials. Collected fees shall be used to offset expenditures for costs of the publications, videos, workshops, conferences, and related materials. The department shall not collect fees under this section that exceed the cost of the expenditures.

Sec. 224. (1) The department may accept monetary and nonmonetary gifts, bequests, donations, contributions, or grants from any private or public source to support, in whole or in part, a departmental function or program. The department shall expend or use such gifts, bequests, donations, contributions, or grants for the purposes designated by the private or public source, if the purpose is specified.

(2) Revenue collected by the department under this section that is unexpended and unencumbered shall not lapse to the general fund but shall be carried forward to the subsequent fiscal year.

Sec. 225. (1) Federal revenues authorized by and available from the federal government in excess of the appropriations in part 1 are appropriated and may be received and expended by the department for purposes authorized under state law and subject to federal requirements.

(2) The department shall notify the subcommittees and the senate and house fiscal agencies before expending federal revenues received and appropriated under subsection (1).

(3) If additional authorization is approved in the statewide integrated governmental management application (SIGMA) by the state budget office under this section, the department shall notify the subcommittees and the senate and house fiscal agencies within 10 days after the approval. The notification shall include the amount and funding source of the additional authorization, the date of its approval, and the projected use of funds to be expended.

Sec. 226. It is the intent of the legislature that the department shall take all steps necessary to protect the data and privacy of citizens who are not the focus of a departmental investigation and to protect personal information from unauthorized access or misuse. This includes, but is not limited to, requiring vendors or service providers to protect data shared with them, ensuring that when personal data is collected, but no longer utilized by the department, that reasonable steps be taken to securely destroy records containing personal information when it is to be discarded so that the information is rendered indecipherable and is not sold for marketing or other purposes. In addition, the department shall provide written notification to any data subject whose sensitive personal information is accessed or acquired by an unauthorized person.

Sec. 227. The department shall utilize attrition savings from the appropriations in part 1 to conduct an attrition school during the 2019-2020 fiscal year that will graduate at least 70 new troopers.

Sec. 228. A law enforcement officer or a motor carrier officer funded under part 1 shall not be required to issue a predetermined or specified number of citations for violations of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or of local ordinances substantially corresponding to provisions of the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, including parking or standing violations. A law enforcement officer's or motor carrier officer's performance evaluation system shall not require a predetermined or specified number of citations to be issued.

## **LAW ENFORCEMENT SERVICES**

Sec. 401. (1) The department shall develop and deliver professional, innovative, and quality training that supports the enforcement and public safety efforts of the criminal justice community.

(2) The department shall provide performance data, as provided under section 217 of this part, for average classroom occupancy rate, with an annual goal of at least 55%.

(3) The department shall submit a report to the subcommittees and the senate and house fiscal agencies within 60 days of the conclusion of any trooper, motor carrier, or state properties security recruit school. The report shall include the following:

(a) The number of veterans and the number of MCOLES-certified police officers who were admitted to and the number who graduated from the recruit school.

(b) The total number of recruits who were admitted to the school, the number of recruits who graduated from the school, and the location at which each of these recruits is assigned.

(4) The department shall distribute and review course evaluations to ensure that quality training is provided.

Sec. 402. (1) In accordance with applicable state and federal laws and regulations, the department shall maintain and ensure compliance with CJIS databases and applications in the support of public safety and law enforcement communities.

(2) The department shall improve the accuracy, timeliness, and completeness of criminal history information by conducting a minimum of 30 outreach activities targeted to criminal justice agencies.

(3) The department shall provide for the compilation of crime statistics consistent with the uniform crime reporting (UCR) program and the national incident-based report system (NIBRS).

(4) The department shall provide for the compilation and evaluation of traffic crash reports and the maintenance of the state accident data collection system.

(5) The department shall make individual traffic crash reports available for a fee of \$10.00 per incident. The department may also sell an extract of electronic traffic crash data for a fee of \$0.25 per incident, provided that the name, address, and any other personal identifying information have been excluded.

(6) In accordance with applicable state and federal laws and regulations, the department shall provide for the maintenance and dissemination of criminal history records and juvenile records, including to the extent necessary to exchange criminal history records information with the Federal Bureau of Investigation and other states through the interstate identification index, the National Crime Information Center, and other federal CJIS databases and indices.

(7) In accordance with applicable state and federal laws, the department shall provide for the maintenance of records, including criminal history records regarding firearms licensure.

(8) The department shall provide a report to the legislature on concealed pistol licensing not later than December 1, 2020 that includes all of the following:

(a) The department's actual revenue received from fees paid for concealed pistol license (CPL) applications for fiscal year 2019-2020 and the uses of that revenue.

(b) The department's fiscal year 2019-2020 costs for administering its concealed pistol licensing responsibilities under 1927 PA 372, MCL 28.421 to 28.435, but not including costs related to the administration of other state statutes or requirements of federal law.

(9) The department shall provide information on the number of background checks processed through the internet criminal history access tool (ICHAT), as provided in section 217 of this part.

(10) The following unexpended and unencumbered revenues deposited into the criminal justice information center service fees shall not lapse to the general fund, but shall be carried forward into the subsequent fiscal year:

(a) Fees for fingerprinting and criminal record checks and name-based criminal record checks under 1935 PA 120, MCL 28.271 to 28.274.

(b) Fees for application and licensing for initial and renewal concealed pistol licenses under 1927 PA 372, MCL 28.421 to 28.435.

(c) Fees for searching, copying, and providing public records under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(d) Revenue from other sources, including, but not limited to, investment and interest earnings.

(11) Unexpended and unencumbered revenue generated by state records management system fees shall not lapse to the general fund, but shall be carried forward into the subsequent fiscal year.

Sec. 403. (1) The department shall provide forensic testing services to aid in criminal investigations.

(2) The department shall ensure its ability to maintain accreditation by a federally designated accrediting agency, as provided under 34 USC 12592.

(3) The department shall provide forensic science services with an average turnaround time of 55 days, assuming an annual caseload volume commensurate with that received in fiscal year 2012-2013, and shall achieve a goal of a 30-day average turnaround time across all forensic science disciplines.

(4) The department shall provide the following data as provided in section 217 of this part:

(a) The average turnaround time for processing forensic evidence across all disciplines.

(b) Forensic laboratory staffing levels, including scientists in training, and vacancies.

(c) The number of backlogged cases in each discipline.

(5) The department shall provide for the forensic testing and analysis/profiling of DNA evidence to aid criminal investigations by law enforcement agencies in this state.

Sec. 404. (1) The biometrics and identification division shall house and manage the automated fingerprint identification system, the statewide network of agency photographs, and combined offender DNA index system biometric databases.

(2) The department shall provide data on the number of 10-print and palm-print submissions to the database, with a goal of at least 97% of submissions provided electronically, as provided in section 217 of this part.

(3) The department shall maintain the staffing and resources necessary to have a 28-day average wait time for scheduling a polygraph examination, assuming an annual caseload received commensurate with fiscal year 2012-2013, with a goal of achieving a 15-day average wait time.

(4) If changes are made to the department's protocol for retaining and purging DNA analysis samples and records, the department shall post a copy of the protocol changes on the department's website.

Sec. 405. Not later than December 1, the department shall submit a report to the subcommittees and senate and house fiscal agencies that includes, but is not limited to, all of the following information:

(a) Sexual assault kit analysis backlog at the beginning of the prior fiscal year.

(b) The number of sexual assault kits collected or submitted for analysis during the prior fiscal year.

(c) The number of sexual assault kits analyzed and the number of associated DNA profiles created and uploaded during the prior fiscal year.

(d) Sexual assault kit analysis backlog at the ending of the prior fiscal year.

(e) The average turnaround time to analyze sexual assault kits and to create and upload associated DNA profiles for the prior fiscal year.

Sec. 406. The department shall provide administrative support for the following grant and community service programs:

(a) The operations of the automobile theft prevention authority.

(b) Administration of the Edward Byrne memorial justice assistance program and other grant programs, as well as the department's community policing efforts.

(c) Administration of school safety grants.

Sec. 407. Not later than March 30, the office of school safety shall provide a school safety report to the legislature and the house and senate fiscal agencies that must include the following:

(a) The status of school safety grants, if any, issued by the grants and community services unit or the office of school safety, including grant amounts awarded to each school district for school safety improvements. This information shall also be provided on a biannual basis, as provided under section 217 of this part.

(b) Reports of incidents of school violence or threats reported to the state police by local law enforcement or local school districts, or received through the Michigan incident crime report (MICR).

(c) Reports of OK2SAY-based incidents and activities, as provided to the department of attorney general.

(d) Based upon an evaluation of incidents of school safety and analysis of school safety grants, recommendations on best practices and other safety measures to ensure school safety in this state.

### **MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**

Sec. 501. (1) MCOLES shall establish standards for the selection, employment, training, education, licensing, and licensing revocation of all law enforcement officers and provide the basic law enforcement training curriculum for law enforcement training academy programs statewide.

(2) MCOLES shall maintain staffing and resources necessary to update law enforcement standards within 120 days of the enactment date of any new legislation.

### **FIELD SERVICES**

Sec. 601. (1) Department 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, are not prohibited from responding to crimes in progress or other emergency situations and are responsible for making every effort to protect all residents of this state.

(2) The department shall maintain the staffing and resources necessary to continually work to enhance traffic safety throughout this state and shall dedicate a minimum of 455,200 hours to statewide patrol, of which a minimum of 40,000 shall be committed to distressed cities in this state. The department shall work to improve public safety efforts within distressed cities by enhancing data analysis capabilities and identifying crime trends and areas with high occurrence of crime.

(3) The department shall maintain the staffing and resources necessary to annually conduct 7,000 residence checks of registered sex offenders.

(4) The department shall submit a report on or before April 15 to the subcommittees and senate and house fiscal agencies regarding the secure cities partnership during the prior calendar year.

Sec. 602. (1) The department shall identify and apprehend criminals through criminal investigations in this state.

(2) The department shall maintain the staffing and resources necessary to provide a comparable number of hours investigating crimes as those performed in fiscal year 2012-2013.

(3) The department shall maintain the staffing and resources necessary to annually meet or exceed a case clearance rate of 62%.

(4) The department shall annually provide 4 training opportunities to local law enforcement partners with the goal of increasing their knowledge of gambling laws, trends, legal issues, and opioid-related investigations.

(5) The department shall maintain the staffing and resources necessary to increase the number of opioid-related investigations by 20% above the number of those investigations conducted in the 2014-2015 fiscal year by multijurisdictional task forces and hometown security teams. The department shall work to enhance investigative and drug interdiction efforts by enhancing data analysis capabilities and linking investigations among multijurisdictional task forces and hometown security teams.

Sec. 603. (1) The department shall provide protection to this state, its economy, welfare, and vital state-sponsored programs through the prevention and suppression of organized smuggling of untaxed tobacco products in this state, through enforcement of the tobacco products tax act, 1993 PA 327, MCL 205.421 to 205.436, and other laws pertaining to combating criminal activity in this state, and by maintaining a tobacco tax enforcement unit.

(2) The department shall submit an annual report on December 1 to the subcommittees, the senate and house appropriations subcommittees on general government, the senate and house fiscal agencies, and the state budget office that details expenditures and activities related to tobacco tax enforcement for the prior fiscal year.

(3) The tobacco tax enforcement unit shall dedicate a minimum of 16,600 hours to tobacco tax enforcement.

Sec. 604. (1) The department shall provide fire investigation training and investigative assistance to public safety agencies in this state.

(2) The department shall maintain the staffing and resources necessary to maintain readiness to respond appropriately to at least the number of requests for fire investigation services that occurred in fiscal year 2010-2011 and shall be available for call out statewide 100% of the time.

## **SPECIALIZED SERVICES**

Sec. 701. (1) The department shall operate the Michigan intelligence operation center for homeland security as this state's primary federally designated fusion center to receive, analyze, gather, and disseminate threat-related information among federal, state, local, tribal, and private sector partners.

(2) The department shall ensure public safety by providing public and private sector partners with timely and accurate information regarding critical information key resource threats as reported to or discovered by the Michigan intelligence operations center for homeland security and shall increase public awareness on how to report suspicious activity through website or telephone communications.

(3) The department shall maintain the staffing and resources necessary to support the cyber section, including the Michigan cyber command center, the computer crimes unit, and the internet crimes against children task force. The department shall maintain the staffing and resources necessary to increase the number of cases completed by the computer crimes unit by 40% above the number of cases completed in the 2014-2015 fiscal year. The unit shall pursue process improvement initiatives to effectively utilize staff resources in providing investigatory assistance and evidentiary analysis for law enforcement and criminal justice agencies statewide. The department shall maintain the staffing and resources necessary to increase the Michigan cyber command center casework by 25% above the level of activity in the 2017-2018 fiscal year.

(4) The department shall maintain the staffing and resources necessary to provide digital forensic analysis services with a goal of decreasing backlogs of digital forensic analysis cases annually until the department maintains a 60-day turnaround time.

Sec. 702. (1) The department shall provide specialized services in support of, and to enhance, local, state, and federal law enforcement operations within this state in accordance with all applicable state and federal laws and regulations.

(2) The department shall maintain the staffing and resources necessary to provide training to maintain readiness to respond appropriately to at least the number of requests for specialty services which occurred in fiscal year 2010-2011.

(3) The canine unit shall be available for call out statewide 100% of the time.

(4) The bomb squad unit shall be available for call out statewide 100% of the time.

(5) The emergency support teams shall be available for call out statewide 100% of the time.

(6) The marine services team shall be available for call out statewide 100% of the time.

(7) Aviation services shall be available for call out statewide 100% of the time, unless prohibited by weather or unexpected mechanical breakdowns.

(8) The department shall maintain the staff and resources necessary to provide security services at the State Capitol Complex facilities and the State Secondary Complex, as provided under section 6c of 1935 PA 59, MCL 28.6c. The department shall also maintain the staff and resources necessary to respond to emergencies at the State Capitol Complex, State Secondary Complex, House Office Building, Binsfeld Office Building, Capitol parking lot, Townsend Parking Ramp, Roosevelt Parking Ramp, and other areas as directed. The department shall maintain a goal of annually conducting 35,000 property inspections of state owned and leased facilities.

Sec. 703. (1) The department shall maintain commercial vehicle regulation, school bus inspections, and enforcement activities, including enforcement of requirements concerning size, weight, and load restrictions; operating authority; registration; fuel taxes; transportation of hazardous materials; operations of new entrants; and commercial driver's licenses.

(2) The department shall maintain the staffing and resources necessary to meet inspection goals consistent with the department's federal motor carrier assistance program activities.

(3) Revenue collected under the motor carrier act, 1933 PA 254, MCL 475.1 to 479.42, shall be expended in accordance with that act. Unexpended and unencumbered revenues shall not lapse to the general fund but shall be carried forward into the subsequent fiscal year.

(4) From the funds appropriated in part 1 from interdepartmental grants, intradepartmental transfers, and federal funds for commercial vehicle enforcement line items, there shall be established a commercial vehicle enforcement operations reserve fund. Funds shall be expended from the commercial vehicle enforcement operations reserve fund only after the commercial vehicle enforcement division within the department provides sufficient evidence to the subcommittees on the need for these funds for commercial vehicle enforcement operations. Upon providing the evidence, the state budget director shall request a legislative transfer of the funds from the commercial vehicle enforcement operations reserve fund for the funding of commercial vehicle enforcement line items.

Sec. 704. (1) The department shall coordinate the mitigation, preparation, response, and recovery activities of municipal, county, state, and federal governments, and other governmental entities, for all hazards, disasters, and emergencies.



(2) The state director of emergency management may expend money appropriated under part 1 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 this 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 funding. The state budget director shall review the expenditures and submit recommendations to the legislature in regard to any possible need for a supplemental appropriation.

(3) In addition to the funds appropriated in part 1, 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 statewide integrated governmental management application (SIGMA) is approved by the state budget office under this section, the department and the state budget office shall notify the subcommittees and the senate and house 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.

(4) The department shall foster, promote, and maintain partnerships to protect this state and homeland from all hazards.

(5) The department shall maintain the staffing and resources necessary to do all of the following:

(a) Serve approximately 105 local emergency management preparedness programs and 88 local emergency planning committees in this state.

(b) Operate and maintain the state's emergency operations center and provide command and control in support of emergency response services.

(c) Maintain readiness, including training and equipment to respond to civil disorders and natural disasters commensurate with the capabilities of fiscal year 2010-2011.

(d) Perform hazardous materials response training.

(6) The department shall conduct a minimum of 3 training sessions to enhance safe response in the event of natural or manmade incidents, emergencies, or disasters.

(7) In addition to the funds appropriated in part 1, there is appropriated from the disaster and emergency contingency fund an amount necessary to cover costs related to any disaster or emergency as defined in the emergency management act, 1976 PA 390, MCL 30.401 to 30.421. Funds shall be expended as provided under sections 18 and 19 of the emergency management act, 1976 PA 390, MCL 30.418 and 30.419, and R 30.51 to R 30.61 of the Michigan Administrative Code.

(8) Funds in the disaster and emergency contingency fund shall not be expended unless the state budget director approves the expenditure and the department and the state budget office notify the senate and house appropriations committees. If expenditures are made from the disaster and emergency contingency fund during a month, the department shall submit monthly reports to the senate and house fiscal agencies detailing the purpose of the expenditures. These monthly reports shall be submitted within 30 days after the end of the month during which funds from the disaster and emergency contingency fund were expended.

(9) Upon the declaration of a state of emergency or disaster by the governor under section 3 of the emergency management act, 1976 PA 390, MCL 30.403, approval of the state budget director, and notification of the subcommittees and senate and house fiscal agencies, the director may expend funds appropriated from any source to any line item within part 1 for the purpose of paying the necessary and reasonable expenses incurred by the department in responding to or mitigating the effects of any emergency or disaster as those terms are defined in section 2 of the emergency management act, 1976 PA 390, MCL 30.402.

(10) The department shall track and report on a biannual basis, as provided in section 217 of this part, the status of the department's assessment of critical infrastructure vulnerabilities, including the protection status of critical infrastructure items identified by the assessment.

Sec. 705. The department shall provide for the planning, administration, and implementation of highway traffic safety programs to save lives and reduce injuries on roads in this state, in partnership with other public and private organizations.

~~Sec. 706. (1) Funds appropriated in part 1 for the secondary road patrol program shall be used to provide grants to sheriffs under the secondary road patrol program described under section 76 of 1846 RS 14, MCL 51.76.~~



~~(2) Not later than January 31, 2020, the office of highway safety planning shall work with the state court administrator to issue a report to the department and the subcommittees on the following data from the previous calendar year:~~

~~(a) The total number of traffic civil infractions written under both state and local ordinances for which the \$40.00 justice system assessment is to be assessed.~~

~~(b) Of the total number reported under subdivision (a), the number of traffic civil infractions written under both state and local ordinances that the court assessed and ordered payment of the justice system assessment.~~

~~(c) Of the number reported under subdivision (b), the number of traffic civil infractions for which the justice system assessment was collected and distributed to the justice system fund created in section 181 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.181.~~

~~(d) The number of citations, misdemeanors, and felonies written under both state and local ordinances corresponding to a law of this state for a violation of each of the following:~~

~~(i) Section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a.~~

~~(ii) Section 618 of the Michigan vehicle code, 1949 PA 300, MCL 257.618.~~

~~(iii) Section 625(1) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.~~

~~(iv) Section 625(8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.~~

~~(v) Section 626 of the Michigan vehicle code, 1949 PA 300, MCL 257.626.~~

~~(vi) Section 676b of the Michigan vehicle code, 1949 PA 300, MCL 257.676b.~~

~~(vii) Section 904 of the Michigan vehicle code, 1949 PA 300, MCL 257.904.~~

~~(8) The sheriffs' duties under the secondary road patrol program, as outlined in section 76(2) of 1946 RS 14, MCL 51.76, are to patrol and monitor traffic violations; to enforce the criminal laws of this state, violations of which are observed by or brought to the attention of the sheriff's department while patrolling and monitoring secondary roads; to investigate accidents involving motor vehicles; and to provide emergency assistance to persons on or near a highway or road the sheriff is patrolling and monitoring.~~

### ONE-TIME APPROPRIATIONS

Sec. 801. (1) Except as otherwise provided in this section, funds appropriated in part 1 for sexual assault prevention and education initiative shall be used to provide and administer grants to public or nonpublic community colleges, colleges, universities, and high schools with a physical presence in this state to address campus sexual assault issues in order to improve the safety and security of students, faculty, and staff in campus environments in this state.

(2) Grant funds awarded shall support sexual assault programs, including education, awareness, prevention, reporting, bystander intervention programs, peer advocacy groups, and student organizations dedicated to campus sexual assault prevention and other actions covered by title IX protections.

(3) The department shall award grants no later than February 15, 2020, with a grant period of 1 year. Any of the funds appropriated in part 1 for sexual assault prevention and education initiative that are not awarded by February 15, 2020 may be utilized to support other initiatives or programs through the office of school safety.

## PART 2A

### PROVISIONS CONCERNING ANTICIPATED APPROPRIATIONS

FOR FISCAL YEAR 2020-2021

### GENERAL SECTIONS

Sec. 1001. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, 2021 for the line items listed in part 1. The fiscal year 2020-2021 appropriations are anticipated to be the same as those for fiscal year 2019-2020, excluding appropriations designated as one-time appropriations and adjusting for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January 2020 consensus revenue estimating conference.

This act is ordered to take immediate effect.

  
Secretary of the Senate

  
Clerk of the House of Representatives

Approved 9/29/19 3:22 pm

  
Governor