

**FY 2021-22: STATE POLICE
Summary: As Passed by the House
House Bill 4406 (H-2)**



Analyst: Marcus Coffin

	FY 2020-21 YTD as of 2/11/21	FY 2021-22 Executive	FY 2021-22 House	FY 2021-22 Senate	FY 2021-22 Conference	Difference: House From FY 2020-21 YTD	
						Amount	%
IDG/IDT	\$24,649,600	\$24,816,300	\$24,816,300			\$166,700	0.7
Federal	147,037,800	80,953,100	262,953,200			115,915,400	78.8
Local	4,841,200	4,832,700	4,832,700			(8,500)	(0.2)
Private	1,735,000	35,000	35,000			(1,700,000)	(98.0)
Restricted	148,879,300	145,998,100	145,998,100			(2,881,200)	(1.9)
GF/GP	439,376,600	516,529,500	332,329,500			(107,047,100)	(24.4)
Gross	\$766,519,500	\$773,164,700	\$770,964,800			\$4,445,300	0.6
FTEs	3,599.0	3,654.0	3,654.0			55.0	1.5

Notes: (1) FY 2020-21 year-to-date figures include mid-year budget adjustments through February 11, 2021. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

Overview

The Michigan Department of State Police (MSP) is the state's primary law enforcement and emergency response authority. The department is responsible for criminal law enforcement and investigation, traffic and motor carrier safety, and homeland security. The department is also responsible for the administration and implementation of various state programs, technologies, and specialized services intended to enhance the capabilities and coordination of federal, state, and local law enforcement agencies, the criminal justice system, and the entire public safety community.

Major Budget Changes from FY 2020-21 YTD Appropriations

1. Public Safety Payroll – Fund Shift

Executive restores \$45.5 million GF/GP that was reduced from the FY 2020-21 budget and replaced with federal Coronavirus Relief Fund revenue. Federal funding was allocated to support payroll costs during the COVID-19 pandemic. Federal funding has been exhausted and GF/GP needs to be restored for ongoing departmental payroll costs. House concurs.

	FY 2020-21 Year-to-Date (as of 2/11/21)	FY 2021-22 House Change
Gross	\$45,500,000	\$0
Federal	45,500,000	(45,500,000)
GF/GP	\$0	\$45,500,000

2. Michigan Joint Task Force on Jail and Pretrial Incarceration (One-Time)

Executive includes an additional \$6.0 million GF/GP, bringing total funding for implementing the task force's recommendations regarding behavioral health crisis response training and services/support for crime victims (recommendations 7 and 17) to \$10.2 million GF/GP. Funding would be utilized to develop and deliver training to law enforcement officers, jail officers, and dispatch personnel. House concurs.

Gross	\$4,200,000	\$6,000,000
GF/GP	\$4,200,000	\$6,000,000

3. FY 2020-21 Trooper Recruit School Annualization

Executive includes \$4.9 million GF/GP to support departmental expenses incurred for troopers that are graduating from trooper recruit school during FY 2020-21. Costs include fleet leasing, IT support, salaries, and benefits. House concurs.

Gross	NA	\$4,914,100
GF/GP	NA	\$4,914,100

4. FY 2021-22 Trooper Recruit School One-Time Costs

Executive includes \$4.9 million GF/GP to support one-time costs associated with the FY 2021-22 trooper recruit school, which is projected to graduate 50 troopers. Costs that would be covered by this funding include training and trooper outfitting. House concurs.

Gross	NA	\$4,885,500
GF/GP	NA	\$4,885,500

Major Budget Changes from FY 2020-21 YTD Appropriations		FY 2020-21 Year-to-Date (as of 2/11/21)	FY 2021-22 House Change
5. Post Operations Increase	Gross	NA	\$0
<u>Executive</u> includes \$3.2 million GF/GP for increased levels of contractual services that the MSP provides for executive security. <u>House</u> does not include the additional funding.	GF/GP	NA	\$0
6. FY 2021-22 Trooper Recruit School	FTE	NA	50.0
<u>Executive</u> includes \$2.8 million GF/GP and authorization for 50.0 FTE positions to support various costs associated with an FY 2021-22 trooper recruit school, which is projected to graduate 50 troopers. Costs would include salaries, training materials, patrol cars, and trooper outfitting. <u>House</u> concurs.	Gross GF/GP	NA NA	\$2,793,300 \$2,793,300
7. Clean Slate for Michigan	FTE	NA	3.0
<u>Executive</u> includes \$1.1 million GF/GP and authorization for 3.0 FTE positions for maintenance and activities related to an automated system for the expungement of criminal records. The expungements are occurring due to legislation enacted in 2020 (2020 PAs 187-193). The funding would be used to support 3 positions within the Criminal Justice Information Center to process manual expungements and to cover maintenance costs associated with the systems. <u>House</u> concurs.	Gross GF/GP	NA NA	\$1,050,000 \$1,050,000
8. State Emergency Operations Center Information Technology	Gross	NA	\$407,000
<u>Executive</u> includes \$407,000 GF/GP to offset increased costs related to IT for the State Emergency Operations Center. The costs are associated with all of the following: hosting, Geographic Information System maintenance and licensing, video displays and servers, and emergency notification systems. <u>House</u> concurs.	GF/GP	NA	\$407,000
9. MCOLES Information and Tracking Network Contract Increase	Gross	NA	\$358,000
<u>Executive</u> includes a \$358,000 increase in state restricted authorization from the Marihuana Regulatory Fund (medical) to offset contractual cost increases for system maintenance and support for the MCOLES Information and Tracking Network (MITN). The MITN is a central system that allows law enforcement agencies, academies, and training providers to fulfill statutory reporting requirements. <u>House</u> concurs.	Restricted GF/GP	NA NA	358,000 \$0
10. MCOLES Staffing Enhancement	FTE	17.0	2.0
<u>Executive</u> includes \$306,500 in state restricted authorization from the Marihuana Regulatory Fund (medical) and authorization for 2.0 FTE positions to allow MCOLES to hire 2 additional employees to work on law enforcement training, licensure, and investigations. <u>House</u> concurs.	Gross Federal Restricted GF/GP	\$8,536,900 250,000 7,970,400 \$316,500	\$306,500 0 306,500 \$0
11. Michigan Public Safety Communications System Leases	Gross	NA	(\$157,500)
<u>Executive</u> includes a \$157,500 GF/GP decrease to reflect the consolidation of funding for the Michigan Public Safety Communications System within the Department of Technology, Management and Budget. The funding reflects rent obligations on 5 radio facilities that were funded through the MSP budget that will now be within the DTMB budget. <u>House</u> concurs.	GF/GP	NA	(\$157,500)
12. Public Safety Officers Benefit Program Restructure	FTE	1.0	0.0
<u>Executive</u> includes a net-zero restructure of the Public Safety Officers Benefit Program by appropriating funds to a Public Safety Officers Benefit Fund line item instead of to the program line item. Boilerplate would be included directing the GF/GP appropriation to be deposited to the restricted fund. This would allow for a fund balance to accrue and would provide flexibility for the payment of future program benefits. Authorization for 1.0 FTE position would be transferred to the Standards and Training line item. <u>House</u> concurs.	Gross GF/GP	\$302,800 \$302,800	\$0 \$0

Major Budget Changes from FY 2020-21 YTD Appropriations		FY 2020-21 Year-to-Date (as of 2/11/21)	FY 2021-22 House Change
13. Removal of FY 2020-21 One-Time Appropriation		Gross	\$3,509,100
<u>Executive</u> removes \$3.5 million GF/GP in one-time funding that was included in the FY 2020-21 budget to support two 60- person attrition schools, for a projected total of 120 graduates. <u>House</u> concurs.		GF/GP	(\$3,509,100)
14. Removal of FY 2020-21 Boilerplate Appropriations		Gross	\$28,434,000
<u>Executive</u> removes FY 2020-21 federal, private, and state restricted appropriations authorized in boilerplate. Federal funding that was received included disaster assistance funds from the Department of Homeland Security and National Telecommunications and Information Administration grants from the Department of Transportation. The state restricted appropriation was for funding from the Disaster and Emergency Contingency Fund used to cover costs associated with flooding in the Upper Peninsula in 2018. The private appropriation was for donations the state received to support COVID-19 response efforts. <u>House</u> concurs.		Federal	(22,934,000)
		Private	(1,700,000)
		Restricted	(3,800,000)
		GF/GP	\$0
15. Technical Adjustments		Gross	NA
<u>Executive</u> includes numerous adjustments to various fund sources (federal, IDG/IDT, and state restricted) to align expenditures and revenues and includes numerous internal transfers to align funding and FTE authorization with department activity. Changes include, but are not limited to, the following (transfers are all internal and net-zero, unless otherwise noted):		IDG/IDT	64,600
		Federal	2,333,900
		Restricted	(296,300)
		GF/GP	\$0
	<ul style="list-style-type: none"> • Transfers \$1 million Gross and 3.0 FTE positions from the Grants and Community Services line item to the Office of School Safety line item. • Transfers \$1 million in federal authorization for Special Traffic Enforcement Program Grants from the Grants and Community Services line item to the Post Operations line item. • Transfers \$784,200 Gross and 6.0 FTE positions from the Post Operations line item to the Intelligence Operations line item for narcotics investigations. • Transfers \$450,500 Gross and 3.0 FTE positions from the Investigative Services line item to the Intelligence Operations line item to coordinate the Missing Persons Unit. • Transfers a total of \$423,300 Gross and 1.0 FTE position from the Department Services, Criminal Justice Information Center, and Intelligence Operations line items to the Mobile Office and System Support line. 		
<u>House</u> concurs.			
16. Economic Adjustments		Gross	NA
<u>Executive</u> reflects increased costs of \$12.7 million Gross (\$12.1 million GF/GP) for negotiated salary and wage increases (2.0% on October 1, 2021 and 1.0% on April 1, 2022), overtime increases, increased longevity, higher actuarially required retirement contributions, increases in other employee retirement costs, increased fuel and utility costs, decreases in worker's compensation, and decreases in building occupancy charges, and other economic adjustments. <u>House</u> concurs.		IDG/IDT	102,100
		Federal	15,400
		Local	(8,500)
		Restricted	550,600
		GF/GP	\$12,069,600
17. Coronavirus State Fiscal Recovery Funds for Payroll		Gross	NA
<u>House</u> includes \$182.0 million of federal Coronavirus State Fiscal Recovery Funds and reduces the GF/GP appropriation by a like amount. Funding will be utilized to support departmental payroll costs.		Federal	182,000,000
		GF/GP	(\$182,000,000)

<u>Major Budget Changes from FY 2020-21 YTD Appropriations</u>		<u>FY 2020-21 Year-to-Date (as of 2/11/21)</u>	<u>FY 2021-22 House Change</u>
18. State Capitol Security (One-Time)	Gross	NA	\$1,000,000
<u>House</u> includes \$1.0 million GF/GP for costs associated with security services provided by the City of Lansing for the State Capitol and surrounding state properties.	GF/GP	NA	\$1,000,000
19. Facility Upgrades (One-Time)	Gross	NA	\$0
<u>House</u> includes a \$100 placeholder for upgrades at MSP facilities, specifically at Emergency Management and Homeland Security facilities. There is no net-change to the budget, as the Departmentwide line item was decreased by \$100 to offset the placeholder.	GF/GP	NA	\$0
20. Emergency and Disaster Response and Mitigation	Gross	NA	\$100
<u>House</u> includes a \$100 placeholder for federal funding that may be received for responding to disasters and emergencies.	Federal GF/GP	NA NA	100 \$0

Major Boilerplate Changes from FY 2020-21

Sec. 206. Communication with the Legislature – RETAINED

Prohibits MSP from taking disciplinary action against employees for communicating with legislators or their staff, unless the communication is prohibited by law. Executive deletes. House retains.

Sec. 210. Contingency Funding – REVISED

Appropriates up to \$1.0 million in federal, \$1.5 million in state restricted, \$200,000 in local, and \$100,000 in private contingency funds; authorizes expenditure of funds after legislative transfer to specific line items. Executive revises to adjust appropriation amounts to \$10.0 million in federal, \$25.0 million in state restricted, \$1.0 million in local, and \$500,000 in private contingency funds. House revises to incorporate grammatical revisions.

Sec. 216. FTE Vacancies and Remote Work Report – RETAINED

Requires MSP to submit a quarterly report on FTE staffing and a semiannual report on remote work and associated metrics. Executive deletes. House retains.

Sec. 217. Work Project Usage – RETAINED

Stipulates that appropriations are not to be expended, if possible, until all existing work project authorization for the same purpose is exhausted. Executive deletes. House retains.

Sec. 218. State Administrative Board Transfers – RETAINED

Stipulates that the legislature may intertransfer funds via concurrent resolution if the State Administrative Board transfers funds. Executive deletes. House retains.

Sec. 219. Retention of Reports – RETAINED

Requires MSP to receive and retain copies of all reports funded by the department's budget, while complying with federal and state guidelines for records retention. Executive deletes. House retains.

Sec. 220. Report on Policy Changes for Public Act Implementation – RETAINED

Requires MSP to report on policy changes made to implement public acts that took effect during the prior calendar year. Executive deletes. House retains.

Sec. 221. Severance Pay Report – NEW

Requires MSP to report the name and any amount of severance pay given to any high-ranking department official; requires MSP to maintain an internet site that posts any severance pay in excess of 6 weeks of wages for a former employee of any rank; requires MSP to report on the total amount of severance pay remitted to former employees during the prior fiscal year and the total number of those employees; defines "severance pay". Executive does not include. House includes new language.

Sec. 222. Prohibition on COVID-19 Vaccine Status Verifications - NEW

Prohibits state entities receiving funding from part 1 from requiring proof of COVID-19 vaccination as a condition of accessing any state services or facilities, producing COVID-19 vaccine passports, and providing information to other parties for inclusion in a COVID-19 vaccine passport. Executive does not include. House includes new language.

Sec. 223. Department Core Services – DELETED

Lists MSP's core services and requires appropriations be expended for core services. Executive deletes. House deletes.

Major Boilerplate Changes from FY 2020-21

Sec. 225. Post Closure or Consolidation – RETAINED

Requires MSP to notify listed recipients not less than 90 days before recommending closure or consolidation of any MSP post and to include a state impact study. Executive deletes. House retains.

Sec. 226. Privatization Project Plans – RETAINED

Requires submission of a project plan 90 days before beginning any effort to privatize and requires evaluation of the plan within 30 months. Executive deletes. House retains.

Sec. 231. Receive and Expend Authorization for Federal Revenues – RETAINED

Authorizes MSP to expend federal revenues received in excess of appropriations; requires MSP to report prior to expending excess federal revenues; limits receive and expend authorization under this section and Sec. 704(3) to \$45.0 million. Executive revises to delete receive and expend cap and to delete requirement for notification prior to expenditure. House retains.

Sec. 232. Data Privacy – RETAINED

Expresses legislative intent that MSP protect data from unauthorized access or use and lists measures; requires MSP to notify data subjects if an unauthorized person accesses their information. Executive deletes. House retains.

Sec. 233. Officer Evaluation Criteria – RETAINED

Prohibits use of citation volumes as a metric for performance evaluation and prohibits setting of a specified number of citations for an officer. Executive deletes. House retains.

Sec. 234. Payment of Court Judgements – RETAINED

Requires MSP to report tentative plans for required payment of court judgements against the department and stipulates required information. Executive deletes. House retains.

Sec. 234. Coronavirus Relief Funds Reappropriation – DELETED

Reappropriates CRF funds that are unexpended on December 30 for deposit into the Unemployment Compensation Fund to support COVID-19 emergency costs. Executive deletes. House deletes.

Sec. 235. Age-Appropriate Education Advisory Coordination – NEW

Requires MSP to collaborate with MDHHS and MDE to advise on initiatives for educator training for the utilization of trauma-informed practices, education on human trafficking, and education on sexual abuse prevention. Executive does not include. House includes new language.

Sec. 236. Prohibition on Identifying Employers in Press Communications – NEW

Prohibits MSP from identifying specific employers by name in press communications for citations issued and enforcement actions taken by state entities for emergency rules and orders violations. Executive does not include. House includes new language.

Sec. 402. Criminal Justice Information Center – REVISED

Requires MSP to: (1) maintain criminal justice information systems in support of public safety and law enforcement communities; (2) conduct at least 30 outreach activities targeted to criminal justice agencies and to report on these activities; (3) compile crime statistics; (4) compile and evaluate traffic crash reports; (5) provide traffic crash reports for \$10 per incident or an extract of electronic traffic crash data for \$0.25 per incident; (6) maintain, disseminate, and exchange criminal history and juvenile records; (7) maintain firearms licensure records; (8) report revenues from and expenditures for concealed pistol licensure; (9) provide volumes processed by the Internet Criminal History Access Tool. (10) Requires that revenues to the Criminal Justice Information Center Service Fees carry forward and not lapse to the general fund. (11) Requires unexpended revenue generated by local State Records Management System Fees carry forward and not lapse to the general fund. Executive revises to delete the requirement for 30 outreach activities in item (2), to increase the fee for traffic crash reports in item (5) from \$10 to \$15 per incident, and to adjust the due date for the report in item (8). House revises to include a report on revenues, expenditures, and volumes related to traffic crash reports.

Sec. 403. Forensic Science – REVISED

Requires MSP to provide forensic testing and DNA analysis services to aid in criminal investigations and to maintain accreditation of laboratories; stipulates turnaround times for forensic science services; requires MSP to provide data on turnaround times, staffing levels, and backlogged cases. Executive revises to delete the turnaround time requirement for forensic science services. House revises to replace a benchmark year with a 5-year average.

Major Boilerplate Changes from FY 2020-21

Sec. 404. Biometrics and Identification – REVISED

Requires MSP to manage specified identification databases and provide data on submissions to the Automated Fingerprint Identification System database; requires MSP to maintain staffing and resources to achieve an average 28-day wait time for polygraph examinations, with a goal of an average 15-day wait time; requires MSP to post changes to protocols for retention and purging of DNA records. Executive revises to make a technical correction, remove a goal for electronic submissions of prints, and to delete the requirement regarding staffing and wait times for polygraph examinations. House revises to make a technical correction, remove a goal for electronic submissions of prints, and replace a benchmark year with a 5-year average.

Sec. 501. Commission on Law Enforcement Standards – RETAINED

Stipulates MCOLES' responsibilities and requires maintenance of proper staffing and resources to update standards within 120 days of the enactment date of new legislation. Executive revises to delete requirement to maintain staffing and resources to update standards within 120 days of new legislation. House retains.

Sec. 502. Public Safety Officers Benefit Fund – NEW

Requires that GF/GP appropriated for the Public Safety Officers Benefit Fund be deposited to the Public Safety Officers Benefit Fund and appropriates all funds within the Public Safety Officers Benefit Fund. Executive includes new language. House includes new language.

Sec. 601. General Law Enforcement and Traffic Safety – RETAINED

(1) Stipulates MSP troopers shall not be prohibited from responding to criminal or emergency situations and shall make every effort to protect residents; (2) requires MSP to maintain staff and resources to enhance traffic safety and dedicate a minimum of 455,200 hours to statewide patrol, with a minimum of 40,000 in distressed cities; (3) requires MSP to report the number of residence checks of registered sex offenders; (4) requires report on Secure Cities Partnership. Executive revises to delete items (2) and (3). House retains.

Sec. 602. Criminal Investigations – REVISED

(1) Requires MSP to identify and apprehend criminals through investigations; (2) requires maintenance of a specified number of investigation hours; (3) requires MSP to meet or exceed a case clearance rate of 62%; (4) requires MSP to provide four training opportunities to local law enforcement partners related to gambling or opioid investigations; (5) requires MSP to increase opioid-related investigations by 20% and work toward enhancing drug-interdiction efforts. Executive revises to delete items (2) through (5). House revises to delete items (2) and (4) and to replace the benchmark year in item (5) with a 5-year average.

Sec. 603. Tobacco Tax Fraud Investigations – RETAINED

(1) Requires MSP to provide prevention and suppression of organized untaxed tobacco smuggling; (2) requires submission of report pertaining to tobacco tax enforcement activities and expenditures; (3) requires MSP to dedicate a minimum of 16,600 hours to tobacco tax enforcement. Executive revises to delete item (3). House retains.

Sec. 604. Fire Investigations – REVISED

(1) Requires MSP to provide fire investigation training and assistance; (2) requires MSP to maintain readiness for a specified number of requests for fire investigation services. Executive revises to delete item (2). House revises item (2) to replace the benchmark year with a 5-year average.

Sec. 701. Intelligence and Special Operations – REVISED

(1) Requires MSP to operate Michigan Intelligence Operations Center for Homeland Security (MIOC); (2) requires MSP to provide timely and accurate information to partners and to increase public awareness on how to report suspicious activity; (3) requires MSP to operate Cyber Section and to increase completion of computer crimes cases; (4) requires MSP to provide digital forensic analysis and states case turnaround goal. Executive revises to delete items (3) and (4). House revises item (3) to replace the benchmark years with a 5-year average.

Sec. 702. Specialized Support Teams – REVISED

(1) Requires MSP to provide for specialized support services; (2) requires MSP to maintain staffing and resources to provide training and maintain readiness to respond to at least the number of specialty service requests received in FY 2010-11; (3) requires canine unit to be available for call out 100% of the time; (4) requires bomb squad unit to be available for call out 100% of the time; (5) requires emergency support teams to be available for call out 100% of the time; (6) requires marine services team to be available for call out 100% of the time; (7) requires aviation services to be available for call out 100% of the time, unless prohibited by weather or mechanical breakdown; (8) requires maintenance of adequate levels of staffing and resources to provide security services at state Capitol Building and surrounding buildings, and requires a minimum of 35,000 patrols at state-owned and leased facilities. Executive revises to delete items (2) through (7) and make a technical change. House revises item (2) to replace the benchmark year with a 5-year average.

Major Boilerplate Changes from FY 2020-21

Sec. 703. Commercial Vehicle Regulation and Enforcement – RETAINED

(1) Requires MSP to maintain commercial vehicle and enforcement activities; (2) requires MSP to meet inspection goals consistent with the federal motor carrier assistance program; (3) authorizes revenues collected under the Motor Carrier Act of 1933 to be expended and to be carried forward. Executive revises to delete item (2). House retains.

Sec. 704. Emergency Management and Homeland Security – RETAINED

(1) Requires MSP to coordinate emergency and disaster response activities of governmental units. (2) Authorizes expenditure of appropriated funds to call upon state agencies or departments to protect life or property or to protect health or safety of any area under a state of emergency or disaster, requires report to state budget director and submission of recommendations to the legislature for supplemental appropriations. (3) Authorizes MSP to expend additional funds from various sources to provide emergency management training or emergency response activities and requires notification of the legislature; limits federal receive and expend authorization under Sec. 704(3) and Sec. 230 to \$45.0 million and state restricted receive and expend authorization under Sec. 704(3) and Sec. 704(7) to \$15.0 million. (4) Requires MSP to maintain partnerships to protect the state from all hazards. (5) Requires MSP to maintain staffing and resources to serve local emergency management preparedness programs and local emergency planning committees, operate and maintain the State Emergency Operations Center, respond to civil disorders and natural disasters at a specified level, and perform hazardous materials response training. (6) Requires MSP to conduct a minimum of three training sessions to enhance emergency response. (7) Appropriates amounts necessary from Disaster and Emergency Contingency Fund (DECF) to cover costs related to disasters and emergencies; limits appropriations under Sec. 704(7) and receive and expend authorization under Sec. 704(3) to \$15.0 million. (8) Requires state budget director approval and legislative notification for expenditures from the DECF and requires reports on expenditures. (9) Authorizes MSP to expend funds from any line item in order to respond to an emergency or disaster, with the approval of the state budget director and legislative notification. (10) Requires MSP to report biannually on assessment of critical infrastructure vulnerabilities. Executive revises to remove caps on federal and state restricted receive and expend authorization in items (3) and (7) and deletes items (5), (8), (9) and (10). House retains.

Sec. 802. State Capitol Security Funding – NEW

Requires funds for State Capitol Security funding be distributed by MSP to the city where the state capitol is located, to defray costs for security services provided to the State Capitol Complex and surrounding state properties. Executive does not include. House includes new language.

Sec. 803. Federal Emergency and Disaster Response and Mitigation Authorization – NEW

Appropriates up to \$150,000,000 of federal authorization for emergency and disaster response and mitigation; authorizes expenditure of funds after legislative transfer to specific line items. Executive does not include. House includes new language.

Sec. 1001. FY 2021-22 Appropriation – DELETED

Expresses legislative intent that FY 2021-22 appropriations are anticipated to be the same as FY 2020-21 appropriations, except adjustments for changes in caseloads, federal fund match rates, economic factors, and available revenue. Executive deletes. House deletes.