

**SUBSTITUTE FOR  
HOUSE BILL NO. 5811**

A bill to make appropriations for the department of state police and certain other state purposes for the fiscal year ending September 30, 2009; 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 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:**

1  
2  
3

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. Subject to the conditions set forth in this act, the

## House Bill No. 5811 (H-1) as amended March 20, 2008

amounts listed in this part are appropriated for the department of state police for the fiscal year ending September 30, 2009, 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..... 3.0

Full-time equated classified positions..... 2,924.0

GROSS APPROPRIATION..... \$ [531,412,300]

## Interdepartmental grant revenues:

Total interdepartmental grants and intradepartmental

transfers ..... 26,221,900

ADJUSTED GROSS APPROPRIATION..... \$ [505,190,400]

## Federal revenues:

Total federal revenues..... 94,733,400

## Special revenue funds:

Total local revenues..... 8,522,200

Total private revenues..... 263,600

Total other state restricted revenues..... 114,629,900

State general fund/general purpose..... \$ [287,041,300]

**Sec. 102. EXECUTIVE DIRECTION**

Full-time equated unclassified positions..... 3.0

Full-time equated classified positions..... 42.5

Unclassified positions..... \$ 366,100

Executive direction--21.0 FTE positions..... 1,941,400

Special operations and events--17.5 FTE positions.... 2,513,000

Auto theft prevention program--4.0 FTE positions..... 10,744,100

1	GROSS APPROPRIATION.....	\$	15,564,600
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDT, truck safety fund.....		17,100
5	Special revenue funds:		
6	Auto theft prevention fund.....		10,744,100
7	Criminal justice information center service fees.....		48,500
8	Forensic science reimbursement fees.....		25,400
9	Highway safety fund.....		37,300
10	Motor carrier fees.....		9,100
11	Precision driving track fees.....		2,300
12	Sex offender registration fund.....		4,400
13	Traffic law enforcement and safety fund.....		80,500
14	State general fund/general purpose.....	\$	4,595,900
15	<b>Sec. 103. DEPARTMENTWIDE APPROPRIATIONS</b>		
16	Special maintenance and utilities.....	\$	447,600
17	Rent and building occupancy charges.....		9,157,400
18	Worker's compensation.....		2,867,600
19	Fleet leasing.....		16,184,100
20	In-service training - law enforcement distribution...		450,000
21	In-service training - competitive.....		600,000
22	Narcotics investigation funds.....		<u>237,000</u>
23	GROSS APPROPRIATION.....	\$	29,943,700
24	Appropriated from:		
25	Interdepartmental grant revenues:		
26	IDT, Michigan justice training fund.....		1,050,000
27	IDG, training academy charges.....		258,700

1	Federal revenues:	
2	DOT.....	23,000
3	DHS.....	161,900
4	Federal narcotics investigation revenues.....	95,000
5	Special revenue funds:	
6	Criminal justice information center service fees.....	182,000
7	Forensic science reimbursement fees.....	91,800
8	Hazardous materials training center fees.....	95,900
9	Highway safety fund.....	7,300
10	Michigan justice training fund.....	7,700
11	Motor carrier fees.....	6,800
12	Narcotics investigation revenues.....	142,000
13	Secondary road patrol and training fund.....	4,500
14	State forensic laboratory fund.....	91,800
15	Traffic law enforcement and safety fund.....	14,400
16	State general fund/general purpose.....	\$ 27,710,900
17	<b>Sec. 104. SUPPORT SERVICES</b>	
18	Full-time equated classified positions.....	197.5
19	Management services--139.0 FTE positions.....	\$ 13,718,900
20	Training administration--34.0 FTE positions.....	6,734,100
21	Budget and financial services--24.5 FTE positions....	2,438,900
22	Internal audit services.....	<u>68,900</u>
23	GROSS APPROPRIATION.....	\$ 22,960,800
24	Appropriated from:	
25	Interdepartmental grant revenues:	
26	IDT, auto theft funds.....	15,900
27	IDG-MDOS.....	2,000

1	IDG-MDOT, state trunkline fund.....	6,700
2	IDG, training academy charges.....	3,199,100
3	IDG-MDTR, casino gaming fees.....	55,700
4	IDG-MDTR, emergency telephone fund coordinator.....	514,900
5	IDG-MDTR, emergency telephone fund operations.....	453,600
6	IDG-MDOC, contract.....	1,076,400
7	Federal revenues:	
8	DHS.....	4,100
9	DOT.....	463,800
10	Special revenue funds:	
11	Local - LEIN fees.....	17,200
12	Local - MPSCS subscriber fees.....	44,100
13	Local - school bus revenue.....	2,200
14	Auto theft prevention fund.....	14,400
15	Criminal justice information center service fees.....	405,500
16	Drunk driving prevention and training fund.....	17,400
17	Forensic science reimbursement fee.....	5,900
18	Hazardous materials training center fees.....	25,700
19	Highway safety fund.....	130,900
20	Michigan justice training fund.....	10,600
21	Motor carrier fees.....	171,400
22	Narcotics investigation revenues.....	12,200
23	Nuclear plant emergency planning reimbursement.....	25,000
24	Precision driving track fees.....	287,200
25	Reimbursed services.....	1,240,300
26	Secondary road patrol and training fund.....	300
27	State forensic laboratory fund.....	30,300

1	Traffic crash revenue.....	1,200
2	Traffic law enforcement and safety fund.....	348,500
3	Truck driver safety fund.....	100
4	State general fund/general purpose.....	\$ 14,378,200
5	<b>Sec. 105. HIGHWAY SAFETY PLANNING</b>	
6	Full-time equated classified positions.....	30.0
7	State program planning and administration--8.0 FTE	
8	positions .....	\$ 1,214,200
9	Secondary road patrol program--2.0 FTE positions .....	14,031,800
10	Truck safety program--1.0 FTE positions .....	3,003,900
11	Federal highway traffic safety coordination--19.0 FTE	
12	positions .....	<u>10,594,400</u>
13	GROSS APPROPRIATION.....	\$ 28,844,300
14	Appropriated from:	
15	Federal revenues:	
16	DOJ.....	575,800
17	DOT.....	10,730,700
18	Special revenue funds:	
19	Secondary road patrol and training fund.....	14,031,800
20	Truck driver safety fund.....	3,003,900
21	State general fund/general purpose.....	\$ 502,100
22	<b>Sec. 106. CRIMINAL JUSTICE INFORMATION CENTER</b>	
23	Full-time equated classified positions.....	136.0
24	Criminal justice information center division--116.0	
25	FTE positions .....	\$ 13,236,100
26	Criminal records improvement--1.0 FTE positions .....	2,241,500
27	Traffic safety--19.0 FTE positions .....	1,803,900

1	Law enforcement information network subscriber	
2	reimbursement .....	<u>1,000,000</u>
3	GROSS APPROPRIATION.....	\$ 18,281,500
4	Appropriated from:	
5	Interdepartmental grant revenues:	
6	IDG-MDCH, crime victims rights fund.....	476,800
7	IDG-MDOS.....	325,500
8	IDG-MDOT, state trunkline fund.....	900,100
9	Federal revenues:	
10	DOJ.....	2,241,500
11	DOT.....	501,000
12	Special revenue funds:	
13	Criminal justice information center service fees .....	11,923,200
14	Sex offender registration fund.....	60,600
15	Traffic crash revenue.....	77,300
16	State general fund/general purpose.....	\$ 1,775,500
17	<b>Sec. 107. FORENSIC SCIENCES</b>	
18	Full-time equated classified positions..... 213.5	
19	Laboratory operations--156.0 FTE positions .....	\$ 21,314,300
20	DNA analysis program--57.5 FTE positions .....	8,139,200
21	City of Detroit laboratory.....	<u>100</u>
22	GROSS APPROPRIATION.....	\$ 29,453,600
23	Appropriated from:	
24	Interdepartmental grant revenues:	
25	IDG-MDCH, crime victims rights fund.....	431,600
26	Federal revenues:	
27	DOJ.....	4,067,100

1	DOT.....		617,300
2	Special revenue funds:		
3	Forensic science reimbursement fees.....		1,384,400
4	State forensic laboratory fund.....		1,502,600
5	State general fund/general purpose.....	\$	21,450,600
6	<b>Sec. 108. MICHIGAN COMMISSION ON LAW ENFORCEMENT</b>		
7	<b>STANDARDS</b>		
8	Full-time equated classified positions..... 26.0		
9	Standards and training--20.0 FTE positions.....	\$	2,208,900
10	Training only to local units--2.0 FTE positions.....		625,700
11	Concealed weapons enforcement training.....		240,000
12	Officer's survivor tuition program.....		48,500
13	Public safety officers benefit program.....		150,000
14	Justice training grants--4.0 FTE positions.....		<u>7,924,300</u>
15	GROSS APPROPRIATION.....	\$	11,197,400
16	Appropriated from:		
17	Federal revenues:		
18	DOJ.....		183,400
19	Special revenue funds:		
20	Concealed weapons enforcement fee.....		240,000
21	Licensing fees.....		5,300
22	Michigan justice training fund.....		8,050,600
23	Secondary road patrol and training fund.....		625,700
24	State general fund/general purpose.....	\$	2,092,400
25	<b>Sec. 109. EMERGENCY MANAGEMENT</b>		
26	Full-time equated classified positions..... 87.5		
27	Emergency management planning and administration--56.0		



1	FTE positions .....	\$	5,058,900
2	Grants to local government .....		2,482,100
3	FEMA program assistance--6.0 FTE positions .....		1,924,200
4	Nuclear power plant emergency planning--6.0 FTE		
5	positions .....		1,514,300
6	Hazardous materials programs--19.5 FTE positions .....		<u>51,014,800</u>
7	GROSS APPROPRIATION .....	\$	61,994,300
8	Appropriated from:		
9	Federal revenues:		
10	DHS .....		56,026,000
11	DOT .....		583,800
12	Special revenue funds:		
13	Hazardous materials training center fees .....		1,477,200
14	Nuclear plant emergency planning reimbursement .....		1,514,300
15	State general fund/general purpose .....	\$	2,393,000
16	<b>Sec. 110. POST UNIFORM SERVICES</b>		
17	Full-time equated classified positions..... 1,569.0		
18	Uniform services--388.0 FTE positions .....	\$	45,932,200
19	Security guards--14.0 FTE positions .....		1,100,500
20	Reimbursed services--11.0 FTE positions .....		1,726,100
21	At-post troopers--1,156.0 FTE positions .....		<u>146,026,600</u>
22	GROSS APPROPRIATION .....	\$	194,785,400
23	Appropriated from:		
24	Interdepartmental grant revenues:		
25	IDG-MDMB, building occupancy charges .....		648,400
26	Special revenue funds:		
27	Highway safety fund .....		15,429,500

## House Bill No. 5811 (H-1) as amended March 20, 2008

1	State police service fees.....	1,726,100
2	Traffic law enforcement and safety fund.....	29,131,800
3	State general fund/general purpose.....	\$ 147,849,600
4	<b>Sec. 111. STATEWIDE FIELD OPERATIONS</b>	
5	Full-time equated classified positions.....	105.0
6	Operational support--98.0 FTE positions.....	\$ 11,740,500
7	Aviation program--7.0 FTE positions.....	<u>1,456,100</u>
8	GROSS APPROPRIATION.....	\$ 13,196,600
9	Appropriated from:	
10	Interdepartmental grant revenues:	
11	IDG-MDCH, crime victims rights fund.....	122,000
12	IDG-MDCH, tobacco tax.....	610,000
13	IDG-MDOC, contract.....	98,000
14	Special revenue funds:	
15	Private donations.....	263,600
16	Rental of department aircraft.....	51,100
17	State general fund/general purpose.....	\$ 12,051,900
18	<b>Sec. 112. SPECIAL INVESTIGATIONS</b>	
19	Full-time equated classified positions.....	288.0
20	Criminal investigations--176.0 FTE positions.....	\$ 25,647,900
21	Federal antidrug initiatives--49.5 FTE positions.....	8,464,000
22	Reimbursed services, materials, and equipment--3.5 FTE	
23	positions .....	2,645,500
24	Auto theft prevention--13.0 FTE positions.....	1,679,900
25	Casino gaming oversight--32.0 FTE positions.....	4,383,200
26	Fire investigation--14.0 FTE positions.....	1,603,800
27	Fire investigation training to locals.....	50,000
	[Parole absconder sweeps .....	<u>\$ 1,000,000]</u>

## House Bill No. 5811 (H-1) as amended March 20, 2008

1	GROSS APPROPRIATION.....	\$	[45,474,300]
2	Appropriated from:		
3	Interdepartmental grant revenues:		
4	IDT, auto theft funds.....		1,368,400
5	IDG-MDTR, casino gaming fees.....		4,383,200
6	Federal revenues:		
7	DOJ.....		5,532,400
8	Federal investigations - reimbursed services.....		751,700
9	Federal narcotics investigation revenues.....		465,100
10	Special revenue funds:		
11	Local - reimbursed services.....		1,893,800
12	Forfeiture funds.....		511,700
13	Narcotics investigation revenues.....		666,500
14	State general fund/general purpose.....	\$	[29,901,500]
15	<b>Sec. 113. TRAFFIC SAFETY</b>		
16	Full-time equated classified positions..... 229.0		
17	Motor carrier enforcement--106.0 FTE positions.....	\$	10,434,100
18	Truck safety enforcement team operations--10.0 FTE		
19	positions .....		1,320,800
20	Safety inspections--63.0 FTE positions.....		8,145,000
21	School bus inspections--15.0 FTE positions.....		1,397,100
22	Safety projects--18.0 FTE positions.....		2,122,600
23	Traffic services--17.0 FTE positions.....		<u>4,951,700</u>
24	GROSS APPROPRIATION.....	\$	28,371,300
25	Appropriated from:		
26	Interdepartmental grant revenues:		
27	IDT, truck safety fund.....		1,320,800

1	IDG-MDOT, state trunkline fund.....	8,566,000
2	Federal revenues:	
3	DOT.....	10,523,200
4	Special revenue funds:	
5	Local - school bus revenue.....	1,397,100
6	Drunk driving prevention and training fund.....	1,289,900
7	Motor carrier fees.....	3,871,400
8	State general fund/general purpose.....	\$ 1,402,900
9	<b>Sec. 114. INFORMATION TECHNOLOGY</b>	
10	Information technology services and projects.....	\$ 18,315,600
11	Michigan public safety communications system.....	<u>13,028,900</u>
12	GROSS APPROPRIATION.....	\$ 31,344,500
13	Appropriated from:	
14	Interdepartmental grant revenues:	
15	IDT, truck safety fund.....	7,400
16	IDG, training academy charges.....	32,600
17	IDG-MDOS.....	4,500
18	IDG-MDOT, state trunkline fund.....	120,600
19	IDG-MDTR, emergency telephone fund coordinator.....	1,800
20	IDG-MDTR, emergency telephone fund operations.....	63,500
21	IDG-MDTR, casino gaming fees.....	90,600
22	Federal revenues:	
23	DHS.....	564,400
24	DOJ.....	517,200
25	DOT.....	105,000
26	Special revenue funds:	
27	Local - AFIS fees.....	38,800

1	Local - LEIN fees.....	3,577,200
2	Local - MPSCS subscriber fees.....	1,547,600
3	Local - school bus revenue.....	4,200
4	Auto theft prevention fund.....	3,800
5	Criminal justice information center service fees.....	1,531,100
6	Drunk driving prevention and training fund.....	1,600
7	Forensic science reimbursement fees.....	140,500
8	Hazardous materials training center fees.....	22,600
9	Michigan justice training fund.....	71,300
10	Motor carrier fees.....	603,300
11	Narcotics investigation revenues.....	33,000
12	Nuclear plant emergency planning reimbursement.....	4,900
13	Precision driving track fees.....	300
14	Reimbursed services.....	145,800
15	Secondary road patrol and training fund.....	384,600
16	Sex offender registration fund.....	208,800
17	State forensic laboratory fund.....	348,000
18	State police service fees.....	9,500
19	Traffic crash revenue.....	223,200
20	State general fund/general purpose.....	\$ 20,936,800

21 PART 2

22 PROVISIONS CONCERNING APPROPRIATIONS

23 GENERAL SECTIONS

24 Sec. 201. Pursuant to section 30 of article IX of the state  
 25 constitution of 1963, total state spending from state resources

House Bill No. 5811 (H-1) as amended March 20, 2008

under part 1 for fiscal year 2008-2009 is [\$401,671,200.00] and state spending from state resources to be paid to local units of government for fiscal year 2008-2009 is \$20,541,400.00. 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 program.....	\$	13,891,500
------------------------------------	----	------------

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Training only to local units.....	\$	421,600
-----------------------------------	----	---------

Justice training grants.....		5,724,700
------------------------------	--	-----------

SPECIAL INVESTIGATIONS

Fire investigation training for locals.....	\$	50,000
---	----	--------

SUPPORT SERVICES

Management services.....	\$	<u>453,600</u>
--------------------------	----	----------------

Total.....	\$	20,541,400
------------	----	------------

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

Sec. 203. As used in this act:

(a) "AFIS" means the automated fingerprint identification system.

(b) "Department" means the department of state police.

(c) "DHS" means the United States department of homeland security.

(d) "DNA" means deoxyribonucleic acid.

(e) "DOJ" means the United States department of justice.

1 (f) "DOT" means the United States department of  
2 transportation.

3 (g) "FEMA" means the federal emergency management agency.

4 (h) "FTE" means full-time equated.

5 (i) "IDG" means interdepartmental grant.

6 (j) "IDT" means intradepartmental transfer.

7 (k) "LEIN" means law enforcement information network.

8 (l) "MCOLES" means the Michigan commission on law enforcement  
9 standards.

10 (m) "MDCH" means the Michigan department of community health.

11 (n) "MDMB" means the Michigan department of management and  
12 budget.

13 (o) "MDOC" means the Michigan department of corrections.

14 (p) "MDOS" means the Michigan department of state.

15 (q) "MDOT" means the Michigan department of transportation.

16 (r) "MDTR" means the Michigan department of treasury.

17 (s) "MPSCS" means the Michigan public safety communications  
18 system.

19 Sec. 204. The department of civil service shall bill  
20 departments and agencies at the end of the first fiscal quarter for  
21 the 1% charge authorized by section 5 of article XI of the state  
22 constitution of 1963. Payments shall be made for the total amount  
23 of the billing by the end of the second fiscal quarter.

24 Sec. 205. (1) A hiring freeze is imposed on the state  
25 classified civil service. State departments and agencies are  
26 prohibited from hiring any new full-time state classified civil  
27 service employees and prohibited from filling any vacant state

1 classified civil service positions. This hiring freeze does not  
2 apply to internal transfers of classified employees from 1 position  
3 to another within a department.

4 (2) The state budget director may grant exceptions to this  
5 hiring freeze when the state budget director believes that the  
6 hiring freeze will result in rendering a state department or agency  
7 unable to deliver basic services, causes loss of revenue to the  
8 state, would result in the inability of the state to receive  
9 federal funds, or would necessitate additional expenditures that  
10 exceed any savings from maintaining a vacancy. The state budget  
11 director shall report quarterly to the chairpersons of the senate  
12 and house of representatives standing committees on appropriations  
13 the number of exceptions to the hiring freeze approved during the  
14 previous quarter and the reasons to justify the exception.

15 Sec. 207. At least 60 days before beginning any effort to  
16 privatize, the department shall submit a complete project plan to  
17 the appropriate senate and house of representatives appropriations  
18 subcommittees and the senate and house fiscal agencies. The plan  
19 shall include the criteria under which the privatization initiative  
20 will be evaluated. The evaluation shall be completed and submitted  
21 to the appropriate senate and house of representatives  
22 appropriations subcommittees and the senate and house fiscal  
23 agencies within 30 months.

24 Sec. 208. Unless otherwise specified, the department shall use  
25 the Internet to fulfill the reporting requirements of this act.  
26 This requirement may include transmission of reports via electronic  
27 mail to the recipients identified for each reporting requirement or



1 it may include placement of reports on an Internet or Intranet  
2 site.

3       Sec. 209. Funds appropriated in part 1 shall not be used for  
4 the purchase of foreign goods or services, or both, if  
5 competitively priced and of comparable quality American goods or  
6 services, or both, are available. Preference should be given to  
7 goods or services, or both, manufactured or provided by Michigan  
8 businesses, if they are competitively priced and of comparable  
9 quality. In addition, preference should be given to goods or  
10 services, or both, that are manufactured or provided by Michigan  
11 businesses owned and operated by veterans, if they are  
12 competitively priced and of comparable quality.

13       Sec. 210. The director of each department receiving  
14 appropriations in part 1 shall take all reasonable steps to ensure  
15 businesses in deprived and depressed communities compete for and  
16 perform contracts to provide services or supplies, or both, for the  
17 department. The director shall strongly encourage firms with which  
18 the department contracts to subcontract with certified businesses  
19 in depressed and deprived communities for services or supplies, or  
20 both.

21       Sec. 211. It is the intent of the legislature that personnel  
22 of the department who request and are eligible for reimbursement of  
23 expenses related to the operation of the department be reimbursed  
24 from the appropriations provided in this act within 30 days after  
25 submitting a request, or the eligible personnel shall be paid an  
26 additional amount equal to 0.75% of the payment due. The department  
27 shall pay an additional amount equal to 0.75% of the payment due

1 for the first month and each succeeding month or portion of a month  
2 the payment remains past due.

3 Sec. 213. (1) It is the intent of the legislature that the  
4 department shall not provide any subsidy for contractual services  
5 it provides.

6 (2) When the department provides contractual services to a  
7 local unit of government, the department shall be reimbursed for  
8 all costs incurred in providing the services, including, but not  
9 limited to, retirement and overtime costs.

10 (3) Contractual services provided to an entity other than a  
11 local unit of government may be provided by department personnel,  
12 but only on an overtime basis outside the normal work schedule of  
13 the personnel.

14 (4) This section does not apply to state agencies.

15 Sec. 214. The departments and agencies receiving  
16 appropriations in part 1 shall receive and retain copies of all  
17 reports funded from appropriations in part 1. The department shall  
18 follow all federal guidelines and state laws regarding short-term  
19 and long-term retention of records.

20 Sec. 215. Not later than January 1, 2009, the department shall  
21 report to the state police appropriations subcommittees of the  
22 house and senate and the house and senate fiscal agencies. The  
23 report shall contain the following information regarding the  
24 department's activities related to casino gaming oversight during  
25 fiscal year 2007-2008:

26 (a) The amount of money received and expended.

27 (b) The nature and structure of the casino gaming oversight

1 unit.

2 (c) The positions and classifications of employees assigned.

3 (d) The number of full-time and part-time employees and the  
4 aggregate number of FTEs.

5 (e) The number of enlisted and civilian positions.

6 (f) The duties and responsibilities of the assigned employees.

7 (g) The immediate past position of the enlisted employees  
8 assigned.

9 Sec. 216. The department shall collect and computerize the  
10 vehicle identification number (VIN) of all vehicles that are  
11 entered into the state accident data collection system and make  
12 this and other vehicle information available to the public at cost.  
13 For bulk access to the accident records in which the VIN has been  
14 collected and computerized, the department shall make those records  
15 available to the public at cost, provided that the name and address  
16 have been excluded.

17 Sec. 217. From the funds appropriated in part 1, the  
18 department shall maintain a toll-free hotline in collaboration with  
19 the department of education. The toll-free hotline shall be  
20 operated 24 hours per day, 7 days per week, and shall provide  
21 students, school officials, and other individuals an opportunity to  
22 report specific threats of imminent school violence or other  
23 suspicious or criminal conduct by juveniles to the appropriate  
24 local law enforcement entities for investigation. The department  
25 may expend funds for the promotion of the hotline.

26 Sec. 218. (1) Funds appropriated in part 1 for at-post  
27 troopers shall only be expended for trooper salaries, wages,

1 benefits, retirement, equipment, supplies, and other expenses  
2 directly related to state troopers assigned to general law  
3 enforcement duties at a department post, detachment, satellite  
4 office, or a resident trooper function.

5 (2) It is the intent of the legislature that every effort be  
6 made to identify funding sufficient to conduct a trooper school for  
7 the purpose of working toward the goal of establishing a minimum  
8 at-post trooper strength of 1,075 in this state.

9 (3) The department shall submit quarterly written reports to  
10 the senate and house appropriations subcommittees on state police  
11 and military and veterans affairs no later than December 1, 2008,  
12 March 1, 2009, June 1, 2009, and September 1, 2009 which shall  
13 include a trooper strength report and the status of the  
14 department's plan for accomplishing the goal of subsection (2). If  
15 the department determines that insufficient appropriations exist  
16 under part 1 to accomplish the goal of subsection (2), the  
17 department shall submit a proposal outlining a plan to accomplish  
18 the goal, including an accounting of any additional funding  
19 necessary to that end.

20 Sec. 219. The department of state police shall notify the  
21 house and senate appropriations subcommittees on state police and  
22 military and veterans affairs and the house and senate fiscal  
23 agencies not less than 180 days before recommending to close or  
24 consolidate any state police posts. The notification shall include  
25 a local and state impact study of the proposed post closure or  
26 consolidation.

27 Sec. 220. (1) The department of state police, in keeping with

1 its role as the general law enforcement agency of the state and as  
2 the law enforcement agency of last resort for communities that are  
3 either without local law enforcement resources or are seriously  
4 underserved by local law enforcement resources, shall provide  
5 general law enforcement assistance to those communities until  
6 adequate law enforcement services can be provided to those  
7 communities by other means.

8 (2) Not later than May 1, 2009, the department shall deliver  
9 to the house and senate appropriations subcommittees on state  
10 police and military and veterans affairs and the house and senate  
11 fiscal agencies a report on the additional costs incurred by the  
12 department in each locality for providing the services described in  
13 subsection (1) during the first 6 months of the fiscal year 2008-  
14 2009.

15 Sec. 221. The department of state police may pursue entering  
16 into an agreement with Calhoun County to build a new facility in  
17 Marshall which would serve as a new state police post to replace  
18 the current state police post in Battle Creek.

19 Sec. 223. (1) Due to the current budgetary problems in this  
20 state, out-of-state travel for the fiscal year ending September 30,  
21 2009 shall be limited to situations in which 1 or more of the  
22 following conditions apply:

23 (a) The travel is required by legal mandate or court order or  
24 for law enforcement purposes.

25 (b) The travel is necessary to protect the health or safety of  
26 Michigan citizens or visitors or to assist other states in similar  
27 circumstances.

1 (c) The travel is necessary to produce budgetary savings or to  
2 increase state revenues, including protecting existing federal  
3 funds or securing additional federal funds.

4 (d) The travel is necessary to comply with federal  
5 requirements.

6 (e) The travel is necessary to secure specialized training for  
7 staff that is not available within this state.

8 (f) The travel is financed entirely by federal or nonstate  
9 funds.

10 (2) If out-of-state travel is necessary but does not meet 1 or  
11 more of the conditions in subsection (1), the state budget director  
12 may grant an exception to allow the travel. Any exceptions granted  
13 by the state budget director shall be reported on a monthly basis  
14 to the senate and house of representatives standing committees on  
15 appropriations.

16 (3) Not later than January 1, 2009, each department shall  
17 prepare a travel report listing all travel by classified and  
18 unclassified employees outside this state in the immediately  
19 preceding fiscal year that was funded in whole or in part with  
20 funds appropriated in the department's budget. The report shall be  
21 submitted to the chairs and members of the senate and house of  
22 representatives standing committees on appropriations, the fiscal  
23 agencies, and the state budget director. The report shall include  
24 the following information:

25 (a) The name of each person receiving reimbursement for travel  
26 outside this state or whose travel costs were paid by this state.

27 (b) The destination of each travel occurrence.

1 (c) The dates of each travel occurrence.

2 (d) A brief statement of the reason for each travel  
3 occurrence.

4 (e) The transportation and related costs of each travel  
5 occurrence, including the proportion funded with state general  
6 fund/general purpose revenues, the proportion funded with state  
7 restricted revenues, the proportion funded with federal revenues,  
8 and the proportion funded with other revenues.

9 (f) A total of all out-of-state travel funded for the  
10 immediately preceding fiscal year.

11 Sec. 224. The department shall not take disciplinary action  
12 against an employee for communicating with a member of the  
13 legislature or his or her staff.

14 Sec. 225. It is the intent of the legislature that the  
15 administration, working with the MCOLES, continue the long-held  
16 practice that all revenue made available to the department from the  
17 Michigan justice training fund be used solely for costs directly  
18 related to the delivery of Michigan justice training fund grants,  
19 so that in the future, eligible entities as provided under 1982 PA  
20 302, MCL 18.421 to 18.429, will have a stable and accurate source  
21 of training funds.

22 Sec. 226. The department of state police, in cooperation with  
23 the department of information technology and others, shall take  
24 steps to encourage the development of state, local, and regional  
25 tactical interoperable communication plans with the ultimate goal  
26 being to ensure that effective and efficient communication  
27 interoperability between radio communication systems of local,

1 regional, state, and federal agencies is established in every area  
2 of the state. The department shall provide a written report to the  
3 senate and house appropriations subcommittees on state police and  
4 military and veterans affairs no later than April 1, 2009 on the  
5 current status of reaching this objective. The report shall include  
6 an accounting of exactly where within the state desired  
7 interoperability has been achieved and what cooperative measures  
8 and use of technology were used to achieve this interoperability,  
9 and which areas of the state have not yet achieved such status. The  
10 report shall also include a description of what strategies need to  
11 be employed to ensure that the remaining areas of the state, and  
12 the state as a whole, will have a communication system with  
13 efficient and effective interoperability, particularly on occasions  
14 when a multijurisdictional response to an emergency is warranted.

15       Sec. 227. (1) From the funds appropriated in part 1, the  
16 department of state police is prohibited from transporting  
17 employees of institutions of higher education on state-owned  
18 aircraft.

19       (2) From the funds appropriated in part 1, the department is  
20 prohibited from transporting legislators or legislative staff on  
21 state-owned aircraft without prior approval from the senate  
22 majority leader or the speaker of the house of representatives, or  
23 both.

24       (3) From the funds appropriated in part 1, the department is  
25 prohibited from transporting local government employees on state-  
26 owned aircraft.

27       (4) It is the intent of the legislature that state elected



1 officials use commercial or other private air service, unless air  
2 travel on state-owned aircraft is part of official state business.

3 (5) This section shall not apply to transportation that is  
4 related to law enforcement or homeland security activities.

5 Sec. 230. The unexpended and unencumbered balance of the  
6 appropriation for the department contained in 2007 PA 130 shall be  
7 used toward the payment of \$400,000.00 to the Michigan state police  
8 troopers association. The funds shall be available for  
9 appropriation in the fiscal year ending September 30, 2009.

10 Sec. 232. The department shall place emphasis on recruiting  
11 MCOLES certified police officers for the trooper recruit school.  
12 Emphasis shall be given in the hiring process to those officers who  
13 are on layoff and possess valid MCOLES certification. Any emphasis  
14 given in the recruiting and selection process shall be consistent  
15 with the department's hiring standards and in accordance with civil  
16 service rules. The department shall report to the chairpersons of  
17 the senate and house of representatives standing committees on  
18 appropriations the results of its recruitment and selection  
19 process, including the actual number of certified officers selected  
20 for any recruit school that is held by September 30, 2009.

21 Sec. 233. The appropriation in part 1 for a law enforcement  
22 resource study shall be used to contract with a nationally  
23 recognized law enforcement research entity to prepare a study that  
24 examines the law enforcement needs of each state police district of  
25 this state. The study shall provide information concerning the  
26 police patrol and response needs within each state police district  
27 of this state, baseline coverage recommendations, and information

1 concerning what would be required in terms of personnel and  
2 resources to meet the recommendations. The study shall include an  
3 inventory of all levels of existing police resources for a given  
4 area and how those resources could most efficiently be allocated to  
5 achieve the recommendations, along with the amount of any  
6 additional resources that may be needed.

7       Sec. 234. Funds appropriated in part 1 shall not be used by a  
8 principal executive department, state agency, or authority to hire  
9 a person to provide legal services that are the responsibility of  
10 the attorney general. This prohibition does not apply to legal  
11 services for bonding activities and for those activities that the  
12 attorney general authorizes.

13       Sec. 235. (1) If a spending plan for the funds appropriated in  
14 part 1 for special operations and events, or sources of financing  
15 related to the spending plan, do not provide the level of program  
16 service provided for in the current fiscal year, the funds  
17 appropriated in part 1 for post uniform services or forensic  
18 sciences shall not be used to fund the shortfall.

19       (2) If a spending plan for the funds appropriated in part 1  
20 for special operations and events, or sources of financing related  
21 to the spending plan, are in excess of that necessary to provide  
22 the level of program service provided for in the current fiscal  
23 year, the department shall take steps to transfer whatever excess  
24 funding may exist to the funds appropriated in part 1 for post  
25 uniform services and forensic sciences.

26       Sec. 236. (1) The department shall report no later than April  
27 1, 2009 on each specific policy change made to implement a public

1 act affecting the department that took effect during the prior  
2 calendar year to the house and senate appropriations subcommittees  
3 on the budget for the department, the joint committee on  
4 administrative rules, and the senate and house fiscal agencies.

5 (2) Funds appropriated in part 1 shall not be used by the  
6 department to adopt a rule that will apply to a small business and  
7 that will have a disproportionate economic impact on small  
8 businesses because of the size of those businesses if the  
9 department fails to reduce the disproportionate economic impact of  
10 the rule on small businesses as provided under section 40 of the  
11 administrative procedures act of 1969, 1969 PA 306, MCL 24.240.

12 (3) As used in this section:

13 (a) "Rule" means that term as defined under section 7 of the  
14 administrative procedures act of 1969, 1969 PA 306, MCL 24.207.

15 (b) "Small business" means that term as defined under section  
16 7a of the administrative procedures act of 1969, 1969 PA 306, MCL  
17 24.207a.

18 Sec. 237. From the funds appropriated in part 1, the  
19 department shall maintain, for the full 2008-2009 fiscal year,  
20 either the operation of each Michigan state police post which was  
21 in operation as of April 2, 2007, or an alternative work station in  
22 the vicinity of a current Michigan state police post.

23 Sec. 238. The department of management and budget shall work  
24 with the department of state police to reduce building operations  
25 and leasing costs for all Michigan state police facilities and to  
26 identify efficiencies and savings.

27 Sec. 239. It is the intent of the legislature that, should

1 funding become available, funds may be appropriated to the  
2 department for traffic control purposes at the Michigan  
3 international speedway.

4       Sec. 240. (1) In addition to the funds appropriated in part 1,  
5 there is appropriated an amount not to exceed \$10,000,000.00 for  
6 federal contingency funds. These funds are not available for  
7 expenditure until they have been transferred to another line item  
8 in this act under section 393(2) of the management and budget act,  
9 1984 PA 431, MCL 18.1393.

10       (2) In addition to the funds appropriated in part 1, there is  
11 appropriated an amount not to exceed \$3,500,000.00 for state  
12 restricted contingency funds. These funds are not available for  
13 expenditure until they have been transferred to another line item  
14 in this act under section 393(2) of the management and budget act,  
15 1984 PA 431, MCL 18.1393.

16       (3) In addition to the funds appropriated in part 1, there is  
17 appropriated an amount not to exceed \$1,000,000.00 for local  
18 contingency funds. These funds are not available for expenditure  
19 until they have been transferred to another line item in this act  
20 under section 393(2) of the management and budget act, 1984 PA 431,  
21 MCL 18.1393.

22       (4) In addition to the funds appropriated in part 1, there is  
23 appropriated an amount not to exceed \$200,000.00 for private  
24 contingency funds. These funds are not available for expenditure  
25 until they have been transferred to another line item in this act  
26 under section 393(2) of the management and budget act, 1984 PA 431,  
27 MCL 18.1393.

House Bill No. 5811 (H-1) as amended March 20, 2008

1       Sec. 241. From the funds appropriated in part 1, the  
2       department shall continue the creation of a plan to operate a  
3       trooper recruit school composed of 50 or fewer recruits on an  
4       annual or biannual basis. These trooper recruit schools shall be  
5       operated on a shorter time frame than typical trooper recruit  
6       schools and shall consist of recruits who possess current  
7       certification as a law enforcement officer. This plan will result  
8       in a trooper recruit school that assists in restoring overall  
9       trooper strength to an optimum level while being more efficient in  
10      terms of time and financial expenditure.

[Sec. 242. From the funds appropriated in part 1, the department shall develop, post, and maintain, on a publicly accessible Internet site, all expenditures made by the agency within a fiscal year. The posting must include the purpose for which each expenditure is made.]

Sec. 243. From the funds appropriated in part 1, the department shall not spend more than \$25,000.00 to implement section 242 and shall not cause essential services to be diminished.]

#### 11      INFORMATION TECHNOLOGY

12       Sec. 301. (1) The money appropriated in part 1 for computer  
13      services shall be funded by LEIN user fees sufficient to pay 1/3 of  
14      the state's service and contract maintenance costs of the LEIN.

15       (2) For the fiscal year ending September 30, 2009, surplus  
16      funds of \$1,000,000.00 in the state services fee fund are  
17      appropriated to the criminal justice information center service  
18      fees fund. These funds are available for LEIN subscribers upon the  
19      enactment of a fee structure by the criminal justice information  
20      systems policy council. The fee structure shall be equivalent to no  
21      less than 1/3 of the fiscal year 2007 cost of LEIN, less  
22      telecommunications charges, and shall reflect 1/3 of the additional  
23      cost of audit staff necessary for addressing audit findings by the  
24      national crime information center. Upon implementation of the fee  
25      structure, the department shall proportionately credit all LEIN fee  
26      invoices in the final invoice for the fiscal year ending September

1 30, 2009. The sum of the credits shall equal the amount of the  
2 appropriation from the state services fee fund.

3 (3) The criminal justice information systems policy council  
4 shall develop proposals for long-term funding of the local share of  
5 the LEIN and shall report its proposals to the state police  
6 appropriations subcommittees of the house and senate and the house  
7 and senate fiscal agencies no later than January 1, 2009.

8 (4) The surplus funds described in subsection (2) shall remain  
9 in the state services fee fund if the criminal justice information  
10 systems policy council does not maintain the fee structure  
11 described in subsection (2) and does not report long-term funding  
12 proposals as required in this section.

13 (5) The criminal justice information systems policy council  
14 shall not approve or implement any unfunded enhancements to the  
15 LEIN.

16 Sec. 302. From the funds appropriated in part 1 for  
17 information technology, departments and agencies shall pay user  
18 fees to the department of information technology for technology-  
19 related services and projects. These user fees shall be subject to  
20 provisions of an interagency agreement between the department and  
21 the department of information technology.

22 Sec. 303. Amounts appropriated in part 1 for information  
23 technology may be designated as work projects and carried forward  
24 to support technology projects under the direction of the  
25 department of information technology. Funds designated in this  
26 manner are not available for expenditure until approved as work  
27 projects under section 451a of the management and budget act, 1984

1 PA 431, MCL 18.1451a.

2 Sec. 304. A portion of the funds appropriated in part 1 shall  
3 be used by the department to produce a written report detailing  
4 departmental policies regarding access to and use of information  
5 from the LEIN system. The report shall include a description of  
6 departmental measures to protect the security of information in the  
7 LEIN system including safeguards that would prevent unauthorized  
8 persons from obtaining information from the LEIN system. The  
9 department shall submit a copy of this report to the senate and  
10 house appropriations committees not later than April 1, 2009.

11 Sec. 305. The criminal justice information systems policy  
12 council shall encourage members of the law enforcement agencies in  
13 the state to be sensitive to, and note when necessary, activities  
14 or circumstances that may suggest the unauthorized access or misuse  
15 of information from the LEIN system. The criminal justice  
16 information systems policy council shall advise LEIN auditors, as a  
17 part of their audit of law enforcement agencies, to investigate in  
18 depth all suspected incidents of improper access or improper use of  
19 information from the LEIN system and determine whether or not those  
20 incidents were illegal. In those incidents that may be determined  
21 to be illegal, the executive secretary for the council shall  
22 determine whether those incidents were of a negligent or criminal  
23 nature. If an incident is determined to be an illegal act, the  
24 council shall inform the chairs of both the senate and house  
25 appropriations committees.

26 Sec. 306. (1) The department of state police, working with the  
27 criminal justice information systems policy council, shall

1 implement procedures by which all probation information is placed  
2 on the LEIN system. The LEIN system shall include information on  
3 each probationer, including any probation conditions placed on a  
4 probationer and the name of the probation officer assigned to a  
5 probationer. The LEIN system shall also include any nonstandard  
6 probation terms.

7 (2) If the department determines that amendments to the code  
8 of criminal procedure, 1927 PA 175, MCL 760.1 to 777.69, are  
9 required to include all probation information on the LEIN system,  
10 the department shall deliver to members of the senate and house  
11 appropriations subcommittees on state police and military affairs  
12 amendments to the code of criminal procedure, 1927 PA 175, MCL  
13 760.1 to 777.69, that, in the department's view, are necessary to  
14 accomplish this goal. These proposed amendments shall be delivered  
15 to subcommittee members not later than December 1, 2008.

16 Sec. 308. The department of state police shall report any LEIN  
17 fee increase to the senate and house appropriations subcommittees  
18 on state police and military and veterans affairs 60 days prior to  
19 the effective date of that increase. The report shall contain the  
20 following information: the current fee structure and the total  
21 revenue earned each year; the new fee structure and the total  
22 revenue it is expected to earn annually; the total annual cost of  
23 the LEIN system; and the total amount of LEIN fees paid by the  
24 department under both the old and the new structure.

25 Sec. 309. From the funds appropriated in part 1 for  
26 information technology, the department may develop and issue a  
27 request for proposal for the development, implementation, and



1 maintenance of an electronic system for real-time enforcement of  
2 section 3101 of the insurance code of 1956, 1956 PA 218, MCL  
3 500.3101.

#### 4 **HIGHWAY SAFETY PLANNING**

5       Sec. 401. On a quarterly basis, the department shall report to  
6 the senate and house appropriations subcommittees on state police  
7 and military affairs on the status of assessments collected and  
8 authorized under section 629e of the Michigan vehicle code, 1949 PA  
9 300, MCL 257.629e, for the purposes of supporting the secondary  
10 road patrol grant program. Each quarterly report shall contain  
11 updated information on collection levels, revised projected grant  
12 allotments to counties for the year, a comparison of projected  
13 collections and grant distribution levels with the funds  
14 appropriated in part 1 for the secondary road patrol program, and  
15 the extent collection levels have exceeded or failed to meet  
16 appropriated levels for the current fiscal year or expenditure  
17 levels from the previous fiscal year.

#### 18 **FORENSIC SCIENCES**

19       Sec. 501. (1) The department shall distribute a copy of the  
20 department's protocol for retaining and purging DNA analysis  
21 samples and records to each police agency in this state.

22       (2) The department shall report to the house and senate  
23 appropriations subcommittees on state police and military and  
24 veterans affairs and the house and senate fiscal agencies when any  
25 changes to the department's DNA protocol are made.

1       Sec. 502. The department shall work with the department of  
2 community health, the Michigan health and hospital association, the  
3 Michigan state medical society, and the Michigan nurses association  
4 to ensure that the recommendations included in the "Standard  
5 Recommended Procedures for the Emergency Treatment of Sexual  
6 Assault Victims" are followed in the collection of evidence.

7       **MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**

8       Sec. 601. The money appropriated to the MCOLES for maintenance  
9 and delivery of training to locals is provided in accordance with a  
10 state reimbursement policy in which 100% of the determined state  
11 reimbursement rate shall be distributed upon certification by the  
12 MCOLES.

13       Sec. 603. The appropriation in part 1 for mental health  
14 awareness training shall be made available as grants to local law  
15 enforcement agencies for training law enforcement officers in  
16 effective and safe ways of assisting people with mental illness and  
17 directing people with mental illness to treatment programs.

18       Sec. 604. From the funds appropriated in part 1 to the  
19 Michigan commission on law enforcement standards funds may be used  
20 to provide training for motor carrier officers and capitol security  
21 officers for the purpose of qualifying them for MCOLES  
22 certification.

23       **EMERGENCY MANAGEMENT**

24       Sec. 801. (1) The state director of emergency management may  
25 expend money appropriated under this act to call upon any agency or

1 department of the state or any resource of the state to protect  
2 life or property or to provide for the health or safety of the  
3 population in any area of the state in which the governor proclaims  
4 a state of emergency or state of disaster under 1945 PA 302, MCL  
5 10.31 to 10.33, or under the emergency management act, 1976 PA 390,  
6 MCL 30.401 to 30.421. The state director of emergency management  
7 may expend the amounts the director considers necessary to  
8 accomplish these purposes. The director shall submit to the state  
9 budget director as soon as possible a complete report of all  
10 actions taken under the authority of this section. The report shall  
11 contain, as a separate item, a statement of all money expended that  
12 is not reimbursable from federal money. The state budget director  
13 shall review the expenditures and submit recommendations to the  
14 legislature in regard to any possible need for a supplemental  
15 appropriation.

16 (2) In addition to the money appropriated in this act, the  
17 department may receive and expend money from local, private,  
18 federal, or state sources for the purpose of providing emergency  
19 management training to local or private interests and for the  
20 purpose of supporting emergency preparedness, response, recovery,  
21 and mitigation activity. If additional expenditure authorization in  
22 the Michigan administrative information network is approved by the  
23 state budget office under this section, the department and the  
24 state budget office shall notify the house and senate  
25 appropriations subcommittees on state police and military and  
26 veterans affairs and the house and senate fiscal agencies within 10  
27 days after the approval. The notification shall include the amount

1 and source of the additional authorization, the date of its  
2 approval, and the projected use of funds to be expended under the  
3 authorization.

4 Sec. 803. The department's emergency management division shall  
5 make every effort to ensure both of the following:

6 (a) That homeland security grants offered by the federal  
7 government and channeled through the department are allocated to  
8 first responder entities in the highest percentage possible.

9 (b) That homeland security grants awarded to the city of  
10 Detroit shall not be used to supplant city general funds designated  
11 to support first responder operations.

#### 12 **POST UNIFORM SERVICES**

13 Sec. 901. State police enlisted personnel who are employed to  
14 enforce traffic laws as provided in section 629e of the Michigan  
15 vehicle code, 1949 PA 300, MCL 257.629e, shall not be prohibited  
16 from responding to crimes in progress or other emergency  
17 situations, and are responsible for protecting every citizen of  
18 this state from harm.

#### 19 **STATEWIDE FIELD OPERATIONS**

20 Sec. 1002. Money privately donated to the department is  
21 appropriated under part 1 to be used for the purposes designated by  
22 the donor of the money. Money privately donated to the department's  
23 canine unit shall be used to purchase equipment and other items to  
24 enhance the operation of the canine unit. It is the intent of the  
25 legislature that money from private donations not supplant general

1 fund appropriations.

2 **SPECIAL INVESTIGATIONS**

3       Sec. 1101. (1) There is sufficient money appropriated in part  
4 1 to special investigations to ensure that the citizens in a  
5 service area of any state police post in the vicinity of a state  
6 prison do not experience a downgrading of state police services in  
7 their area. Special investigations shall be available by temporary  
8 or permanent assignment of a detective when either a temporary or  
9 permanent prison facility is opened.

10       (2) If the department is unable to comply with subsection (1)  
11 and there is a prison scheduled to open, the department shall  
12 provide troopers to serve as investigators on an interim basis.

13       Sec. 1102. From the funds appropriated in part 1 for special  
14 investigations, the department shall provide a report to the  
15 chairpersons of the senate and house of representatives standing  
16 committees on appropriations no later than April 1, 2009 concerning  
17 methamphetamine-related criminal activities.

18 **MOTOR CARRIER ENFORCEMENT**

19       Sec. 1201. (1) The department shall report to the house and  
20 senate appropriations subcommittees on state police and the house  
21 and senate fiscal agencies by March 1, 2009 regarding the  
22 inspection of school buses and other motor vehicles under section  
23 715a of the Michigan vehicle code, 1949 PA 300, MCL 257.715a, and  
24 section 39 of the pupil transportation act, 1990 PA 187, MCL  
25 257.1839. The report shall include the following information

1 regarding inspections conducted in calendar year 2008:

2 (a) The number of buses and vehicles inspected by the  
3 department.

4 (b) The number of buses and vehicles passing and failing  
5 inspection.

6 (c) The estimated number of buses and vehicles not inspected.

7 (2) If each school bus within a school system receives a 100%  
8 successful state inspection on its first inspection in a given  
9 year, the department shall award a certificate to that school  
10 system.