

**HB4425, As Passed House, December 10, 1998**

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4425**

A bill to make, supplement, and adjust appropriations for various

state departments and agencies and the legislative branch for the fiscal

year ending September 30, 1999; to provide for and direct the expenditure

of certain appropriations; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 PART 1

2 LINE-ITEM APPROPRIATIONS

3 **Sec. 101. SUMMARY**

4 The amounts listed in this part are appropriated for the various state

5 departments and agencies and the legislative branch, subject to the con-

6 ditions set forth in this act, for the fiscal year ending

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September 30,

7 1999, from the funds identified in this part. The following is a  
summary

8 of the appropriations in this part:

9 **APPROPRIATION SUMMARY:**

02680'97 (S-2)

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Sub. H.B. 4425 (S-2) as amended December 10, 1998 For Fiscal Year  
Ending  
1999 2 September 30,

1 GROSS APPROPRIATION..... \$  
[7,432,700]

2 Federal revenues:

3 Total federal revenues..... \$  
0

4 Special revenue funds:

5 Total local revenues.....  
0

6 Total private revenues.....  
0

7 Total other state restricted revenues.....  
(1,000,000)

8 State general fund/general purpose..... \$  
[8,432,700]

9 **Sec. 102. DEPARTMENT OF ATTORNEY GENERAL**

10 **(1) APPROPRIATION SUMMARY:**

11 GROSS APPROPRIATION..... \$  
182,200

12 Federal revenues:

13 Total federal revenues.....  
0

14 Special revenue funds:

15 Total local revenues.....  
0

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16	Total private revenues.....		
	0		
17	Total other state restricted revenues.....		
	0		
18	State general fund/general purpose.....	\$	
	182,200		
19	<b>(2) ATTORNEY GENERAL OPERATIONS</b>		
20	Unclassified positions.....	\$	_____
	<u>182,200</u>		
21	GROSS APPROPRIATION.....	\$	
	182,200		
22	Appropriated from:		
23	State general fund/general purpose.....	\$	
	182,200		

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**1      Sec. 103.    CAPITAL OUTLAY**

**2      (1) APPROPRIATION SUMMARY:**

**3      GROSS APPROPRIATION..... \$**  
[5,400,500]

**4      Federal revenues:**

**5      Total federal revenues.....**  
0

**6      Special revenue funds:**

**7      Total local revenues.....**  
0

**8      Total private revenues.....**  
0

**9      Total other state restricted revenues.....**  
0

**10      State general fund/general purpose..... \$**  
[5,400,500]

**11      (2) DEPARTMENT OF AGRICULTURE**

**12      Renovation of State Fair arena..... \$      \_\_\_\_\_**  
2,400,000

**13      GROSS APPROPRIATION..... \$**  
2,400,000

**14      Appropriated from:**

**15      State general fund/general purpose..... \$**  
2,400,000

**16      (3) STATE AGENCY, COMMUNITY COLLEGE, AND**

**17      UNIVERSITY BUILDING PROJECTS**

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18 Central Michigan University - health professions  
19 facility - for program and planning to be paid for  
20 from university revenues..... \$  
100  
[Grand Valley State University - health professions  
building - for program and planning to be paid for  
from university revenues.....  
100 Lansing community College - public service training  
facility - for program and planning to be paid  
for from college revenues.....  
100  
Oakland University - school of education building - for  
program and planning to be paid for from  
university revenues.....  
100  
Schoolcraft Community College - business and industry  
training center and expansion and renovations to  
the Waterman campus center - for program and  
planning to be paid for from college revenues.....  
100]  
21 University of Michigan-Flint - north bank center  
22 building renovation.....  
3,000,000  
23 GROSS APPROPRIATION..... \$  
[3,000,500]  
24 Appropriated from:  
25 State general fund/general purpose..... \$  
[3,000,500]

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House Bill No. 4425 For Fiscal Year  
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**2 (1) APPROPRIATION SUMMARY:**

**3** GROSS APPROPRIATION..... \$  
1,850,000

**4** Federal revenues:

**5** Total federal revenues.....  
0

**6** Special revenue funds:

**7** Total local revenues.....  
0

**8** Total private revenues.....  
0

**9** Total other state restricted revenues.....  
0

**10** State general fund/general purpose..... \$  
1,850,000

**11 (2) LEGISLATURE**

**12** Senate..... \$  
200,000

**13** House of representatives.....  
1,650,000 —

**14** GROSS APPROPRIATION..... \$  
1,850,000

**15** Appropriated from:

**16** State general fund/general purpose..... \$  
1,850,000

**17 Sec. 105. DEPARTMENT OF NATURAL RESOURCES**

**18 (1) TOTAL APPROPRIATIONS SUMMARY:**

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19	GROSS APPROPRIATION.....	\$
	0	
20	Federal revenues:	
21	Total federal revenues.....	
	0	
22	Special revenue funds:	
23	Total local revenues.....	
	0	
24	Total private revenues.....	
	0	



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September 30,

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1 Total other state restricted revenues.....  
(1,000,000)

2 State general fund/general purpose..... \$  
1,000,000

3 **(2) REAL ESTATE**

4 Land acquisition and exchange..... \$  
(1,000,000)

5 Grants to communities for cleanup and maintenance of

6 tax reverted properties.....  
1,000,000

7 GROSS APPROPRIATION..... \$  
0

8 Appropriated from:

9 Special revenue funds:

10 Land sale revenue.....  
(1,000,000)

11 State general fund/general purpose..... \$  
1,000,000

12

13

14 PART 2

15 PROVISIONS CONCERNING APPROPRIATIONS

16 **GENERAL SECTIONS**

17 Sec. 201. (1) Pursuant to section 30 of article IX of the  
state

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- 18 constitution of 1963, total state spending from state sources for  
fiscal
- 19 year 1998-1999 is estimated at [\$7,432,700.00] in part 1 of this  
appropria-
- 20 tion act and state spending from state sources paid to local units  
of
- 21 government for fiscal year 1998-1999 is estimated at \$0.

22 **DEPARTMENT OF CORRECTIONS**

- 23 Sec. 401. (1) The department shall administer a county jail
- 24 reimbursement program from the funds appropriated in section 110  
of 1998
- 25 PA 321 for the purpose of reimbursing counties for housing in  
jails

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1 felons who historically have been sent to prison. These include  
felons  
2 who are generally considered prison bound based on past sentencing  
prac-  
3 tices within the jurisdiction and offender characteristics,  
including but  
4 not limited to sentencing guideline scores indicative of prison  
risk,  
5 felony type, probation or parole status, and number of prior  
6 convictions.

7 (2) The county jail reimbursement program shall reimburse  
counties  
8 for housing and custody of convicted felons if the conviction was  
for a  
9 crime committed before the effective date of sentencing guidelines  
pro-  
10 vided in the code of criminal procedure, 1927 PA 175, MCL 760.1 to  
11 777.69, and 1 of the following applies:

12 (a) The felon would otherwise have been sentenced to a state  
prison  
13 term with a minimum minimum sentence recommendation of 12 months  
or more,  
14 under supreme court sentencing guidelines.

15 (b) The felon was convicted of a violation of section 625(1)  
of the  
16 Michigan vehicle code, 1949 PA 300, MCL 257.625, that is  
punishable as a  
17 felony.

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- 18           (c) The felon was sentenced under section 11 or 12 of chapter  
19       IX of  
20           the code of criminal procedure, 1927 PA 175, MCL 769.11 and  
21       769.12.
- 22           (3) The county jail reimbursement program shall reimburse  
23       counties  
24       for housing and custody of convicted felons if the conviction was  
25       for a  
26       crime committed on or after the effective date of sentencing  
27       guidelines  
28       provided in the code of criminal procedure, 1927 PA 175, MCL 760.1  
29       to  
30       777.69, and 1 of the following applies:
- 31           (a) The felon otherwise would have been sentenced to a state  
32       prison  
33       term with a minimum minimum sentencing guideline recommendation of  
34       more  
35       than 12 months.

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1           (b) The felon was convicted of a violation of section 625(1)  
of the

2 Michigan vehicle code, 1949 PA 300, MCL 257.625, that is  
punishable as a

3 felony.

4           (c) The felon otherwise would have been sentenced to a state  
prison

5 term with a minimum minimum sentencing guideline recommendation of  
10

6 months or more and a minimum maximum sentencing guideline  
recommendation

7 of more than 18 months.

8           (d) The felon would otherwise have been sentenced to a state  
prison

9 term as a probation technical violator with a minimum minimum  
sentencing

10 guideline recommendation of 10 months or more and a minimum  
maximum sen-

11 tencing guideline recommendation of more than 18 months for the  
underly-

12 ing offense.

13           (4) The county jail reimbursement program shall reimburse  
counties

14 for housing and custody of parole violators and offenders being  
returned

15 by the department from community placement to institutional status  
and

16 for prisoners who volunteer for placement in a county jail.

17           (5) Except as provided in subsection (6), state reimbursement

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under

- 18** this section for prisoner housing and custody expenses per  
diverted
- 19** offender for the first 90 days of the offender's incarceration  
shall be
- 20** \$45.00 per diem for a county with a population of more than  
100,000 and
- 21** \$40.00 per diem for a county with a population of 100,000 or less.  
After
- 22** the diverted offender has been incarcerated 90 days, state  
reimbursement
- 23** shall be \$38.00 per diem for the remainder of the incarceration up  
to 1
- 24** year total.
- 25** (6) For the first 90 days for diverted offenders housed in  
beds
- 26** developed under multicounty projects approved and funded under  
section
- 27** 807 of 1998 PA 321, state reimbursement shall be \$45.00 per diem.  
After

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- 1 the diverted offender has been incarcerated 90 days, state  
reimbursement
- 2 shall be \$38.00 per diem for the remainder of the incarceration up  
to 1
- 3 year total.
- 4 (7) It is the intent of the legislature that up to but not  
more than
- 5 the amount appropriated in section 110 of 1998 PA 321 for the  
county jail
- 6 reimbursement program be expended consistent with the purposes of  
this
- 7 section and based on performance. It is also the intent of the  
legisla-
- 8 ture that within the amount appropriated counties that receive  
less reim-
- 9 bursement in fiscal year 1998-1999 under subsections (2) and (3)  
than
- 10 they did in fiscal year 1997-1998 under section 808(2) of 1997 PA  
88 have
- 11 a process through which additional reimbursements may be sought  
and
- 12 funded in order to achieve the fiscal year 1997-1998 reimbursement  
levels
- 13 under section 808(2) of 1997 PA 88. It is also the intent of the  
legis-
- 14 lature that reimbursement funds that remain unexpended at the  
close of
- 15 fiscal year 1998-1999 be expended in a manner consistent with the  
pur-
- 16 poses of this section and in an equitable manner upon

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documentation to

- 17 the department consistent with the purposes of this section, that  
offend-
- 18 ers who otherwise would have been sentenced to prison were housed  
in the
- 19 county jail for the period for which reimbursement is sought.  
Provisions
- 20 to meet these intentions include:
- 21 (a) Except as otherwise provided in this subsection, a county  
par-
- 22 ticipating in the county jail reimbursement program shall not  
receive
- 23 reimbursement under subsections (2) and (3) during fiscal year  
1998-1999
- 24 that exceeds 105% of the total amount of reimbursement received by  
that
- 25 county in fiscal year 1997-1998 under section 808(2) of 1997 PA  
88. A
- 26 county that did not receive any reimbursement under section 808(2)  
of
- 27 1997 PA 88 is not subject to this limitation on reimbursement  
under



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1 subsections (2) and (3), providing that any offender for whom  
2 reimbursement is sought under subsection (2) or (3) was sentenced  
in that  
3 county.

4 (b) For funds that are available after reimbursements are  
completed

5 during fiscal year 1998-1999, additional reimbursements shall be  
made

6 through the documentation process of this subsection. The  
department may

7 apply additional criteria upon which reimbursements will be made,  
includ-

8 ing but not limited to the extent that the additional claims are  
for

9 offenders eligible under subsections (2) and (3) and the degree to  
which

10 counties' fiscal year 1998-1999 reimbursement levels were less  
than

11 fiscal year 1997-1998 levels.

12 (8) The department shall contract for a local and statewide  
study

13 conducted in collaboration with local units of government for the  
purpose

14 of analyzing the impact of legislative sentencing guidelines. The  
study

15 shall be submitted in a timely manner to the senate and house  
appropria-

16 tions committees, the senate and house appropriations  
subcommittees on

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- 17 corrections, and the senate and house fiscal agencies.
- 18 (9) The language describing annual categories of  
reimbursement in
- 19 this section does not apply beyond the 1-year effective period of  
the
- 20 annual appropriations act. It is the intent of the legislature  
that the
- 21 criteria for county jail reimbursement be reviewed annually by the  
senate
- 22 and house appropriations subcommittees on corrections, which are  
encour-
- 23 aged to recommend and act on revisions to the criteria consistent  
with
- 24 the purposes of this section. The senate and house fiscal  
agencies shall
- 25 summarize trends that affect the use of prison and that can be  
used by
- 26 the senate and house appropriations subcommittees on corrections  
to
- 27 determine categories of offenders that are to be targeted and  
reimbursed

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- 1 through the program for reduced admissions to prison. The senate  
and
- 2 house fiscal agencies shall provide the report to the senate and  
house
- 3 appropriations subcommittees on corrections. The report by the  
senate
- 4 and house fiscal agencies shall include but not be limited to a  
review of
- 5 historic and recent trends regarding felony dispositions, prison  
admis-
- 6 sions and the prison population, jail admissions and jail  
populations,
- 7 changes in statutes that are likely to substantially affect felony  
sen-
- 8 tencing, the impact of state and local policies on prison and jail  
admis-
- 9 sions, and analyses on felony sentencing by the department or  
local units
- 10 of government. The department shall provide to the senate and  
house
- 11 fiscal agencies in a timely manner the information required to  
complete
- 12 the report. This information shall include but not be limited to  
felony
- 13 dispositions by county, the results of the study required by  
subsection
- 14 (8), and county jail reimbursement program utilization data  
categorized
- 15 by county. The jail reimbursement data categorized by county  
shall be

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16 further categorized by reimbursement category in subsections (2)  
17 and

17 (3). The data categorized by reimbursement category shall be  
18 categorized

18 by number of offenders, number of days, amounts of reimbursement  
19 requested, and amount paid.

20 **DEPARTMENT OF NATURAL RESOURCES**

21 Sec. 501. (1) The \$1,000,000.00 appropriation in part 1 for  
22 grants

22 to communities for cleanup and maintenance of tax reverted  
23 properties

23 shall be granted to counties, cities, villages, and townships for  
24 the

24 purpose of remediating threats to public health and safety traced  
25 to tax

25 reverted properties within their jurisdictions. An announcement  
of this

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- 1 grant program shall be provided to all eligible jurisdictions  
before
- 2 March 1, 1999. This announcement shall include evaluation  
criteria,
- 3 forms, and deadlines. The application deadline shall be May 1,  
1999.
- 4 (2) The department shall provide a list of approved grants to  
the
- 5 house and senate appropriations subcommittees and the house and  
senate
- 6 fiscal agencies by July 1, 1999.
- 7 Enacting section 1. Section 808 of 1998 PA 321 is repealed.

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Final page.

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