

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 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:**

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For Fiscal Year Ending
September 30, 1999

1	GROSS APPROPRIATION.....	\$	7,432,300
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.....	\$	8,432,300

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
16	Total private revenues.....		0
17	Total other state restricted revenues.....		0
18	State general fund/general purpose.....	\$	182,200

19 **(2) ATTORNEY GENERAL OPERATIONS**

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.....	\$	5,400,100
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.....	\$	5,400,100
11	(2) DEPARTMENT OF AGRICULTURE		
12	Renovation of State Fair arena.....	\$	<u>2,400,000</u>
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		
18	Central Michigan University - health professions		
19	facility - for program and planning to be paid for		
20	from university revenues.....	\$	100
21	University of Michigan-Flint - north bank center		
22	building renovation.....		<u>3,000,000</u>
23	GROSS APPROPRIATION.....	\$	3,000,100
24	Appropriated from:		
25	State general fund/general purpose.....	\$	3,000,100

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1 **Sec. 104. LEGISLATURE**

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.....		<u>1,650,000</u>
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:**

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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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

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14 **PART 2**

15 **PROVISIONS CONCERNING APPROPRIATIONS**

16 **GENERAL SECTIONS**

17 Sec. 201. (1) Pursuant to section 30 of article IX of the state
18 constitution of 1963, total state spending from state sources for fiscal
19 year 1998-1999 is estimated at \$7,432,300.00 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.

18 (c) The felon was sentenced under section 11 or 12 of chapter IX of
19 the code of criminal procedure, 1927 PA 175, MCL 769.11 and 769.12.

20 (3) The county jail reimbursement program shall reimburse counties
21 for housing and custody of convicted felons if the conviction was for a
22 crime committed on or after the effective date of sentencing guidelines
23 provided in the code of criminal procedure, 1927 PA 175, MCL 760.1 to
24 777.69, and 1 of the following applies:

25 (a) The felon otherwise would have been sentenced to a state prison
26 term with a minimum minimum sentencing guideline recommendation of more
27 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 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 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
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
16 further categorized by reimbursement category in subsections (2) and
17 (3). The data categorized by reimbursement category shall be 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 grants
22 to communities for cleanup and maintenance of tax reverted properties
23 shall be granted to counties, cities, villages, and townships for the
24 purpose of remediating threats to public health and safety traced 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.