

Act No. 242
Public Acts of 1995
Approved by the Governor
December 25, 1995
Filed with the Secretary of State
December 27, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Reps. Geiger, Bobier, Walberg, Dolan, Gilmer, McNutt, Oxender and Middleton

ENROLLED HOUSE BILL No. 4410

AN ACT to supplement appropriations for certain state departments and the legislative and judicial branches for the fiscal years ending September 30, 1995 and September 30, 1996 and to adjust the appropriations for the judicial branch for the fiscal year ending September 30, 1996; to provide for the expenditure of certain appropriations; to provide for the funding of certain work projects; to provide for a pilot program regarding alcohol testing; to provide for the imposition of certain fees; to require certain reports; to authorize the department of treasury to expend certain revenues; to establish or continue certain funds, programs, and categories; to provide for disposition of year end balances for the fiscal year ending September 30, 1995; to provide for the disposition of fees and other income; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 101. There is appropriated for the judicial branch and the department of state police subject to the conditions set forth in this act, for the fiscal year ending September 30, 1995, the following amounts from the funds identified as follows:

	For Fiscal Year Ending Sept. 30, 1995
FISCAL YEAR 1994-95 APPROPRIATIONS SUMMARY:	
GROSS APPROPRIATION.....	\$ 22,169,000
Interdepartmental grant revenues:	
Less: Total interdepartment grants and intradepartment transfers.....	7,769,000
ADJUSTED GROSS APPROPRIATION.....	\$ 14,400,000
Federal revenues:	
Total federal revenues.....	0
Special revenue funds:	
Total local and private revenues.....	0
Total other state restricted revenues.....	0
State general fund/general purpose.....	\$ 14,400,000

JUDICIARY

APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$ 7,769,000
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers.....	7,769,000

	For Fiscal Year Ending Sept. 30, 1995
ADJUSTED GROSS APPROPRIATION.....	\$ 0
Federal revenues:	
Total federal revenues	0
Special revenue funds:	
Total local revenues	0
Total private revenues.....	0
Total other state restricted revenues.....	0
State general fund/general purpose	\$ 0
 SUPREME COURT	
State court administrative office	\$ 7,769,000
GROSS APPROPRIATION.....	\$ 7,769,000
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of social services.....	7,769,000
Special revenue funds:	
State general fund/general purpose	\$ 0
 DEPARTMENT OF STATE POLICE	
GROSS APPROPRIATION.....	\$ 14,400,000
Interdepartmental grant revenues:	
Total interdepartmental grants and intradepartmental transfers	\$ 0
ADJUSTED GROSS APPROPRIATION.....	\$ 14,400,000
Federal revenues:	
Total federal revenues	0
Special revenue funds:	
Total local revenues	0
Total private revenues.....	0
Total other state restricted revenues.....	0
State general fund/general purpose	\$ 14,400,000
 EXECUTIVE DIRECTION	
Court judgments and settlements	\$ 14,400,000
GROSS APPROPRIATION.....	\$ 14,400,000
Appropriated from:	
State general fund/general purpose	\$ 14,400,000
 Sec. 102. There is appropriated for the legislature and the departments of social services and state to adjust former appropriations for the fiscal year ending September 30, 1996 as follows:	
 FY 1995-96 APPROPRIATIONS SUMMARY:	
GROSS APPROPRIATION.....	\$ 8,289,700
Interdepartmental grant revenues:	
Less: Total interdepartment grants and intradepartment transfers.....	0
ADJUSTED GROSS APPROPRIATION.....	\$ 8,289,700
Federal revenues:	
Total federal revenues	100
Special revenue funds:	
Total local and private revenues.....	0
Total other state restricted revenues.....	200
State general fund/general purpose	\$ 8,289,400

LEGISLATURE

APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$	691,000
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	691,000
Federal revenues:		
Total federal revenues		0
Special revenue funds:		
Total local revenues		0
Total private revenues.....		0
Total other state restricted revenues.....		0
State general fund/general purpose	\$	691,000

LEGISLATIVE COUNCIL

Worker's compensation.....	\$	691,000
GROSS APPROPRIATION.....	\$	691,000
Appropriated from:		
State general fund/general purpose	\$	691,000

DEPARTMENT OF SOCIAL SERVICES

GROSS APPROPRIATION.....	\$	400
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	400
Federal revenues:		
Total federal revenues		100
Special revenue funds:		
Total private revenues.....		0
Total local revenues		0
Total other state restricted revenues.....		200
State general fund/general purpose	\$	100

PUBLIC ASSISTANCE

Family independence program.....	\$	400
GROSS APPROPRIATION.....	\$	400
Appropriated from:		
Federal revenues:		
Total federal revenues		100
Special revenue funds:		
Child support collections		100
Public assistance recoupment revenue		100
State general fund/general purpose	\$	100

DEPARTMENT OF STATE

APPROPRIATION SUMMARY:

GROSS APPROPRIATION.....	\$	7,598,300
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers		0
ADJUSTED GROSS APPROPRIATION.....	\$	7,598,300
Federal revenues:		
Total federal revenues		0

For Fiscal Year
Ending Sept. 30,
1996

Special revenue funds:	
Total local revenues	0
Total private revenues.....	0
Total other state restricted revenues.....	0
State general fund/general purpose	\$ 7,598,300

ELECTION REGULATION

Qualified voter file implementation.....	\$ 7,598,300
GROSS APPROPRIATION.....	\$ 7,598,300
Appropriated from:	
State general fund/general purpose	\$ 7,598,300

GENERAL SECTIONS

Sec. 201. (1) In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this bill for fiscal year 1994-95 is \$14,400,000.00 and state spending to be paid to local units of government is \$0.00.

(2) In accordance with the provisions of section 30 of article IX of the state constitution of 1963, total state spending in this bill for fiscal year 1995-96 is \$8,289,600.00 and state spending to be paid to local units of government is as follows:

DEPARTMENT OF STATE

Qualified voter file implementation - local costs.....	\$ 3,482,300
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Sec. 202. The expenditures and funding sources authorized under this act are subject to the management and budget act, Act No. 431 of the Public Acts of 1984, being sections 18.1101 to 18.1594 of the Michigan Compiled Laws.

Sec. 203. As used in this act, "IDG" means interdepartmental grant.

DEPARTMENT OF CORRECTIONS

Sec. 301. Section 1007 of Act No. 153 of the Public Acts of 1995 is repealed.

Sec. 302. Section 1006 of Act No. 153 of the Public Acts of 1995 is repealed.

Sec. 303. (1) The funds appropriated in section 101 of Act No. 153 of the Public Acts of 1995 for minimum security facilities are provided to allow local units of government to directly or indirectly expand local capacities to house felons who otherwise likely would be prison bound based on historical local sentencing practices, or who currently are incarcerated in prison, including but not limited to any of the following:

- (a) An increase in local capacity to house felons who are considered prison bound based on historical local sentencing practices.
- (b) An increase in local bed space for felony and nonfelony offenders combined, providing this increase alleviates jail crowding and expands sentencing options for felons who otherwise would be prison bound based on past local sentencing practices.
- (c) An increase in local bed space capacity that allowed a local unit of government to better utilize existing jail beds so that the most appropriate level of confinement is available for felony and nonfelony offenders, providing that the increase in local capacity improves local ability to appropriately house felons who otherwise would be prison bound based on past local sentencing practices or who are currently incarcerated in prison.
- (d) An increase in local beds available and appropriate for the incarceration of felons committed to the department, as approved by the department.

(2) Based upon approved applications received from local units of government as recommended by local community corrections advisory boards, the funding shall be allocated by the office of community corrections for construction or renovation projects servicing single counties or multicounty regions. An application approved by the local unit of government as recommended by the local community corrections advisory board shall be considered to be part of the local comprehensive corrections plan. Applications shall clearly identify target populations and clearly document how the expansion in local bed space would affect prison commitments or the prison population. Applications shall provide information on operating costs, which may be funded as provided in subsection (4). The office of community corrections shall evaluate project proposals for programmatic design and cost effectiveness. In allocating funds, the office of community corrections shall give priority for funding to projects that would have the greatest effect on the prison population, whether by minimizing commitments to prison, reducing prison bed space needs, or a combination of minimizing commitments and reducing prison bed space needs.

(3) Approved projects may receive up to \$8,000.00 per bed in actual construction or renovation costs, but not to exceed actual costs less any other federal, state, local, or private funding obtained for such costs.

(4) Approved projects may receive funding for actual operational costs, including but not limited to the following sources of funding:

(a) Funding from funds appropriated in section 101 for probation residential centers, pursuant to policies of the office of community corrections.

(b) Funding from funds appropriated in section 101 for the jail reimbursement program, providing such funding meets the criteria set forth in section 1302 of Act No. 153 of the Public Acts of 1995.

(c) Funding from payments for housing state prisoners according to agreements developed with the department, as appropriate.

(d) Funding from any other federal, state, local, or private source.

(5) As used in this section, "nonfelony offenders" includes persons being detained prior to disposition, persons being detained for parole or probation violations, and misdemeanants.

Sec. 304. Section 1302 of Act No. 153 of the Public Acts of 1995 is repealed.

Sec. 305. (1) The department of corrections shall administer a county jail reimbursement program from the funds appropriated in section 101 of Act No. 153 of the Public Acts of 1995 for that purpose.

(2) The county jail reimbursement program shall reimburse counties for housing convicted felons who would otherwise have been sentenced to a state prison term with a minimum minimum state felony sentencing guidelines score of 12 months or more or who were convicted of a violation of section 625(1) of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.625 of the Michigan Compiled Laws, that is punishable under section 625(6)(d) of that act, or who were sentenced under section 10, 11, 12, or 13 of chapter IX of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 769.10, 769.11, 769.12, and 769.13 of the Michigan Compiled Laws.

(3) The county jail reimbursement program shall reimburse counties for housing parolees who have been convicted of a new felony, parole violators, and offenders being returned by the department of corrections from community placement to institutional status and for prisoners who volunteer for placement in a county jail.

(4) State reimbursement under this section shall be for prisoner housing and custody expenses in the amount of \$38.00 per diem per diverted offender for the first 180 days of incarceration and \$35.00 per diem per diverted offender for the remainder of the term of incarceration not to exceed 1 year.

(5) The department shall monitor the reimbursement to counties for parolees convicted of a new felony pursuant to subsection (4). The department shall report to the house and senate appropriations subcommittees on corrections and the house and senate fiscal agencies, at the end of each quarter, the total amount reimbursed to counties for housing parolees convicted of a new felony for the previous quarter, not including those receiving reimbursement pursuant to subsection (2).

Sec. 306. (1) The department of corrections shall initiate a pilot project to implement a remote alcohol testing program at not fewer than 2 test sites. The program may be used in conjunction with other sanctioning programs the department currently utilizes. The department shall develop all appropriate program policies and procedures, including, but not limited to, determining and defining program participant populations and program eligibility, offender reimbursement rates, length of program participation, and sanctions for program failure.

(2) After 1 full year of program operation, the department of corrections shall evaluate the remote alcohol testing program to determine program effectiveness, cost efficiency, impact on offender behavior, and acceptance among the criminal justice community. A report on the department's program evaluation shall be transmitted to the senate and house appropriations subcommittees on corrections, and the senate and house fiscal agencies.

JUDICIAL OPERATIONS

Sec. 350. No appropriation shall be designated for work project accounts in the judicial branch for the fiscal year ending September 30, 1995, unless the judicial branch lapses a minimum of \$963,600.00 in general fund/general purpose funds for the fiscal year ending September 30, 1995.

DEPARTMENT OF STATE POLICE

Sec. 401. The appropriation to the department of state police provides funding for a compulsory arbitration award for the state police troopers and sergeants as outlined in Michigan employment relations commission case no. L93 I-1002, and shall be used to pay amounts arising from October 1, 1993, through the approval of the agreement.

DEPARTMENT OF TREASURY

Sec. 420. The department of treasury may expend revenue received under the Michigan code of escheats, Act No. 329 of the Public Acts of 1947, being sections 567.11 to 567.76 of the Michigan Compiled Laws, and Act No. 29 of the Public Acts of 1995 for necessary expenses, salaries, wages, fringe benefits, supplies, contractual services, equipment, worker's compensation insurance premiums, and grants to the civil service commission. Amounts are allotted for expenditure when they are received by the department of treasury. Revenue expended under this section shall not exceed \$3,000,000.00.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.

