

1998 PUBLIC AND LOCAL ACTS

[No. 515]

(HB 4425)

AN ACT 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:*

PART 1

LINE-ITEM APPROPRIATIONS

Summary.

**Sec. 101. SUMMARY**

The amounts listed in this part are appropriated for the various state departments and agencies and the legislative branch, subject to the conditions set forth in this act, for the fiscal year ending September 30, 1999, from the funds identified in this part. The following is a summary of the appropriations in this part:

**APPROPRIATION SUMMARY:**

GROSS APPROPRIATION.....	\$	7,432,700
Federal revenues:		
Total federal revenues.....	\$	0
Special revenue funds:		
Total local revenues .....		0
Total private revenues.....		0
Total other state restricted revenues.....		(1,000,000)
State general fund/general purpose .....	\$	8,432,700

Department of attorney general.

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

**(1) APPROPRIATION SUMMARY:**

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

**(2) ATTORNEY GENERAL OPERATIONS**

Unclassified positions.....	\$	182,200
GROSS APPROPRIATION.....	\$	182,200
Appropriated from:		
State general fund/general purpose .....	\$	182,200

Capital outlay.

**Sec. 103. CAPITAL OUTLAY**

**(1) APPROPRIATION SUMMARY:**

GROSS APPROPRIATION.....	\$	5,400,500
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For Fiscal Year  
Ending Sept. 30,  
1999

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 .....	\$ 5,400,500

**(2) DEPARTMENT OF AGRICULTURE**

Renovation of State Fair arena .....	\$ 2,400,000
GROSS APPROPRIATION.....	\$ 2,400,000
Appropriated from:	
State general fund/general purpose .....	\$ 2,400,000

**(3) STATE AGENCY, COMMUNITY COLLEGE, AND UNIVERSITY BUILDING PROJECTS**

Central Michigan University - health professions facility - for program and planning to be paid for 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
University of Michigan—Flint - north bank center building renovation .....	3,000,000
GROSS APPROPRIATION.....	\$ 3,000,500
Appropriated from:	
State general fund/general purpose .....	\$ 3,000,500

Legislature.

**Sec. 104. LEGISLATURE**

**(1) APPROPRIATION SUMMARY:**

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

**Compiler's note:** The shaded text was vetoed by the Governor, whose veto message appears in this volume under the heading "Vetoed."

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	For Fiscal Year Ending Sept. 30, 1999
<b>(2) LEGISLATURE</b>	
Senate .....	\$ 200,000
House of representatives .....	\$ 1,650,000
GROSS APPROPRIATION.....	\$ <u>1,850,000</u>
Appropriated from:	
State general fund/general purpose .....	\$ 1,850,000
Department of natural resources.	
<b>Sec. 105. DEPARTMENT OF NATURAL RESOURCES</b>	
<b>(1) TOTAL APPROPRIATION SUMMARY:</b>	
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.....	(1,000,000)
State general fund/general purpose .....	\$ 1,000,000
<b>(2) REAL ESTATE</b>	
Land acquisition and exchange .....	\$ (1,000,000)
Grants to communities for cleanup and maintenance of tax reverted properties .....	<u>1,000,000</u>
GROSS APPROPRIATION.....	\$ 0
Appropriated from:	
Special revenue funds:	
Land sale revenue .....	(1,000,000)
State general fund/general purpose .....	\$ 1,000,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

**GENERAL SECTIONS**

Total state spending; payments to local units of government.

Sec. 201. Pursuant to section 30 of article IX of the state constitution of 1963, total state spending from state sources for fiscal year 1998-1999 is estimated at \$7,432,700.00 in part 1 of this appropriation act and state spending from state sources paid to local units of government for fiscal year 1998-1999 is estimated at \$0.

**DEPARTMENT OF CORRECTIONS**

Department of corrections.

Sec. 401. (1) The department shall administer a county jail reimbursement program from the funds appropriated in section 110 of 1998 PA 321 for the purpose of reimbursing counties for housing in jails felons who historically have been sent to prison. These include

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felons who are generally considered prison bound based on past sentencing practices within the jurisdiction and offender characteristics, including, but not limited to, sentencing guideline scores indicative of prison risk, felony type, probation or parole status, and number of prior convictions.

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

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

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

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

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

(a) The felon otherwise would have been sentenced to a state prison term with a minimum minimum sentencing guideline recommendation of more than 12 months.

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

(c) The felon otherwise would have been sentenced to a state prison term with a minimum minimum sentencing guideline recommendation of 10 months or more and a minimum maximum sentencing guideline recommendation of more than 18 months.

(d) The felon would otherwise have been sentenced to a state prison term as a probation technical violator with a minimum minimum sentencing guideline recommendation of 10 months or more and a minimum maximum sentencing guideline recommendation of more than 18 months for the underlying offense.

(4) The county jail reimbursement program shall reimburse counties for housing and custody of parole violators and offenders being returned by the department from community placement to institutional status and for prisoners who volunteer for placement in a county jail.

(5) Except as provided in subsection (6), state reimbursement under this section for prisoner housing and custody expenses per diverted offender for the first 90 days of the offender's incarceration shall be \$45.00 per diem for a county with a population of more than 100,000 and \$40.00 per diem for a county with a population of 100,000 or less. After the diverted offender has been incarcerated 90 days, state reimbursement shall be \$38.00 per diem for the remainder of the incarceration up to 1 year total.

(6) For the first 90 days for diverted offenders housed in beds developed under multicounty projects approved and funded under section 807 of 1998 PA 321, state reimbursement shall be \$45.00 per diem. After the diverted offender has been incarcerated 90 days, state reimbursement shall be \$38.00 per diem for the remainder of the incarceration up to 1 year total.

(7) It is the intent of the legislature that up to but not more than the amount appropriated in section 110 of 1998 PA 321 for the county jail reimbursement program be expended consistent with the purposes of this section and based on performance. It is also

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the intent of the legislature that within the amount appropriated counties that receive less reimbursement in fiscal year 1998-1999 under subsections (2) and (3) than they did in fiscal year 1997-1998 under section 808(2) of 1997 PA 88 have a process through which additional reimbursements may be sought and funded in order to achieve the fiscal year 1997-1998 reimbursement levels under section 808(2) of 1997 PA 88. It is also the intent of the legislature that reimbursement funds that remain unexpended at the close of fiscal year 1998-1999 be expended in a manner consistent with the purposes of this section and in an equitable manner upon documentation to the department consistent with the purposes of this section, that offenders who otherwise would have been sentenced to prison were housed in the county jail for the period for which reimbursement is sought. Provisions to meet these intentions include:

(a) Except as otherwise provided in this subsection, a county participating in the county jail reimbursement program shall not receive reimbursement under subsections (2) and (3) during fiscal year 1998-1999 that exceeds 105% of the total amount of reimbursement received by that county in fiscal year 1997-1998 under section 808(2) of 1997 PA 88. A county that did not receive any reimbursement under section 808(2) of 1997 PA 88 is not subject to this limitation on reimbursement under subsections (2) and (3), providing that any offender for whom reimbursement is sought under subsection (2) or (3) was sentenced in that county.

(b) For funds that are available after reimbursements are completed during fiscal year 1998-1999, additional reimbursements shall be made through the documentation process of this subsection. The department may apply additional criteria upon which reimbursements will be made, including, but not limited to, the extent that the additional claims are for offenders eligible under subsections (2) and (3) and the degree to which counties' fiscal year 1998-1999 reimbursement levels were less than fiscal year 1997-1998 levels.

(8) The department shall contract for a local and statewide study conducted in collaboration with local units of government for the purpose of analyzing the impact of legislative sentencing guidelines. The study shall be submitted in a timely manner to the senate and house appropriations committees, the senate and house appropriations subcommittees on corrections, and the senate and house fiscal agencies.

(9) The language describing annual categories of reimbursement in this section does not apply beyond the 1-year effective period of the annual appropriations act. It is the intent of the legislature that the criteria for county jail reimbursement be reviewed annually by the senate and house appropriations subcommittees on corrections, which are encouraged to recommend and act on revisions to the criteria consistent with the purposes of this section. The senate and house fiscal agencies shall summarize trends that affect the use of prison and that can be used by the senate and house appropriations subcommittees on corrections to determine categories of offenders that are to be targeted and reimbursed through the program for reduced admissions to prison. The senate and house fiscal agencies shall provide the report to the senate and house appropriations subcommittees on corrections. The report by the senate and house fiscal agencies shall include, but not be limited to, a review of historic and recent trends regarding felony dispositions, prison admissions and the prison population, jail admissions and jail populations, changes in statutes that are likely to substantially affect felony sentencing, the impact of state and local policies on prison and jail admissions, and analyses on felony sentencing by the department or local units of government. The department shall provide to the senate and house fiscal agencies in a timely manner the information required to complete the report. This information shall include, but not be limited to, felony dispositions by county, the results of the study required by subsection (8), and county jail reimbursement program utilization data categorized by county. The jail reimbursement data categorized by county shall be further categorized by reimbursement category in

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subsections (2) and (3). The data categorized by reimbursement category shall be categorized by number of offenders, number of days, amounts of reimbursement requested, and amount paid.

### **DEPARTMENT OF NATURAL RESOURCES**

Department of natural resources; grants to communities for cleanup and maintenance of tax reverted properties.

Sec. 501. (1) The \$1,000,000.00 appropriation in part 1 for grants to communities for cleanup and maintenance of tax reverted properties shall be granted to counties, cities, villages, and townships for the purpose of remediating threats to public health and safety traced to tax reverted properties within their jurisdictions. An announcement of this grant program shall be provided to all eligible jurisdictions before March 1, 1999. This announcement shall include evaluation criteria, forms, and deadlines. The application deadline shall be May 1, 1999.

(2) The department shall provide a list of approved grants to the house and senate appropriations subcommittees and the house and senate fiscal agencies by July 1, 1999.

Repeal of section 808 of 1998 PA 321.

Enacting section 1. Section 808 of 1998 PA 321 is repealed.

This act is ordered to take immediate effect.

Approved January 11, 1999.

Filed with Secretary of State January 12, 1999.

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