

For Fiscal Year
Ending Sept. 30,
2008

Executive.

Sec. 102. EXECUTIVE

Full-time equated unclassified positions	16.0	
Full-time equated classified positions	8.0	
Unclassified positions—16.0 FTE positions		\$ 1,373,500
Executive direction—8.0 FTE positions		1,790,000
Mental health study		400,000
GROSS APPROPRIATION		\$ 3,563,500
Appropriated from:		
State general fund/general purpose		\$ 3,563,500

Planning and community support.

Sec. 103. PLANNING AND COMMUNITY SUPPORT

Full-time equated classified positions	72.0	
Planning, community development, and research—		
32.0 FTE positions.....		\$ 2,934,400
Mental health awareness training		100,000
Prisoner reintegration programs		33,173,700
Community corrections administration—17.0 FTE positions		1,891,300
Substance abuse testing and treatment services—		
23.0 FTE positions.....		20,042,800
Residential services.....		16,925,500
Community corrections comprehensive plans and services.....		12,533,000
Public education and training.....		50,000
Regional jail program		100
Felony drunk driver jail reduction and community treatment		
program		2,097,400
County jail reimbursement program		13,249,000
GROSS APPROPRIATION		\$ 102,997,200
Appropriated from:		
Federal revenues:		
DOJ, office of justice programs, Byrne grants.....		729,400
DOJ, office of justice programs, RSAT.....		142,800
DOJ, prisoner reintegration.....		1,035,000
Special revenue funds:		
Telephone fees and commissions.....		8,555,500
Civil infraction fees		7,514,400
State general fund/general purpose		\$ 85,020,100

Operations support administration.

Sec. 104. OPERATIONS SUPPORT ADMINISTRATION

Full-time equated classified positions	259.1	
Operations support administration—3.0 FTE positions.....		\$ 405,000
Bureau of human resources—159.2 FTE positions		15,881,900
Human resources optimization user charges.....		1,079,700
New custody staff training		11,533,000
Compensatory buyout and union leave bank.....		100
Worker's compensation		16,162,000

	For Fiscal Year Ending Sept. 30, 2008
Bureau of fiscal management—60.9 FTE positions	\$ 5,287,900
Office of legal services—28.0 FTE positions	3,086,200
Internal affairs—8.0 FTE positions	814,100
Rent.....	2,095,200
Equipment and special maintenance.....	425,500
Administrative hearings officers	3,963,900
Sheriffs' coordinating and training office	500,000
Prosecutorial and detainer expenses	4,051,000
GROSS APPROPRIATION	\$ 65,285,500
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDSP, Michigan justice training fund.....	695,900
Special revenue funds:	
Local corrections officer training fund	500,000
Correctional industries revolving fund.....	107,800
State general fund/general purpose	\$ 63,981,800

Field operations administration.

Sec. 105. FIELD OPERATIONS ADMINISTRATION

Full-time equated classified positions.....	1,924.9
Field operations—1,801.9 FTE positions	\$ 152,033,000
Parole board operations—33.0 FTE positions.....	2,883,200
Parole/probation services.....	2,867,300
Community re-entry centers—51.0 FTE positions	16,800,500
Electronic monitoring center—39.0 FTE positions.....	7,086,900
GROSS APPROPRIATION	\$ 181,670,900
Appropriated from:	
Special revenue funds:	
Local - community tether program reimbursement.....	429,700
Re-entry center offender reimbursements	133,900
Parole and probation oversight fees	10,753,900
Parole and probation oversight fees set-aside	3,267,300
Public works user fees.....	248,900
Tether program participant contributions	6,010,800
Telephone fees and commissions.....	2,522,200
State general fund/general purpose	\$ 158,304,200

Correctional facilities administration.

Sec. 106. CORRECTIONAL FACILITIES

ADMINISTRATION

Average population.....	2,638
Full-time equated classified positions.....	1,857.0
Correctional facilities administration—39.0 FTE positions	\$ 6,898,000
Prison food service—487.0 FTE positions	84,025,000
Transportation—229.0 FTE positions.....	25,441,700
Facility maintenance and repurposing.....	120,000
Central records—63.0 FTE positions	5,295,800
Inmate legal services	314,900
Loans to parolees.....	179,400

	For Fiscal Year Ending Sept. 30, 2008
Housing inmates in federal institutions.....	\$ 793,900
Prison industries operations—219.0 FTE positions	20,097,000
Education services and federal education grants—	
10.0 FTE positions.....	5,718,900
Federal school lunch program.....	712,800
Leased beds and alternatives to leased beds	100
Inmate housing fund—450.5 FTE positions	44,414,700
Average population.....2,638	
MPRI education program—359.5 FTE positions.....	37,860,400
GROSS APPROPRIATION	\$ 231,872,600
Appropriated from:	
Interdepartmental grant revenues:	
IDG-MDCH, forensic center food service	568,700
Federal revenues:	
DAG-FNS, national school lunch	712,800
DED-OESE, title 1	521,800
DED-OVAE, adult education	1,892,500
DED, adult literacy grants	308,300
DED-OSERS.....	101,300
DED, vocational education equipment	277,300
DED, youthful offender/Specter grant	1,289,400
DOJ-BOP, federal prisoner reimbursement.....	211,000
DOJ-OJP, serious and violent offender reintegration initiative.....	1,010,000
DOJ, prison rape elimination act grant	1,000,000
SSA-SSI, incentive payment	123,600
Special revenue funds:	
Correctional industries revolving fund.....	20,097,000
Public works user fees.....	174,000
Resident stores	231,400
State general fund/general purpose	\$ 203,353,500

Consent decrees.

Sec. 107. CONSENT DECREES

Full-time equated classified positions.....	470.3
Hadix consent decree—137.0 FTE positions.....	\$ 12,043,800
DOJ consent decree—106.8 FTE positions.....	10,031,300
DOJ psychiatric plan - MDCH mental health services.....	38,108,200
DOJ psychiatric plan - MDOC staff and services—	
226.5 FTE positions.....	17,986,500
GROSS APPROPRIATION	\$ 78,169,800
Appropriated from:	
State general fund/general purpose	\$ 78,169,800

Health care.

Sec. 108. HEALTH CARE

Full-time equated classified positions.....	1,041.1
Health care administration—14.0 FTE positions	\$ 2,164,900
Hospital and specialty care services	84,274,900
Vaccination program	691,200

	For Fiscal Year Ending Sept. 30, 2008
Northern region clinical complexes—270.9 FTE positions	\$ 36,636,400
Southeastern region clinical complexes—453.4 FTE positions	68,847,300
Southwestern region clinical complexes—302.8 FTE positions	41,551,600
GROSS APPROPRIATION	\$ 234,166,300
Appropriated from:	
Special revenue funds:	
Prisoner health care copayments.....	331,400
State general fund/general purpose	\$ 233,834,900

Northern region correctional facilities.

Sec. 109. NORTHERN REGION CORRECTIONAL

FACILITIES

Average population.....	15,855
Full-time equated classified positions.....	4,033.4
Alger maximum correctional facility - Munising—	
331.1 FTE positions.....	\$ 31,735,600
Average population.....	849
Baraga maximum correctional facility - Baraga—	
400.6 FTE positions.....	37,495,500
Average population.....	1,172
Chippewa correctional facility - Kincheloe—543.2 FTE positions.....	50,794,200
Average population.....	2,282
Kinross correctional facility - Kincheloe—562.5 FTE positions.....	55,757,000
Average population.....	2,999
Marquette branch prison - Marquette—367.7 FTE positions	37,539,700
Average population.....	1,201
Newberry correctional facility - Newberry—290.0 FTE positions...	26,491,800
Average population.....	978
Oaks correctional facility - Eastlake—324.6 FTE positions	34,062,000
Average population.....	1,156
Ojibway correctional facility - Marenisco—271.3 FTE positions.....	24,640,000
Average population.....	1,378
Pugsley correctional facility - Kingsley—231.4 FTE positions.....	20,897,500
Average population.....	1,158
Saginaw correctional facility - Freeland—330.0 FTE positions.....	31,687,600
Average population.....	1,480
Standish maximum correctional facility - Standish—	
381.0 FTE positions.....	37,750,000
Average population.....	1,202
GROSS APPROPRIATION	\$ 388,850,900
Appropriated from:	
Special revenue funds:	
Public works user fees.....	1,916,500
Resident stores	1,348,500
State general fund/general purpose	\$ 385,585,900

Southeastern region correctional facilities.

Sec. 110. SOUTHEASTERN REGION CORRECTIONAL

FACILITIES

Average population.....	16,537
Full-time equated classified positions.....	4,325.4

	For Fiscal Year Ending Sept. 30, 2008
Cooper street correctional facility - Jackson—	
286.8 FTE positions.....	\$ 28,938,400
Average population.....1,752	
G. Robert Cotton correctional facility - Jackson—	
414.3 FTE positions.....	39,172,400
Average population.....1,854	
Charles E. Egeler correctional facility - Jackson—	
372.4 FTE positions.....	37,896,700
Average population.....1,108	
Gus Harrison correctional facility - Adrian—493.3 FTE positions ...	47,352,200
Average population.....2,342	
Huron Valley correctional complex - Ypsilanti—	
681.0 FTE positions.....	64,913,700
Average population.....1,772	
Macomb correctional facility - New Haven—307.5 FTE positions....	27,945,500
Average population.....1,228	
Mound correctional facility - Detroit—295.6 FTE positions.....	26,677,200
Average population.....1,051	
Parnall correctional facility - Jackson—270.8 FTE positions.....	26,836,500
Average population.....1,712	
Ryan correctional facility - Detroit—323.6 FTE positions	29,227,400
Average population.....1,059	
Robert Scott correctional facility - Plymouth—	
360.5 FTE positions.....	33,182,700
Average population.....1,040	
Southern Michigan correctional facility - Jackson.....	3,597,500
Thumb correctional facility - Lapeer—309.6 FTE positions	29,860,800
Average population.....1,219	
Special alternative incarceration program - Cassidy Lake—	
120.0 FTE positions.....	10,956,400
Average population.....400	
Jackson area support and services—90.0 FTE positions	16,184,600
GROSS APPROPRIATION	\$ 422,742,000
Appropriated from:	
Federal revenues:	
DOJ, state criminal alien assistance program	985,500
Special revenue funds:	
Public works user fees.....	1,913,300
Resident stores	1,439,300
State general fund/general purpose	\$ 418,403,900

Southwestern region correctional facilities.

Sec. 111. SOUTHWESTERN REGION CORRECTIONAL FACILITIES

Average population.....	16,811
Full-time equated classified positions.....	3,646.2
Bellamy Creek correctional facility - Ionia—405.5 FTE positions	\$ 41,780,400
Average population.....	1,850

	For Fiscal Year Ending Sept. 30, 2008
Earnest C. Brooks correctional facility - Muskegon—	
486.5 FTE positions.....	\$ 47,018,400
Average population.....	2,440
Carson City correctional facility - Carson City—	
504.0 FTE positions.....	48,607,100
Average population.....	2,440
Richard A. Handlon correctional facility - Ionia—	
237.2 FTE positions.....	23,484,100
Average population.....	1,320
Ionia maximum correctional facility - Ionia—317.8 FTE positions...	30,384,600
Average population.....	707
Lakeland correctional facility - Coldwater—615.7 FTE positions.....	59,250,600
Average population.....	3,102
Muskegon correctional facility - Muskegon—232.4 FTE positions ...	23,945,800
Average population.....	1,326
Pine River correctional facility - St. Louis—221.4 FTE positions ...	20,877,600
Average population.....	1,200
St. Louis correctional facility - St. Louis—566.7 FTE positions	52,628,800
Average population.....	2,426
Ionia area support and services—59.0 FTE positions	3,339,800
GROSS APPROPRIATION	\$ 351,317,200
Appropriated from:	
Special revenue funds:	
Public works user fees.....	750,100
Resident stores	1,635,400
State general fund/general purpose	\$ 348,931,700

Information technology.

Sec. 112. INFORMATION TECHNOLOGY

Information technology services and projects.....	\$ 17,633,200
GROSS APPROPRIATION	\$ 17,633,200
Appropriated from:	
Special revenue funds:	
Correctional industries revolving fund	141,600
Parole and probation oversight fees set-aside	556,400
State general fund/general purpose	\$ 16,935,200

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 resources under part 1 for fiscal year 2007-2008 is \$2,066,234,100.00

and state spending from state resources to be paid to local units of government for fiscal year 2007-2008 is \$91,440,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

Field operations - assumption of county probation staff.....	\$	47,487,800
Public service work projects		10,326,600
Community corrections comprehensive plans and services.....		12,533,000
Community corrections residential services.....		16,925,500
Community corrections public education and training		50,000
Felony drunk driver jail reduction and community treatment program		2,097,400
Community reentry centers		2,019,600
Regional jail program		100
TOTAL.....	\$	91,440,000

Appropriations subject to MCL 18.1101 to 18.1594.

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.

Definitions.

Sec. 203. As used in this act:

- (a) "DAG" means the United States department of agriculture.
- (b) "DAG-FNS" means the DAG food and nutrition service.
- (c) "DED" means the United States department of education.
- (d) "DED-OESE" means the DED office of elementary and secondary education.
- (e) "DED-OSERS" means the DED office of special education and rehabilitative services.
- (f) "DED-OVAE" means the DED office of vocational and adult education.
- (g) "Department" or "MDOC" means the Michigan department of corrections.
- (h) "DOJ" means the United States department of justice.
- (i) "DOJ-BOP" means the DOJ bureau of prisons.
- (j) "DOJ-OJP" means the DOJ office of justice programs.
- (k) "FTE" means full-time equated.
- (l) "GED" means general education diploma.
- (m) "GPS" means global positioning system.
- (n) "IDG" means interdepartmental grant.
- (o) "IDT" means intradepartmental transfer.
- (p) "MDCH" means the Michigan department of community health.
- (q) "MDSPP" means the Michigan department of state police.
- (r) "MPRI" means the Michigan prisoner reentry initiative.
- (s) "OCC" means the office of community corrections.
- (t) "RSAT" means residential substance abuse treatment.
- (u) "SSA" means the United States social security administration.
- (v) "SSA-SSI" means SSA supplemental security income.

Billing by department of civil service; payments.

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

Hiring freeze; exceptions.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

(2) The state budget director may grant exceptions to the hiring freeze imposed under subsection (1) when the state budget director believes that the hiring freeze will result in rendering a state department or agency unable to deliver basic services, cause loss of revenue to the state, result in the inability of the state to receive federal funds, or necessitate additional expenditures that exceed any savings from maintaining a vacancy. The state budget director shall report quarterly to the chairpersons of the senate and house standing committees on appropriations the number of exceptions to the hiring freeze approved during the previous quarter and the reasons to justify the exception.

Communication of employee with legislative member or staff.

Sec. 206. The department shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Privatization; submission of project plan.

Sec. 207. At least 120 days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Preprivatization cost-benefit analysis.

Sec. 207a. (1) Before privatizing any services or activities currently provided by state employees in the department, the department shall submit to the senate and house appropriations committees a preprivatization cost-benefit analysis. This analysis shall utilize accurate, reliable, and objective data. Included in this analysis shall be a comparative estimate of the costs that will be incurred by the state over the life of the contract if either or both of the following occur:

(a) The service or activity continues to be provided by state employees.

(b) The service or activity is privatized. The costs of privatizing these services shall include the costs of all necessary monitoring and oversight of the private entity by the state. These private entities must be adequately bonded, so as not to expose the state to any potential future liability or legal causes of action.

(2) The department shall not commence any efforts to privatize the services or activities currently provided by state employees under appropriations made by this act until the cost-benefit analysis prescribed by subsection (1) has been sent to both the senate and house appropriations committees 14 days prior to the efforts to privatize and proves a cost savings of at least 5% of the costs of continuing to use state employees in providing the services or activities.

(3) A private contractor with a contract with this state that expends state or federal tax dollars shall have all records pertinent to state contracts, including all records detailing compliance with section 209 of this act, be subject to disclosure to the department or the department of management and budget.

(4) State employees shall be given the opportunity to bid on contracts that privatize services that are or were provided by state employees. Should the contract be awarded to any state employee, he or she would cease being an employee of the state.

Reporting requirements; use of Internet.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site. There shall be at least 1 separate and distinct electronic file for each section that includes a reporting requirement.

Purchase of foreign goods or services; preference to Michigan businesses or Michigan businesses owned and operated by veterans.

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

Submission to controlled substance test by applicants seeking employment.

Sec. 210. (1) Pursuant to the provisions of civil service rules and regulations and applicable collective bargaining agreements, individuals seeking employment with the department shall submit to a controlled substance test. The test shall be administered by the department.

(2) Individuals seeking employment with the department who refuse to take a controlled substance test or who test positive for the illicit use of a controlled substance on such a test shall be denied employment.

Charging fees and collecting revenue.

Sec. 211. The department may charge fees and collect revenues in excess of appropriations in part 1 not to exceed the cost of offender services and programming, employee meals, parolee loans, academic/vocational services, custody escorts, compassionate visits, union steward activities, public work programs, and services provided to units of government. The revenues and fees collected are appropriated for all expenses associated with these services and activities.

Produce from Michigan growers and processors; purchase.

Sec. 212. Preference should be given to purchasing produce from Michigan growers and processors when their produce is competitively priced and of comparable quality.

Nongeneral fund/general purpose sources of revenue; report.

Sec. 213. By February 15, 2008, the department shall provide the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with a report detailing nongeneral fund/general purpose sources of revenue, including, but not limited to, federal revenues, state restricted revenues, local and private revenues, offender reimbursements and other payments, revolving funds,

and 1-time sources of revenue, whether or not such revenues were appropriated. The report shall include statements detailing for each account the total amount of revenue received during fiscal year 2006-2007, the amount by which the revenue exceeded any applicable appropriated fund source, the amount spent during fiscal year 2006-2007, the account balance at the close of fiscal year 2006-2007, and the projected revenues and expenditures for fiscal year 2007-2008.

Technology-related services and projects; payment of user fees.

Sec. 214. From the funds appropriated in part 1 for information technology, the department shall pay user fees to the department of information technology for technology-related services and projects. These user fees are subject to provisions of an interagency agreement between the departments and agencies and the department of information technology.

Information technology; designation as work project.

Sec. 215. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support department of corrections technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Out-of-state travel; report.

Sec. 216. (1) Due to the current budgetary problems in this state, out-of-state travel shall be limited to situations in which 1 or more of the following conditions apply:

- (a) The travel is required by legal mandate or court order or for law enforcement purposes.
- (b) The travel is necessary to protect the health, safety, or health and safety of Michigan citizens or visitors or to assist other states in similar circumstances.
- (c) The travel is necessary to produce budgetary savings or to increase state revenues, or both, including protecting existing federal funds or securing additional federal funds.
- (d) The travel is necessary to comply with federal requirements.
- (e) The travel is necessary to secure specialized training for staff that is not available within this state.
- (f) The travel is financed entirely by federal or nonstate funds.

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

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

- (a) The name of each person receiving reimbursement for travel outside this state or whose travel costs were paid by this state.
- (b) The destination of each travel occurrence.
- (c) The dates of each travel occurrence.
- (d) A brief statement of the reason for each travel occurrence.

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

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

Businesses in deprived and depressed communities; contracts to provide services or supplies.

Sec. 217. The director shall take all reasonable steps to ensure businesses in deprived and depressed communities compete for and perform contracts to provide services or supplies, or both. The director shall strongly encourage firms with which the department contracts to subcontract with certified businesses in deprived and depressed communities for services, supplies, or both.

Employee dry cleaning allowances.

Sec. 218. It is the intent of the legislature that no expenditures for employee dry cleaning allowances be made or obligations to pay employee dry cleaning allowances be incurred for dry cleaning allowances in excess of the amounts authorized under collective bargaining contracts in effect from January 1, 2002 to December 31, 2004.

Prisoner telephone services; fee schedules.

Sec. 219. It is the intent of the legislature that any contract for prisoner telephone services entered into after the effective date of this act include a condition that fee schedules for prisoner telephone calls, including rates and any surcharges other than those necessary to meet special equipment costs, be the same as fee schedules for calls placed from outside of correctional facilities.

Policy change; rule applying to small business; definitions; report.

Sec. 221. (1) The department shall report no later than April 1, 2008 on each specific policy change made to implement a public act affecting the department that took effect during the previous calendar year to the senate and house appropriations subcommittees on corrections, the joint committee on administrative rules, and the senate and house fiscal agencies.

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

(3) As used in this section:

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

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

Legal services.

Sec. 222. Funds appropriated in part 1 shall not be used by a principal executive department, state agency, or authority to hire a person to provide legal services that are the responsibility of the attorney general. This prohibition does not apply to legal services for bonding activities and for those activities that the attorney general authorizes.

Contingency funds.

Sec. 223. (1) In addition to the funds appropriated in part 1, there is appropriated an amount not to exceed \$10,000,000.00 for federal contingency funds. These funds are not

available for expenditure until they have been transferred to another line item in this act under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

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

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

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

EXECUTIVE

Offender tracking information system; maintenance of offender's file; removal.

Sec. 301. For 3 years after a felony offender is released from the department's jurisdiction, the department shall maintain the offender's file on the offender tracking information system and make it publicly accessible in the same manner as the file of the current offender. However, the department shall immediately remove the offender's file from the offender tracking information system upon determination that the offender was wrongfully convicted and the offender's file is not otherwise required to be maintained on the offender tracking information system.

Mental health study; report.

Sec. 302. (1) From the funds appropriated in part 1 for the mental health study, the department shall allocate not more than \$400,000.00 for the purpose of contracting for an independent study prescribed under this section.

(2) In consultation with the MDCH, the department shall contract for an independent study on the prevalence of prisoners in need of mental health treatment, substance abuse services, or both, and on the provision of services to prisoners in need of mental health treatment, substance abuse services, or both. The study must be completed or supervised by a psychiatrist as defined in section 100c of the mental health code, 1974 PA 258, MCL 330.1100c. The lead psychiatrist shall not be a current or former employee or contractual agent of the department or the department of community health. At a minimum, the study shall collect and evaluate data on all of the following, to the extent possible under the health insurance portability and accountability act (HIPAA), 42 USC 1320d-6 and 45 CFR parts 160 and 164:

(a) The number of prisoners receiving substance abuse services, including a description and breakdown of the type of substance abuse services provided to prisoners, by major offense type.

(b) The number of prisoners with a primary diagnosis of mental illness, the number of prisoners considered to currently require mental health services, and the number of prisoners receiving mental health services, including a description and breakdown, encompassing,

at a minimum, the categories of inpatient, residential, and outpatient care, and the type of mental health services provided to those prisoners, by major offense type.

(c) The number of prisoners with a primary diagnosis of mental illness and receiving substance abuse services, including a description and breakdown, encompassing, at a minimum, the categories of inpatient, residential, and outpatient care, of the type of treatment provided to those prisoners, by major offense type.

(d) Data indicating whether prisoners receiving mental health services for a primary diagnosis of mental illness were previously hospitalized in a state psychiatric hospital for persons with mental illness, by major offense type.

(e) Data indicating whether prisoners with a primary diagnosis of mental illness and receiving substance abuse services were previously hospitalized in a state psychiatric hospital for persons with mental illness.

(f) The cost of psychotropic pharmaceuticals for prisoners with a primary diagnosis of mental illness itemized by type, specific diagnosis, identification as a brand name or a generically equivalent pharmaceutical, and the name of the manufacturer or distributor.

(g) Quarterly and fiscal year-to-date expenditures itemized by vendor, status of payments from contractors to vendors, and projected year-end expenditures from accounts for substance abuse treatment and mental health care.

(h) The number of prisoners that have had their primary diagnosis of mental illness changed while in prison by a mental health clinician from an earlier diagnosis received in prison or while hospitalized in a state psychiatric hospital for persons with mental illness, itemized by current and previous diagnosis.

(i) The number of prisoners with a primary diagnosis of mental illness that previously had received substance abuse services, including a description and breakdown, encompassing, at a minimum, the categories of inpatient, residential, and outpatient care, of the type of treatment provided to those prisoners.

(j) All department policies and procedures relating to prisoners and parolees with mental illness, substance abuse disorders, or both, including, but not limited to, those related to prisoners with discharge status.

(3) A report on the study, together with any recommendations contained in the study and response from the department, shall be provided to the members of the senate and house appropriations subcommittees on corrections and community health, the senate and house fiscal agencies, MDCH, and the state budget director no later than 30 days following the receipt of the completed study. The report shall include all of the information required under subsection (2) and any recommendations. The report also shall include a plan by the department to implement those recommendations with which it agrees and an explanation of any disagreements with recommendations.

Data usage and communications; report to implement Internet-based database systems.

Sec. 303. It is the intent of the legislature that the quantity of database systems in use by the department be optimal for efficient data usage and communications. By January 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on a plan to implement secure, encrypted, Internet-based database systems that can electronically communicate with each other and with other law-enforcement-related databases by September 30, 2008.

PLANNING AND COMMUNITY SUPPORT**Prison population updates; report.**

Sec. 401. The department shall submit 3-year and 5-year prison population projection updates by February 1, 2008 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. The report shall include explanations of the methodology and assumptions used in developing the projection updates.

Prisoner reintegration programs; reducing offender recidivism.

Sec. 402. It is the intent of the legislature that the funds appropriated in part 1 for prisoner reintegration programs be expended for the purpose of reducing victimization by reducing offender recidivism through the following prisoner reintegration programming:

- (a) The provision of employment and job training.
- (b) The provision of assistance in acquiring the documents necessary to obtain a state identification card or operator's license.
- (c) The provision of housing assistance.
- (d) Referral to mental health services.
- (e) Referral to substance abuse services.
- (f) Referral to public health services.
- (g) Referral to education.
- (h) Referral to any other services necessary for successful reintegration.

Prisoner reintegration programs; reports.

Sec. 403. (1) By April 1, 2008, the department shall provide a report on prisoner reintegration programs to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. At a minimum, the report shall include all of the following information:

- (a) Allocations and projected expenditures for each project funded and for each project to be funded, itemized by service to be provided and service provider.
- (b) An explanation of the objectives and results measures for each program.
- (c) An explanation of how the programs will be evaluated.
- (d) A discussion of the evidence and research upon which each program is based.
- (e) A discussion and estimate of the impact of prisoner reintegration programs on reoffending and returns to prison.
- (f) A progress report on applicable results of each program, including, but not limited to, the estimated bed space impact of prisoner reintegration programs.

(2) The department shall provide quarterly reports on January 1, 2008, April 1, 2008, July 1, 2008, and September 30, 2008 to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the status and recidivism levels of offenders who participated in the MPRI and have been released. The data should be broken out by the following 4 offender types: drug, nonassaultive, assaultive, and sex.

(3) By September 30, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director a comparison of the overall recidivism rates and length of time prior to prison return of offenders who participated in the MPRI with those of offenders who did

not. The report should disaggregate the information by each site in order to compare the practices and success rates of each site.

(4) The department shall include prisoners nearing their maximum sentence in the prison phases of the MPRI.

(5) The MPRI shall include programming on understanding conditions of parole, and each offender's transition accountability plan shall include a plan for following conditions of parole. The department shall ensure that each offender understands his or her conditions of parole prior to release from prison.

(6) The department shall provide monthly reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on parolees who participated in the MPRI and have tested positive for substances in the previous month and since October 1, 2007. The report shall include any sanctions imposed by the department in response to the positive substance test.

(7) The department shall provide monthly reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on parolees who participated in the MPRI and have a diagnosis of mental illness or received mental health treatment while in prison. The report shall include the number of offenders successfully referred to the local community mental health agency, by county, and number of parolees participating in treatment for mental illness, by county.

Screening and assessment for alcohol and other drug involvement.

Sec. 404. (1) The department shall screen and assess each prisoner for alcohol and other drug involvement to determine the need for further treatment. The assessment process shall be designed to identify the severity of alcohol and other drug addiction and determine the treatment plan, if appropriate.

(2) Subject to the availability of funding resources, the department shall provide substance abuse treatment to prisoners with priority given to those prisoners who are most in need of treatment and who can best benefit from program intervention based on the screening and assessment provided under subsection (1).

Residential substance abuse treatment services; availability.

Sec. 405. (1) In expending residential substance abuse treatment services funds appropriated under this act, the department shall ensure to the maximum extent possible that residential substance abuse treatment services are available statewide.

(2) By April 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the allocation, distribution, and expenditure of all funds appropriated by the substance abuse testing and treatment line item during fiscal year 2006-2007 and projected for fiscal year 2007-2008. The report shall include, but not be limited to, an explanation of an anticipated year-end balance, the number of participants in substance abuse programs, and the number of offenders on waiting lists for residential substance abuse programs. Information required under this subsection shall, where possible, be separated by MDOC administrative region and by offender type, including, but not limited to, a distinction between prisoners, parolees, and probationers.

(3) By April 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on substance abuse testing and treatment program objectives, outcome measures, and results, including program impact on offender behavior and recidivism.

MPRI sites and expenditure of MPRI funds; standards; report.

Sec. 406. (1) By December 1, 2007, the department shall develop uniform minimum standards for MPRI sites and the expenditure of MPRI funds, including funds appropriated for prisoner reintegration programs. At a minimum, the standards shall address all of the following:

- (a) The acceptable range or ranges for administrative costs.
- (b) How local program results are to be reported and quantified.
- (c) The acceptable range or ranges for per-participant expenditures.
- (d) Procedures for referral and follow up by the department on the status of referrals to substance abuse treatment, health care, and mental health treatment.
- (e) Any other standards determined by the department to be consistent with good management practices and optimum program results.

(2) By March 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the standards required by subsection (1). The report shall include information explaining how each standard was determined and how it is being implemented. The department shall implement these standards after review by the senate and house appropriations subcommittees on corrections.

Offenders who have served maximum sentence and released from prison; report.

Sec. 407. (1) By March 1, 2008, the department shall report to the senate and house subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on offenders who have served their maximum sentence and been released from prison in the last 5 years. The report shall include the following information:

- (a) The number of offenders who were paroled and returned to prison prior to serving their maximum sentence compared to the number of offenders who served their maximum sentence without ever having been paroled.
- (b) The number of offenders disaggregated by major offense type: assaultive, nonassaultive, drug, and sex.
- (c) The educational history of those offenders, including how many had a GED or high school diploma prior to incarceration in prison, how many received a GED while in prison, and how many received a vocational certificate while in prison.
- (d) A comparison of each offender's original offense to the offender's new offense by major offense type: assaultive, nonassaultive, drug, and sex, for offenders who have since returned to prison with a new commitment after previously serving a maximum sentence.

(2) The department shall provide monthly reports to the senate and house subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on offenders who have served their maximum sentence and been released from prison in the previous month. The reports shall include the following information:

- (a) The number of offenders who were paroled and returned to prison prior to serving their maximum sentence compared to the number of offenders who served their maximum sentence without ever having been paroled.
- (b) The number of offenders disaggregated by major offense type: assaultive, nonassaultive, drug, and sex.
- (c) Each offender's adjudication history based on their presentence investigation report.

Reduction of recidivism rates; plan.

Sec. 408. As a condition of expending funds appropriated for planning, community development and research, and prisoner reintegration programs under part 1, the department shall by January 31, 2008 provide a plan to reduce recidivism rates among prisoners released from correctional facilities to the members of the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director. The plan shall include detailed information on 3-year recidivism rates in this state for the most recent 5-year period, a detailed comparison of those rates to rates in other states and a national average, and details on how the department plans to improve recidivism rates. The plan also shall include details on how the department proposes to measure the success of the plan.

Offender reintegration; delivery and implementation of services by office of community corrections; definitions.

Sec. 409. The office of community corrections shall provide and coordinate the delivery and implementation of services in communities to facilitate successful offender reintegration into the community. Programs and services to be offered shall include, but are not limited to, technical assistance for comprehensive corrections plan development, new program start-up funding, program funding for those programs delivering services for eligible offenders in geographic areas identified by the office of community corrections as having a shortage of available services, technical assistance, referral services for education, employment services, and substance abuse and family counseling. As used in this act:

(a) “Alternative to incarceration in a state facility or jail” means a program that involves offenders who receive a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail based on historical local sentencing patterns or that amounts to a reduction in the length of sentence in a jail.

(b) “Goal” means the intended or projected result of a comprehensive corrections plan or community corrections program to reduce prison commitment rates, to reduce the length of stay in a jail, or to improve the utilization of a jail.

(c) “Jail” means a facility operated by a local unit of government for the physical detention and correction of persons charged with or convicted of criminal offenses.

(d) “Offender eligibility criteria” means particular criminal violations, state felony sentencing guidelines descriptors, and offender characteristics developed by advisory boards and approved by local units of government that identify the offenders suitable for community corrections programs funded through the office of community corrections.

(e) “Offender target population” means felons or misdemeanants who would likely be sentenced to imprisonment in a state correctional facility or jail, who would not increase the risk to the public safety, who have not demonstrated a pattern of violent behavior, and who do not have criminal records that indicate a pattern of violent offenses.

(f) “Offender who would likely be sentenced to imprisonment” means either of the following:

(i) A felon or misdemeanant who receives a sentencing disposition that appears to be in place of incarceration in a state correctional facility or jail, according to historical local sentencing patterns.

(ii) A currently incarcerated felon or misdemeanant who is granted early release from incarceration to a community corrections program or who is granted early release from incarceration as a result of a community corrections program.

Alternative to incarceration to state facility or jail.

Sec. 410. (1) The funds included in part 1 for community corrections comprehensive plans and services are to encourage the development through technical assistance grants, implementation, and operation of community corrections programs that serve as an alternative to

incarceration in a state facility or jail. The comprehensive corrections plans shall include an explanation of how the public safety will be maintained, the goals for the local jurisdiction, offender target populations intended to be affected, offender eligibility criteria for purposes outlined in the plan, and how the plans will meet the following objectives, consistent with section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408:

(a) Reduce admissions to prison of nonviolent offenders who would have otherwise received an active sentence, including probation violators.

(b) Improve the appropriate utilization of jail facilities, the first priority of which is to open jail beds intended to house otherwise prison-bound felons, and the second priority being to appropriately utilize jail beds so that jail crowding does not occur.

(c) Open jail beds through the increase of pretrial release options.

(d) Reduce the readmission to prison of parole violators.

(e) Reduce the admission or readmission to prison of offenders, including probation violators and parole violators, for substance abuse violations.

(2) The award of community corrections comprehensive plans and residential services funds shall be based on criteria that include, but are not limited to, the prison commitment rate by category of offenders, trends in prison commitment rates and jail utilization, historical trends in community corrections program capacity and program utilization, and the projected impact and outcome of annual policies and procedures of programs on prison commitment rates and jail utilization.

(3) Funds awarded for residential services in part 1 shall provide for a per diem reimbursement of not more than \$47.50.

Comprehensive corrections plans.

Sec. 411. The comprehensive corrections plans shall also include, where appropriate, descriptive information on the full range of sanctions and services that are available and utilized within the local jurisdiction and an explanation of how jail beds, residential services, the special alternative incarceration program (boot camp), probation detention centers, the electronic monitoring program for probationers, and treatment and rehabilitative services will be utilized to support the objectives and priorities of the comprehensive corrections plans and the purposes and priorities of section 8(4) of the community corrections act, 1988 PA 511, MCL 791.408. The plans shall also include, where appropriate, provisions that detail how the local communities plan to respond to sentencing guidelines found in chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county jail reimbursement program under section 414. The state community corrections board shall encourage local community corrections advisory boards to include in their comprehensive corrections plans strategies to collaborate with local alcohol and drug treatment agencies of the MDCH for the provision of alcohol and drug screening, assessment, case management planning, and delivery of treatment to alcohol- and drug-involved offenders, including, but not limited to, probation and parole violators who are at risk of revocation.

Prison admissions and jail utilization; submission of report.

Sec. 412. (1) As part of the March biannual report specified in section 12(2) of the community corrections act, 1988 PA 511, MCL 791.412, that requires an analysis of the impact of that act on prison admissions and jail utilization, the department shall submit to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the following information for each county and counties consolidated for comprehensive corrections plans:

(a) Approved technical assistance grants and comprehensive corrections plans including each program and level of funding, the utilization level of each program, and profile information of enrolled offenders.

(b) If federal funds are made available, the number of participants funded, the number served, the number successfully completing the program, and a summary of the program activity.

(c) Status of the community corrections information system and the jail population information system.

(d) Data on residential services, including participant data, participant sentencing guideline scores, program expenditures, average length of stay, and bed utilization data.

(e) Offender disposition data by sentencing guideline range, by disposition type, number and percent statewide and by county, current year, and comparisons to the previous 3 years.

(2) The report required under subsection (1) shall include the total funding allocated, program expenditures, required program data, and year-to-date totals.

State-required jail data.

Sec. 413. (1) The department shall identify and coordinate information regarding the availability of and the demand for community corrections programs, jail-based community corrections programs, and basic state-required jail data.

(2) The department is responsible for the collection, analysis, and reporting of state-required jail data.

(3) As a prerequisite to participation in the programs and services offered through the department, counties shall provide basic jail data to the department.

County jail reimbursement program.

Sec. 414. (1) The department shall administer a county jail reimbursement program from the funds appropriated in part 1 for the purpose of reimbursing counties for housing in jails felons who otherwise would have been sentenced to prison.

(2) 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 January 1, 1999 and 1 of the following applies:

(a) The felon's sentencing guidelines recommended range upper limit is more than 18 months, the felon's sentencing guidelines recommended range lower limit is 12 months or less, the felon's prior record variable score is 35 or more points, and the felon's sentence is not for commission of a crime in crime class G or crime class H under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69.

(b) The felon's minimum sentencing guidelines range minimum is more than 12 months.

(3) State reimbursement under this section for prisoner housing and custody expenses per diverted offender shall be \$43.50 per diem for up to a 1-year total.

(4) From the funds appropriated in part 1 for the county jail reimbursement program, the department shall conduct an ongoing study to determine the impact of the new legislative sentencing guidelines. The study shall analyze sentencing patterns of jurisdictions as well as future patterns in order to determine and quantify the population impact on prisons and jails of the new guidelines as well as to identify and define felon or crime characteristics or sentencing guidelines scores that indicate a felon is a prison diversion. The department shall conduct a local and statewide study for this purpose and provide periodic reports regarding the status and findings of the study to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director.

(5) The department, the state budget office, the Michigan association of counties, and the Michigan sheriffs' association shall review the periodic findings of the study required in subsection (4) and, if appropriate, recommend modification of the criteria for reimbursement

contained in subsection (2) at meetings convened by the chairs of the house and senate appropriations subcommittees on corrections.

(6) The department shall reimburse counties for offenders in jail based upon the reimbursement eligibility criteria in place on the date the offender was originally sentenced for the reimbursable offense.

(7) County jail reimbursement program expenditures shall not exceed the amount appropriated in part 1 for the county jail reimbursement program. Payments to counties under the county jail reimbursement program shall be made in the order in which properly documented requests for reimbursements are received. A request shall be considered to be properly documented if it meets MDOC requirements for documentation. The department shall by October 15, 2006 distribute the documentation requirements to all counties.

Community corrections plans and services and residential services; condition for receipt of funds.

Sec. 415. (1) As a condition of receipt of the funds appropriated in part 1 for community corrections plans and services and residential services, the department shall only award those funds requested under a properly prepared and approved comprehensive corrections plan submitted under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, or directly applied for under section 10 of the community corrections act, 1988 PA 511, MCL 791.410.

(2) The department shall only halt funding for an entity funded under section 8 of the community corrections act, 1988 PA 511, MCL 791.408, in instances of substantial noncompliance during the period covered by the plan.

Felony drunk driver jail reduction and community treatment program; expenditures.

Sec. 416. (1) Funds included in part 1 for the felony drunk driver jail reduction and community treatment program are appropriated for and may be expended for any of the following purposes:

(a) To increase availability of treatment options to reduce drunk driving and drunk driving-related deaths by addressing the alcohol addiction of felony drunk drivers who otherwise likely would be sentenced to jail or a combination of jail and other sanctions.

(b) To divert from jail sentences or to reduce the length of jail sentences for felony drunk drivers who otherwise would have been sentenced to jail and whose recommended minimum sentence ranges under sentencing guidelines established under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, have upper limits of 18 months or less, through funding programs that may be used in lieu of incarceration and that increase the likelihood of rehabilitation.

(c) To provide a policy and funding framework to make additional jail space available for housing convicted felons whose recommended minimum sentence ranges under sentencing guidelines established under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1 to 777.69, have lower limits of 12 months or less and who likely otherwise would be sentenced to prison, with the aim of enabling counties to meet or exceed amounts received through the county jail reimbursement program during fiscal year 2002-2003 and reducing the numbers of felons sentenced to prison.

(2) Expenditure of funds included in part 1 for the felony drunk driver jail reduction and community treatment program shall be by grant awards consistent with standards developed by a committee of the state community corrections advisory board. The chairperson of the committee shall be the board member representing county sheriffs. Remaining members of the committee shall be appointed by the chairperson of the board.

(3) In developing annual standards, the committee shall consult with interested agencies and associations. Standards developed by the committee shall include application criteria, performance objectives and measures, funding allocations, and allowable uses of the funds, consistent with the purposes specified in this section.

(4) Allowable uses of the funds shall include reimbursing counties for transportation, treatment costs, and housing felony drunk drivers during a period of assessment for treatment and case planning. Reimbursements for housing during the assessment process shall be at the rate of \$43.50 per day per offender, up to a maximum of 5 days per offender.

(5) The standards developed by the committee shall assign each county a maximum funding allocation based on the amount the county received under the county jail reimbursement program in fiscal year 2001-2002 for housing felony drunk drivers whose recommended minimum sentence ranges under the sentencing guidelines described in subsection (1)(c) had upper limits of 18 months or less.

(6) Awards of funding under this section shall be provided consistent with the local comprehensive corrections plans developed under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414. Funds awarded under this section may be used in conjunction with funds awarded under grant programs established under that act. Due to the need for felony drunk drivers to be transitioned from county jails to community treatment services, it is the intent of the legislature that local units of government utilize funds received under this section to support county sheriff departments.

(7) As used in this section, “felony drunk driver” means a felon convicted of operating a motor vehicle under the influence of intoxicating liquor or a controlled substance, or both, third or subsequent offense, under section 625(9)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, or its predecessor statute, punishable as a felony.

Report on programs from previous fiscal year.

Sec. 417. (1) By April 1, 2008, the department shall report to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on each of the following programs from the previous fiscal year:

- (a) The county jail reimbursement program.
- (b) The felony drunk driver jail reduction and community treatment program.
- (c) The alternatives to prison jail and treatment programs.
- (d) Any new initiatives to control prison population growth funded or proposed to be funded under part 1.

(2) For each program listed under subsection (1), the report under subsection (1) shall include information on each of the following:

- (a) Program objectives and outcome measures.
- (b) Expenditures by location.
- (c) The impact on jail utilization.
- (d) The impact on prison admissions.
- (e) Other information relevant to an evaluation of the program.

Obtaining state operator’s license or state identification card prior to discharge or parole hearing; obtaining birth certificate.

Sec. 418. (1) It is the intent of the legislature that the department ensure that each prisoner make all reasonable efforts to obtain the documents necessary to obtain a state operator’s license or state identification card prior to a prisoner’s discharge or parole hearing. The

process for prisoners to acquire this documentation shall be part of the department's operating procedure by the end of the fiscal year.

(2) The department shall cooperate with MDCH to develop a process by which prisoners can obtain their birth certificates. By April 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the process developed under this section.

Prisoner, parolee, and probationer populations by facility; report.

Sec. 419. (1) The department shall provide weekly electronic mail reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on prisoner, parolee, and probationer populations by facility, and prison capacities.

(2) The department shall provide monthly electronic mail reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director. By July 1, 2008, the department shall provide monthly reports for March 2006 through September 2007. The reports shall include information on end-of-month prisoner populations in county jails, the net operating capacity according to the most recent certification report, identified by date, and end-of-month data, year-to-date data, and comparisons to the prior year for the following:

(a) Community residential program populations, separated by centers and electronic monitoring.

(b) Parole populations.

(c) Probation populations, with identification of the number in special alternative incarceration.

(d) Prison and camp populations, with separate identification of the number in special alternative incarceration and the number of lifers.

(e) Parole board activity, including the numbers and percentages of parole grants and parole denials.

(f) Prisoner exits, identifying transfers to community placement, paroles from prisons and camps, paroles from community placement, total movements to parole, prison intake, prisoner deaths, prisoners discharging on the maximum sentence, and other prisoner exits.

(g) Prison intake and returns, including probation violators, new court commitments, violators with new sentences, escaper new sentences, total prison intake, returns from court with additional sentences, community placement returns, technical parole violator returns, and total returns to prison and camp.

Response to performance audits; report.

Sec. 420. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house judiciary committees, the senate and house fiscal agencies, and the state budget director on the status of the department's response to the performance audits by the office of the auditor general on the department's staffing, health care services, food service and prisoner transportation, mental health care services, and pharmaceuticals. The department shall provide the reports within 30 days after each audit's official release date.

Training teams of law enforcement officers and mental health treatment providers; assisting people with mental illness.

Sec. 421. Of the funds appropriated in part 1, \$100,000.00 is appropriated for the purpose of providing an interdepartmental grant to the Michigan state police for the purpose of providing grants for training teams of law enforcement officers and mental health treatment

providers. The teams shall be trained in effective and safe ways of assisting people with mental illness during law enforcement contacts and directing people with mental illness to treatment programs. It is the intent of the legislature that mental health awareness training be incorporated into continuing education for all law enforcement officers in the state.

MPRI programs as standard operating procedure.

Sec. 422. It is the intent of the legislature that MPRI programs become standard operating procedure in the department by the end of fiscal year 2008-2009.

OPERATIONS AND SUPPORT ADMINISTRATION

Parole violators and offenders returned from community placement; reimbursement for housing and custody.

Sec. 501. From the funds appropriated in part 1 for prosecutorial and detainer expenses, the department shall reimburse counties for housing and custody of parole violators and offenders being returned by the department from community placement who are available for return to institutional status and for prisoners who volunteer for placement in a county jail.

Sheriffs' coordinating and training office; expenditures to defray certain costs.

Sec. 502. Funds included in part 1 for the sheriffs' coordinating and training office are appropriated for and may be expended to defray costs of continuing education, certification, recertification, decertification, and training of local corrections officers, the personnel and administrative costs of the sheriffs' coordinating and training office, the local corrections officers advisory board, and the sheriffs' coordinating and training council under the local corrections officers training act, 2003 PA 125, MCL 791.531 to 791.546.

Adjudication of grievances pertaining to department of corrections; funding administrative hearings officers.

Sec. 503. Funds appropriated in part 1 for administrative hearings officers are appropriated as an interdepartmental grant to the department of labor and economic growth for the purpose of funding administrative hearings officers for adjudication of grievances pertaining to the department of corrections. The department shall not expend appropriations from part 1 to satisfy charges from the department of labor and economic growth for administrative hearings officers in excess of the amount expressly appropriated by this act for the administrative hearings officers.

FIELD OPERATIONS ADMINISTRATION

Statewide caseload audit of field agents.

Sec. 601. From the funds appropriated in part 1, the department shall conduct a statewide caseload audit of field agents. The audit shall address public protection issues and assess the ability of the field agents to complete their professional duties. The results of the audit shall be submitted to the senate and house appropriations subcommittees on corrections and the senate and house fiscal agencies, and the state budget office by February 15, 2008.

Supervision of offenders participating in work crew assignments; salaries and wages and benefits of community service coordinators.

Sec. 602. (1) Of the amount appropriated in part 1 for field operations, a sufficient amount shall be allocated for the community service work program and shall be used for salaries and wages and fringe benefit costs of community service coordinators employed by the department to supervise offenders participating in work crew assignments. Funds shall also be used to cover motor transport division rates on state vehicles used to transport offenders to community service work project sites.

(2) The community service work program shall provide offenders with community service work of tangible benefit to a community while fulfilling court-ordered community service work sanctions and other postconviction obligations.

(3) As used in this section, “community service work” means work performed by an offender in an unpaid position with a nonprofit or tax-supported or government agency for a specified number of hours of work or service within a given time period.

Electronic tether program.

Sec. 603. (1) All prisoners, probationers, and parolees involved with the electronic tether program shall reimburse the department for costs associated with their participation in the program. The department may require community service work reimbursement as a means of payment for those able-bodied individuals unable to pay for the costs of the equipment.

(2) Program participant contributions and local community tether program reimbursement for the electronic tether program appropriated in part 1 are related to program expenditures and may be used to offset expenditures for this purpose.

(3) Included in the appropriation in part 1 is adequate funding to implement the community tether program to be administered by the department. The community tether program is intended to provide sentencing judges and county sheriffs in coordination with local community corrections advisory boards access to the state’s electronic tether program to reduce prison admissions and improve local jail utilization. The department shall determine the appropriate distribution of the tether units throughout the state based upon locally developed comprehensive corrections plans under the community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

(4) For a fee determined by the department, the department shall provide counties with the tether equipment, replacement parts, administrative oversight of the equipment’s operation, notification of violators, and periodic reports regarding county program participants. Counties are responsible for tether equipment installation and service. For an additional fee as determined by the department, the department shall provide staff to install and service the equipment. Counties are responsible for the coordination and apprehension of program violators.

(5) Any county with tether charges outstanding over 60 days shall be considered in violation of the community tether program agreement and lose access to the program.

Community-placement prisoners and parolees; reimbursement for program costs.

Sec. 604. Community-placement prisoners and parolees shall reimburse the department for the total costs of the program. As an alternative method of payment, the department may develop a community service work schedule for those individuals unable to meet reimbursement requirements established by the department.

Contact with parole or probation agents.

Sec. 606. It is the intent of the legislature that the department shall ensure that parolees and probationers may timely contact their parole or probation agents and maintain procedures

that preclude any necessity for an offender to have access to an agent's home telephone number or other personal information pertaining to the agent.

Rental payments or operational expenses for certain premises prohibited.

Sec. 607. The department shall not expend funds appropriated in part 1 for rental payments or operational expenses for premises leased under lease number 7787 and located at 322 Front Avenue SW, Grand Rapids, Michigan, also known as parcel 41-13-25-378-005, more than 120 days after the effective date of this act.

GPS electronic monitoring; report.

Sec. 608. By April 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the use of GPS electronic monitoring. At a minimum, the report shall include all of the following:

(a) Details on the failure rate of parolees for whom GPS tether is utilized, including the number and rate of parolee technical violations, including specifying failures due to committing a new crime that is unchanged but leads to parole termination, and the number and rate of parolee violators with new sentences.

(b) Information on the factors considered in determining whether an offender is placed on active GPS tether, passive GPS tether, radio frequency tether, or some combination of these or other types of electronic monitoring.

(c) Monthly data on the number of offenders on active GPS tether, passive GPS tether, radio frequency tether, and any other type of tether.

Kiosk reporting stations.

Sec. 609. Not more than 6 months after the pilot program is implemented, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the use of kiosk reporting stations. At a minimum, the report shall include all of the following:

(a) Factors considered in determining whether an offender is assigned to report at a kiosk.

(b) Information on the location, costs, safety features, and other features of kiosks used for offender reporting.

(c) Information on pilot program outcome measures.

(d) An evaluation of the kiosk reporting pilot program, including any need for improvement and an assessment of the potential for expanded use of kiosk reporting stations.

Community re-entry program, electronic tether program, and special alternative to incarceration program; reports.

Sec. 611. The department shall prepare by April 1, 2008 individual reports for the community re-entry program, the electronic tether program, and the special alternative to incarceration program. The reports shall be submitted to the house and senate appropriations subcommittees on corrections, the house and senate fiscal agencies, and the state budget director. Each program's report shall include information on all of the following:

(a) Monthly new participants by type of offender. Community re-entry program participants shall be categorized by reason for placement. For technical rule violators, the report shall sort offenders by length of time since release from prison, by the most recent violation, and by the number of violations occurring since release from prison.

(b) Monthly participant unsuccessful terminations, including cause.

- (c) Number of successful terminations.
- (d) End month population by facility/program.
- (e) Average length of placement.
- (f) Return to prison statistics.
- (g) Description of each program location or locations, capacity, and staffing.
- (h) Sentencing guideline scores and actual sentence statistics for participants, if applicable.
- (i) Comparison with prior year statistics.
- (j) Analysis of the impact on prison admissions and jail utilization and the cost effectiveness of the program.

Offenders sentenced to prison as result of technical probation or parole violations; other policy options.

Sec. 612. (1) The department shall review and revise as necessary policy proposals that provide alternatives to prison for offenders being sentenced to prison as a result of technical probation violations and technical parole violations. To the extent the department has insufficient policies or resources to affect the continued increase in prison commitments among these offender populations, the department shall explore other policy options to allow for program alternatives, including department or OCC-funded programs, local level programs, and programs available through private agencies that may be used as prison alternatives for these offenders.

(2) To the extent policies or programs described in subsection (1) are used, developed, or contracted for, the department may request that funds appropriated in part 1 be transferred under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, for their operation.

(3) The department shall continue to utilize parole violator processing guidelines that require parole agents to utilize all available appropriate community-based, nonincarcerative postrelease sanctions and services when appropriate. The department shall periodically evaluate such guidelines for modification, in response to emerging information from the pilot projects for substance abuse treatment provided under this act and applicable provisions of prior budget acts for the department.

(4) The department shall provide monthly reports to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on the number of all parolees returned to prison and probationers sentenced to prison for either a technical violation or new sentence during the preceding calendar month. The reports shall include the following information each for probationers, parolees after their first parole, and parolees who have been paroled more than once:

(a) The numbers of parole and probation violators returned to or sent to prison for a new crime with a comparison of original versus new offenses by major offense type: assaultive, nonassaultive, drug, and sex.

(b) The numbers of parole and probation violators returned to or sent to prison for a technical violation and the type of violation, including, but not limited to, zero gun tolerance and substance abuse violations. For parole technical rule violators, the report shall list violations by type, by length of time since release from prison, by the most recent violation, and by the number of violations occurring since release from prison.

(c) The educational history of those offenders, including how many had a GED or high school diploma prior to incarceration in prison, how many received a GED while in prison, and how many received a vocational certificate while in prison.

(d) The number of offenders who participated in the MPRI versus the number of those who did not.

(e) The unduplicated number of offenders who participated in substance abuse treatment programs, mental health treatment programs, or both, while in prison, itemized by diagnosis.

Parole and probation special operations program participants; report.

Sec. 613. The department shall report by February 1, 2008 to the members of the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on parole and probation special operations program participants from October 1, 2005 to September 30, 2007.

CONSENT DECREES

Consent decree line items; separate control accounts; funding.

Sec. 701. Funding appropriated in part 1 for consent decree line items is appropriated into separate control accounts created for each line item. Funding in each control account shall be distributed as necessary into separate accounts created for the purpose of separately identifying costs and expenditures associated with each consent decree.

HEALTH CARE

Prisoner's sex change; funding prohibited; exception.

Sec. 801. The department shall not expend funds appropriated under part 1 for any surgery, procedure, or treatment to provide or maintain a prisoner's sex change unless it is determined medically necessary by the chief medical officer of the department.

Health care; condition of expenditure; information to be provided to legislature; bids by local health care providers.

Sec. 802. (1) As a condition of expenditure of the funds appropriated in part 1, the department shall provide the senate and house of representatives appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with all of the following:

(a) Quarterly reports on physical and mental health care detailing the average number of days between a prisoner's diagnosis and commencement of treatment for that diagnosis, quarterly and fiscal year-to-date expenditures itemized by vendor, allocations, status of payments from contractors to vendors, and projected year-end expenditures from accounts for prisoner health care, mental health care, pharmaceutical services, and durable medical equipment.

(b) Not more than 1 week after receiving the final findings and recommendations of the national commission on correctional health care, a report with regard to the following:

(i) Bureau of health care services organizational structure, administration, and management.

(ii) Timeliness, appropriateness, and quality of the following services:

(A) Clinical services provided through the department, including nursing, dental, and clinical support services.

(B) Clinical psychological services provided through the department, including intake processing, assaultive offender program, and sex offender treatment program.

(C) Mental health services to treat the seriously mentally ill provided through the department of community health, including inpatient care, rehabilitative treatment, residential treatment, crisis stabilization, and outpatient mental health treatment.

(D) Primary on-site medical services, on-site inpatient medical services, specialty services, and utilization review procedures provided by the state's health care contractors.

(2) It is the intent of the legislature that, in the interest of providing the most efficient and cost-effective delivery of health care, local health care providers shall be considered and given the opportunity to competitively bid as vendors under future managed care contracts.

Report on prisoner health care utilization; report on prisoners receiving off-site inpatient medical care.

Sec. 804. (1) The department shall report quarterly to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on prisoner health care utilization. The report shall include the number of inpatient hospital days, outpatient visits, and emergency room visits in the previous quarter and since October 1, 2007, by facility.

(2) By April 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on prisoners receiving off-site inpatient medical care that would have received care in a state correctional facility if beds were available. The report shall include the number of prisoners receiving off-site inpatient medical care and average length of stay in an off-site facility during the period they would have received care in a state correctional facility if beds were available, by month and correctional facilities administration region.

Hepatitis C and HIV prevention; dissemination of information.

Sec. 805. The bureau of health care services shall develop information on Hepatitis C and human immunodeficiency virus (HIV) prevention and the risks associated with exposure to Hepatitis C and HIV. The health care providers shall disseminate this information verbally and in writing to each prisoner at the health screening and full health appraisal conducted at admissions, at the annual health care screening 1 week before or after a prisoner's birthday, and prior to release to the community by parole, transfer to community residential placement, or discharge on the maximum sentence.

Hepatitis C antibody test and HIV test; report; records.

Sec. 806. (1) From the funds appropriated in part 1, the department shall require a Hepatitis C antibody test and an HIV test for each prisoner prior to release to the community by parole, transfer to community residential placement, or discharge on the maximum sentence. The department shall require an HIV test and a Hepatitis C risk factor screening for each prisoner at the health screening at admissions. If Hepatitis C risk factors are identified, the department shall offer the prisoner a Hepatitis C antibody test. An explanation of results of the tests shall be provided confidentially to the prisoner, and if appropriate based on the test results, the prisoner shall also be provided a recommendation to seek follow-up medical attention.

(2) By March 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house appropriations subcommittees

on community health, the senate and house fiscal agencies, and the state budget director on the number of offenders tested and the number of offenders testing positive for HIV, the Hepatitis C antibody, or both at prison admission and parole, transfer to community residential placement, or discharge on the maximum sentence. The department shall keep records of those offenders testing positive for HIV, the Hepatitis C antibody, or both at prison admission, parole, transfer to community residential placement, and discharge. These records shall clearly state the date each test was performed.

(3) As a condition of expenditure of the funds appropriated in part 1, the department shall keep records of the following:

(a) The number of offenders testing positive for the Hepatitis C antibody who do not receive treatment, by reason for not participating.

(b) The number of offenders achieving a sustained viral response from Hepatitis C treatment.

(c) Cost and duration of treatment by offender.

Medications; transport with prisoner.

Sec. 807. The department shall ensure that all medications for a prisoner be transported with that prisoner when the prisoner is transferred from 1 correctional facility to another. Prisoners being released shall be provided with a supply of medication to allow for continuity of care in the community.

Hiring or retaining full complement of nurses for clinical complexes.

Sec. 808. There are sufficient funds and FTEs appropriated in part 1 to provide a full complement of nurses for clinical complexes working regular pay hours, and it is the intent of the legislature that sufficient nurses be hired or retained to limit the use of overtime other-than-holiday pay.

Prisoners positive for HIV or Hepatitis C antibody; report.

Sec. 809. The department, in conjunction with efforts to implement the MPRI, shall cooperate with the MDCH to share data and information as they relate to prisoners being released who are HIV positive or positive for the Hepatitis C antibody. By April 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on all of the following:

(a) Programs and the location of programs implemented as a result of the work under this section.

(b) The programs' potential impact on the state budget.

(c) The number of prisoners released to the community by parole, discharge on the maximum sentence, or transfer to community residential placement who are HIV positive, positive for the Hepatitis C antibody, or both.

(d) The number of offenders successfully referred to the local public health department, by county, and the number of parolees participating in treatment for Hepatitis C, HIV, or both after 6 months in the community, by county.

Quality assurance report.

Sec. 811. The department shall provide to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director a copy of the bureau of health care services quality assurance report not more than 1 week after its completion, but not later than September 30, 2008. The report shall include recommendations for quality improvements and a plan to implement those recommendations.

CORRECTIONAL FACILITIES ADMINISTRATION**Tobacco-free department facilities and camps; intent; report.**

Sec. 901. (1) By April 1, 2008, the department shall provide to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director a plan to make all department facilities and camps tobacco-free. It is the intent of the legislature that implementation of the plan shall commence no later than September 1, 2008, and be completed within 2 months after it is commenced.

(2) By September 30, 2008, the department shall provide to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director a progress report on implementation of the plan described in subsection (1). Both the plan and the progress report shall contain all of the following:

(a) A schedule for transitioning all facilities to tobacco-free status, including identification of any facilities that are already tobacco-free.

(b) Details on the department's efforts to provide tobacco cessation programs for prisoners and staff.

(c) Identification of the short-term and projected long-term budgetary and program implications of converting all facilities and camps to tobacco-free status, including the effects on institutional safety and security.

Pilot children's visitation program.

Sec. 902. From the funds appropriated in part 1, the department shall allocate sufficient funds to develop a pilot children's visitation program. The pilot program shall teach parenting skills and arrange for day visitation at these facilities for parents and their children, except for the families of prisoners convicted of a crime involving criminal sexual conduct in which the victim was less than 18 years of age or involving child abuse.

Prohibition of prisoners' access to or use of Internet.

Sec. 903. Except as otherwise provided in this section, the department shall prohibit prisoners' access to or use of the Internet or any similar system. Under adequate supervision and with security precautions that ensure appropriate computer use by prisoners, the department may allow a prisoner access to or use of the Internet for the purposes of educational programming, employment training, job searches, or other Internet-based programs and services consistent with programming objectives, efficient operations, and the safety and security of the institution.

Exposure to Hepatitis B virus by employee; vaccination.

Sec. 904. Any department employee who, in the course of his or her job, is determined by a physician to have had a potential exposure to the Hepatitis B virus, shall receive a Hepatitis B vaccination upon request.

Inmate housing fund; use; quarterly reports.

Sec. 905. (1) The inmate housing fund shall be used for the custody, treatment, clinical, and administrative costs associated with the housing of prisoners other than those specifically budgeted for elsewhere in this act. Funding in the inmate housing fund is appropriated into a separate control account. Funding in the control account shall be distributed as necessary into separate accounts created to separately identify costs for specific purposes.

(2) Quarterly reports on all expenditures from the inmate housing fund shall be submitted by the department to the state budget director, the senate and house appropriations subcommittees on corrections, and the senate and house fiscal agencies.

Public and private agencies benefiting from public work services; payment rate; fee schedules.

Sec. 906. (1) The department shall establish a uniform rate to be paid by public and private agencies that benefit from public work services provided by special alternative incarceration participants and prisoners.

(2) It is the intent of the legislature that to the degree consistent with public safety and the safety and security of the institutions, public works projects be continued at the level provided in 2006 PA 331 by April 1, 2008.

(3) It is the intent of the legislature that public works user fee schedules be revised to double the rates in effect as of September 30, 2007, and that upon implementation of the fee increase, the department increase wages for prisoners on public works crews by not more than 10%.

Report; information relevant to academic/vocational programs.

Sec. 907. The department shall report monthly to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director on academic/vocational programs. The report shall provide information relevant to an assessment of the department's academic and vocational programs, including, but not limited to, the following:

(a) The number of instructors and the number of instructor vacancies, by program and facility.

(b) The number of prisoners enrolled in each program, the number of prisoners completing each program, the number of prisoners who fail each program, the number of prisoners who do not complete each program and the reason for not completing the program, the number of prisoners transferred to another facility while enrolled in a program and the reason for transfer, the number of prisoners enrolled who are repeating the program by reason, and the number of prisoners on waiting lists for each program, all itemized by facility.

(c) The steps the department has undertaken to improve programs, track records, accommodate transfers and prisoners with health care needs, and reduce waiting lists.

(d) The number of prisoners not paroled at their earliest release date due to lack of a GED, and the reason the prisoners do not have their GED.

(e) The number of prisoners paroled without a GED.

(f) An explanation of the value and purpose of each program, e.g., to improve employability, reduce recidivism, reduce prisoner idleness, or some combination of these and other factors.

(g) An identification of program outcomes for each academic and vocational program.

(h) An explanation of the department's plans for academic and vocational programs.

Percent of offenders who have high school diploma or GED; efficacy of department-provided prison general education and vocational education programs.

Sec. 908. (1) By February 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director, the percent of offenders included in the prison population intake for fiscal years 2005-2006 and 2006-2007 who have a high school diploma or a GED.

(2) By February 1, 2008, the department shall provide the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director with statistical reports on the efficacy of both department-provided prison general

education and vocational education programs in reducing offender recidivism rates. At a minimum, the report should compare the recidivism rates of the following groups of offenders:

- (a) Offenders who completed a GED while in prison and participated in the MPRI.
- (b) Offenders who completed a GED while in prison but did not participate in the MPRI.
- (c) Offenders who completed a vocational education program while in prison and participated in the MPRI.
- (d) Offenders who completed a vocational education program while in prison but did not participate in the MPRI.

Academic/vocational programs; plan to increase certification rates among prisoners enrolled in GED programs.

Sec. 909. As a condition of expending funds appropriated for academic/vocational programs under part 1, the department shall by January 31, 2008 provide a plan to increase certification rates among prisoners enrolled in GED programs at correctional facilities to the members of the senate and house appropriations committees, the senate and house fiscal agencies, and the state budget director. The plan shall include detailed information on certification rates for the most recent 5-year period, a comparison with prisoner certification rates in other states and a national average, and details on how the department plans to improve certification rates.

Michigan Braille transcribing fund program.

Sec. 910. The department shall allow the Michigan Braille transcribing fund program to operate at its current location. The donation of the building by the Michigan Braille transcribing fund at the G. Robert Cotton correctional facility in Jackson is acknowledged and appreciated. The department shall continue to encourage the Michigan Braille transcribing fund to produce high-quality materials for use by the visually impaired.

Number of correctional officers needed to maintain safety and security.

Sec. 911. (1) From the appropriations in part 1, the department shall ensure that all prisoner activities shall include the presence of a sufficient number of correctional officers needed to maintain the safety and security of the institution.

(2) By February 1, 2008, the department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director the number of critical incidents occurring each month by type and the number and severity of assaults occurring each month at each facility during calendar year 2007.

Ratio of correctional officers to prisoners; report.

Sec. 912. The department shall report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director by April 1, 2008 on the ratio of correctional officers to prisoners for each correctional institution, the ratio of shift command staff to line custody staff, and the ratio of noncustody institutional staff to prisoners for each correctional institution.

Assaultive offender program.

Sec. 913. The department shall develop and maintain a statewide waiting list for offenders referred for assessment for the assaultive offender program for parole eligibility and, if possible, shall transfer prisoners into facilities where assaultive offender programs are available in order to facilitate timely participation and completion prior to parole eligibility hearings. Nothing in this section should be deemed to make parole denial appealable in court.

Transport of prisoners; costs.

Sec. 914. Funds appropriated in part 1 for transportation are appropriated for costs incurred by the department in transporting offenders. It is the intent of the legislature that costs of offender transportation be met through expenditure of the line item for transportation, and that any costs in excess of the amount expressly appropriated for transportation be met solely through transfers into that line item under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Prison food service.

Sec. 915. Funds appropriated in part 1 for prison food service are appropriated for costs incurred by the department in providing food to prisoners, to department employees as provided by collective bargaining agreements, and to governmental agencies as provided by interagency agreements and contracts. It is the intent of the legislature that costs of prison food service be met through expenditure of the line item for prison food service, and that any costs in excess of the amount expressly appropriated for prison food service be met solely through transfers into that line item under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

Stab-proof vests; acquisition.

Sec. 916. From the funds appropriated in part 1, the department shall allocate \$100,000.00 for the acquisition of stab-proof vests, contingent on entering into a contract for the construction or manufacture of stab-proof vests.

Changing offenders' behaviors, values, beliefs, and attitudes; implementation of pilot programs.

Sec. 917. It is the intent of the legislature that the department implement evidence-based pilot programs that change offenders' behaviors, values, beliefs, and attitudes toward victims and the community.

Offender transportation services; bidding.

Sec. 918. Following receipt of an auditor general performance audit on offender transportation, the department, in conjunction with the department of management and budget, shall issue a request for information on the possible bidding of all offender transportation services. State employees shall be given the opportunity to respond to a request for information on offender transportation services. Any response to the request for information shall include an explanation of how savings of at least 5% over existing costs of offender transportation would be realized.

Prison food service; bidding.

Sec. 919. Following receipt of an auditor general performance audit on prison food service, the department, in conjunction with the department of management and budget, shall issue a request for information on the possible bidding of all prison food service. State employees shall be given the opportunity to respond to a request for information on prison food service. Any response to the request for information shall include an explanation of how savings of at least 5% over existing costs of prison food service would be realized.

Garden or horticultural operation; operation.

Sec. 920. The department shall make every effort to operate a garden or horticultural operation at each correctional facility, where practical, in order to provide food for correctional facilities and not-for-profit organizations.

Utility and security costs for former Camp Manistique; feasibility study on future uses of closed facilities, camps, and prison farms in Upper Peninsula.

Sec. 921. Funds appropriated in part 1 for facility maintenance and repurposing are appropriated for necessary utility and security costs for the former Camp Manistique and for conducting a feasibility study on potential future uses of closed correctional facilities, camps, and prison farms located in the Upper Peninsula.

This act is ordered to take immediate effect.
Approved October 31, 2007.
Filed with Secretary of State October 31, 2007.

[No. 125]

(SB 233)

AN ACT to make appropriations for the judicial branch for the fiscal year ending September 30, 2008; to provide for the expenditure of these appropriations; to place certain restrictions on the expenditure of these appropriations; to prescribe the powers and duties of certain officials and employees; to require certain reports; and to provide for the disposition of fees and other income received by the judicial branch.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Appropriations; judiciary.

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the judicial branch for the fiscal year ending September 30, 2008, from the funds indicated in this part. The following is a summary of the appropriations in this part:

JUDICIARY

APPROPRIATION SUMMARY:

Full-time equated exempted positions.....	519.0		
GROSS APPROPRIATION		\$	259,291,500
Interdepartmental grant revenues:			
Total interdepartmental grants and intradepartmental transfers.....			2,523,500
ADJUSTED GROSS APPROPRIATION		\$	256,768,000
Federal revenues:			
Total federal revenues			4,626,400
Special revenue funds:			
Total local revenues.....			5,409,700
Total private revenues.....			842,500
Total other state restricted revenues			87,892,700
State general fund/general purpose		\$	157,996,700

Supreme court.

Sec. 102. SUPREME COURT

Full-time equated exempted positions.....	245.0		
Supreme court administration—97.0 FTE positions.....		\$	10,941,500

	For Fiscal Year Ending Sept. 30, 2008
Judicial institute—16.0 FTE positions.....	\$ 2,667,600
State court administrative office—62.0 FTE positions	10,285,600
Judicial information systems—18.0 FTE positions	3,179,200
Direct trial court automation support—36.0 FTE positions.....	5,409,700
Foster care review board—12.0 FTE positions.....	1,268,100
Community dispute resolution—4.0 FTE positions	2,291,600
Other federal grants.....	275,000
Drug treatment courts.....	4,678,800
GROSS APPROPRIATION	\$ 40,997,100
Appropriated from:	
Interdepartmental grant revenues:	
IDG from department of community health.....	1,800,000
IDG from state police - Michigan justice training fund.....	300,000
Federal revenues:	
DOJ, victims assistance programs.....	50,000
DOJ, drug court training and evaluation	300,000
DOT, national highway traffic safety administration.....	800,000
HHS, access and visitation grant	387,000
HHS, children’s justice grant	206,300
HHS, court improvement project.....	1,160,000
HHS, title IV-D child support program	907,700
HHS, title IV-E foster care program.....	540,400
Other federal grant revenues.....	275,000
Special revenue funds:	
Local - user fees.....	5,409,700
Private	169,000
Private - interest on lawyers trust accounts.....	232,700
Private - state justice institute	370,800
Community dispute resolution fund	2,291,600
Law exam fees	482,100
Drug court fund	1,920,500
Miscellaneous revenue	227,900
Justice system fund.....	700,000
State court fund	339,000
State general fund/general purpose	\$ 22,127,400

Court of appeals.

Sec. 103. COURT OF APPEALS

Full-time equated exempted positions.....	212.0
Court of appeals operations—212.0 FTE positions	\$ 19,183,300
GROSS APPROPRIATION	\$ 19,183,300
Appropriated from:	
Special revenue funds:	
Court filing/motion fees.....	1,958,500
Miscellaneous revenue	77,800
State general fund/general purpose	\$ 17,147,000

For Fiscal Year
Ending Sept. 30,
2008

Branchwide appropriations.

Sec. 104. BRANCHWIDE APPROPRIATIONS

Full-time equated exempted positions.....	4.0		
Branchwide appropriations—4.0 FTE positions		\$	7,767,300
GROSS APPROPRIATION		\$	7,767,300
Appropriated from:			
State general fund/general purpose		\$	7,767,300

Justices' and judges' compensation.

Sec. 105. JUSTICES' AND JUDGES' COMPENSATION

Full-time judges positions.....	621.0		
Supreme court justices' salaries—7.0 justices.....		\$	1,152,300
Court of appeals judges' salaries—28.0 judges			4,240,300
District court judges' state base salaries—258.0 judges			23,877,200
District court judicial salary standardization			11,796,800
Probate court judges' state base salaries—103.0 judges.....			9,627,900
Probate court judicial salary standardization.....			4,669,700
Circuit court judges' state base salaries—225.0 judges			20,817,200
Circuit court judicial salary standardization			10,105,000
Judges' retirement system defined contributions.....			3,359,300
OASI, social security.....			5,105,600
GROSS APPROPRIATION		\$	94,751,300
Appropriated from:			
Special revenue funds:			
Court fee fund			7,090,200
State general fund/general purpose		\$	87,661,100

Judicial agencies.

Sec. 106. JUDICIAL AGENCIES

Full-time equated exempted positions.....	8.0		
Judicial tenure commission—8.0 FTE positions		\$	989,300
GROSS APPROPRIATION		\$	989,300
Appropriated from:			
State general fund/general purpose		\$	989,300

Indigent defense - criminal.

Sec. 107. INDIGENT DEFENSE - CRIMINAL

Full-time equated exempted positions.....	50.0		
Appellate public defender program—42.0 FTE positions.....		\$	5,042,700
Appellate assigned counsel administration—8.0 FTE positions			878,100
GROSS APPROPRIATION		\$	5,920,800
Appropriated from:			
Interdepartmental grant revenues:			
IDG from state police - Michigan justice training fund.....			423,500
Special revenue funds:			
Private - interest on lawyers trust accounts			70,000
Miscellaneous revenue			113,100
State general fund/general purpose		\$	5,314,200

For Fiscal Year
Ending Sept. 30,
2008

Indigent civil legal assistance.

Sec. 108. INDIGENT CIVIL LEGAL ASSISTANCE

Indigent civil legal assistance.....	\$	7,937,000
GROSS APPROPRIATION	\$	7,937,000
Appropriated from:		
Special revenue funds:		
State court fund		7,937,000
State general fund/general purpose	\$	0

Trial court operations.

Sec. 109. TRIAL COURT OPERATIONS

Court equity fund reimbursements.....	\$	67,430,400
Judicial technology improvement fund		4,465,000
GROSS APPROPRIATION	\$	71,895,400
Appropriated from:		
Special revenue funds:		
Court equity fund		50,440,000
Judicial technology improvement fund		4,465,000
State general fund/general purpose	\$	16,990,400

Grants and reimbursements to local government.

Sec. 110. GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drug case-flow program.....	\$	250,000
Drunk driving case-flow program.....		3,000,000
Juror compensation reimbursement.....		6,600,000
GROSS APPROPRIATION	\$	9,850,000
Appropriated from:		
Special revenue funds:		
Drug fund		250,000
Drunk driving fund.....		3,000,000
Juror compensation fund		6,600,000
State general fund/general purpose	\$	0

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 resources under part 1 for fiscal year 2007-2008 is \$245,889,400.00 and state spending from state resources to be paid to local units of government for fiscal

year 2007-2008 is estimated at \$123,725,200.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

JUDICIARY

SUPREME COURT

State court administrative office	\$	511,900
Drug treatment courts.....		4,419,100

TRIAL COURT OPERATIONS

Court equity fund reimbursements.....	\$	67,430,400
Judicial technology improvement fund		4,465,000

JUSTICES' AND JUDGES' COMPENSATION

District court judicial salary standardization	\$	11,796,800
Probate court judges' state base salaries.....		9,627,900
Probate court judicial salary standardization.....		4,669,700
Circuit court judicial salary standardization		10,105,000
Grant to OASI contribution fund, employers share, social security...		849,400

GRANTS AND REIMBURSEMENTS TO LOCAL GOVERNMENT

Drunk driving case-flow program.....	\$	3,000,000
Drug case-flow program.....		250,000
Juror compensation reimbursement.....		6,600,000
TOTAL.....	\$	<u>123,725,200</u>

Appropriations subject to MCL 18.1101 to 18.1594.

Sec. 202. (1) The appropriations authorized under this act are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

(2) Funds appropriated in part 1 to an entity within the judicial branch shall not be expended or transferred to another account without written approval of the authorized agent of the judicial entity. If the authorized agent of the judicial entity notifies the state budget director of its approval of an expenditure or transfer, the state budget director shall immediately make the expenditure or transfer. The authorized judicial entity agent shall be designated by the chief justice of the supreme court.

Definitions.

Sec. 203. As used in this act:

- (a) "DOJ" means the United States department of justice.
- (b) "DOT" means the United States department of transportation.
- (c) "FTE" means full-time equated.
- (d) "HHS" means the United States department of health and human services.
- (e) "IDG" means interdepartmental grant.
- (f) "OASI" means old age survivor's insurance.

Employee communicating with legislature or staff.

Sec. 204. The judicial branch shall not take disciplinary action against an employee for communicating with a member of the legislature or his or her staff.

Use of Internet; reports.

Sec. 208. The reporting requirements of this act shall be completed with the approval of, and at the direction of, the supreme court. Unless otherwise specified, the judicial branch

shall use the Internet to fulfill the reporting requirements of this act. This may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Reports; retention.

Sec. 212. As a condition of expending appropriations made under part 1, the judicial branch shall receive and retain copies of all reports funded from appropriations in part 1 and shall follow federal and state guidelines for short-term and long-term retention of such reports and records.

Purchase of foreign goods or services.

Sec. 214. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both, that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Out-of-state travel.

Sec. 215. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2008 shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

(2) If out-of-state travel is necessary but does not meet 1 or more of the conditions in subsection (1), the chief justice or his or her designee may grant an exception to allow the travel. Any exceptions granted by the chief justice or his or her designee shall be reported on a monthly basis to the house and senate appropriations committees.

(3) Not later than January 1 of each year, the state court administrative office shall prepare a travel report listing all travel by judicial branch employees outside this state in the immediately preceding fiscal year that was funded in whole or in part with funds appropriated in the budget for the judicial branch. The report shall be submitted to the chairs and members of the house and senate appropriations committees, the fiscal agencies, and the state budget director. The report shall include the following information:

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

(b) The destination of each travel occurrence.

(c) The dates of each travel occurrence.

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

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

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

Policy change; report.

Sec. 216. (1) The judicial branch shall report no later than April 1, 2008 on each specific policy change made to implement a public act affecting the judicial branch that took effect during the prior calendar year to the house and senate appropriations subcommittees on the judicial branch budget, the joint committee on administrative rules, and the senate and house fiscal agencies.

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

(3) As used in this section:

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

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

Continuous improvement efficiency mechanisms; implementation; report.

Sec. 217. From the funds appropriated in part 1, the chief justice shall implement continuous improvement efficiency mechanisms in the programs administered by the judicial branch. The continuous improvement efficiency mechanisms shall identify changes made in programs to increase efficiency and reduce expenditures in the programs. On March 31, 2008 and September 30, 2008, the chief justice shall submit a report to the state budget director, the senate and house appropriations subcommittees and the senate and house fiscal agencies on the progress made toward increased efficiencies in judicial branch programs. At a minimum, each report shall include information on the program review process, the type of improvement mechanisms implemented, and actual and projected expenditure savings as a result of the increased program efficiencies.

JUDICIAL BRANCH

Direct trial court automation support program.

Sec. 301. (1) The direct trial court automation support program of the state court administrative office shall recover direct and overhead costs from trial courts by charging for services rendered. The fee shall cover the actual costs incurred to the direct trial court automation support program in providing the service, including development of future versions of case management systems. A report of amounts collected in excess of funds identified as user service charges in part 1 shall be submitted to the state budget director and to the house and senate appropriations subcommittees on judiciary 30 days before expenditure by the direct trial court automation support program.

(2) From funds appropriated in part 1, the direct trial court automation support program of the state court administrative office shall provide to the state budget director, the senate and house appropriations committees, and the senate and house fiscal agencies before January 1 of each year, a detailed list of user service charges collected during the immediately preceding state fiscal year.

Expenditures; approval of supreme court.

Sec. 302. Funds appropriated within the judicial branch shall not be expended by any component within the judicial branch without the approval of the supreme court.

Circuit court and court of claims reimbursement.

Sec. 303. Of the amount appropriated in part 1 for the judicial branch, \$325,000.00 is allocated for circuit court reimbursement under section 3 of 1978 PA 16, MCL 800.453, and \$186,900.00 is allocated for court of claims reimbursement under section 6413 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6413.

Audits; cooperation with auditor general.

Sec. 304. As a condition of expending appropriations made under part 1, the judicial branch shall cooperate with the auditor general regarding audits of the judicial branch conducted under section 53 of article IV of the state constitution of 1963.

Expenditures and revenue; quarterly report.

Sec. 305. As a condition of expending appropriations made under part 1, and to avoid the overexpenditure of funds appropriated under this act, the supreme court shall report quarterly to members of the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agencies, and the state budget director on the status of accounts set forth in part 1. The report required by this section shall include quarterly, year-to-date, and projected expenditures by funding source for each line item, and beginning balances and quarterly, year-to-date, and projected revenues for each source of revenue other than general fund/general purpose revenues.

Collection of judgments; assistance to local trial courts.

Sec. 306. The supreme court and the state court administrative office shall continue to maintain, as a priority, the assisting of local trial courts in improving the collection of judgments.

Feasibility of pilot project for third-party collections of court-ordered fines, fees, and costs; report.

Sec. 306a. By April 1, the state court administrative office shall submit a report regarding the feasibility of a pilot project for third-party collection of court-ordered fines, fees, and costs, including collection of victim restitution. The report shall be submitted to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget director.

Delay reduction.

Sec. 307. It is the intent of the legislature that from the funds appropriated in part 1 for court of appeals operations, the judiciary shall use the following revenue amounts for the purpose of delay reduction:

(a) \$225,000.00 of additional filing fee revenue raised from the increase from \$250.00 to \$375.00 in court of appeals filing fees under section 321(1)(a) of the revised judicature act of 1961, 1961 PA 236, MCL 600.321.

(b) \$87,500.00 of additional fee revenue raised from the increase in court of appeals motion fees from \$75.00 to \$100.00 and from the increase from \$150.00 to \$200.00 in fees for motions for immediate consideration or expedited appeal under section 321(1)(b) and (c) of the revised judicature act of 1961, 1961 PA 236, MCL 600.321.

Judges' compensation.

Sec. 308. If sufficient funds are not available from the court fee fund to pay judges' compensation, the difference between the appropriated amount from that fund for judges' compensation and the actual amount available after the amount appropriated for trial court reimbursement is made shall be appropriated from the state general fund for judges' compensation.

Drug treatment court programs; evaluation and monitoring.

Sec. 310. From the funds appropriated in part 1 for drug treatment court programs, with the approval of and at the discretion of the supreme court, the state court administrative office shall evaluate and collect data on the performance of drug treatment court programs. The state court administrative office shall provide an annual review of the performance of drug courts as prescribed in section 1078(6) of the revised judicature act of 1961, 1961 PA 236, MCL 600.1078. All of the following apply to that annual review:

(a) It shall include measures of the impact of drug court programs in changing offender criminal involvement (recidivism) and substance abuse and in reducing prison admissions.

(b) It shall be completed no later than April 1 of each year and shall also be provided to the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agencies, and the state budget director.

(c) The evaluation of a program funded with federal Byrne funds shall be consistent with the requirements contained in the federal Byrne grant for that program.

Drug treatment court programs.

Sec. 311. (1) The funds appropriated in part 1 for drug treatment courts shall be administered by the state court administrative office to operate drug treatment court programs. A drug treatment court shall be responsible for handling cases involving substance abusing nonviolent offenders through comprehensive supervision, testing, treatment services, and immediate sanctions and incentives. A drug treatment court shall use all available county and state personnel involved in the disposition of cases including, but not limited to, parole and probation agents, prosecuting attorneys, defense attorneys, and community corrections providers. The funds may be used in connection with other federal, state, and local funding sources.

(2) Local units of government are encouraged to refer to federal drug treatment court guidelines to prepare proposals. However, federal agency approvals are not required for funding under this section.

(3) From the funds appropriated in part 1, the chief justice shall allocate sufficient funds for the judicial institute to provide in-state training for those identified in subsection (1), including training for new drug treatment court judges.

(4) For drug treatment court grants, consideration for priority may be given to those courts where higher instances of substance abuse cases are filed.

(5) The judiciary shall receive \$1,800,000.00 in Byrne formula grant funding as an inter-departmental grant from the department of community health to be used for expansion

of drug treatment courts, to assist in avoiding prison bed space growth for nonviolent offenders in collaboration with the department of corrections.

Minors seeking court-issued waiver of parental consent; statistical report.

Sec. 312. From the funds appropriated in part 1, the state court administrator shall produce a statistical report regarding the implementation of the parental rights restoration act, 1990 PA 211, MCL 722.901 to 722.908, as it pertains to minors seeking a court-issued waiver of parental consent. The state court administrative office shall report the total number of petitions filed and the total number of petitions granted in accordance with section 208.

Impact of Halbert v Michigan; report.

Sec. 314. By April 1, the state court administrative office shall submit a report regarding the impact of Halbert v Michigan, 125 S Ct 2582 (2005), and related cases on the court system to the senate and house appropriations subcommittees on judiciary, the senate and house fiscal agencies, and the state budget director.

Defendants with mental illness; evaluation of response strategies.

Sec. 316. The state court administrative office shall evaluate various strategies for court systems to use to better respond to defendants with mental illnesses. Such strategies may include, but not be limited to, mental health treatment courts, dedicated probation caseloads for people with mental illnesses, specialized pretrial release programs, and court-based diversion programs. The evaluation should consider the full range of problems that occur when people with mental illnesses enter the criminal justice system and factors such as key stakeholders, eligibility criteria, case processing, treatment options, funding sources, and disposition of cases upon program completion.

State-owned vehicle use.

Sec. 317. Funds appropriated in part 1 shall not be used for the permanent assignment of state-owned vehicles to justices or judges or any other judicial branch employee. This section does not preclude the use of state-owned motor pool vehicles for state business in accordance with approved guidelines.

This act is ordered to take immediate effect.

Approved October 31, 2007.

Filed with Secretary of State October 31, 2007.

[No. 126]

(SB 235)

AN ACT to make appropriations for the department of military and veterans affairs for the fiscal year ending September 30, 2008; to provide for the expenditure of the appropriations; to provide for certain powers and duties of the department of military and veterans affairs, other state agencies, and local units of government related to the appropriations; and to provide for the preparation of certain reports related to the appropriations.

The People of the State of Michigan enact:

PART 1

LINE-ITEM APPROPRIATIONS

Appropriations; department of military and veterans affairs.

Sec. 101. Subject to the conditions set forth in this act, the amounts listed in this part are appropriated for the department of military and veterans affairs for the fiscal year ending September 30, 2008, from the funds indicated in this part. The following is a summary of the appropriations in this part:

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

APPROPRIATION SUMMARY:

Full-time equated unclassified positions	7.0	
Full-time equated classified positions	1,015.0	
GROSS APPROPRIATION		\$ 129,430,700
Interdepartmental grant revenues:		
Total interdepartmental grants and intradepartmental transfers.....		1,680,900
ADJUSTED GROSS APPROPRIATION		\$ 127,749,800
Federal revenues:		
Total federal revenues		56,187,500
Special revenue funds:		
Total local revenues.....		1,283,900
Total private revenues.....		1,463,300
Total other state restricted revenues		28,428,600
State general fund/general purpose		\$ 40,386,500

Headquarters and armories.

Sec. 102. HEADQUARTERS AND ARMORIES

Full-time equated unclassified positions	7.0	
Full-time equated classified positions	123.0	
Headquarters and armories—82.5 FTE positions		\$ 10,742,500
Unclassified military personnel.....		665,000
Military appeals tribunal.....		900
Michigan emergency volunteers		5,000
State active duty.....		90,100
Challenge program—40.5 FTE positions		4,696,300
Homeland security.....		1,000,000
Human resources optimization user charge.....		62,600
Military family relief fund.....		600,000
GROSS APPROPRIATION		\$ 17,862,400
Appropriated from:		
IDG, challenge grant.....		260,000
IDG, community health		100,000
IDG, state police		900,000
IDG, human services.....		420,900
Federal revenues:		
DOD-DOA-NGB.....		5,226,900
Special revenue funds:		
Local - school aid fund		1,283,900
Rental fees		350,000

	For Fiscal Year Ending Sept. 30, 2008
Mackinac Bridge authority	\$ 60,000
Private donations	819,700
Military family relief fund	600,000
Private - parent pay revenue	103,600
State general fund/general purpose	\$ 7,737,400
 Military training sites and support facilities.	
Sec. 103. MILITARY TRAINING SITES AND SUPPORT FACILITIES	
Full-time equated classified positions	200.0
Military training sites and support facilities—200.0 FTE positions... \$	24,444,100
Military training sites and support facilities test projects	100,000
GROSS APPROPRIATION	\$ 24,544,100
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB.....	20,746,600
Special revenue funds:	
Regional training institute fund.....	1,500,000
Test project fees.....	100,000
State general fund/general purpose	\$ 2,197,500
 Departmentwide appropriations.	
Sec. 104. DEPARTMENTWIDE APPROPRIATIONS	
Departmentwide accounts.....	\$ 1,660,100
Special maintenance - state	651,200
Special maintenance - federal.....	5,300,000
Military retirement.....	3,048,000
Counter narcotic operations	50,000
Starbase grant.....	957,000
GROSS APPROPRIATION	\$ 11,666,300
Appropriated from:	
Federal revenues:	
DOD-DOA-NGB.....	7,523,100
Federal counter narcotic revenues.....	50,000
State general fund/general purpose	\$ 4,093,200
 Veterans service organizations.	
Sec. 105. VETERANS SERVICE ORGANIZATIONS	
American legion	\$ 886,000
Disabled American veterans.....	732,400
Marine corps league	336,300
American veterans of World War II and Korea	464,800
Veterans of foreign wars	886,000
Michigan paralyzed veterans of America	165,700
Purple heart.....	157,900
Veterans of World War I.....	100
Polish legion of American veterans.....	41,200
Jewish veterans of America.....	41,200
State of Michigan council - Vietnam veterans of America.....	159,500

	For Fiscal Year Ending Sept. 30, 2008
Catholic war veterans	\$ 41,200
GROSS APPROPRIATION	\$ 3,912,300
Appropriated from:	
State general fund/general purpose	\$ 3,912,300

Grand Rapids veterans' home.

Sec. 106. GRAND RAPIDS VETERANS' HOME

Full-time equated classified positions	517.0
Grand Rapids veterans' home—517.0 FTE positions	\$ 48,413,800
Board of managers	665,000
GROSS APPROPRIATION	\$ 49,078,800
Appropriated from:	
Federal revenues:	
DVA-VHA.....	15,504,500
HHS, Medicaid	153,500
HHS, Medicare.....	1,550,900
Special revenue funds:	
Private - veterans' home post and posthumous funds	415,000
Income and assessments	14,806,400
Military family relief fund.....	250,000
Lease revenue	12,200
State general fund/general purpose	\$ 16,386,300

D.J. Jacobetti veterans' home.

Sec. 107. D.J. JACOBETTI VETERANS' HOME

Full-time equated classified positions	159.0
D.J. Jacobetti veterans' home—159.0 FTE positions	\$ 15,599,000
Board of managers	275,000
GROSS APPROPRIATION	\$ 15,874,000
Appropriated from:	
Federal revenues:	
DVA-VHA.....	4,479,600
HHS, Medicare.....	497,600
HHS, Medicaid	10,300
Special revenue funds:	
Private - veterans' home post and posthumous funds	125,000
Military family relief fund.....	150,000
Income and assessments	5,300,100
State general fund/general purpose	\$ 5,311,400

Veterans' affairs directorate.

Sec. 108. VETERANS' AFFAIRS DIRECTORATE

Full-time equated classified positions	16.0
Veterans' affairs directorate administration—3.0 FTE positions.....	\$ 336,500
Veterans' trust fund administration—13.0 FTE positions	1,222,300
Veterans' trust fund grants	3,746,500
GROSS APPROPRIATION	\$ 5,305,300

	For Fiscal Year Ending Sept. 30, 2008	
Appropriated from:		
Special revenue funds:		
Michigan veterans' trust fund	\$	4,968,800
State general fund/general purpose	\$	336,500
Information technology.		
Sec. 109. INFORMATION TECHNOLOGY		
Information technology services and projects.....	\$	1,187,500
GROSS APPROPRIATION	\$	1,187,500
Appropriated from:		
Federal revenues:		
DOD-DOA-NGB.....		116,500
DVA-VHA.....		318,600
HHS, Medicare.....		9,400
Special revenue funds:		
Income and assessments		331,100
State general fund/general purpose	\$	411,900

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 resources under part 1 for fiscal year 2007-2008 is \$68,815,100.00 and state spending from state resources to be paid to local units of government for fiscal year 2007-2008 is \$120,000.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS		
MILITARY TRAINING SITES AND SUPPORT FACILITIES		
Payments in lieu of taxes	\$	70,000
MICHIGAN VETERANS' TRUST FUND		
County counselor travel expenses	\$	50,000
TOTAL.....	\$	120,000

Appropriations subject to MCL 18.1101 to 18.1594.

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.

Definitions.

Sec. 203. As used in this act:

- (a) "Department" means the department of military and veterans affairs.
- (b) "Director" means the director of the department of military and veterans affairs.

- (c) “DOD” means the United States department of defense.
- (d) “DOD-DOA-NGB” means the DOD department of the army, national guard bureau.
- (e) “DVA” means the United States department of veterans’ affairs.
- (f) “DVA-VHA” means the DVA veterans’ health administration.
- (g) “FTE” means full-time equated.
- (h) “HHS” means the United States department of health and human services.
- (i) “IDG” means interdepartmental grant.

Billing by department of civil service; payments.

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

Hiring freeze; exceptions.

Sec. 205. (1) A hiring freeze is imposed on the state classified civil service. State departments and agencies are prohibited from hiring any new full-time state classified civil service employees and prohibited from filling any vacant state classified civil service positions. This hiring freeze does not apply to internal transfers of classified employees from 1 position to another within a department.

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

Privatization; project plan.

Sec. 207. Sixty days before beginning any effort to privatize, the department shall submit a complete project plan to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies. The plan shall include the criteria under which the privatization initiative will be evaluated. The evaluation shall be completed and submitted to the appropriate senate and house of representatives appropriations subcommittees and the senate and house fiscal agencies within 30 months.

Reporting requirements; use of Internet.

Sec. 208. Unless otherwise specified, the department shall use the Internet to fulfill the reporting requirements of this act. This requirement may include transmission of reports via electronic mail to the recipients identified for each reporting requirement or it may include placement of reports on an Internet or Intranet site.

Purchase of foreign goods or services; preference to goods or services manufactured or provided by Michigan businesses or veterans.

Sec. 209. Funds appropriated in part 1 shall not be used for the purchase of foreign goods or services, or both, if competitively priced and of comparable quality American goods or services, or both, are available. Preference should be given to goods or services, or both, manufactured or provided by Michigan businesses, if they are competitively priced and of comparable quality. In addition, preference should be given to goods or services, or both,

that are manufactured or provided by Michigan businesses owned and operated by veterans, if they are competitively priced and of comparable quality.

Businesses in deprived and depressed communities; contracts to provide services or supplies.

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

Copies of reports.

Sec. 211. The departments and agencies receiving appropriations in part 1 shall receive and retain copies of all reports funded from appropriations in part 1. The department shall follow all federal guidelines and state laws regarding short-term and long-term retention of records.

Michigan national guard education assistance program.

Sec. 212. (1) Of the funds appropriated in part 1 for military training sites and support facilities, there shall be established a Michigan national guard education assistance program. Disbursements to the educational assistance program shall not exceed \$1,100,000.00 without legislative approval. Under the program, a member of the national guard who is in active service and who enrolls as a full- or part-time student at a public or private state college or university may be eligible to receive up to an equivalent of 50% of the total cost of tuition not to exceed \$2,000.00, as education assistance, in any academic year.

(2) As used in this section, an eligible person means a member of the Michigan national guard who is in active service, as defined in section 105 of the Michigan military act, 1967 PA 150, MCL 32.505. An eligible person does not include a member of the Michigan national guard or air national guard who is absent without leave or who is under charges as described in the Michigan code of military justice of 1980, 1980 PA 523, MCL 32.1001 to 32.1148.

(3) The department of military and veterans affairs, office of the adjutant general shall administer the education assistance program and prescribe forms and procedures to effectively carry out the education assistance program.

(4) An eligible person shall apply to the department of military and veterans affairs, office of the adjutant general for education assistance and shall provide evidence of attendance and completion of the course of study with a grade of at least 2.0 on a 4.0 scale, or its equivalent. The adjutant general shall approve the application for reimbursement if the applicant meets the definition of an eligible person under subsection (2) and other criteria as established by the adjutant general.

(5) The education assistance program applies to any course of instruction that is included in an associate, undergraduate, or postgraduate degree program offered by a college or university of this state.

(6) The education assistance program applies to an eligible person notwithstanding any other educational incentive or benefit received by the eligible person under any other educational assistance program provided by any other state.

(7) An eligible person who successfully completes the course of study with a grade of at least 2.0 on a 4.0 scale, or its equivalent, shall be eligible for reimbursement.

(8) The department of military and veterans affairs may use funds from the appropriated funds to administer the education assistance program.

(9) Reimbursed members who do not complete their national guard obligation shall pay the state for money received from the state for tuition. Members who fail to repay the state within the time limits established by the adjutant general shall be indebted to the state. The department shall work in conjunction with the department of treasury for inclusion in the tax intercept program for amounts due the state.

(10) A portion of the funds for the Michigan national guard education assistance program may be used by the department for the purpose of promoting the program and for encouraging those persons the department wishes to have enlist or reenlist in the Michigan national guard.

Projected closing or consolidation of national guard armories.

Sec. 213. The department shall consult with the house and senate appropriations subcommittees on military and veterans affairs regarding the projected closing or consolidation of any national guard armories.

State military cemeteries in Crawford and Dickinson counties.

Sec. 214. It is the intent of the legislature that, should the necessary legislation be enacted and funding become available, funds be appropriated for state military cemeteries in Crawford and Dickinson counties.

Technology-related services and projects; user fees.

Sec. 221. From the funds appropriated in part 1 for information technology, departments and agencies shall pay user fees to the department of information technology for technology-related services and projects. These user fees shall be subject to provisions of an interagency agreement between the departments and agencies and the department of information technology.

Information technology; designation as work projects.

Sec. 223. Amounts appropriated in part 1 for information technology may be designated as work projects and carried forward to support technology projects under the direction of the department of information technology. Funds designated in this manner are not available for expenditure until approved as work projects under section 451a of the management and budget act, 1984 PA 431, MCL 18.1451a.

Out-of-state travel; report.

Sec. 225. (1) Due to the current budgetary problems in this state, out-of-state travel for the fiscal year ending September 30, 2008 shall be limited to situations in which 1 or more of the following conditions apply:

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

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

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

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

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

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

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