

# HOUSE BILL No. 4017

January 11, 1989, Introduced by Reps. Willis Bullard and Miller and referred to the Committee on Corrections.

A bill to amend section 16 of Act No. 232 of the Public Acts of 1953, entitled as amended

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

as added by Act No. 303 of the Public Acts of 1980, being section 791.216 of the Michigan Compiled Laws.

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

1       Section 1. Section 16 of Act No. 232 of the Public Acts of  
2 1953, as added by Act No. 303 of the Public Acts of 1980, being  
3 section 791.216 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 16. (1) The department shall develop a comprehensive  
6 plan for determining the need for establishing various types of  
7 correctional facilities, for selecting the location of ~~a~~ cor-  
8 rectional ~~facility~~ FACILITIES, and for determining the size of  
9 ~~the~~ correctional ~~facility~~ FACILITIES. SPECIFIC CRITERIA FOR  
10 THE LOCATION OF EACH CORRECTIONAL FACILITY SHALL BE INCLUDED IN  
11 THE COMPREHENSIVE PLAN. The comprehensive plan shall not be  
12 implemented until the legislature ~~—~~ APPROVES THE COMPREHENSIVE  
13 PLAN. NOT LATER THAN JULY 1, 1989, THE LEGISLATURE SHALL APPROVE  
14 THE COMPREHENSIVE PLAN by concurrent resolution adopted by a  
15 majority of those elected and serving in each house by a record  
16 roll call vote. ~~—, approves the comprehensive plan.—~~

17       (2) The department shall determine the need for ~~a~~ ANY cor-  
18 rectional facility based upon the comprehensive plan developed  
19 pursuant to subsection (1).

20       (3) The department shall publish a notice that it proposes  
21 to establish a correctional facility in a particular city, vil-  
22 lage, or township. The notice shall appear in a newspaper of  
23 general circulation in the area. In addition, the department  
24 shall notify the following officials:

25       (a) The state senator and the state representative repre-  
26 senting the district in which the correctional facility is to be  
27 located.

1 (b) The president of each state supported college or  
2 university whose campus is located within 1 mile of the proposed  
3 correctional facility.

4 (c) The chief elected official of the city, village, or  
5 township in which the correctional facility is to be located.

6 (d) Each member of the governing body of the city, village,  
7 or township in which the correctional facility is to be located.

8 (e) Each member of the county board of commissioners in  
9 which the correctional facility is to be located.

10 (f) The president of the local school board of the local  
11 school district in which the correctional facility is to be  
12 located.

13 (g) The president of the intermediate school board of the  
14 intermediate school district in which the correctional facility  
15 is to be located.

16 (4) With the notice, the department shall request the chair-  
17 person of the county board of commissioners of the county in  
18 which the correctional facility is to be located and the person  
19 notified pursuant to subsection (3)(c) to create a local advisory  
20 board to assist in the identification of potential sites for the  
21 correctional facility, to act as a liaison between the department  
22 and the local community, and to ensure that the comprehensive  
23 plan is being followed by the department. The officials  
24 requested to create a local advisory board pursuant to this sub-  
25 section shall serve as co-chairpersons of that local advisory  
26 board.

1       (5) After the requirements of subsections (1), (2), (3), and  
2 (4) are completed and the department has selected a potential  
3 site, the department shall hold a public hearing in the city,  
4 village, or township in which the potential site is located. The  
5 department shall participate in the hearing and shall make a rea-  
6 sonable effort to respond in writing to concerns and questions  
7 raised on the record at the hearing. The hearing shall not be  
8 held until the local advisory board created by subsection (4) has  
9 organized, or sooner than 30 days after the notice is sent pursu-  
10 ant to subsection (3), whichever occurs first.

11       (6) Hearings the department ~~shall conduct~~ CONDUCTS under  
12 subsection (5) shall be open to the public and shall be held in a  
13 place available to the general public. Any person shall be per-  
14 mitted to attend a hearing except as otherwise provided in this  
15 section. A person shall not be required as a condition to  
16 attendance at a hearing to register or otherwise provide his or  
17 her name or other information or otherwise to fulfill a condition  
18 precedent to attendance. A person shall be permitted to address  
19 the hearing under written procedures established by the  
20 department. A person shall not be excluded from a hearing except  
21 for a breach of the peace actually committed at the meeting.

22       (7) The following provisions shall apply with respect to  
23 public notice of hearings required under this section:

24       (a) A public notice shall always contain the name of the  
25 department, its telephone number, and its address.

1 (b) A public notice shall always be posted at the  
2 department's principal office and other locations considered  
3 appropriate by the department.

4 (c) The required public notice for a hearing shall be posted  
5 in the office of the county clerk of the county in which the  
6 facility is to be located and shall be published in a newspaper  
7 of general circulation in the county in which the facility is to  
8 be located.

9 (d) A public notice stating the date, time, and place of the  
10 hearing shall be posted at least 10 days before the hearing.

11 (8) Minutes of each hearing required under this section  
12 shall be kept showing the date, time, place, members of the local  
13 advisory board present, members of the local advisory board  
14 absent, and a summary of the discussions at the hearing. The  
15 minutes shall be public records open to public inspection and  
16 shall be available at the address designated on posted public  
17 notices pursuant to subsection (7). Copies of the minutes shall  
18 be available from the department to the public at the reasonable  
19 estimated cost for printing and copying.

20 (9) On the basis of the information developed by the depart-  
21 ment during the course of the site selection process, and after  
22 community concerns have been responded to by the department pur-  
23 suant to subsection (5), the commission shall make a final site  
24 determination for the correctional facility. The commission  
25 shall make a finding that the site determination was made in com-  
26 pliance with this section. This finding and notice of final site  
27 selection shall be transmitted in writing by the commission to

1 the local advisory board, the officials described in subsection  
2 (3), and the chairpersons of the senate and house appropriations  
3 committees.

4       (10) An option to lease, purchase, or use property may be  
5 obtained but shall not be exercised by the state for a correc-  
6 tional facility until the commission has made a final site deter-  
7 mination and has transmitted a notice of final site selection as  
8 required in subsection (9).