

# HOUSE BILL No. 4021

January 11, 1989, Introduced by Reps. Nye, Palamara, Power, Van Regenmorter, Martin, Ouwinga, Oxender, Walberg, Hoekman, Munsell, Giese, Randall, Gnodtke, Hoffman, DeMars, Gilmer, Law, Fitzgerald, Bandstra, Honigman, London, Camp, Jaye, Wartner, Sparks, Strand, Crandall and Krause and referred to the Committee on Appropriations.

A bill to amend sections 1, 2, 3, 4, 5, and 6 of Act No. 302 of the Public Acts of 1982, entitled

"An act to create the Michigan justice training commission and the Michigan justice training fund; to provide the powers and duties of certain state agencies; to provide for the distribution and expenditure of funds; to provide for the promulgation of rules; and to repeal certain acts and parts of acts,"

section 3 as amended by Act No. 184 of the Public Acts of 1983, being sections 18.421, 18.422, 18.423, 18.424, 18.425, and 18.426 of the Michigan Compiled Laws; to add section 9; and to repeal certain acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 1, 2, 3, 4, 5, and 6 of Act No. 302 of  
2 the Public Acts of 1982, section 3 as amended by Act No. 184 of  
3 the Public Acts of 1983, being sections 18.421, 18.422, 18.423,  
4 18.424, 18.425, and 18.426 of the Michigan Compiled Laws, are  
5 amended and section 9 is added to read as follows:

1       Sec. 1. As used in this act:

2       (A) "ALCOHOLIC LIQUOR" MEANS AN ALCOHOLIC LIQUOR AS DEFINED  
3 IN SECTION 2 OF THE MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE  
4 PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING SECTION 436.2 OF  
5 THE MICHIGAN COMPILED LAWS.

6       (B) "ELIGIBLE ENTITY" MEANS A CITY, VILLAGE, TOWNSHIP,  
7 COUNTY, JUNIOR COLLEGE, COMMUNITY COLLEGE, STATE SUPPORTED COL-  
8 LEGE OR UNIVERSITY, OR THE DEPARTMENT OF STATE POLICE.

9       (C) ~~-(a)-~~ "Fund" means the Michigan justice training fund  
10 created in section ~~-4-~~ 5.

11       (D) "IN-SERVICE CRIMINAL JUSTICE TRAINING" MEANS A CRIMINAL  
12 JUSTICE EDUCATIONAL PROGRAM PRESENTED BY AN AGENCY OR ENTITY ELI-  
13 GIBLE TO RECEIVE FUNDS PURSUANT TO THIS ACT, OR PRESENTED BY A  
14 CONTRACTUAL SERVICE PROVIDER HIRED BY THE AGENCY OR ENTITY ELIGI-  
15 BLE TO RECEIVE FUNDS PURSUANT TO THIS ACT WHICH IS DESIGNED AND  
16 INTENDED TO ENHANCE THE DIRECT DELIVERY OF CRIMINAL JUSTICE SERV-  
17 ICES BY ELIGIBLE EMPLOYEES OF THE AGENCY OR ENTITY.

18       (E) "PROFESSIONAL ASSOCIATION" MEANS A NATIONAL, STATE, OR  
19 LOCAL POLICE UNION, OR AN ASSOCIATION OR FRATERNAL ORGANIZATION  
20 OF POLICE OFFICERS, CORRECTIONAL OFFICERS, OR PROSECUTING  
21 ATTORNEYS.

22       (F) ~~-(b)-~~ "State or local agency" means ~~-an-~~ ANY OF THE  
23 FOLLOWING:

24       (i) AN agency, department, division, bureau, board, commis-  
25 sion, council, or authority of the state or of a city, village,  
26 township, or county. ~~-or-a-~~

1 (ii) A state supported college or university.

2 (iii) A COMMUNITY COLLEGE OR JUNIOR COLLEGE.

3 (iv) ANY COMPONENT OF THE 1 COURT OF JUSTICE.

4 Sec. 2. (1) The Michigan justice training commission is  
5 created within the department of management and budget. The com-  
6 mission shall consist of the following MEMBERS:

7 (a) The director of the department of state police or his or  
8 her representative.

9 (b) The director of the department of corrections or his or  
10 her representative.

11 (c) The president of the prosecuting attorneys' association  
12 of Michigan or his or her representative.

13 (d) The president of the Michigan sheriffs' association or  
14 his or her representative.

15 (e) The president of the Michigan association of chiefs of  
16 police or his or her representative.

17 (f) One person appointed by the governor and representing  
18 the interests of police officers other than police officers in  
19 administrative or managerial positions.

20 (G) ONE PERSON APPOINTED BY THE GOVERNOR AND REPRESENTING  
21 THE INTERESTS OF THE PUBLIC.

22 (2) THE TERM OF OFFICE OF A MEMBER APPOINTED BY THE GOVERNOR  
23 SHALL BE 4 YEARS, EXCEPT AS FOLLOWS:

24 (A) THE TERM OF THE MEMBER REPRESENTING THE INTERESTS OF  
25 POLICE OFFICERS OTHER THAN POLICE OFFICERS IN ADMINISTRATIVE OR  
26 MANAGERIAL POSITIONS ON THE EFFECTIVE DATE OF THE AMENDATORY ACT

1 THAT ADDED THIS SUBSECTION SHALL EXPIRE 2 YEARS AFTER THE  
2 EFFECTIVE DATE OF THAT AMENDATORY ACT.

3 (B) THE TERM OF THE INITIAL MEMBER REPRESENTING THE INTER-  
4 ESTS OF THE PUBLIC SHALL EXPIRE 2 YEARS AFTER THE EFFECTIVE DATE  
5 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

6 (3) THE COMMISSION SHALL ELECT A CHAIRPERSON ANNUALLY FROM  
7 AMONG THE MEMBERS OF THE COMMISSION. A PERSON SHALL NOT SERVE  
8 MORE THAN 2 CONSECUTIVE YEARS AS CHAIRPERSON.

9 (4) ~~(2)~~ The members of the commission shall be reimbursed  
10 for actual expenses, including travel expenses, from the fund.  
11 MEMBERS OF THE COMMISSION SHALL NOT BE REIMBURSED FOR EXPENDI-  
12 TURES FOR ALCOHOLIC LIQUOR, OR FOR MEAL EXPENDITURES IN EXCESS OF  
13 THE PER DIEM MEAL EXPENDITURES AUTHORIZED FOR MEMBERS OF THE  
14 STATE CIVIL SERVICE.

15 (5) ~~(3)~~ The business which the commission may perform  
16 shall be conducted at a public meeting of the commission held in  
17 compliance with THE OPEN MEETINGS ACT, Act No. 267 of the Public  
18 Acts of 1976, as amended, being sections 15.261 to 15.275 of the  
19 Michigan Compiled Laws. Public notice of the time, date, and  
20 place of the meeting shall be given in the manner required by Act  
21 No. 267 of the Public Acts of 1976, as amended.

22 Sec. 3. The commission shall do all of the following, with  
23 the assistance of the ~~office of criminal justice~~ DEPARTMENT OF  
24 MANAGEMENT AND BUDGET:

25 (a) Annually distribute 60% of the fund to ~~cities, vil-~~  
26 ~~lages, townships, counties, junior colleges, community colleges,~~  
27 ~~state supported colleges and universities, and the department of~~

1 ~~state police,~~ ELIGIBLE ENTITIES not including the money in the  
2 fund pursuant to section 5(2). ~~A city, village, township,~~  
3 ~~county, junior college, community college, state supported col-~~  
4 ~~lege or university, or the department of state police~~ AN ELIGI-  
5 BLE ENTITY receiving a distribution under this subdivision shall  
6 expend the distribution only for the in-service criminal justice  
7 training of its police officers. Money distributed to ~~a city,~~  
8 ~~village, township, county, junior college, community college,~~  
9 ~~state supported college or university, or the department of state~~  
10 ~~police and unexpended~~ AN ELIGIBLE ENTITY WHICH IS NOT EXPENDED  
11 in the fiscal year of the distribution shall only be expended BY  
12 THE ELIGIBLE ENTITY for the in-service criminal justice training  
13 of its police officers in future fiscal years. ~~Insofar as is~~  
14 ~~possible, a~~ AN ELIGIBLE ENTITY RECEIVING A DISTRIBUTION PURSUANT  
15 TO THIS SUBDIVISION SHALL USE THE ENTIRE DISTRIBUTION FOR THE  
16 IN-SERVICE CRIMINAL JUSTICE TRAINING OF ITS POLICE OFFICERS  
17 WITHIN 2 YEARS AFTER RECEIVING THE DISTRIBUTION. IF THE ELIGIBLE  
18 ENTITY FAILS OR REFUSES TO USE THE ENTIRE DISTRIBUTION FOR THE  
19 IN-SERVICE CRIMINAL JUSTICE TRAINING OF ITS POLICE OFFICERS  
20 WITHIN 2 YEARS AFTER RECEIVING THE DISTRIBUTION, THE ELIGIBLE  
21 ENTITY SHALL NOT BE ELIGIBLE TO RECEIVE ADDITIONAL DISTRIBUTIONS  
22 PURSUANT TO THIS SUBDIVISION UNTIL THE PRIOR DISTRIBUTION IS USED  
23 FOR THE IN-SERVICE CRIMINAL JUSTICE TRAINING OF ITS POLICE  
24 OFFICERS. A distribution made under this subdivision shall serve  
25 as a supplement to and not as a replacement for, the funds bud-  
26 geted on October 12, 1982, by ~~a city, village, township, county,~~  
27 ~~junior college, community college, state supported college or~~

1 ~~university, or the department of state police~~ AN ELIGIBLE ENTITY  
2 for the in-service criminal justice training of its police  
3 officers. The distribution shall be made ~~divided into~~ IN 2  
4 semiannual ~~distributions~~ INSTALLMENTS on dates determined by  
5 the commission and shall be expended only for the direct costs of  
6 the in-service criminal justice training of police officers.  
7 ~~The funds distributed under this subdivision~~ THE FUNDS shall be  
8 distributed on a per capita basis to ~~cities, villages, town-~~  
9 ~~ships, counties, junior colleges, community colleges, state sup-~~  
10 ~~ported colleges and universities, and the department of state~~  
11 ~~police~~ ELIGIBLE ENTITIES based upon the number of full-time  
12 EQUATED sworn police officers employed. EACH ELIGIBLE ENTITY  
13 SHALL RECEIVE A MINIMUM DISTRIBUTION OF \$500.00. FOR PURPOSES OF  
14 THIS SUBDIVISION, THE NUMBER OF FULL-TIME EQUATED SWORN POLICE  
15 OFFICERS SHALL BE DETERMINED BY DIVIDING THE TOTAL NUMBER OF  
16 HOURS ACTUALLY WORKED BY SWORN POLICE OFFICERS IN THE ELIGIBLE  
17 ENTITY'S FISCAL YEAR BY THE NUMBER OF HOURS A FULL-TIME SWORN  
18 POLICE OFFICER WOULD HAVE WORKED IN THAT ENTITY'S FISCAL YEAR,  
19 ROUNDED DOWN TO THE NEAREST WHOLE NUMBER. FOR EACH YEAR, THE  
20 PERCENTAGE OF POLICE OFFICERS WHO PROVIDE DIRECT POLICE SERVICE  
21 RECEIVING TRAINING UNDER THIS ACT SHALL BE EQUAL TO OR GREATER  
22 THAN THE PERCENTAGE OF POLICE OFFICERS WHO ARE IN FULL-TIME  
23 ADMINISTRATIVE POSITIONS RECEIVING TRAINING UNDER THIS ACT.  
24 (b) Annually distribute THROUGH A COMPETITIVE GRANT PROCESS  
25 the balance of the fund after making the distributions required  
26 in subdivisions (a) ~~, (c), and (e)~~ (D) and the expenditures  
27 required under section ~~2(2)~~ 2(4). ~~to 1 or more junior~~

1 ~~colleges, community colleges, or state~~ IN DISTRIBUTING MONEY  
2 FROM THE FUND, THE COMMISSION SHALL CONSIDER THE QUALITY AND COST  
3 EFFECTIVENESS OF THE TRAINING PROGRAMS OF APPLICANTS FOR FUNDS  
4 AND THE CRIMINAL JUSTICE NEEDS OF THIS STATE. MONEY SHALL NOT BE  
5 DISTRIBUTED UNDER THIS SUBDIVISION TO A PROFESSIONAL  
6 ASSOCIATION. GRANTS UNDER THIS SUBDIVISION SHALL BE LIMITED TO:

7       (i) STATE or local agencies FOR THE PURPOSE OF providing  
8 in-service criminal justice training programs ~~for~~ TO employees  
9 of ~~the~~ THOSE state or local agencies. ~~Insofar as is possible,~~  
10 ~~a~~ A distribution made under this ~~subdivision~~ SUBPARAGRAPH  
11 shall serve as a supplement to, and not as a replacement for, the  
12 funds budgeted on October 12, 1982, by a ~~junior college, commu-~~  
13 ~~nity college, or~~ state or local agency for ~~the~~ in-service  
14 criminal justice training. ~~of its employees. In distributing~~  
15 ~~money from the fund, the commission shall consider the quality~~  
16 ~~and cost effectiveness of the training programs of applicants for~~  
17 ~~funds and the criminal justice needs of the state.~~

18       ~~(c) Until October 12, 1984, distribute to each district~~  
19 ~~control unit of the district court an amount sufficient to reim-~~  
20 ~~burse the district control unit for its reasonable expenses in~~  
21 ~~implementing section 907(13) of Act No. 300 of the Public Acts of~~  
22 ~~1949, as amended, being section 257.907 of the Michigan Compiled~~  
23 ~~Laws.~~

24       (ii) STATE OR LOCAL AGENCIES PROVIDING CRIMINAL JUSTICE  
25 TRAINING TO THE EMPLOYEES OR THE CONTRACTUAL SERVICE PROVIDERS OF  
26 OTHER STATE OR LOCAL AGENCIES. A DISTRIBUTION MADE UNDER THIS  
27 SUBPARAGRAPH SHALL BE USED TO ENHANCE AND INCREASE, BUT NOT

1 SUPPLANT, THE AMOUNT OF LOCAL, FEDERAL, AND OTHER STATE FUNDS  
2 THAT, IN THE ABSENCE OF MONEY FROM THE MICHIGAN JUSTICE TRAINING  
3 FUND, ARE AVAILABLE FOR CRIMINAL JUSTICE TRAINING. AS USED IN  
4 THIS SUBPARAGRAPH, "CRIMINAL JUSTICE TRAINING" MEANS A CRIMINAL  
5 JUSTICE EDUCATIONAL PROGRAM PRESENTED BY THE STATE OR LOCAL  
6 AGENCY OR BY A CONTRACTUAL SERVICE PROVIDER HIRED BY THE AGENCY  
7 WHICH IS DESIGNED AND INTENDED TO ENHANCE THE DIRECT DELIVERY OF  
8 CRIMINAL JUSTICE SERVICES BY EMPLOYEES OF STATE OR LOCAL AGEN-  
9 CIES, IS NOT TRAINING FOR PROMOTIONAL PURPOSES, AND IS NOT  
10 REQUIRED MINIMUM BASIC TRAINING FOR POLICE OFFICERS OR INITIAL  
11 TRAINING FOR OTHER EMPLOYEES.

12 (C) ~~(d)~~ Promulgate rules pursuant to THE ADMINISTRATIVE  
13 PROCEDURES ACT OF 1969, Act No. 306 of the Public Acts of 1969,  
14 as amended, being sections 24.201 to ~~24.315~~ 24.328 of the  
15 Michigan Compiled Laws, which prescribe the procedures by which  
16 the commission ~~distributes~~ SHALL DISTRIBUTE money from the  
17 fund.

18 (D) ~~(e)~~ Annually distribute an amount from the fund to the  
19 ~~office of criminal justice~~ DEPARTMENT OF MANAGEMENT AND BUDGET  
20 to cover the reasonable expenses of the office of criminal jus-  
21 tice in providing staff services to the commission AND TO COVER  
22 THE EXPENSE OF MAINTAINING A REGISTER OF AVAILABLE CRIMINAL JUS-  
23 TICE TRAINING PROGRAMS IN THIS STATE.

24 Sec. 4. (1) Distributions of money under this act shall not  
25 be expended for ~~criminal~~ ANY OF THE FOLLOWING:

26 (A) CRIMINAL justice training conducted by a training  
27 provider not based in ~~Michigan, or for costs of a~~ THIS STATE



1 UNLESS THE TRAINING EVENT HAS FIRST BEEN APPROVED BY THE  
2 COMMISSION.

3 (B) CRIMINAL JUSTICE training ~~event~~ not located in  
4 ~~Michigan~~ THIS STATE, unless the training event has FIRST been  
5 ~~first~~ approved by the commission.

6 (C) CRIMINAL JUSTICE TRAINING IN ANOTHER COUNTRY.

7 (D) PURCHASING ALCOHOLIC LIQUOR OR FOR MEAL EXPENDITURES IN  
8 EXCESS OF THE PER DIEM MEAL EXPENDITURES AUTHORIZED FOR CIVIL  
9 SERVICE EMPLOYEES.

10 (2) THE COMMISSION SHALL NOT APPROVE ANY OUT-OF-STATE TRAIN-  
11 ING PROGRAM UNLESS THE ELIGIBLE ENTITY REQUESTING APPROVAL OF THE  
12 TRAINING PROGRAM HAS EXHAUSTED ALL REASONABLE EFFORTS TO LOCATE A  
13 SIMILAR TRAINING PROGRAM IN THIS STATE AND UNLESS THE COMMISSION  
14 IS SATISFIED THAT A SIMILAR TRAINING PROGRAM IS NOT AVAILABLE IN  
15 THIS STATE.

16 Sec. 5. (1) The Michigan justice training fund is created  
17 in the state treasury.

18 (2) Money in the fund which is not distributed in a fiscal  
19 year and which was to be distributed under section 3(b) shall  
20 remain in the fund for distribution in future fiscal years only  
21 for the purposes described in section 3(b).

22 (3) INVESTMENT EARNINGS FROM THE MICHIGAN JUSTICE TRAINING  
23 FUND ASSETS SHALL BE DEPOSITED IN THE MICHIGAN JUSTICE TRAINING  
24 FUND.

25 Sec. 6. ~~A city, village, township, county, or state or~~  
26 ~~local agency~~ EACH ELIGIBLE ENTITY AND STATE OR LOCAL AGENCY  
27 receiving a distribution under this act shall report annually to

1 the commission on the results of its training programs. EACH  
2 TRAINING PROGRAM FINANCED IN WHOLE OR IN PART BY A DISTRIBUTION  
3 FROM THE MICHIGAN JUSTICE TRAINING FUND SHALL BE SEPARATELY  
4 IDENTIFIED. The commission shall report annually to the appropri-  
5 ating committees of the legislature on the results of the expen-  
6 diture of the amount distributed.

7 SEC. 9. THE BOOKS, RECORDS, AND ACCOUNTS OF THE MICHIGAN  
8 JUSTICE TRAINING COMMISSION SHALL BE AUDITED BY THE AUDITOR GEN-  
9 ERAL EVERY 2 YEARS.

10 Section 2. This amendatory act shall take effect January 1,  
11 1990.

12 Section 3. Act No. 541 of the Public Acts of 1978, being  
13 sections 18.401 to 18.407 of the Michigan Compiled Laws, is  
14 repealed.