

Wednesday, April 1, 2009

9:00 a.m.

Room 352, State Capitol

The House Standing Committee on Appropriations was called to order by the Chair, Representative George Cushingberry, Jr.

The invocation was offered by Reverend Robert Dean, Superintendent of the Church of God in Christ.

Members present: Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

Members absent/excused: None.

Chairman Cushingberry recognized the following individuals to address the committee:

Dr. Charles J. Parrish, representing Wayne State University AAUP-AFT Local 6075  
Steve Babson / PAC Chair representing Wayne State University

Chairman Cushingberry made opening remarks regarding the need for Higher Education corresponding with the Corrections.

HB 4437 (Smith) Appropriations; corrections; department of corrections; provide for fiscal year 2009-2010.

Rep. Smith was recognized for opening remarks to the bill.

Marilyn Peterson, Analyst from the House Fiscal Agency, was called to the table to respond to questions asked by the Committee.

The following individuals from the State Department of Corrections were recognized to answer further questions:

John Rubitschun, Deputy Director Field Operations Administration  
Barry Wickman, Administrator, Bureau of Fiscal Management

Representative Smith moved to adopt a substitute (H-1) Draft 1 to HB 4437.

Representative Durhal supported the motion.

The motion prevailed by a vote of 30-0-0.

FAVORABLE ROLL CALL:

Members present: Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

NAYS: None.

PASS: None.

Aaron Tabor from Judy Augenstein and Associates, representing MAT-MI Association of Timbermen, submitted a testimony card in support of the bill but not wishing to speak.

10:45 a.m. the Committee stood at ease.

12: 40 p.m. the Committee reconvened.

The Chairman continued with discussion on the corrections budget bill HB 4437.

Representative Proos moved to amend HB 4437 (H-1) Draft 1 as follows:

1. Amend page 3, line 19, by increasing the amount by \$10,000,000. and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 3, following line 26, by inserting  
"Telephone fees and commissions.....10,000,000"  
and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 21 by striking out all of section 219.

4. Amend page 39, following line 5, by inserting:

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) The department, the state budget office, the Michigan association of counties, and the Michigan sheriffs' association shall, 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.

(5) 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.

(6) 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, 2009 distribute the documentation requirements to all counties.

Representative Moss supported the motion.

The motion failed by a vote of 12-18-0.

UNFAVORABLE ROLL CALL:

YEAS: Representatives Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

NAYS: Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

PASS: None.

Representative Proos moved to amend HB 4437 (H-1) Draft 1 as follows:

Amend page 27, line 9, after the first "department", by inserting:

"The director shall recommend that 10% of any savings realized from suggested savings be reallocated to the unit, office, or program where employee who offered the applicable suggestion works."

Representative Moss supported the motion.

The motion failed by a vote of 12-18-0.

UNFAVORABLE ROLL CALL:

YEAS: Representatives Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

NAYS: Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

PASS: None.

Representative Proos moved to amend HB 4437 (H-1) Draft 1 as follows:

Amend Page 25, line 10, by inserting:

1. Amend page 25, following line 10, by inserting:

"Sec. 232. From the funds appropriated in part 1, the department shall develop, post, and maintain on a user-friendly and publicly accessible internet site all expenditures made by the agency within a fiscal year. The posting shall include the purpose for which the expenditure was made."

Representative Moss supported the motion.

The motion failed by a vote of 12-18-0.

UNFAVORABLE ROLL CALL:

YEAS: Representatives Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

NAYS: Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

PASS: None.

Representative Proos moved to amend HB 4437 (H-1) Draft 1 as follows:

1. Amend page 69, following line 9, by inserting:

"Sec. 929. (1) Except as otherwise provided by this section, the department shall impose a 30% surcharge on all items purchased by prisoners in state facilities. The 30% surcharge shall be separate from and in addition to any other surcharge or mark-up imposed on goods purchased by prisoners before the effective date of this section; the department may continue to mark up items as necessary to meet costs, fulfill the assumptions of part 1 regarding resident store revenue, and support prisoner benefit funds at the same level that existed prior to the effective date of this section.

(2) The following items shall be exempt from the 30% surcharge imposed under subsection (1):

- (a) Mandatory health care products.
- (b) Over-the-counter personal care products.
- (c) Hygiene products.
- (d) Stationery.
- (e) Cosmetics.

(3) If the department enters into a contract or an interagency agreement for prison store operations, the department shall ensure that the contract or interagency agreement provides for prison store revenues sufficient to make available the amount of additional revenue that otherwise would have been generated under subsections (1) and (2).

(4) The department shall remit the total of the revenues generated or made available under this section quarterly to the state treasurer for deposit in the trooper recruit school fund created under section 819b of the Michigan vehicle code, 1949 PA 300, MCL 257.819. Funds generated under

this section for the trooper recruit school fund may be appropriated only for training new state police trooper recruits and may not be appropriated for any other purpose.

(5) The department shall increase the maximum amount, if any, of money or scrip that prisoners are allowed to spend, in accordance with this section."

Representative Moss supported the motion.

The motion failed by a vote of 13-17-0.

**UNFAVORABLE ROLL CALL:**

**YEAS:** Representatives LeBlanc, Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

**NAYS:** Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gregory, Jackson, Lahti, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

**PASS:** None.

Representative Proos moved to amend HB 4437 (H-1) Draft 1 as follows:

1. Amend page 2 , line 27,by reducing the amount by \$232,000.00 and adjusting the subtotals, totals, and section 201 accordingly.

2. Amend page 3 , line 1, by reducing the amount by \$280,300.00 and adjusting the subtotals, totals, and section 201 accordingly.

3. Amend page 3, line 8, by reducing the amount by \$779,900.00 and adjusting the subtotals, totals, and section 201 accordingly.

4. Amend page 4, line 3, by reducing the amount by \$525,100.00 and adjusting the subtotals, totals, and section 201 accordingly.

5. Amend page 4 , line 7, by reducing the amount by \$810,900.00 and adjusting the subtotals, totals, and section 201 accordingly.

6. Amend page 4 , line 8, by reducing the amount by \$330,800.00 and adjusting the subtotals, totals, and section 201 accordingly.

7. Amend page 4 , line 9, by reducing the amount by \$133,100.00 and adjusting the subtotals, totals, and section 201 accordingly.

8. Amend page 4 , line 27, by reducing the amount by \$715,100.00 and adjusting the subtotals, totals, and section 201 accordingly.

9. Amend page 5 , line 18, by reducing the amount by \$1,152,200.00 and adjusting the subtotals, totals, and section 201 accordingly.

10. Amend page 6 , line 4, by reducing the amount by \$40,600.00 and adjusting the subtotals, totals, and section 201 accordingly.

11. Amend page 3 , following line 26, by inserting:

"Telephone fees and commissions.....10,000,000" and adjusting the subtotals, totals, and section 201 accordingly.

12. Amend page 5 , line 19, by reducing the amount by \$30,000,000.00 and adjusting the subtotals, totals, and section 201 accordingly.

13. Amend page 5 , line 20, by reducing the amount by \$3,500,000.00 and adjusting the subtotals, totals, and section 201 accordingly.

14. Amend page 6 , following line 6, by inserting:

"Offset for economic increases.....(34,651,100)  
Overtime savings.....(60,000,000)  
Facility reclassification and repurposing savings ..... (5,000,000)"

and adjusting the subtotals, totals, and section 201 accordingly.

15. Amend page 6 , line 7, by reducing the amount by \$135,454,900.00 and adjusting the subtotals, totals, and section 201 accordingly.

16. Amend page 9 , line 3, by reducing the amount by \$486,200.00 and adjusting the subtotals, totals, and section 201 accordingly.

17. Amend page 10 , line 20, by reducing the amount by \$441,100.00 and adjusting the subtotals, totals, and section 201 accordingly.

18. Amend page 12, line 8, by reducing the amount by \$466,700.00 and adjusting the subtotals, totals, and section 201 accordingly.

19. Amend page 21 by striking out all of section 219.

20. Amend page 61, line 24, after "act" by inserting:

"Included in the negative appropriation for the inmate housing fund are savings deriving from improved operational efficiencies, personnel cost reductions, increased use of contracting for services and operations, and bed closures. (2)" and renumbering the remaining subsection.

Representative Moss supported the motion.

The motion failed by a vote of 12-18-0.

UNFAVORABLE ROLL CALL:

YEAS: Representatives Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

NAYS: Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

PASS: None.

Representative Proos moved to amend HB 4437 (H-1) Draft 1 as follows:

- 1. Amend page 61, line 23, after "act" by inserting:

"Included in the negative appropriation for the inmate housing fund are savings which may be derived from improved operational efficiencies, personnel cost reductions, increased use of contracting for services and operations, and bed closures. (2)" and renumbering the remaining subsection.

Representative Moss supported the motion.

The motion prevailed by a vote of 30-0-0.

FAVORABLE ROLL CALL:

Members present: Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

NAYS: None.

PASS: None.

Representative Proos moved to amend HB 4437 (H-1) Draft 1 as follows:

Amend page 3 , line 13, by reducing the amount by \$1,000,000.00 and adjusting the subtotals, totals, and section 201 accordingly.

- 2. Amend page 3, following line 13, by inserting:

"Intensive probation pilot program.....\$1,000,000"

and adjusting the subtotals, totals, and section 201 accordingly.

- 3. Amend page 45, line 7, by striking out all of section 424 and inserting:

"Sec. 424. (1) Funds appropriated in part 1 for the intensive probation pilot program are appropriated to provide an interdepartmental grant to the judiciary for the purpose of administering a pilot program to target high-risk offenders through assessment, treatment, and accountability, with the goal of reducing future criminal behavior. The pilot program shall be administered by the state court administrative office as provided by this section. All funds

appropriated under this section shall be spent on fulfilling the requirements of this section and treatment, monitoring, and testing of offenders in the pilot program.

(2) As a condition of expenditure of the interdepartmental grant, the pilot program shall meet all of the following conditions:

(a) A minimum of 3 pilot sites shall be selected by the state court administrative office, with at least 1 to be located in a major metropolitan area.

(b) The pilot sites shall incorporate the principles and practices of problem-solving courts developed by the national association of drug court professionals, and they shall operate pursuant to a written memorandum of understanding developed by the stakeholders in the jurisdiction.

(c) Each pilot court team shall include, at a minimum, a district and circuit judge, prosecutor, defense lawyer, treatment provider, circuit court probation officer, district court probation officer, community corrections representative, community mental health representative, court administration, and community representative.

(d) Before being enrolled in the pilot, each participant shall be administered a comprehensive and validated risk and needs assessment. The assessment shall measure criminogenic and psychosocial factors to determine which participants are at significant risk for committing further crimes and are in need of services.

(e) The pilot sites shall employ evidence-based practices to develop a treatment plans in response to the assessment results.

(f) Each pilot project shall employ a case manager whose duties shall include referral and linkage to community resources, monitoring treatment plan requirements, data reporting, and other responsibilities as assigned.

(3) The Michigan judicial institute shall provide appropriate training for all personnel involved in the pilot program.

(4) The state court administrative office shall conduct a process and outcome evaluation and a cost-benefit analysis of the pilot programs and shall submit that analysis to the senate and house appropriations subcommittees on corrections, the senate and house appropriations subcommittees on the judiciary, the senate and house fiscal agencies, and the state budget director by September 30, 2010."

Representative Moss supported the motion.

The motion failed by a vote of 12-19-0.

**UNFAVORABLE ROLL CALL:**

**YEAS:** Representatives Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

NAYS: Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

PASS: None.

Representative Lahti moved to amend HB 4437 (H-1) Draft 1 as follows:

Amend Page 69, following line 9, by inserting:

“Sec. 929. It is the intent of the Legislature that the Department only close existing facilities where employees can commute to another facility for employment.”

Representative McDowell supported the motion.

The motion failed by a vote of 4-24-2.

UNFAVORABLE ROLL CALL:

YEAS: Representatives Cushingberry, Lahti, McDowell, Miller.

NAYS: Representatives Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, LeBlanc, Smith, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

PASS: Representatives Jackson, Spade.

Representative Spade moved to amend HB 4437 (H-1) Draft 1 as follows:

Amend page 25 following line 10 by inserting:

1. Amend page 25, following line 10, by inserting:

" Sec.232. Every 2 months, the department shall report on the number of FTEs in pay status by civil service classification to the house and senate appropriations subcommittees on the department budget and the house and senate fiscal agencies.

Sec.233. The department, in collaboration with the state budget office, shall submit to the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, and the house and senate policy offices on or before March 1, 2010 a report on appropriated and supportable FTE positions within the enacted budget for the fiscal year ending September 30, 2010. The report shall contain all of the following information for each individual line item contained in the enacted budget proposal for the department budget:

(a) The number of FTEs to be funded from the line item.

(b) The amount that is proposed to be allocated to salary, wage and fringe benefit costs from the gross appropriation for the line item.

(c) The amount that is proposed to be allocated to salary, wage and fringe benefit costs from the gross appropriation for the line item on which was based the increase in the executive budget proposal from the amount appropriated for the line item in the department budget for the fiscal year ending September 30, 2010, if different from the amount in subdivision (b).

(d) The portion of the amount described in subdivision (b) that is proposed to be taken from

each funding source identified in the budget.

(e) The gross salary and wage expenditures for the line item during the fiscal year ending September 30, 2009 and the estimated salary and wage expenditures for the line item during the fiscal year ending September 30, 2010.

(f) The estimated number of FTE positions supportable by the amount described in subdivision (b)".

Representative Durhal supported the motion.

The motion prevailed by a vote of 28-0-1.

**FAVORABLE ROLL CALL:**

**YEAS:** Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Smith, Spade, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

**NAYS:** None.

**PASS:** Representative Miller.

1:40 p.m. the Committee stood at ease at the call of the chair.

4:25 p.m. the Committee reconvened

Representative Smith moved to amend HB 4437 (H-1) Draft 1 as follows:

1. Amend page 69, following line 9, by inserting:

"Sec. 928. (1) From the funds appropriated in part 1, the department shall do all of the following:

(a) Ensure that any inmate care and control staff in contact with prisoners less than 19 years of age are adequately trained with regard to the developmental and mental health needs of prisoners less than 19 years of age.

(b) Provide appropriate placement for prisoners less than 19 years of age who have serious mental illness or a developmental disorder and who need to be housed separately from the general population. It is the intent of the legislature that prisoners less than 19 years of age who have serious mental illness or a developmental disorder not be placed in administrative segregation.

(c) Implement a specialized reentry program that recognizes the needs of prisoners less than 19 years old for supervised reentry."

Representative Dean supported the motion.

The motion prevailed by a vote of 19-0-12.

**FAVORABLE ROLL CALL:**

**YEAS:** Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

**NAYS:** None.

**PASS:** Representatives Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

Representative Smith moved to amend HB 4437 (H-1) Draft 1 as follows:

Amend page 29, line 22, by striking out all of section 403a and inserting:

"Sec. 403a. (1) In collaboration with a technical committee composed of representatives from the department, the senate and house fiscal agencies, and the justice center of the council of state governments, the department shall develop a performance-based dashboard tracking and reporting system that establishes key indicators of the Michigan prisoner reentry initiative. Indicators shall reflect the status of and trends in key program elements and whether targeted goals are being met.

(2) By October 30, 2009, the department shall identify the dashboard indicators in a report to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director.

(3) By April 1, 2010, the department shall report dashboard data to the senate and house appropriations subcommittees on corrections, the senate and house fiscal agencies, and the state budget director."

Representative Hammel supported the motion.

The motion prevailed by a vote of 19-0-12.

**FAVORABLE ROLL CALL:**

**YEAS:** Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

**NAYS:** None.

**PASS:** Representatives Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

Representative Smith moved to amend HB 4437 (H-1) Draft 1 as follows:

Amend page 39, following line 5, by inserting:

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 certain felons who otherwise would have been sentenced to prison.

(2) The county jail reimbursement program shall reimburse counties for convicted felons in the custody of the sheriff 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 or a non-person crime in crime class F 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.

(c) The felon was sentenced to jail for a felony committed while he or she was on parole and under the jurisdiction of the parole board and for which the sentencing guidelines recommended range for the minimum sentence has an upper limit of more than 18 months.

(3) State reimbursement under this section shall be \$60.00 per diem per diverted offender for offenders with a presumptive prison guideline score, \$50.00 per diem per diverted offender for offenders with a straddle cell guideline for a group one crime, and \$35.00 per diem per diverted offender for offenders with a straddle cell guideline for a group two crime. Reimbursements shall be paid for sentences up to a 1-year total.

(4) The department and the state budget office shall, if appropriate, recommend modification of the criteria for reimbursement contained in subsection (2) to the chairs of the house and senate appropriations subcommittees on corrections.

(5) 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, 2009 distribute the documentation requirements to all counties.

(a) On a quarterly basis, the chairs of the senate and house appropriations subcommittees on corrections shall convene a meeting of a workgroup consisting of the Michigan Department of Corrections, the Michigan Sheriff's Association, and the Michigan Association of Counties for the purpose of all of the following:

1. (i) Reviewing the projected reimbursements compared to the amount appropriated in Part 1.
- (ii) Determining whether there is a need for increased funding.
- (iii) Recommending an appropriate funding level.

(6) As used in this section:

(a) "Group one crime" means a crime in one or more of the following offense categories: arson, assault, assaultive other, burglary, criminal sexual conduct, homicide or resulting in death, other sex offenses, robbery, and weapon possession; as determined by the department based on specific crimes counties received reimbursement under the county jail reimbursement program in fiscal year 2007 and fiscal year 2008, and listed in the county jail reimbursement program document titled "FY 2007 and FY 2008 Group One Crimes Reimbursed", dated March 31, 2009.

(b) "Group two crime" means a crime that is not a group one crime, including larceny, fraud, forgery, embezzlement, motor vehicle, malicious destruction of property, controlled substance offense, felony drunk driving, and other non-assaultive offenses.

(c) "In the custody of the sheriff" means that the convicted felon has been sentenced to the county jail and either is housed in the jail or has been released from jail and is being monitored through the use of the sheriff's electronic monitoring system.

Representative Hammel supported the motion.

The motion prevailed by a vote of 19-0-12.

**FAVORABLE ROLL CALL:**

**YEAS:** Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

**NAYS:** None.

**PASS:** Representatives Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

Representative Smith moved to report HB 4437 substitute (H-1) Draft 1 as amended, as substitute (H-1), with recommendation.

Representative Hammel supported the motion.

The motion prevailed by a vote of 19-12-0.

**FAVORABLE ROLL CALL:**

**YEAS:** Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

**NAYS:** Representatives Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

**PASS:** None.

The Chairman proceeded to HB 4435:

HB 4435 (Miller) Appropriations; community colleges; community and junior colleges; provide for fiscal year 2009-2010.

Ben Gielczyk, Analyst from the House Fiscal Agency, was called to the table to respond to questions asked by the Committee.

Mike Hansen, President of the Michigan Community College Association, testified before the Committee.

Representative Miller moved to adopt a substitute (H-1) Draft 1 to HB 4435.

Representative Gregory supported the motion.

The motion prevailed by a vote of 31-0-0.

**FAVORABLE ROLL CALL:**

YEAS: Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

NAYS: None.

PASS: None.

Representative Booher moved to amend HB 4435 (H-1) Draft 1 as follows:

Amend page 10, after line 9, by inserting:

“Sec. 252. A community college receiving an appropriation in part 1 shall develop, post, and maintain, a user friendly and publicly accessible internet site, all expenditures made by the agency within a fiscal year. The posting must include the purpose for which each expenditure is made. The colleges may use, as a model for such reporting, the College Portrait web reporting template in an effort to better improve university transparency and to further identify effective educational practices.”.

Representative Moss supported the motion.

The motion failed by a vote of 12-19-0.

**UNFAVORABLE ROLL CALL:**

YEAS: Representatives Moss, Agema, Booher, Caul, Genetski, Green, Haines, Hildenbrand, Lori, Proos, Rogers, Schuitmaker.

NAYS: Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib.

PASS: None.

Representative Miller moved to report HB 4435 substitute (H-1) Draft 1 as amended, as substitute (H-1) with recommendation.

Representative Gregory supported the motion.

The motion prevailed by a vote of 22-3-6.

**FAVORABLE ROLL CALL:**

**YEAS:** Representatives Cushingberry, Hammel, Bauer, Bennett, Terry Brown, Dean, Durhal, Espinoza, Gonzales, Gregory, Jackson, Lahti, LeBlanc, McDowell, Miller, Smith, Spade, Switalski, Tlaib, Booher, Caul, Hildenbrand.

**NAYS:** Representatives Moss, Proos, Schuitmaker.

**PASS:** Representatives Agema, Genetski, Green, Haines, Lori, Rogers.

There being no further business before the committee, seeing no objection the Chair adjourned the meeting, the time being 5:00 p.m.

Representative George Cushingberry, Jr. Chair \_\_\_\_\_  
Darlene Moore, Committee Clerk, (517) 373-2994