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BILL ANALYSIS

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Senate Fiscal Agency

Lansing, Michigan 48909

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House Bill 4029 (as reported without amendment)**Sponsor: Representative Robert Bender****House Committee: Corrections****Senate Committee: Criminal Justice, Urban Affairs, and Economic Development**

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Date Completed: 10-30-87**RATIONALE**

Public Act 303 of 1980 required the Department of Corrections to develop a comprehensive plan for siting correctional facilities. A later Act (Public Act 485 of 1980) specified that the comprehensive plan had to provide for the demolition of the Michigan Reformatory at Ionia no later than 1990. It was argued that the facility was decrepit and inhumane. The Department's plan never received the necessary legislative approval (a concurrent resolution was required), so the demolition mandate never became operative. Today, many believe that demolishing the Reformatory is not a viable option, given the overcrowded condition of the State's prison system. Millions of dollars have been spent to improve conditions at the Michigan Reformatory. Nevertheless, the existence in statute of the requirement that the Department's comprehensive plan provide for the facility's demolition continues to give rise to anxiety among people who desire to see the Reformatory's doors remain open, including those whose livelihood depends upon it.

believe the 100-year-old facility should be torn down and replaced.

Response: There is no actual statutory requirement that the Reformatory be demolished, so extending the date would make little sense. All that was required by statute was the inclusion of the demolition in a comprehensive plan; a plan that was never approved by the Legislature anyway. The bill would not preclude the Legislature from deciding to replace the facility at some future date.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

H.B. 4029 (10-30-87)

CONTENT

House Bill 4029 would amend the Department of Corrections Act to repeal the requirement that the Department's comprehensive plan for prison siting (created pursuant to Public Act 303 of 1980) provide for the demolition of the Michigan Reformatory at Ionia no later than 1990.

MCL 791.220d

FISCAL IMPACT

The bill would have no fiscal impact on State GF/GP expenditures in FY 1987-88.

ARGUMENTS**Supporting Argument**

The bill would reduce the anxiety of those who fear that there exists a legislative mandate to demolish the Michigan Reformatory. The statutory requirement that provisions for the facility's demolition no later than 1990 be included in the Department of Corrections' comprehensive plan for siting correctional facilities would be repealed. Although the plan was never approved by the Legislature, to those who want the facility to remain open the provision still represents a statement of the Legislature's purpose to demolish the Ionia facility. It makes no sense to leave the requirement on the books when the State prison system is short of beds.

Opposing Argument

The 1990 demolition date simply should be extended, particularly since, undoubtedly, there are people who still

POSITIONS:

Fathers for Equal Rights does not have an official position on the bill at this time, but is concerned about the bill's potential for further alienating children from their male parents (2-4-87).

The Probate and Juvenile Court Judges Association does not have a formal position at this time (2-4-87).