

**SUBSTITUTE FOR  
SENATE BILL NO. 1064**

A bill to make appropriations for the department of corrections and certain state purposes related to corrections for the fiscal year ending September 30, 2005; to provide for the expenditure of the appropriations; to provide for reports; to provide for the creation of certain advisory committees and boards; to prescribe certain powers and duties of the department of corrections, certain other state officers and agencies, and certain advisory committees and boards; to provide for the collection of certain funds; and to provide for the disposition of fees and other income received by certain state agencies.

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

1

PART 1

2

LINE-ITEM APPROPRIATIONS

3

Sec. 101. Subject to the conditions set forth in this act, the

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amounts listed in this part are appropriated for the department of

1 corrections for the fiscal year ending September 30, 2005, from the  
 2 funds indicated in this part. The following is a summary of the  
 3 appropriations in this part:

4 **DEPARTMENT OF CORRECTIONS**

5 APPROPRIATION SUMMARY:

6	Average population.....	51,169	
7	Full-time equated unclassified positions.....	16.0	
8	Full-time equated classified positions.....	17,788.6	
9	GROSS APPROPRIATION.....		\$ 1,804,618,900
10	Interdepartmental grant revenues:		
11	Total interdepartmental grants and intradepartmental		
12	transfers.....		3,364,200
13	ADJUSTED GROSS APPROPRIATION.....		\$ 1,801,254,700
14	Federal revenues:		
15	Total federal revenues.....		9,808,000
16	Special revenue funds:		
17	Total local revenues.....		393,600
18	Total private revenues.....		0
19	Total other state restricted revenues.....		68,090,600
20	State general fund/general purpose.....		\$ 1,722,962,500
21	<b>Sec. 102. EXECUTIVE</b>		
22	Full-time equated unclassified positions.....	16.0	
23	Full-time equated classified positions.....	263.7	
24	Unclassified positions--16.0 FTE positions.....		\$ 1,313,600
25	Executive direction--41.5 FTE positions.....		4,339,700
26	Policy and strategic planning--50.0 FTE positions...		5,187,900
27	Human resources--172.2 FTE positions.....		14,983,600

1	Human resources optimization user charges.....	1,299,200
2	Training.....	4,308,800
3	Worker's compensation.....	21,577,000
4	Sheriffs' coordinating and training office.....	<u>4,000,000</u>
5	GROSS APPROPRIATION..... \$	57,009,800
6	Appropriated from:	
7	Interdepartmental grant revenues:	
8	IDG-MDSP, Michigan justice training fund.....	660,100
9	Special revenue funds:	
10	Local corrections officer training fund.....	4,000,000
11	State general fund/general purpose..... \$	52,349,700
12	<b>Sec. 103. ADMINISTRATION AND PROGRAMS</b>	
13	Average population.....	480
14	Full-time equated classified positions.....	284.9
15	Administrative services--63.9 FTE positions..... \$	5,503,900
16	Substance abuse testing and treatment.....	14,765,900
17	Inmate legal services.....	314,900
18	Prison industries operations--220.0 FTE positions...	17,532,400
19	Rent.....	2,095,200
20	Equipment and special maintenance.....	4,167,200
21	Compensatory buyout and union leave bank.....	275,000
22	Michigan youth correctional facility - management	
23	services.....	13,467,800
24	Michigan youth correctional facility -	
25	administration--1.0 FTE positions.....	156,200
26	Average population.....	480
27	Michigan youth correctional facility - lease	

1	payments.....		5,646,100
2	Prosecutorial and detainer expenses.....		<u>4,051,000</u>
3	GROSS APPROPRIATION.....	\$	67,975,600
4	Appropriated from:		
5	Federal revenues:		
6	DOJ, office of justice programs, RSAT.....		2,349,300
7	Special revenue funds:		
8	Correctional industries revolving fund.....		17,532,400
9	State general fund/general purpose.....	\$	48,093,900
10	<b>Sec. 104. FIELD OPERATIONS ADMINISTRATION</b>		
11	Average population.....	581	
12	Full-time equated classified positions.....	2,248.9	
13	Field operations--1,873.2 FTE positions.....	\$	139,663,200
14	Parole board operations--29.0 FTE positions.....		2,321,600
15	Loans to parolees.....		294,400
16	Parole/probation services.....		2,867,300
17	Corrections centers--70.0 FTE positions.....		9,329,500
18	Average population.....	581	
19	Electronic monitoring center--49.4 FTE positions....		6,215,900
20	Technical rule violator program--96.3 FTE positions.		9,691,400
21	Special alternative incarceration program--131.0 FTE		
22	positions.....		<u>10,733,600</u>
23	GROSS APPROPRIATION.....	\$	181,116,900
24	Appropriated from:		
25	Special revenue funds:		
26	Local - community tether program reimbursement.....		393,600
27	Parole and probation oversight fees.....		8,278,300

1	Tether program, participant contributions.....	6,937,200
2	Parole and probation oversight fees set-aside.....	2,867,300
3	Corrections centers, resident contributions revenue.	1,486,300
4	Technical rule violator program, public works user	
5	fees.....	173,700
6	Special alternative incarceration program, public	
7	works user fees.....	134,000
8	State general fund/general purpose..... \$	160,846,500
9	<b>Sec. 105. COMMUNITY CORRECTIONS</b>	
10	Full-time equated classified positions.....16.0	
11	Community corrections administration--16.0 FTE	
12	positions..... \$	1,503,900
13	Probation residential centers.....	15,828,400
14	Community corrections comprehensive plans and	
15	services.....	13,033,000
16	Public education and training.....	50,000
17	Regional jail program.....	100
18	Alternatives to prison jail crowding reduction	
19	program.....	1,619,600
20	Alternatives to prison treatment program.....	400,000
21	Felony drunk driver jail reduction and community	
22	treatment program.....	3,000,000
23	County jail reimbursement program.....	<u>13,249,000</u>
24	GROSS APPROPRIATION..... \$	48,684,000
25	Appropriated from:	
26	Special revenue funds:	
27	Telephone fees and commissions.....	13,192,100

1	Civil infraction fees.....	7,000,000
2	Parole and probation oversight fees set-aside.....	400,000
3	State general fund/general purpose..... \$	28,091,900
4	<b>Sec. 106. CONSENT DECREES</b>	
5	Average population.....	400
6	Full-time equated classified positions.....	471.3
7	Hadix consent decree--138.0 FTE positions..... \$	11,529,200
8	DOJ consent decree--106.8 FTE positions.....	8,638,800
9	DOJ psychiatric plan - MDCH mental health services..	69,194,100
10	DOJ psychiatric plan - MDOC staff and	
11	services--226.5 FTE positions.....	<u>15,616,200</u>
12	GROSS APPROPRIATION..... \$	104,978,300
13	Appropriated from:	
14	State general fund/general purpose..... \$	104,978,300
15	<b>Sec. 107. HEALTH CARE</b>	
16	Full-time equated classified positions.....	923.6
17	Health care administration--18.0 FTE positions..... \$	2,303,500
18	Hospital and specialty care services.....	59,875,200
19	Hepatitis C testing and treatment.....	100
20	Vaccination program.....	991,200
21	Northern region clinical complexes--240.4 FTE	
22	positions.....	28,048,000
23	Southeastern region clinical complexes--360.8 FTE	
24	positions.....	49,187,200
25	Southwestern region clinical complexes--304.4 FTE	
26	positions.....	<u>31,432,500</u>
27	GROSS APPROPRIATION..... \$	171,837,700

1	Appropriated from:	
2	Special revenue funds:	
3	Prisoner health care copayments.....	315,700
4	State general fund/general purpose..... \$	171,522,000
5	<b>Sec. 108. CORRECTIONAL FACILITIES ADMINISTRATION</b>	
6	Average population.....	978
7	Full-time equated classified positions.....	781.0
8	Correctional facilities administration--45.0 FTE	
9	positions..... \$	4,462,600
10	Housing inmates in federal institutions.....	552,600
11	Education services and federal education	
12	grants--10.0 FTE positions.....	5,642,700
13	Federal school lunch program.....	712,800
14	Leased beds and alternatives to leased beds.....	100
15	Inmate housing fund--315.5 FTE positions.....	29,177,100
16	Average population.....	978
17	Academic/vocational programs--410.5 FTE positions...	28,165,900
18	Transportation efficiencies.....	<u>(2,000,000)</u>
19	GROSS APPROPRIATION..... \$	66,713,800
20	Appropriated from:	
21	Federal revenues:	
22	DOJ - BOP, federal prisoner reimbursement.....	372,600
23	DED - OESE, title 1.....	515,100
24	DED - OVAE, adult education.....	1,868,200
25	DED, adult literacy grants.....	304,300
26	DED - OSERS.....	99,900
27	DED, vocational education equipment.....	273,800

1	DED, youthful offender/specter grant.....	1,272,800
2	DOJ - OJP, serious and violent offender	
3	reintegration initiative.....	1,004,800
4	DAG - FNS, national school lunch.....	712,800
5	SSA - SSI, incentive payment.....	108,200
6	Special revenue funds:	
7	Resident stores.....	102,800
8	State general fund/general purpose..... \$	60,078,500
9	<b>Sec. 109. NORTHERN REGION CORRECTIONAL FACILITIES</b>	
10	Average population.....14,805	
11	Full-time equated classified positions.....4,171.2	
12	Alger maximum correctional facility -	
13	Munising--343.0 FTE positions..... \$	28,957,000
14	Average population.....849	
15	Baraga maximum correctional facility - Baraga--405.5	
16	FTE positions.....	33,291,700
17	Average population.....1,084	
18	Chippewa correctional facility - Kincheloe--512.3	
19	FTE positions.....	43,324,500
20	Average population.....2,122	
21	Kinross correctional facility - Kincheloe--559.7 FTE	
22	positions.....	49,754,500
23	Average population.....2,423	
24	Marquette branch prison - Marquette--386.6 FTE	
25	positions.....	34,184,500
26	Average population.....1,129	
27	Newberry correctional facility - Newberry--345.4 FTE	

1	positions.....	27,827,000
2	Average population.....1,144	
3	Oaks correctional facility - Eastlake--354.4 FTE	
4	positions.....	31,609,600
5	Average population.....1,312	
6	Ojibway correctional facility - Marenisco--285.1 FTE	
7	positions.....	22,793,100
8	Average population.....1,202	
9	Pugsley correctional facility - Kingsley--220.4 FTE	
10	positions.....	17,477,400
11	Average population.....954	
12	Saginaw correctional facility - Freeland--356.0 FTE	
13	positions.....	30,789,900
14	Average population.....1,480	
15	Standish maximum correctional facility -	
16	Standish--402.8 FTE positions.....	<u>33,845,300</u>
17	Average population.....1,106	
18	GROSS APPROPRIATION..... \$	353,854,500
19	Appropriated from:	
20	Special revenue funds:	
21	Public works user fees.....	520,100
22	Resident stores.....	1,106,900
23	State general fund/general purpose..... \$	352,227,500
24	<b>Sec. 110. SOUTHEASTERN REGION CORRECTIONAL</b>	
25	<b>FACILITIES</b>	
26	Average population.....16,227	
27	Full-time equated classified positions.....4,304.7	

1	Cooper Street correctional facility - Jackson--267.2	
2	FTE positions.....	23,781,400
3	Average population.....1,360	
4	G. Robert Cotton correctional facility -	
5	Jackson--429.3 FTE positions.....	35,792,600
6	Average population.....1,734	
7	Charles E. Egeler correctional facility -	
8	Jackson--578.6 FTE positions.....	51,017,200
9	Average population.....2,071	
10	Gus Harrison correctional facility - Adrian--494.2	
11	FTE positions.....	41,845,600
12	Average population.....2,102	
13	Macomb correctional facility - New Haven--325.5 FTE	
14	positions.....	26,555,200
15	Average population.....1,228	
16	Mound correctional facility - Detroit--311.5 FTE	
17	positions.....	25,193,100
18	Average population.....1,051	
19	Parnall correctional facility - Jackson--266.2 FTE	
20	positions.....	23,426,700
21	Average population.....1,378	
22	Ryan correctional facility - Detroit--305.9 FTE	
23	positions.....	26,056,500
24	Average population.....1,059	
25	Robert Scott correctional facility - Plymouth--435.7	
26	FTE positions.....	35,391,100
27	Average population.....1,284	

1	Southern Michigan correctional facility -	
2	Jackson--418.8 FTE positions.....	33,758,900
3	Average population.....	1,481
4	Thumb correctional facility - Lapeer--374.8 FTE	
5	positions.....	30,982,400
6	Average population.....	1,479
7	Jackson area support and services - Jackson--97.0	
8	FTE positions.....	<u>17,784,900</u>
9	GROSS APPROPRIATION..... \$	371,585,600
10	Appropriated from:	
11	Intradepartmental transfer revenues:	
12	IDT, production kitchen user fees.....	2,704,100
13	Federal revenues:	
14	DOJ, state criminal alien assistance program.....	926,200
15	Special revenue funds:	
16	Public works user fees.....	413,000
17	Resident stores.....	1,354,300
18	State general fund/general purpose..... \$	366,188,000
19	<b>Sec. 111. SOUTHWESTERN REGION CORRECTIONAL</b>	
20	<b>FACILITIES</b>	
21	Average population.....	17,698
22	Full-time equated classified positions.....	4,323.3
23	Bellamy Creek correctional facility - Ionia--503.1	
24	FTE positions.....	41,029,400
25	Average population.....	1,830
26	Earnest C. Brooks correctional facility -	
27	Muskegon--475.9 FTE positions.....	40,934,700

1	Average population.....	2,200	
2	Carson City correctional facility - Carson		
3	City--527.4 FTE positions.....		44,394,500
4	Average population.....	2,200	
5	Richard A. Handlon correctional facility-		
6	Ionia--254.2 FTE positions.....		22,464,100
7	Average population.....	1,320	
8	Ionia maximum correctional facility - Ionia--322.8		
9	FTE positions.....		26,315,300
10	Average population.....	667	
11	Lakeland correctional facility - Coldwater--673.1		
12	FTE positions.....		57,718,600
13	Average population.....	2,816	
14	Muskegon correctional facility - Muskegon--259.4 FTE		
15	positions.....		23,357,200
16	Average population.....	1,310	
17	Pine River correctional facility - St. Louis--214.4		
18	FTE positions.....		17,929,600
19	Average population.....	960	
20	Riverside correctional facility - Ionia--498.2 FTE		
21	positions.....		44,614,800
22	Average population.....	2,171	
23	St. Louis correctional facility - St. Louis--594.8		
24	FTE positions.....		<u>48,485,900</u>
25	Average population.....	2,224	
26	GROSS APPROPRIATION.....	\$	367,244,100
27	Appropriated from:		

1	Special revenue funds:		
2	Public works user fees.....		226,100
3	Resident stores.....		1,540,900
4	State general fund/general purpose.....	\$	365,477,100
5	<b>Sec. 112. INFORMATION TECHNOLOGY</b>		
6	Information technology services and projects.....	\$	<u>13,618,600</u>
7	GROSS APPROPRIATION.....	\$	13,618,600
8	Appropriated from:		
9	Special revenue funds:		
10	Correctional industries revolving fund.....		9,500
11	Parole and probation oversight fees set-aside.....		500,000
12	State general fund/general purpose.....	\$	13,109,100

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

GENERAL SECTIONS

16 Sec. 201. Pursuant to section 30 of article IX of the state  
17 constitution of 1963, total state spending from state resources under  
18 part 1 for fiscal year 2004-2005 is \$1,791,053,100.00 and state  
19 spending from state resources to be paid to local units of government  
20 for fiscal year 2004-2005 is \$88,507,700.00. The itemized statement  
21 below identifies appropriations from which spending to units of local  
22 government will occur:

DEPARTMENT OF CORRECTIONS

24	Field operations - assumption of county probation		
25	staff.....	\$	40,605,000

1	Prosecutorial and detainer expenses.....	4,051,000
2	Public service work projects.....	9,920,600
3	Community corrections comprehensive plans and	
4	services.....	13,033,000
5	Community corrections probation residential centers.	15,828,400
6	Community corrections public education and training.	50,000
7	Felony drunk driver jail reduction and community	
8	treatment program.....	3,000,000
9	Alternatives to prison jail crowding reduction	
10	program.....	1,619,600
11	Alternatives to prison treatment program.....	400,000
12	Regional jail program.....	<u>100</u>
13	TOTAL..... \$	88,507,700

14       Sec. 202. The appropriations authorized under this act are  
15 subject to the management and budget act, 1984 PA 431, MCL 18.1101 to  
16 18.1594.

17       Sec. 203. As used in this act:

18       (a) "DAG" means the United States department of agriculture.

19       (b) "DAG - FNS" means the DAG food and nutrition service.

20       (c) "DED" means the United States department of education.

21       (d) "DED - OESE" means the DED office of elementary and secondary  
22 education.

23       (e) "DED - OSERS" means the DED office of special education and  
24 rehabilitative services.

25       (f) "DED - OVAE" means the DED office of vocational and adult  
26 education.

27       (g) "Department" or "MDOC" means the Michigan department of

1 corrections.

2 (h) "DOJ" means the United States department of justice.

3 (i) "DOJ-BOP" means the DOJ bureau of prisons.

4 (j) "DOJ-OJP" means the DOJ office of justice programs.

5 (k) "FTE" means full-time equated.

6 (l) "IDG" means interdepartmental grant.

7 (m) "IDT" means intradepartmental transfer.

8 (n) "MDCH" means the Michigan department of community health.

9 (o) "MDSP" means the Michigan department of state police.

10 (p) "OCC" means office of community corrections.

11 (q) "RSAT" means residential substance abuse treatment.

12 (r) "SSA" means the United States social security administration.

13 (s) "SSA - SSI" means SSA supplemental security income.

14 Sec. 204. The department of civil service shall bill departments  
15 and agencies at the end of the first fiscal quarter for the 1% charge  
16 authorized by section 5 of article XI of the state constitution of  
17 1963. Payments shall be made for the total amount of the billing by  
18 the end of the second fiscal quarter.

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

25 (2) The state budget director shall grant exceptions to this  
26 hiring freeze when the state budget director believes that the hiring  
27 freeze will result in rendering a state department or agency unable to

1 deliver basic services, cause a loss of revenue to the state, result  
2 in the inability of the state to receive federal funds, or would  
3 necessitate additional expenditures that exceed any savings from  
4 maintaining a vacancy. The state budget director shall report  
5 quarterly to the chairpersons of the senate and house standing  
6 committees on appropriations the number of exceptions to the hiring  
7 freeze approved during the previous quarter and the reasons to justify  
8 the exception.

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

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

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

1 competitively priced and of comparable quality.

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

9       Sec. 211. (1) Pursuant to the provisions of civil service rules  
10 and regulations and applicable collective bargaining agreements,  
11 individuals seeking employment with the department shall submit to a  
12 controlled substance test. The test shall be administered by the  
13 department.

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

18       Sec. 212. The department may charge fees and collect revenues in  
19 excess of appropriations in part 1 not to exceed the cost of offender  
20 services and programming, employee meals, parolee loans,  
21 academic/vocational services, custody escorts, compassionate visits,  
22 union steward activities, public work programs, and emergency services  
23 provided to units of government. The revenues and fees collected  
24 shall be appropriated for all expenses associated with these services  
25 and activities.

26       Sec. 213. Of the state general fund/general purpose revenue  
27 appropriated in part 1, \$615,628,600.00 represents a state spending

1 increase over the amount provided to the department for the fiscal  
2 year ending September 30, 1994, and may be used to meet state match  
3 requirements of programs contained in the violent crime control and  
4 law enforcement act of 1994, Public Law 103-322, or successor grant  
5 programs, so that any additional federal funds received shall  
6 supplement funding provided to the department in part 1.

7       Sec. 214. The department shall provide quarterly reports on the  
8 Michigan youth correctional facility to the members of the senate and  
9 house appropriations subcommittees on corrections, the senate and  
10 house fiscal agencies, and the state budget director. The reports  
11 shall provide information relevant to an assessment of the safety and  
12 security of the institution, including, but not limited to,  
13 information on the number of critical incidents by type occurring at  
14 the facility, the number of custody staff at the facility, staff  
15 turnover rates, staff vacancy rates, overtime reports, prisoner  
16 grievances, and number and severity of assaults occurring at the  
17 facility. The reports also shall provide information on programming  
18 available at the facility and on program enrollments, including, but  
19 not limited to, academic/vocational programs, counseling programs,  
20 mental health treatment programs, substance abuse treatment programs,  
21 and cognitive restructuring programs.

22       Sec. 215. The department shall require the contract monitor for  
23 the Michigan youth correctional facility to provide a manual to each  
24 prisoner at intake that details programs and services available at the  
25 facility, the processes by which prisoner complaints and grievances  
26 can be pursued, and the identity of staff available at the facility to  
27 answer questions regarding the information in the manual. The

1 contract monitor shall obtain written verification of receipt from  
2 each prisoner receiving the manual. The contract monitor also shall  
3 answer prisoner questions regarding facility programs, services, and  
4 grievance procedures.

5       Sec. 216. By February 15, 2005, the department shall provide the  
6 members of the senate and house appropriations subcommittees on  
7 corrections, the senate and house fiscal agencies, and the state  
8 budget director with a report detailing nongeneral fund/general  
9 purpose sources of revenue, including but not limited to, federal  
10 revenues, state restricted revenues, local and private revenues,  
11 offender reimbursements and other payments, revolving funds, and  
12 1-time sources of revenue, whether or not such revenues were  
13 appropriated. The report shall include statements detailing for each  
14 account the total amount of revenue received during fiscal year  
15 2003-2004, the amount by which the revenue exceeded any applicable  
16 appropriated fund source, the amount spent during fiscal year  
17 2003-2004, the account balance at the close of fiscal year 2003-2004,  
18 and the projected revenues and expenditures for fiscal year  
19 2004-2005.

20       Sec. 217. From the funds appropriated in part 1 for information  
21 technology, the department shall pay user fees to the department of  
22 information technology for technology-related services and projects.  
23 Such user fees shall be subject to provisions of an interagency  
24 agreement between the departments and agencies and the department of  
25 information technology.

26       Sec. 218. Amounts appropriated in part 1 for information  
27 technology may be designated as work projects and carried forward to

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1 support department of corrections technology projects under the  
2 direction of the department of information technology. Funds  
3 designated in this manner are not available for expenditure until  
4 approved as work projects under section 451a of the management and  
5 budget act, 1984 PA 431, MCL 18.1451a.

6 Sec. 219. By October 15, 2004, the department shall report to  
7 the senate and house appropriations subcommittees on corrections and  
8 the senate and house fiscal agencies a detailed plan of how the  
9 department will implement reductions in order to compensate for  
10 employment related savings. The report shall include, but not be  
11 limited to, the department's plan for banked leave, layoffs, program  
12 changes and eliminations, prisoner release, and facility closures.

13 Sec. 220. (1) The negative appropriation for transportation  
14 savings in part 1 shall be satisfied by savings realized from  
15 efficiencies in prisoner transportation in addition to those proposed  
16 by the department in the executive recommended budget for the fiscal  
17 year ending September 30, 2005.

18 (2) Appropriation authorization adjustments required to implement  
19 negative appropriations for transportation savings shall be made only  
20 after the approval of transfers by the legislature pursuant to section  
21 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393.

22 Sec. 221. (1) The department shall not spend any of the funds  
23 appropriated in part 1 for travel outside the state of Michigan <<except  
for travel required for the transportation of prisoners or otherwise  
expressly prescribed by law>>.

24 (2) From the funds appropriated in part 1, the department shall  
25 spend on nonessential travel in fiscal year 2004-2005 not more than  
26 50% of the amount spent on nonessential travel in fiscal year  
27 2003-2004. As used in this subsection, "essential travel" means

1 travel that is required to fulfill the fundamental duties of a given  
2 position, including, but not limited to, prisoner transportation,  
3 parole and probation visits, parole board hearings, and facility site  
4 visits.

5 **SUBSTANCE ABUSE TESTING AND TREATMENT**

6 Sec. 301. (1) The department shall screen and assess each  
7 prisoner for alcohol and other drug involvement to determine the need  
8 for further treatment. The assessment process shall be designed to  
9 identify the severity of alcohol and other drug addiction and  
10 determine the treatment plan, if appropriate.

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

16 Sec. 302. (1) In expending residential substance abuse treatment  
17 services funds appropriated by this act, the department shall ensure  
18 to the maximum extent possible that residential substance abuse  
19 treatment services are available statewide.

20 (2) It is the intent of the legislature that the funds  
21 appropriated in part 1 for substance abuse testing and treatment be  
22 fully expended for that purpose.

23 (3) By April 1, 2005, the department shall report to the senate  
24 and house appropriations subcommittees on corrections, the senate and  
25 house fiscal agencies, and the state budget director on the  
26 allocation, distribution, and expenditure of all funds appropriated by

1 the substance abuse testing and treatment line item during fiscal year  
2 2003-2004 and projected for fiscal year 2004-2005. The report shall  
3 include, but not be limited to, an explanation of an anticipated  
4 year-end balance, the number of participants in substance abuse  
5 programs, and the number of offenders on waiting lists for residential  
6 substance abuse programs. Information required by this subsection  
7 shall, where possible, be separated by MDOC administrative region and  
8 by offender type, including, but not limited to, a distinction between  
9 prisoners, parolees, and probationers.

#### 10 **EXECUTIVE**

11 Sec. 401. The department shall submit 3-year and 5-year prison  
12 population projection updates by February 1, 2005 to the senate and  
13 house appropriations subcommittees on corrections, the senate and  
14 house fiscal agencies, and the state budget director.

15 Sec. 402. The department shall prepare by April 1, 2005  
16 individual reports for the technical rule violator program, the  
17 community residential program, the electronic tether program, and the  
18 special alternative to incarceration program. The reports shall be  
19 submitted to the house and senate appropriations subcommittees on  
20 corrections, the house and senate fiscal agencies, and the state  
21 budget director. The reports shall include the following:

- 22 (a) Monthly new participants.
- 23 (b) Monthly participant unsuccessful terminations, including  
24 cause.
- 25 (c) Number of successful terminations.
- 26 (d) End month population by facility/program.

1 (e) Average length of placement.

2 (f) Return to prison statistics.

3 (g) Description of program location(s), capacity, and staffing.

4 (h) Sentencing guideline scores and actual sentence statistics for  
5 participants, if applicable.

6 (i) Comparison with prior year statistics.

7 (j) Analysis of the impact on prison admissions and jail  
8 utilization and the cost effectiveness of the program.

9 Sec. 403. From the funds appropriated in part 1, the department  
10 shall continue to maintain county jail services staff sufficient to  
11 enable the department to continue to fulfill its functions of  
12 providing technical support, inspections of county jails, and  
13 maintenance of the jail reimbursement program.

14 Sec. 404. The department shall report to the senate and house  
15 appropriations subcommittees on corrections, the senate and house  
16 fiscal agencies, and the state budget director by April 1, 2005 on the  
17 ratio of correctional officers to prisoners for each correctional  
18 institution, the ratio of shift command staff to line custody staff,  
19 and the ratio of noncustody institutional staff to prisoners for each  
20 correctional institution.

21 Sec. 405. (1) The department shall review and revise as  
22 necessary policy proposals that provide alternatives to prison for  
23 offenders being sentenced to prison as a result of technical probation  
24 violations and technical parole violations. To the extent the  
25 department has insufficient policies or resources to affect the  
26 continued increase in prison commitments among these offender  
27 populations, the department shall explore other policy options to

1 allow for program alternatives, including department or OCC-funded  
2 programs, local level programs, and programs available through private  
3 agencies that may be used as prison alternatives for these offenders.

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

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

17 (4) By March 1, 2005, the department shall report to the senate  
18 and house appropriations subcommittees on corrections, senate and  
19 house fiscal agencies, and state budget director on the effect that  
20 any recommended policy changes for technical violators of parole and  
21 technical violators of probation would have on admission to prison and  
22 jail and the impact on other program alternatives.

23 Sec. 406. Funds included in part 1 for the sheriffs'  
24 coordinating and training office are appropriated for and may be  
25 expended to defray costs of continuing education, certification,  
26 recertification, decertification, and training of local corrections  
27 officers, the personnel and administrative costs of the sheriffs'

1 coordinating and training office, the local corrections officers  
2 advisory board, and the sheriffs' coordinating and training council  
3 pursuant to the local corrections officers training act, 2003 PA 125,  
4 MCL 791.531 to 791.546.

5 **ADMINISTRATION AND PROGRAMS**

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

12 **FIELD OPERATIONS ADMINISTRATION**

13       Sec. 601. From the funds appropriated in part 1, the department  
14 shall conduct a statewide caseload audit of field agents. The audit  
15 shall address public protection issues and assess the ability of the  
16 field agents to complete their professional duties. The results of  
17 the audit shall be submitted to the senate and house appropriations  
18 subcommittees on corrections and the senate and house fiscal agencies,  
19 and the state budget office by September 30, 2005.

20       Sec. 602. (1) Of the amount appropriated in part 1 for field  
21 operations, a sufficient amount shall be allocated for the community  
22 service work program and shall be used for salaries and wages and  
23 fringe benefit costs of community service coordinators employed by the  
24 department to supervise offenders participating in work crew  
25 assignments. Funds shall also be used to cover motor transport

1 division rates on state vehicles used to transport offenders to  
2 community service work project sites.

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

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

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

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

21 (3) Included in the appropriation in part 1 is adequate funding to  
22 implement the community tether program to be administered by the  
23 department. The community tether program is intended to provide  
24 sentencing judges and county sheriffs in coordination with local  
25 community corrections advisory boards access to the state's electronic  
26 tether program to reduce prison admissions and improve local jail  
27 utilization. The department shall determine the appropriate

1 distribution of the tether units throughout the state based upon  
2 locally developed comprehensive corrections plans pursuant to the  
3 community corrections act, 1988 PA 511, MCL 791.401 to 791.414.

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

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

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

21 Sec. 605. The department shall establish a uniform rate to be  
22 paid by agencies that benefit from public work services provided by  
23 special alternative incarceration participants and prisoners.

#### 24 COMMUNITY CORRECTIONS

25 Sec. 701. The office of community corrections shall provide and  
26 coordinate the delivery and implementation of services in communities  
27 to facilitate successful offender reintegration into the community.

1 Programs and services to be offered shall include, but are not limited  
2 to, technical assistance for comprehensive corrections plan  
3 development, new program start-up funding, program funding for those  
4 programs delivering services for eligible offenders in geographic  
5 areas identified by the office of community corrections as having a  
6 shortage of available services, technical assistance, referral  
7 services for education, employment services, and substance abuse and  
8 family counseling. As used in this act:

9 (a) "Alternative to incarceration in a state facility or jail"  
10 means a program that involves offenders who receive a sentencing  
11 disposition which appears to be in place of incarceration in a state  
12 correctional facility or jail based on historical local sentencing  
13 patterns or which amounts to a reduction in the length of sentence in  
14 a jail.

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

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

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

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

7 (f) "Offender who would likely be sentenced to imprisonment" means  
8 either of the following:

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

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

16 Sec. 702. (1) The funds included in part 1 for community  
17 corrections comprehensive plans and services are to encourage the  
18 development through technical assistance grants, implementation, and  
19 operation of community corrections programs that serve as an  
20 alternative to incarceration in a state facility or jail. The  
21 comprehensive corrections plans shall include an explanation of how  
22 the public safety will be maintained, the goals for the local  
23 jurisdiction, offender target populations intended to be affected,  
24 offender eligibility criteria for purposes outlined in the plan, and  
25 how the plans will meet the following objectives, consistent with  
26 section 8(4) of the community corrections act, 1988 PA 511,  
27 MCL 791.408:

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

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

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

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

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

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

22 (3) Funds awarded for probation residential centers in part 1  
23 shall provide for a per diem reimbursement of not more than \$43.00.

24 Sec. 703. The comprehensive corrections plans shall also  
25 include, where appropriate, descriptive information on the full range  
26 of sanctions and services that are available and utilized within the  
27 local jurisdiction and an explanation of how jail beds, probation

1 residential services, the special alternative incarceration program  
2 (boot camp), probation detention centers, the electronic monitoring  
3 program for probationers, and treatment and rehabilitative services  
4 will be utilized to support the objectives and priorities of the  
5 comprehensive corrections plan and the purposes and priorities of  
6 section 8(4) of the community corrections act, 1988 PA 511,  
7 MCL 791.408. The plans shall also include, where appropriate,  
8 provisions that detail how the local communities plan to respond to  
9 sentencing guidelines found in chapter XVII of the code of criminal  
10 procedure, 1927 PA 175, MCL 777.1 to 777.69, and the use of the county  
11 jail reimbursement program pursuant to section 706 of this act. The  
12 state community corrections board shall encourage local community  
13 corrections boards to include in their comprehensive corrections plans  
14 strategies to collaborate with local alcohol and drug treatment  
15 agencies of the department of community health for the provision of  
16 alcohol and drug screening, assessment, case management planning, and  
17 delivery of treatment to alcohol- and drug-involved offenders,  
18 including, but not limited to, probation and parole violators who are  
19 at risk of revocation.

20       Sec. 704. (1) As part of the March biannual report specified in  
21 section 12(2) of the community corrections act, 1988 PA 511,  
22 MCL 791.412, which requires an analysis of the impact of that act on  
23 prison admissions and jail utilization, the department shall submit to  
24 the senate and house appropriations subcommittees on corrections, the  
25 senate and house fiscal agencies, and the state budget director the  
26 following information for each county and counties consolidated for  
27 comprehensive corrections plans:

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

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

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

10 (d) Data on probation residential centers, including participant  
11 data, participant sentencing guideline scores, program expenditures,  
12 average length of stay, and bed utilization data.

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

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

19 Sec. 705. (1) The department shall identify and coordinate  
20 information regarding the availability of and the demand for community  
21 corrections programs, jail-based community corrections programs, and  
22 basic state-required jail data.

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

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

1           Sec. 706. (1) The department shall administer a county jail  
2 reimbursement program from the funds appropriated in part 1 for the  
3 purpose of reimbursing counties for housing in jails felons who  
4 otherwise would have been sentenced to prison.

5           (2) The county jail reimbursement program shall reimburse counties  
6 for housing and custody of convicted felons if the conviction was for  
7 a crime committed on or after January 1, 1999 and 1 of the following  
8 applies:

9           (a) The felon's sentencing guidelines recommended range upper  
10 limit is more than 18 months, the felon's sentencing guidelines  
11 recommended range lower limit is 12 months or less, the felon's prior  
12 record variable score is 35 or more points, and the felon's sentence  
13 is not for commission of a crime in crime class G or crime class H  
14 under chapter XVII of the code of criminal procedure, 1927 PA 175, MCL  
15 777.1 to 777.69.

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

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

21           (4) From the funds appropriated in part 1 for the county jail  
22 reimbursement program, the department shall contract for an ongoing  
23 study to determine the impact of the new legislative sentencing  
24 guidelines. The study shall analyze sentencing patterns of  
25 jurisdictions as well as future patterns in order to determine and  
26 quantify the population impact on prisons and jails of the new  
27 guidelines as well as to identify and define felon or crime

1 characteristics or sentencing guidelines scores that indicate a felon  
2 is a prison diversion. The department shall contract for a local and  
3 statewide study for this purpose and provide periodic reports  
4 regarding the status and findings of the study to the house and senate  
5 appropriations subcommittees on corrections, the house and senate  
6 fiscal agencies, and the state budget director.

7 (5) The department, the Michigan association of counties, and the  
8 Michigan sheriffs' association shall review the periodic findings of  
9 the study required in subsection (4) and, if appropriate, recommend  
10 modification of the criteria for reimbursement contained in subsection  
11 (2). Any recommended modification shall be forwarded to the house and  
12 senate appropriations subcommittees on corrections and the state  
13 budget office.

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

17 (7) County jail reimbursement program expenditures shall not  
18 exceed the amount appropriated in part 1 for this purpose. Payments  
19 to counties under the county jail reimbursement program shall be made  
20 in the order in which properly documented requests for reimbursements  
21 are received. A request shall be considered to be properly documented  
22 if it meets MDOC requirements for documentation. The department shall  
23 by October 15, 2004 distribute the documentation requirements to all  
24 counties.

25 Sec. 707. (1) As a condition of receipt of the funds  
26 appropriated in part 1 for community corrections plans and services  
27 and probation residential centers, the department shall only award

1 those funds requested under a properly prepared and approved  
2 comprehensive corrections plan submitted under section 8 of the  
3 community corrections act, 1988 PA 511, MCL 791.408, or directly  
4 applied for under section 10 of the community corrections act, 1988 PA  
5 511, MCL 791.410.

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

10 Sec. 708. (1) Funds included in part 1 for the felony drunk  
11 driver jail reduction and community treatment program are appropriated  
12 for and may be expended for any of the following purposes:

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

17 (b) To divert from jail sentences or to reduce the length of jail  
18 sentences for felony drunk drivers who otherwise would have been  
19 sentenced to jail and whose recommended minimum sentence ranges under  
20 sentencing guidelines have upper limits of 18 months or less, through  
21 funding programs that may be used in lieu of incarceration and that  
22 increase the likelihood of rehabilitation.

23 (c) To provide a policy and funding framework to make additional  
24 jail space available for housing convicted felons whose recommended  
25 minimum sentence ranges under sentencing guidelines have lower limits  
26 of 12 months or less and who likely otherwise would be sentenced to  
27 prison, with the aim of enabling counties to meet or exceed amounts

1 received through the county jail reimbursement program during fiscal  
2 year 2002-2003 and reducing the numbers of felons sentenced to  
3 prison.

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

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

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

22 (5) The standards developed by the committee shall assign each  
23 county a maximum funding allocation based on the amount the county  
24 received under the county jail reimbursement program in fiscal year  
25 2001-2002 for housing felony drunk drivers whose sentencing guidelines  
26 recommended minimum sentence ranges had upper limits of 18 months or  
27 less.

1 (6) Awards of funding under this section shall be provided  
2 consistent with the local comprehensive corrections plans developed  
3 under the community corrections act, 1988 PA 511, MCL 791.401 to  
4 791.414. Funds awarded under this section may be used in conjunction  
5 with funds awarded under grant programs established under that act.  
6 Due to the need for felony drunk drivers to be transitioned from  
7 county jails to community treatment services, it is the intent of the  
8 legislature that local units of government utilize funds received  
9 under this section to support county sheriff departments.

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

#### 16 CONSENT DECREES

17 Sec. 801. Funding appropriated in part 1 for consent decree line  
18 items is appropriated into separate control accounts created for each  
19 line item. Funding in each control account shall be distributed as  
20 necessary into separate accounts created for the purpose of separately  
21 identifying costs and expenditures associated with each consent  
22 decree.

#### 23 HEALTH CARE

24 Sec. 901. The department shall not expend funds appropriated  
25 under part 1 for any surgery, procedure, or treatment to provide or

1 maintain a prisoner's sex change unless it is determined medically  
2 necessary by the chief medical officer of the department.

3       Sec. 902. (1) As a condition of expenditure of the funds  
4 appropriated in part 1, the department shall report to the senate and  
5 house appropriations subcommittees on corrections on January 1, 2005  
6 and July 1, 2005 the status of payments from contractors to vendors  
7 for health care services provided to prisoners, as well as the status  
8 of the contracts, and an assessment of prisoner health care quality.

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

14       Sec. 903. There are sufficient funds and FTEs appropriated in  
15 part 1 to provide a full complement of nurses for clinical complexes  
16 working regular pay hours and it is the intent of the legislature that  
17 sufficient nurses be hired or retained to limit the use of overtime  
18 other-than-holiday pay.

19       Sec. 904. From the funds allocated in part 1 for health care  
20 services, the department shall conduct a 1-year cost/benefit analysis  
21 of privatizing pharmacy services and shall report the findings of this  
22 1-year cost/benefit analysis to the senate and house appropriations  
23 subcommittees on corrections and the senate and house fiscal agencies  
24 not less than 120 days before any effort to privatize pharmacy  
25 services unless a report is completed prior to October 1, 2004.

26       Sec. 905. It is the intent of the legislature that, with the  
27 funds appropriated in part 1 for hospital and specialty care services,

1 the department shall ensure that local providers of ambulance services  
2 to prisoners be reimbursed within 60 days of the filing of any  
3 uncontested claim for service.

4       Sec. 906. The department shall identify and manage prisoners who  
5 abuse the availability of medical services by obtaining transportation  
6 to off-site medical care when unnecessary or reasonably avoidable. In  
7 doing this, the department shall, when appropriate, consult with  
8 off-site medical facilities on how to accomplish this goal.

9       Sec. 907. The bureau of health care services shall develop  
10 information on Hepatitis C prevention and the risks associated with  
11 exposure to Hepatitis C, and the health care providers shall  
12 disseminate this information verbally and in writing to each prisoner  
13 at the health screening and full health appraisal conducted at  
14 admissions, at the annual health care screening 1 week before or after  
15 a prisoner's birthday, and prior to release to the community by  
16 parole, transfer to community residential placement, or discharge on  
17 the maximum.

18       Sec. 908. From the funds appropriated in part 1, the department  
19 shall offer an alanine aminotransferase (ALT) test to each prisoner  
20 who has received positive parole action. An explanation of results of  
21 the test shall be provided confidentially to the prisoner prior to  
22 release on parole, and if appropriate based on the test results, the  
23 prisoner shall also be provided a recommendation to seek follow-up  
24 medical attention in the community. The test shall be voluntary; if  
25 the prisoner refuses to be tested, that decision shall not affect  
26 parole release, conditions of parole, or parole supervision.

27       Sec. 909. The department shall ensure that all medications for a

1 prisoner be transported with that prisoner when the prisoner is  
2 transferred from 1 correctional facility to another.

3       Sec. 910. The department shall attempt to collect reimbursement  
4 from health insurance providers for the health care of prisoners who  
5 have retirement health insurance benefits. By April 1, 2005, the  
6 department shall provide the members of the senate and house  
7 appropriations subcommittees on corrections, the senate and house  
8 fiscal agencies, and the state budget director with a status report on  
9 its efforts and the amount of reimbursement successfully collected.

#### 10 **INSTITUTIONAL OPERATIONS**

11       Sec. 1001. As a condition of expenditure of the funds  
12 appropriated in part 1, the department shall ensure that smoking areas  
13 are designated for use by prisoners and staff at each facility. At a  
14 minimum, all outdoor areas within each facility's perimeter shall be  
15 designated for smoking, except that smoking may be forbidden within 20  
16 feet of any building designated as nonsmoking or smoke-free.

17       Sec. 1002. From the funds appropriated in part 1, the department  
18 shall allocate sufficient funds to develop a pilot children's  
19 visitation program. The pilot program shall teach parenting skills  
20 and arrange for day visitation at these facilities for parents and  
21 their children, except for the families of prisoners convicted of a  
22 crime involving criminal sexual conduct in which the victim was less  
23 than 18 years of age or involving child abuse.

24       Sec. 1003. The department shall prohibit prisoners access to or  
25 use of the Internet or any similar system.

26       Sec. 1004. Any department employee who, in the course of his or  
27 her job, is determined by a physician to have had a potential exposure

1 to the Hepatitis B virus, shall receive a Hepatitis B vaccination upon  
2 request.

3       Sec. 1006. (1) The inmate housing fund shall be used for the  
4 custody, treatment, clinical, and administrative costs associated with  
5 the housing of prisoners other than those specifically budgeted for  
6 elsewhere in this act. Funding in the inmate housing fund is  
7 appropriated into a separate control account. Funding in the control  
8 account shall be distributed as necessary into separate accounts  
9 created to separately identify costs for specific purposes.

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

14       Sec. 1008. It is the intent of the legislature that from the  
15 funds appropriated in part 1 for prison operations the department  
16 maintain on a voluntary basis 1 or more cognitive restructuring  
17 programs such as Project CHANGE for high-security-level prisoners.

18       Sec. 1009. By April 1, 2005, the department shall report to the  
19 senate and house appropriations subcommittees on corrections, the  
20 senate and house fiscal agencies, and the state budget director on  
21 academic/vocational programs for the most recently completed  
22 appropriation year. The report shall provide information relevant to  
23 an assessment of the department's academic and vocational programs,  
24 including, but not limited to, the following:

25       (a) The number of prisoners enrolled in each program, the number  
26 of prisoners completing each program, and the number of prisoners on  
27 waiting lists for each program.

1 (b) The steps the department has undertaken to improve programs  
2 and reduce waiting lists.

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

6 (d) An identification of program outcomes for each academic and  
7 vocational program.

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

10 Sec. 1010. (1) By February 1, 2005, the department shall report  
11 to the senate and house appropriations subcommittees on corrections,  
12 the senate and house fiscal agencies, and the state budget director,  
13 the percent of offenders included in the prison population intake for  
14 fiscal years 2002-2003 and 2003-2004 who have a high school diploma or  
15 a general educational development (G.E.D.) certificate.

16 (2) By February 1, 2005, the department shall provide the senate  
17 and house appropriations subcommittees on corrections, the senate and  
18 house fiscal agencies, and the state budget director with a  
19 statistical report on the efficacy of department-provided prison  
20 vocational education programs in reducing offender recidivism rates.