

Article 2

FULL-TIME EQUATED (FTE) CLASSIFIED POSITIONS/FUNDING SOURCE	FY 2020-21 YEAR-TO-DATE*	FY 2021-22 CONFERENCE	CHANGES FROM FY 2020-21 YEAR-TO-DATE	
			AMOUNT	PERCENT
FTE Positions	13,686.8	13,484.4	(202.4)	(1.5)
GROSS	2,060,788,400	2,065,873,000	5,084,600	0.2
Less:				
Interdepartmental Grants Received	0	0	0	0.0
ADJUSTED GROSS	2,060,788,400	2,065,873,000	5,084,600	0.2
Less:				
Federal Funds	196,370,900	5,364,100	(191,006,800)	(97.3)
Local and Private	9,680,600	9,646,100	(34,500)	(0.4)
TOTAL STATE SPENDING	1,854,736,900	2,050,862,800	196,125,900	10.6
Less:				
Other State Restricted Funds	45,478,500	45,493,400	14,900	0.0
GENERAL FUND/GENERAL PURPOSE	1,809,258,400	2,005,369,400	196,111,000	10.8
PAYMENTS TO LOCALS	123,330,800	122,895,500	(435,300)	(0.4)

*As of August 1, 2021.

	Gross	GF/GP
FY 2020-21 Year-to-Date Appropriation	\$2,060,788,400	\$1,809,258,400

Changes from FY 2020-21 Year-to-Date:

Items Included by the Senate and House

- | | | |
|---|--------------|--------------|
| <p>1. Removal of FY 2020-21 One-Time Funding. The Governor removed a total of \$15.0 million of one-time funding for payments related to <i>John Doe v. MDOC 2020</i> settlement agreement related to the incarceration of juveniles. The Senate, House and Conference concurred with Governor.</p> | (15,000,000) | (15,000,000) |
| <p>2. John Doe v. MDOC Settlement Agreement. The Governor included the final payment for the \$80.0 million settlement reached in 2020 for the housing of underage individuals in adult facilities. Payments of \$25.0 million were made in FY 2019-20, \$15.0 million in FY 2020-21, and this final payment of \$40.0 million. The Senate, House and Conference reduced Governor's request by \$15.0 million.</p> | 25,000,000 | 25,000,000 |
| <p>3. New Custody Staff Training. The Governor provided additional support for the training of an estimated 300 new correctional officers annually to alleviate higher-than-anticipated attrition. This additional funding would allow the Department to hire and train an estimated 800 officers annually. The Senate, House and Conference concurred with Governor but moved the funding to one-time.</p> | 7,373,700 | 7,373,700 |
| <p>4. Administrative Hearings and Rules Caseload Adjustment. The Governor included a \$204,000 increase for the Office for ongoing support for an increased caseload in administrative hearings. The Senate, House and Conference did not include.</p> | 0 | 0 |

<p>5. Fund Shift - Public Safety Payroll. The Governor included the reversal of GF/GP expenditures that helped the Department realize a savings in FY 2020-21 by including a one-time shift of \$191.0 million GF/GP to the Federal Coronavirus Relief Fund to support payroll costs during the pandemic. The expiration/exhaustion of CRF funds requires the restoration of the GF/GP funds in FY 2021-22. This shift has a zero affect in the gross appropriation while increasing GF/GP expenditures by \$190.2 million. The Senate, House and Conference concurred with Governor.</p>	<p>0</p>	<p>190,164,500</p>
<p>6. Transportation Costs. The Governor increased the spending authority from the Correctional Industries Revolving Fund to support increased transportation costs for goods made by Michigan State Industries sold to correctional facilities. Increased fund revenue from the sale of goods provides restricted funding for this increase. The Senate, House and Conference concurred with Governor.</p>	<p>72,000</p>	<p>0</p>
<p>7. Detroit Re-entry Center Savings. The Governor included the full-year savings to be realized in the fiscal year because of the closure of the Center in January 2021. The Senate, House and Conference concurred with Governor.</p>	<p>(10,523,600)</p>	<p>(10,523,600)</p>
<p>8. Economic Adjustments. The Governor Includes a negative \$4,696,900 Gross and a negative \$3,763,000 GF/GP for total economic adjustments, of which an estimated negative \$37,736,100 Gross and a negative \$33,402,600 GF/GP is for legacy retirement costs (pension and retiree health). The Senate, House and Conference concurred with Governor.</p>	<p>(4,696,900)</p>	<p>(3,763,000)</p>

Conference Agreement on Items of Difference

<p>9. Employee Wellness Enhancements. The Governor provided new funding to support additional employee wellness resources and support services for Department employees. Ideas may be submitted by employees or by worksite. The House did not include increase. The Senate and Conference concurred with Governor.</p>	<p>809,400</p>	<p>809,400</p>
<p>10. Chance for Life. The Senate added \$250,000 in GF/GP funding for an evidence based mentoring program that emphasizes job training, life skills, and family reintegration. The House did not include funding. The Conference concurred with Senate and Increased funding to \$1.5 million GF/GP, all one-time funding.</p>	<p>1,500,000</p>	<p>1,500,000</p>
<p>11. Goodwill Flip the Script. The Senate increased funding for this program for total funding of \$1.5 million to provide job placement assistance for recently released prisoners. The House did not include funding. The Conference concurred with Senate but moved the funding to one-time.</p>	<p>250,000</p>	<p>250,000</p>
<p>12. Prosperity Region 8 Pilot Program. The Senate added new funding for a pilot program to provide care management post-release which may include the development of a prerelease mental health discharge plan for parolees in Kalamazoo County. The House did not include funding. The Conference concurred with Senate but moved the funding to one-time.</p>	<p>300,000</p>	<p>300,000</p>
<p>13. Administrative Reduction. The Senate included an administrative reduction of \$300,000 for the Community Corrections Comprehensive Plans and Services line item. The Conference did not include this reduction.</p>	<p>0</p>	<p>0</p>

<p>Total Changes</p>	<p>\$5,084,600</p>	<p>\$196,111,000</p>
<p>FY 2021-22 Conference Report Appropriation</p>	<p>\$2,065,873,000</p>	<p>\$2,005,369,400</p>
<p>Amount Over/(Under) GF/GP Target:</p>	<p>\$0</p>	<p>\$0</p>

Boilerplate Changes from FY 2020-21 Year-to-Date:Items Included by the Senate and House

1. **Deletions.** The **Governor** proposed to eliminate the following sections from current-year boilerplate: 206, 216, 221, 222, 225, 239, 248, 304, 309, 313(2), 314, 315, 316, 317, 318, 405, 409(3), 411, 417, 419(1), 423, 602, 605, 611, 612, 613, 802, 812, 901, 908, 913(2), 940, 942, 943, 944, 1011, and 1013. These deletions include a variety of reporting requirements, record retention requirements, and statements of legislative intent.
2. The **Senate, House,** and **Conference** retained the following sections: 206, 216, 218, 221, 222, 239, 304, 309, 314, 318, 405, 611, 612, 802, 812, 940, 942, 943, 944, 1011, and 1013.
3. **Definitions.** Fifteen definitions were eliminated from the bill. These included acronyms that are no longer referenced in the bill, as well as the definition "offender who would likely be sentenced to imprisonment." The **Senate, House,** and **Conference** retained current law.
4. **Using Internet to File Reports.** The **Governor** expanded definition to include agencies in the definition. The **Senate, House,** and **Conference** concurred. (Sec. 204)
5. **Adding MCL Citations to Various Boilerplate Sections.** The **Governor** added "To the extent possible under MCL XXX" to various boilerplate sections. The **Senate, House,** and **Conference** concurred.
6. **Communicating with Legislators.** The **Governor** eliminated language stating that the Department cannot take disciplinary action against an employee or prisoner for communicating with a legislator or his or her staff. The **Senate, House,** and **Conference** retained current law. (Sec. 206)
7. **Updated Amounts for Total Legacy Costs.** The **Governor** updated total legacy costs section. The pension-related costs for FY 2021-22 are \$156,450,700 and the retiree health care costs are \$122,799,000. The **Senate, House,** and **Conference** concurred. (Sec. 214)
8. **Staff Retention Strategies Report.** The **Governor** eliminated the specific reporting requirements and, instead, stated that the report must be submitted by March 1 and must include the Department's staff retention strategies. The **Senate, House,** and **Conference** retained current law but eliminated the board. (Sec. 302)
9. **Offender Success Report.** The **Governor** removed a requirement to report details on planned expenditures and requires only the reporting of previous-year expenditures. The **Senate, House,** and **Conference** added new language allowing the department to accept cash or in-kind donations for prisoner education training, supplies, and materials necessary to complete the program. (Sec. 402)
10. **Withholding of County Jail Reimbursements.** The **Governor** removed language that bars reimbursement for any county that enacts or enforces any law or ordinance concerning the immigration status of an individual. The **Senate, House,** and **Conference** concurred. (Sec. 414)
11. **Tether Reimbursement Guidelines.** The **Governor** eliminated language stating that, for a fee, the Department would provide counties with the curfew monitor equipment, replacement parts, etc., and install and service the equipment. The **Senate, House,** and **Conference** concurred. (Sec. 603)
12. **Criminal Justice Reinvestment Appropriation.** The **Governor** eliminated the \$600,000 earmark of funding. The **Senate, House,** and **Conference** retained current law and added a new subsection (3) requiring a report by March 30 on the reincarceration recidivism rate or program participants, employment rate of participants, and the cost per participant. (Sec. 604)
13. **Residential Alternative to Prison Program.** The **Governor** removed the specific metrics and stated that the Department must measure and set metric goals. The **Senate, House,** and **Conference** retained current law. (Sec. 617)
14. **Retreatment for Hepatitis C.** The **Senate, House,** and **Conference** retained current law and added a new subsection (2) requiring a report on the number of offenders requiring retreatment for Hepatitis C, broken down by the number of those who have been retreated while incarcerated and the number of those treated and released and then retreated upon re-incarceration. (Sec. 807)

Conference Agreement on Items of Difference

15. **Contingency Funds.** The current budget provided only Federal contingency funds up to \$2.5 million. The Governor restored all contingency funds, including increasing the Federal limit to \$10.0 million and providing up to \$10.0 million for State Restricted Funds and up to \$2.0 million each for local or private funds. The **Senate** deleted all contingency funds. The **House** and **Conference** retained current language and changed "funds" to "authorizations". (Sec. 210)

16. **Staff Suggestions.** The **Senate and House** added a new subsection (2) rewarding an employee whose suggestion is implemented by the Department that results in a savings with 1% of the savings capped at \$2,000. **Conference:** Concurs with Senate and House on concept but changes reward to a non-compensatory recognition. (Sec. 304)
17. **Employee Wellness.** The **Governor** eliminated funding for the study and the reporting requirement. The language states only that the Department must maintain employee wellness programming, including programming focused on post-traumatic stress disorder outreach. The **Senate** added new subsection (1) stating that the department shall maintain employee wellness programming, including PTSD outreach. The **House** retained current law with changes. **Conference:** incorporated the Governor's and Senate language into a revised section. (Sec. 312)
18. **New Custody Staff Trainings.** The **Governor** added language stating that funding must be used to hire and train new corrections officers to address attrition and reduce overtime costs. Also eliminated language on vacancy rates. The **Senate** retained vacancy language. The **House** and **Conference** retained current law. (Sec. 313)
19. **NEW. Data Sharing.** **Conference** added new language that authorizes MDOC to establish agreements and exchange offender data with local, state, and federal agencies, law enforcement, and community providers in an effort to improve offender success. (**NEW** Sec. 315)
20. **NEW. Wastewater Operator Certification Program.** **Conference** added new language requiring MDOC to conduct a study, in consultation with the Department of Environment, Great Lakes, and Energy (DEGLE), to determine the feasibility of including prisoners nearing their earliest release dates in the Wastewater Operator Certification program administered by DEGLE; requires a report on the feasibility of training and certifying prisoners to become water, drinking water, wastewater, and stormwater operators; if determined to not be feasible, requires a report on the reasons for infeasibility. (**NEW** Sec. 406)
21. **Community Corrections Comprehensive Plans.** The **Governor, House, and Conference:** eliminated all language and retained only the per diem reimbursement limit of \$55.50. The **Senate** retained current law. (Sec. 410)
22. **Documents for Prisoners.** The **Governor** and **Senate** removed language requiring relevant departments to cooperate with access to documents, such as birth certificates and DDE form 214 for military service, and to require instead that the MDOC facilitate prisoners' access to these records. Also requires the MDOC to retain the prisoner's identification materials in the prisoner's personal file but only if the prisoner provides these documents. The **House** and **Conference** retained current law.
23. **Food Technology Program.** The **Governor** relocated former section 901 regarding the enhanced food technology program. The program is maintained but rolled into the Education/Skilled Trades line item. A new section is added to state that the Education/Skilled Trades program must maintain an enhanced food technology program that will lead to food service training credentials recognized by the restaurant industry. The **Senate** concurred. The **House** and **Conference** retained the language and relocated it the new section but did not roll the line into the Education/Skilled Trades program. (**NEW** Sec. 424)
24. **Medication-Assisted Treatment Offender Success.** The **Senate** and **House** added new language to the report to also include the number of offenders who are actively employed, or are continuing treatment, and if an offender is subsequently returned to prison, the number of months since original release. **Conference** retained current law. (Sec. 425)
25. **Feasibility Study on Direct Procurement for Medication.** The **Senate** and **House** retained current law and added a new subsection (3) requiring a feasibility study by April 1 on practices the department can implement to defray the cost of medications, including the feasibility of the department to procure medications directly from the manufacturer. **Conference** retained current law. (Sec. 802)
26. **Access to Academic and Vocational Education Programs.** The **Senate** added new language requiring the department to ensure all prisoners, including those upon intake, to be provided information regarding the academic and vocational educational programs provided and available. **Conference** did not include.
27. **NEW. Chance for Life Program.** **Conference** new language requires funding to be allocated to an organization that provides prison-based rehabilitation programming including educational, life skills, and behavioral modification programs. (**NEW** Sec. 1101)

Date Completed: 9-23-21

Fiscal Analyst: Joe Carrasco, Jr.

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberation.