

July 20, 2022

Michigan Legislature
State Capitol
Lansing, MI 48909

Representatives,

Today I was proud to sign Enrolled House Bill 5783, which forms the Fiscal Year 2023 state budget. This is the fourth balanced, bipartisan budget I have signed since taking office. It is fiscally responsible, does not raise taxes by a dime, increases our state's rainy-day fund to an all-time high of \$1.6 billion and pays down billions in debt. Our collaboration on this budget proves that when we work together, we can deliver on the kitchen-table priorities that matter most—growing the middle class, supporting our small businesses, and investing in our communities.

It must be noted the Public Health Code gives health officials the tools they need to protect people from epidemic diseases. The legislature cannot unwind the Public Health Code in a budget bill or un-appropriate funds because they take issue with the actions of local health departments. Budget boilerplate that purports to prohibit state or local health officials from issuing mask and quarantine orders or to penalize local health departments for using their powers under the Public Health Code violates the Michigan Constitution.

I also note that provisions in House Bill 5783 that express intent, advice, or preferences of the Legislature do not impose conditions upon appropriations and are non-binding.

Finally, I am striking multiple items that undermine a woman's ability to make her own medical decisions with her trusted health care provider. I want to provide every possible resource to women who are pregnant, seeking to start a family, or those who aren't ready yet, but I cannot support aspects of a bill that are connected to efforts to intentionally deceive women and withhold accurate information about their health, bodies, and full reproductive freedom when they face a vulnerable time in their lives. I will continue to oppose any efforts to strip away fundamental rights from women or get in the way of doctors' ability to do their jobs.

The items vetoed are detailed in the attached copy of the bill that has been filed with the Secretary of State.

In addition, I note the following boilerplate provisions that violate the Michigan Constitution and will therefore not take effect:

1. Article 3, section 2 of the Michigan Constitution provides: "The powers of government are divided into three branches: legislative, executive, and judicial. No person exercising powers of one branch shall exercise powers properly belonging to

another branch except as expressly provided in this constitution.” Core executive branch functions include management of department operations; hiring, discipline, and management of personnel; and deliberative decision-making, among others. Boilerplate that attempts to insert the legislature into core executive functions violates the constitutional separation of powers. Accordingly, each of the following provisions is unenforceable:

- Certain boilerplate provisions that appear in multiple articles, such as Department of Agriculture and Rural Development, Article 1, sections 215, 217, and 218.
- Department of Corrections, Article 2, sections 304, and 324.
- General Government, Article 5, sections 229, 314(3), 714, 718, 816, and 947.
- Department of Health and Human Services, Article 6, sections 225, 229, 595, and 1222(4).
- Department of Licensing and Regulatory Affairs, Article 9, Section 235.
- Department of Military and Veterans Affairs, Article 10, section 453. Section 224 is also unenforceable to the extent that it bars the department from taking an action otherwise permitted by law.
- Department of State Police, Article 12, sections 226, 233, 601(2), 602(2)-(5), 603(3), 701(3)-(4), 702(2)-(8), and 704(8)-(9).
- Department of Transportation, Article 13, sections 353 and 357.

2. Article 4, section 22 of the Michigan Constitution provides: “All legislation shall be by bill and may originate in either house.” Moreover, article 4, section 33 of the Michigan Constitution provides, in part: “Every bill passed by the legislature shall be presented to the governor before it becomes law” Boilerplate that purports to authorize legislation other than by bill, such as section 218 of Article 1, impermissibly skirts the bill requirement of section 22 and the presentment requirement of section 33 and is therefore unenforceable.

3. Article 4, section 24 of the Michigan Constitution provides, in part: “No law shall embrace more than one object, which shall be expressed in its title.” Accordingly, because each introduces a second object into HB 5783, the following provisions are unenforceable:

- Department of Transportation, Article 13, sections 601 and 660(2).

4. Article 4, section 25 of the Michigan Constitution provides: “No law shall be revised, altered, or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.” Boilerplate that alters statutory requirements with reenactment and publication is therefore unconstitutional and void. Accordingly, each of the following provisions is unenforceable:

- Department of Environment, Great Lakes, and Energy, Article 4, sections 225 and 237.
- General Government, Article 5, sections 229, 624, 625, 718, 983, and 1009.
- Department of Health and Human Services, Article 6, sections 250, 595, 1222(4), 1305, and 1347.

- Department of Licensing and Regulatory Affairs, Article 9, section 803.
- Department of Transportation, Article 13, section 382.

5. Article 4, section 53 of the Michigan Constitution provides: “[The Auditor General] shall be assigned no duties other than those specified in this section.” Any provision that assigns the Legislative Auditor General powers and duties other than those provided for in that section is therefore unconstitutional.

6. Article 5, section 28 of the Michigan Constitution provides, in part: “There is hereby established a state transportation commission, which shall establish policy for the state transportation department transportation programs and facilities, and such other public works of the state, as provided by law.” Any provision that dictates spending priorities reserved to the State Transportation Commission is therefore unconstitutional.

7. Article 11, section 5 of the Michigan Constitution vests the power to “regulate all conditions of employment in the classified service” in the Civil Service Commission. Any provision that abrogates that exclusive grant of authority is therefore unconstitutional.

Thank you for your attention to these matters. I know that if we continue working together to get things done, there is no limit to what we can accomplish. In the months ahead, I look forward to continuing in this spirit of collaboration to offer Michiganders immediate relief as they face rising prices on everyday expenses. Let us use the \$7 billion we still have on the state balance sheet to deliver real inflation relief to working families. Let us continue to put Michiganders first.

Sincerely,

Gretchen Whitmer
Governor

cc: Michigan Senate
The Honorable Jocelyn Benson

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. VanWoerkom and Albert

ENROLLED HOUSE BILL No. 5783

AN ACT to make, supplement, adjust, and consolidate appropriations for various state departments and agencies, capital outlays, the judicial branch, and the legislative branch for the fiscal years ending September 30, 2022 and September 30, 2023; to provide for certain conditions on appropriations; to provide for the expenditure of the appropriations; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

ARTICLE 1

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

PART 1

LINE-ITEM APPROPRIATIONS

Sec. 101. There is appropriated for the department of agriculture and rural development for the fiscal year ending September 30, 2023, from the following funds:

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT		
APPROPRIATION SUMMARY		
Full-time equated unclassified positions	6.0	
Full-time equated classified positions	531.0	
GROSS APPROPRIATION	\$	187,715,100
Total interdepartmental grants and intradepartmental transfers		326,700
ADJUSTED GROSS APPROPRIATION	\$	187,388,400
Federal revenues:		
Total federal revenues		19,670,900
Special revenue funds:		
Total local revenues		0
Total private revenues		21,300
Total other state restricted revenues		44,706,400
State general fund/general purpose	\$	122,989,800

	For Fiscal Year Ending Sept. 30, 2023
Gender reassignment legal defense	100,000
Goodwill Flip the Script	\$ 100,000
Improvements to staff areas in correctional facilities	750,000
John Does v MDOC settlement agreement	2,500,000
Officer uniforms	15,000,000
Page alert system	500,000
Prosperity region 8 pilot program	1,000,000
Savings from reduced populations	500,000
Vocational village expansion	(3,750,000)
GROSS APPROPRIATION	2,500,000
Appropriated from:	\$ 40,100,000
State general fund/general purpose	\$ 40,100,000

PART 2

PROVISIONS CONCERNING APPROPRIATIONS

FOR FISCAL YEAR

GENERAL SECTIONS

Sec. 201. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources under part 1 for fiscal year 2022-2023 is \$2,110,040,100.00 and state spending from state sources to be paid to local units of government is \$125,615,400.00. The itemized statement below identifies appropriations from which spending to local units of government will occur:

DEPARTMENT OF CORRECTIONS

Community corrections comprehensive plans and services	\$ 13,198,100
County jail reimbursement program	14,814,600
COVID-19 suspended intake payments	1,000,000
Field Operations	69,726,100
Leased beds and alternatives to leased beds	100
Prosecutorial and detainer expenses	4,801,000
Public safety initiative	4,000,000
Residential alternative to prison program	1,500,000
Residential probation diversions	16,575,500
TOTAL	\$ 125,615,400

Sec. 202. The appropriations authorized under this part and part 1 are subject to the management and budget act, 1984 PA 431, MCL 18.1101 to 18.1594.

Sec. 203. As used in this part and part 1:

- (a) "Administrative segregation" means confinement for maintenance of order or discipline to a cell or room apart from accommodations provided for inmates who are participating in programs of the facility.
- (b) "Department" or "MDOC" means the Michigan department of corrections.
- (c) "DOJ" means the United States Department of Justice.
- (d) "DOJ-BOP" means the DOJ Bureau of Prisons.
- (e) "Evidence-based" means a decision-making process that integrates the best available research, clinician expertise, and client characteristics.
- (f) "Federally-qualified health center" means that term as defined in section 1396d(l)(2)(B) of the social security act, 42 USC 1396d.
- (g) "FTE" means full-time equated.
- (h) "Goal" means the intended or projected result of a comprehensive corrections plan or community corrections program to reduce repeat offending, criminogenic and high-risk behaviors, prison commitment rates, the length of stay in a jail, or to improve the utilization of a jail.
- (i) "Jail" means a facility operated by a local unit of government for the physical detention and correction of persons charged with or convicted of criminal offenses.
- (j) "OCC" means the office of community corrections.

modification programs. The organization shall enter into a performance-based contract with the department that allows for payment based on the number of prisoners and parolees served according to the agreed upon program rules, as well as program outcomes.

(2) The objective of programming shall be to offer a progressive transformational program to individuals while they are in prison in an effort to prepare them for a successful transition back into the community. The department shall select an organization that meets all of the following to provide the programming under this section:

(a) Has the purpose to increase community safety by reducing recidivism through providing evidence-based mentoring, employment soft skills training, job placement assistance, critical thinking skills, mediation, and conflict resolution training.

(b) Has experience offering programs to male and female prison populations in correctional facilities in this state.

(c) Has experience with and offers programming that includes the family in the reentry process using the family group decision-making for reintegration model, which focuses on 7 factors as a basis for successful family reintegration.

(d) Has experience with and offers programming that utilizes techniques to address post-prison adjustment disorders.

(3) The unexpended funds appropriated in part 1 for Chance for Life are designated as a work project appropriation. Any unencumbered or unallotted funds shall not lapse at the end of the fiscal year and shall be available for expenditure until the project has been completed. The following is in compliance with section 451a(1) of the management and budget act, 1984 PA 431, MCL 18.1451a:

(a) The purpose of the project is to contract with an organization that provides prison-based rehabilitation programming, including educational, life skills, and behavioral modification programs.

(b) The project will be accomplished by utilizing state employees or contracts.

(c) The estimated cost of the project is \$500,000.00.

(d) The tentative completion date for the project is September 30, 2027.

Sec. 802. (1) Funds appropriated in part 1 for COVID-19 suspended intake payments shall be used by the department to reimburse counties for housing in jails felons who are temporarily being held in jail due to the closure of intake by the department. For a county to be eligible to receive reimbursement payments, the felon must be sentenced to a term of imprisonment with the department, but the department has declined to receive the felon at intake because the department has closed intake to all counties as part of its COVID-19 control plan. The county shall not be eligible for reimbursement under this section if the department has declined to receive the prisoner at intake from that specific county because the county lacks appropriate COVID-19 safeguards or is experiencing a COVID-19 outbreak within its jail operations. A county shall not receive reimbursement payments under the county jail reimbursement program for the prisoners and days reimbursed under this section.


(2) The per diem reimbursement rate shall be \$80.00 per day. The aggregate reimbursements made under this section shall not exceed \$1,000,000.00.

(3) Reimbursement payments to counties under this section 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 department of corrections requirements for documentation.

Sec. 803. Funds appropriated in part 1 for improvements to staff areas in correctional facilities shall be used by the department to make upgrades to staff common areas, including staff break rooms, staff restrooms, and staff exercise rooms. Upgrades may include, but are not limited to, replacement of flooring, furniture, equipment, and fixtures.

Sec. 804. (1) From the funds appropriated in part 1, the department shall continue a program to provide care management to parolees postrelease, which may include the development of a prerelease mental health discharge plan for parolees in prosperity region 8.

(2) The program under subsection (1) must continue for at least 1 year with the goal of serving a minimum of 75 parolees. The program must include, but is not limited to, case management and assessments, registration and use by community providers, the tracking of interactions between the care team members and parolees, and the ability for parolees to provide feedback.

 ~~Sec. 805. From the funds appropriated in part 1 for gender reassignment legal defense, \$100,000.00 must be used by the department for legal defense related to the prohibition on using state funding for gender reassignment surgeries or therapies while individuals are under the jurisdiction of the department of corrections.~~

For Fiscal Year
Ending Sept. 30,
2023

Appropriated from:		
Federal revenues:		
Social security act, temporary assistance for needy families	\$	2,300
Total other federal revenues		90,282,500
Special revenue funds:		
Total local revenues		5,150,000
Total private revenues		75,689,100
Total other state restricted revenues		10,135,600
State general fund/general purpose	\$	58,241,700

Sec. 116. FAMILY HEALTH SERVICES

Full-time equated classified positions	137.1	
Child and adolescent health care and centers		\$ 41,242,700
Dental programs—FTEs	5.3	7,734,400
Drinking water declaration of emergency		4,271,000
Family, maternal, and child health administration—FTEs	56.0	11,864,100
Family planning local agreements		8,810,700
Immunization program—FTEs	15.8	20,659,600
Local MCH services		7,018,100
Maternal navigator pilot program		3,000,000
Maternity home program		4,000,000
Pregnancy prevention program		1,298,800
Pregnancy resource centers		1,500,000
Prenatal care and premature birth avoidance grant		1,000,000
Prenatal care outreach and service delivery support—FTEs	15.0	37,561,800
Special projects		6,289,100
Sudden and unexpected infant death and suffocation prevention program		321,300
Women, infants, and children program administration and special projects—FTEs	45.0	19,547,400
Women, infants, and children program local agreements and food costs		231,285,000
GROSS APPROPRIATION		\$ 407,404,000

Appropriated from:		
Federal revenues:		
Social security act, temporary assistance for needy families		700,000
Total other federal revenues		248,404,100
Special revenue funds:		
Total local revenues		42,817,700
Total private revenues		64,785,700
Total other state restricted revenues		4,050,400
State general fund/general purpose	\$	46,646,100

Sec. 117. CHILDREN'S SPECIAL HEALTH CARE SERVICES

Full-time equated classified positions	48.8	
Bequests for care and services—FTEs	2.8	\$ 2,087,100
Children's special health care services administration—FTEs	46.0	9,131,100
Medical care and treatment		286,678,900
Nonemergency medical transportation		921,200
Outreach and advocacy		5,510,000
GROSS APPROPRIATION		\$ 304,328,300

Appropriated from:		
Federal revenues:		
Total other federal revenues		166,666,800
Special revenue funds:		
Total private revenues		1,015,500
Total other state restricted revenues		4,933,300
State general fund/general purpose	\$	131,712,700

Sec. 239. For behavioral and physical health services provided through managed care or the fee-for-service program, the department shall require, for the nonfacility component of the reimbursement rate, at least the same reimbursement for that service, if that service is provided through telemedicine, as if the service involved face-to-face contact between the health care professional and the patient.

Sec. 240. Appropriations in part 1 shall, to the extent possible by the department, not be expended until all existing work project authorization available for the same purposes is exhausted.

Sec. 241. By March 1 of the current fiscal year, the department shall report to the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, the house and senate policy offices, and the state budget director on total actual expenditures in the previous fiscal year for advertising and media outreach, including the purpose, amount, and fund source by program or appropriation line-item.

Sec. 242. From the funds appropriated in part 1 for departmental administration and management, \$100,000.00 is allocated to produce a description of programs report for the current fiscal year by March 1 of the current fiscal year. The report shall be submitted to the senate and house appropriations committees, the senate and house fiscal agencies, and the senate and house policy offices. The report shall include the appropriation unit, the line-item name and number, the appropriation history, the program name, the program overview, the financing detail, and where applicable, the legal basis for the program and program effectiveness and outcomes.

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~~Sec. 243. From the funds appropriated in part 1, the department shall allocate \$50,000.00 to provide notice and information to health care providers and the public that the department shall not use state restricted funds or state general funds, or allow grantees or subcontractors to use those funds, appropriated in part 1 to fund any elective abortion. As used in this section, "elective abortion" means the intentional use of an instrument, drug, or other substance or device to terminate a woman's pregnancy for a purpose other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a fetus that has died as a result of natural causes, accidental trauma, or a criminal assault on the pregnant woman. Elective abortion does not include any of the following:~~

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~~(a) The use or prescription of a drug or device intended as a contraceptive.~~
~~(b) The intentional use of an instrument, drug, or other substance or device by a physician to terminate a woman's pregnancy if the woman's physical condition, in the physician's reasonable medical judgment, necessitates the termination of the woman's pregnancy to avert her death.~~
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~~(c) Treatment upon a pregnant woman who is experiencing a miscarriage or has been diagnosed with an ectopic pregnancy.~~

Sec. 244. On a monthly basis, the department shall report to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, and the state budget office on any line-item appropriation for which the department estimates total annual expenditures would exceed the funds appropriated for that line-item appropriation by 5% or more. The department shall provide a detailed explanation for any relevant line-item appropriation exceedance and shall identify the corrective actions undertaken to mitigate line-item appropriation expenditures from exceeding the funds appropriated for that line-item appropriation by a greater amount. This section does not apply for line-item appropriations that are part of the May revenue estimating conference caseload and expenditure estimates.

Sec. 246. Except as otherwise provided in this part, all reports required under this part shall be submitted to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office.

Sec. 250. The director or a local health officer shall not issue or enforce any orders or other directives that require an individual in this state who is under the age of 18 to wear a face mask or face covering.


Sec. 251. From the funds appropriated in part 1 for departmental administration and support, the department must develop reports related to emergency orders involving an epidemic issued during the fiscal year ending on September 30, 2023. Within 7 days after the issuance of any emergency order involving an epidemic, a report under this section must be provided to the senate and house appropriations committees and the senate and house fiscal agencies, and posted publicly on the department's website. A report under this section must contain the following:

- (a) An explanation of the nature and scope of the epidemic that the emergency order is intended to address.

Sec. 530. (1) All master contracts relating to foster care and adoption services as funded by the appropriations in section 105 of part 1 shall be performance-based contracts that employ a client-centered results-oriented process that is based on measurable performance indicators and desired outcomes and includes the annual assessment of the quality of services provided.

(2) By February 1 of the current fiscal year, the department shall provide the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies and policy offices, and the state budget office a report detailing measurable performance indicators, desired outcomes, and an assessment of the quality of services provided by the department during the previous fiscal year.

Sec. 531. The department shall notify the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, and the house and senate policy offices of any changes to a child welfare master contract template, including the adoption master contract template, the independent living plus master contract template, the child placing agency foster care master contract template, and the residential foster care juvenile justice master contract template, not less than 30 days before the change takes effect.

 ~~Sec. 532. From the funds appropriated in part 1 for adoption support services, the department shall allocate \$2,000,000.00 to fund a tax credit to adoptive parents. The department shall coordinate with the department of treasury to ensure timely processing and issuance of tax credits to adoptive parents.~~

Sec. 533. The department shall make payments to child placing facilities for in-home and out-of-home care services and adoption services within 30 days after receiving all necessary documentation from those agencies. It is the intent of the legislature that the burden of ensuring that these payments are made in a timely manner and no payments are in arrears is upon the department.

Sec. 534. The department shall submit to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office by March 1 of the current fiscal year a report on the adoption subsidies expenditures from the previous fiscal year. The report shall include, but is not limited to, the range of non-\$0.00 annual adoption support subsidy amounts, for both title IV-E eligible cases and state-funded cases, paid to adoptive families, the number of title IV-E and state-funded cases, the number of cases in which the adoption support subsidy request of adoptive parents for assistance was denied by the department, and the number of adoptive parents who requested a redetermination of adoption support subsidy.

Sec. 535. (1) From the funds appropriated in part 1 for foster care payments, the department shall allocate up to \$1,500,000.00 of private revenues from The New Foster Care Inc. to fund a 3-year culturally competent kinship placement, support, and licensing services pilot program in a county with a population between 1,200,000 and 1,300,000 according to the most recent federal decennial census and a county with a population over 1,500,000 according to the most recent federal decennial census based on the work conducted by A Second Chance Inc. The goal of the pilot program is to increase the kinship licensure rate and reduce the average length of stay for children in foster care with the intent to expand the program statewide, contingent on legislative appropriations. Efforts to reach this goal shall include the following:

- (a) Locate appropriate kinship family for out-of-home placement of children.
- (b) Provide support to kinship care providers and facilitate connections to programs and services to assist them in meeting the needs of children.
- (c) Assist kinship care providers in meeting state foster parent licensing requirements.
- (d) Support parents to expedite permanency planning.

(2) Subject to part 1 appropriations and pursuant to an annual evaluation, the department through legislative appropriations shall reallocate any savings and revenue stemming from program services that result in a reduction in the length of stay in foster care for the children served by the program compared to the average and maximize federal funds associated with this pilot program.

(3) The agency selected to administer the pilot program will be selected with input from The New Foster Care, Inc. and approved by the executive director of the children's services agency.

Sec. 536. By March 1 of the current fiscal year, the department shall submit to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, and the policy offices a report on the status of the department's planned and achieved implementation of the federal family first prevention services act, Public Law 115-123. The report shall include, but not be limited to, an estimate of the 5-year spending plan for administrative and compliance costs, a summary of all historical expenditures made to

Sec. 545. From the funds appropriated in part 1 for the child welfare institute, the department shall provide training that is consistent with the practices taught under therapeutic crisis intervention training to all department employees responsible for the investigation of complaints and licensing determinations for child caring institutions and shall offer trauma support directly to all department child welfare caseworkers to help deal with the effects of secondary trauma.

Sec. 546. (1) From the funds appropriated in part 1 for foster care payments and from child care fund, the department shall pay providers of general foster care, independent living, and trial reunification services not less than a \$55.20 administrative rate.

(2) From the funds appropriated in part 1, the department shall pay providers of independent living plus services statewide per diem rates for staff-supported housing and host-home housing based on proposals submitted in response to a solicitation for pricing. The independent living plus program provides staff-supported housing and services for foster youth ages 16 through 19 who, because of their individual needs and assessments, are not initially appropriate for general independent living foster care.

(3) If required by the federal government to meet title IV-E requirements, providers of foster care services shall submit quarterly reports on expenditures to the department to identify actual costs of providing foster care services.

(4) From the funds appropriated in part 1, the department shall maintain rates that are no less than the rates in place on March 20, 2020 provided to each private provider of residential services.

Sec. 547. (1) From the funds appropriated in part 1 for the guardianship assistance program, the department shall pay a minimum rate that is not less than the approved age-appropriate payment rates for youth placed in family foster care.

(2) The department shall report on an annual basis to the state budget office, the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, and the senate and house policy offices quarterly data on the number of children enrolled in the guardianship assistance and foster care – children with serious emotional disturbance waiver programs.

~~Sec. 548. From the funds appropriated in part 1 for adoption support services, the department shall allocate \$10,000,000.00 to fund marketing programs that promote the adoption of infants and to develop factual educational information materials on adoption as an alternative to abortion, including the ability of the birth mother to establish a prebirth plan. The department shall issue a request for proposal for a contract for the development of marketing programs and information materials. The department shall notify the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, and the senate and house policy offices on vendors submitting bids for the contract, vendors receiving the contract, the evaluation process, and criteria used by the department to award the contract for marketing programs.~~

Sec. 550. (1) The department shall not offset against reimbursement payments to counties or seek reimbursement from counties for charges that were received by the department more than 12 months before the department seeks to offset against reimbursement. A county shall not request reimbursement for and reimbursement payments shall not be paid for a charge that is more than 12 months after the date of service or original status determination when initially submitted by the county.

(2) All service providers shall submit a request for payment within 12 months after the date of service. Any request for payment submitted 12 months or more after the date of service requires the provider to submit an exception request to the county or the department for approval or denial.

(3) The county is not subject to any offset, chargeback, or reimbursement liability for prior expenditures resulting from an error in foster care fund source determinations.

Sec. 551. The department shall respond to counties within 30 days regarding any request for a clarification requested through the department's child care fund management unit email address.

Sec. 552. Sixty days after a county's child care fund on-site review is completed, including the receipt of all requested documentation from the county, the department shall provide the results of the review to the county. The department shall not evaluate the relevancy, quality, effectiveness, efficiency, or impact of the services provided to youth of the county's child care fund programs in the review. Pursuant to state law, the department shall not release the results of the review to a third-party without the permission of the county being reviewed.

Sec. 1304. The department shall not use state restricted funds or state general funds, or allow grantees or subcontractors to use those funds, appropriated in part 1 in the pregnancy prevention program or family planning local agreements appropriation line items for abortion counseling, referrals, or services.

Sec. 1305. (1) From the funds appropriated in part 1 for family planning local agreements and the pregnancy prevention program, the department shall not contract with or award grants to an entity that engages in 1 or more of the activities described in section 1(1) of 2002 PA 360, MCL 333.1091, if the entity is located in a county or health district where family planning or pregnancy prevention services are provided by the county, the health district, or a qualified entity that does not engage in any of the activities described in section 1(1) of 2002 PA 360, MCL 333.1091.


(2) The department shall give priority to counties or health districts where no contracts or grants currently exist for family planning or pregnancy prevention services before contracting with or awarding grants to an entity that engages in 1 or more of the activities described in section 1(1) of 2002 PA 360, MCL 333.1091, if that entity is located in a county where family planning and pregnancy prevention services are provided by the county, the health district, or another qualified entity that does not engage in the activities described in section 1(1) of 2002 PA 360, MCL 333.1091.

Sec. 1306. (1) From the funds appropriated in part 1 for the drinking water declaration of emergency, the department shall allocate funds to address needs in a city in which a declaration of emergency was issued because of drinking water contamination. These funds may support, but are not limited to, the following activities:

- (a) Nutrition assistance, nutritional and community education, food bank resources, and food inspections;
- (b) Epidemiological analysis and case management of individuals at risk of elevated blood lead levels.
- (c) Support for child and adolescent health centers, children's healthcare access program, and pathways to potential programming.
- (d) Nursing services, breastfeeding education, evidence-based home visiting programs, intensive services, and outreach for children exposed to lead coordinated through local community mental health organizations.
- (e) Department field operations costs.
- (f) Lead poisoning surveillance, investigations, treatment, and abatement.
- (g) Nutritional incentives provided to local residents through the double up food bucks expansion program.
- (h) Genesee County health department food inspectors to perform water testing at local food service establishments.
- (i) Transportation related to health care delivery.
- (j) Senior initiatives.
- (k) Lead abatement contractor workforce development.

(2) From the funds appropriated in part 1 for the drinking water declaration of emergency, the department shall allocate \$300,000.00 for Revive Community Health Center for health support services as the center pursues certification as a federally qualified health center.

(3) From the funds appropriated in part 1 for the drinking water declaration of emergency, the department shall allocate \$500,000.00 for rides to wellness through the Flint mass transportation authority.

 ~~Sec. 1307. From the funds appropriated in part 1 for prenatal care outreach and service delivery support, \$700,000.00 of TANF revenue shall be allocated for a pregnancy and parenting support services program, which must promote childbirth, alternatives to abortion, and grief counseling. The department shall establish a program with a qualified contractor that will contract with qualified service providers to provide free counseling, support, and referral services to eligible women during pregnancy through 12 months after birth. As appropriate, the goals for client outcomes shall include an increase in client support, an increase in childbirth choice, an increase in adoption knowledge, an improvement in parenting skills, and improved reproductive health through abstinence education. The contractor of the program shall provide for program training, client educational material, program marketing, and annual service provider site monitoring. The department shall submit a report to the house and senate appropriations subcommittees on the department budget and the house and senate fiscal agencies by April 1 of the current fiscal year on the number of clients served.~~

Sec. 1308. From the funds appropriated in part 1 for prenatal care outreach and service delivery support, not less than \$500,000.00 of funding shall be allocated for evidence-based programs to reduce infant mortality including nurse family partnership programs. The funds shall be used for enhanced support and education to nursing teams or other teams of qualified health professionals, client recruitment in areas designated as underserved for obstetrical and gynecological services and other high-need communities, strategic planning to expand and sustain programs, and marketing and communications of programs to raise awareness, engage stakeholders, and recruit nurses.

- (b) An effective process of charging patients on a sliding scale based on the patient's ability to pay.
- (c) Utilization of additional fund sources including, but not limited to, federal Medicaid matching funds.
- (3) Providers shall report to the department by September 30 of the current fiscal year on outcomes and performance measures for the program under this section including, but not limited to, the following:
 - (a) The number of uninsured patients who visited a participating dentist over the previous year, broken down between adults and children.
 - (b) The number of patients assisted with health insurance enrollment, broken down between adults and children.
 - (c) A 5-year trend of the number of uninsured patients being served, broken down between adults and children.
 - (d) The number of unique patient visits by center.
 - (e) The number of unique Medicaid or Healthy Michigan plan patients served broken down by center.
 - (f) The number of children, seniors, and veterans served broken down by center.
 - (g) The total value of services rendered by the organization broken down by center.
- (4) Within 15 days after receipt of the report required in subsection (3), the department shall provide a copy of the report to the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, the senate and house policy offices, and the state budget office.

Sec. 1320. It is the intent of the legislature that funds appropriated in part 1 that may be expended for a public media campaign regarding publicly funded family planning or pregnancy prevention services shall not be used to communicate in that media campaign any message that implies, states, or can be interpreted to mean that abortion is a method of family planning or pregnancy prevention.

Sec. 1321. From the funds appropriated in part 1 for the Michigan model for health comprehensive health education curriculum in the family, maternal, and child health administration line item, the department may, in consultation with the department of education, the Michigan domestic and sexual violence prevention and treatment board, and the Michigan Coalition to End Domestic and Sexual Violence, redraft the curriculum for the "Growing Up & Staying Healthy" and "Healthy & Responsible Relationships" modules to include age-appropriate information about each of the following:

- (a) The importance of consent, setting and respecting personal boundaries, and the prevention of child sexual abuse as outlined in section 1505 of the revised school code, 1976 PA 451, MCL 380.1505, and consistent with the recommendations and guidelines set by the task force on the prevention of sexual abuse of children created under section 12b of the child protection law, 1975 PA 238, MCL 722.632b.
- (b) The prevention of sexual assault and dating violence.
- (c) The prevention of human trafficking.

Sec. 1322. (1) The department shall provide a report by April 15 of the current fiscal year to the house and senate appropriations subcommittees on the department budget, the house and senate fiscal agencies, the house and senate policy offices, and the state budget office on state immunization policy and practices. The report shall include all of the following items:

- (a) A list of recommended vaccinations.
- (b) The basis and rationale for inclusion of each listed item.
- (c) The indicators, measures, and performance outcomes that document improvement in human health for each listed item.

(2) From the funds appropriated in part 1 for immunization program, \$50,000.00 shall be allocated for the purpose of publishing and printing the report described in subsection (1) in a summary format to be made available to the public as an informational brochure, provided free of charge through the department's health promotions clearinghouse to providers, groups, or individuals for free distribution.

~~Sec. 1323. From the funds appropriated in part 1 for maternity home program, the department shall allocate \$4,000,000.00 for grants and other expenditures for safe housing and comprehensive supportive services without charge for pregnant women who are without a safe home and in need statewide, which must include access to health and prenatal care, parenting and life skill development, and services and education for a stable transition to independent living. The department shall provide grants of up to \$50,000.00 to support and expand existing maternity home housing and services programs as described under this section. The department shall conduct a statewide assessment to identify underserved communities in need of greater access to maternity home programs.~~

Sec. 1341. The department shall utilize income eligibility and verification guidelines established by the Food and Nutrition Service agency of the United States Department of Agriculture in determining eligibility of individuals for the special supplemental nutrition program for women, infants, and children (WIC) as stated in current WIC policy.

Sec. 1342. From the funds appropriated in part 1 for family, maternal, and child health administration, \$500,000.00 shall be allocated for a school children's healthy exercise program to promote and advance physical health for school children in kindergarten through grade 8. The department shall recommend model programs for sites to implement that incorporate evidence-based best practices. The department shall grant the funds appropriated in part 1 for before- and after-school programs. The department shall establish guidelines for program sites, which may include schools, community-based organizations, private facilities, recreation centers, or other similar sites. The program format shall encourage local determination of site activities and shall encourage local inclusion of youth in the decision-making regarding site activities. Program goals shall include children experiencing improved physical health and access to physical activity opportunities, the reduction of obesity, providing a safe place to play and exercise, and nutrition education. To be eligible to participate, program sites shall provide a 20% match to the state funding, which may be provided in full, or in part, by a corporation, foundation, or private partner. The department shall seek financial support from corporate, foundation, or other private partners for the program or for individual program sites.

Sec. 1343. From the funds appropriated in part 1 for dental programs, the department shall allocate \$1,760,000.00 of state and local funds plus any private contributions received to support the program to establish and maintain a dental oral assessment program to provide assessments to school children as provided in section 9316 of the public health code, 1978 PA 368, MCL 333.9316.

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~~Sec. 1345. From the funds appropriated in part 1 for maternal navigator pilot program, the department must establish not less than 2 geographically diverse maternal navigator pilot programs. Eligible maternal navigator pilot program grantees must be a nonprofit counseling or other similar nonprofit service organization that promotes childbirth and alternatives to abortion. The services provided by the maternal navigator pilot programs must include, but are not limited to, all of the following:~~

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~~(a) Referral services, and partial or full reimbursement, for counseling for victims of rape and other forms of abuse and violence that result in pregnancy.~~

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~~(b) Referral services, and partial or full reimbursement, for specialized substance use disorder services, including residential services.~~

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~~(c) Referral services, and partial or full reimbursement, to a hospital or health system for information and services for women of childbearing age who are seeking nutritional, prenatal, childbirth, and postnatal care and who are also in need of assistance with understanding recent advances in prenatal and postnatal medicines.~~

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~~(d) Referral services, and partial or full reimbursement, for counseling, emotional support services, genetic counseling, and other services to individuals and couples experiencing difficulties or having genetic concerns related to pregnancy or parenting.~~

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~~Sec. 1346. (1) From the funds appropriated in part 1 for pregnancy resource centers, the department shall allocate \$1,500,000.00 as grants to pregnancy resource centers operating in the state. The department shall accept applications from pregnancy resource centers through December 31 of the current fiscal year and distribute the grant funds equally to each eligible pregnancy resource center applicant.~~

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~~(2) As used in this section, "pregnancy resource centers" means private nonprofit organizations that promote childbirth and alternatives to abortion, provide referrals and information, and may also provide other services related to pregnancy or post-pregnancy.~~

Sec. 1347. The department shall not use state restricted funds or state general funds appropriated in part 1, or allow grantees or subcontractors to use those funds, for abortion counseling, referrals, or services, or for any activities regarding human cloning or research in which a human embryo or embryos are destroyed or discarded.

Sec. 1348. From the funds appropriated in part 1, the department shall submit a report by February 18 of the current fiscal year to the senate and house appropriations committees, the senate and house appropriations subcommittees on the department budget, the senate and house fiscal agencies, and the senate and house policy offices on any request for proposals issued by this state for the healthy moms healthy babies program and on any healthy moms healthy babies programs that are established.

Sec. 1349. Subject to federal approval, from the funds appropriated in part 1 for immunization program, the department shall allocate \$740,000.00 of general fund/general purpose plus any available work project funds and federal match through an administered contract with oversight from health services administration and public health administration. The funds shall be used to support a statewide media campaign for improving this state's immunization rates.