



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

July 14, 2022

SENATE ENROLLING
JUL 14 '22 PM2:47

Michigan State Senate
State Capitol
Lansing, MI 48909-7536

Senators,

Today I have signed Enrolled Senate Bill 845, which makes appropriations to support public schools, intermediate school districts, community colleges, and public universities for the fiscal year ending September 30, 2023.

This bipartisan legislation makes historic investments in Michigan's children without raising taxes. We worked together to do what is expected and demanded of us and we now have a budget that will serve Michigan well.

Pursuant to article 5, section 19 of the Michigan Constitution of 1963, I am using my veto pen to reject line items that harm women's health care. These line items would create a gag rule preventing reproductive health-service providers from even mentioning abortion and otherwise make it harder for women to get the health care they need. Any efforts to undermine a woman's ability to make her own medical decisions with her trusted health-care provider will earn my disapproval. Women and doctors should be making health-care decisions—not politicians.

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

Please note that Article 8, sections 5 and 6 of the Michigan Constitution grant each board of an institution of higher education in this state "general supervision of its institution and the control and direction of all expenditures from the institution's funds." Any provision that deprives an institution of higher education with the supervisory control and budgetary independence provided by those sections is therefore unconstitutional.

I also note that provisions in Senate Bill 845 that express intent, advice, or preferences of the Legislature do not impose conditions upon appropriations and are non-binding.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gretchen Whitmer". The signature is fluid and cursive, with a large initial "G" and a long horizontal stroke at the end.

Gretchen Whitmer
Governor

cc: Michigan House of Representatives
The Honorable Jocelyn Benson

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

Introduced by Senator Schmidt

ENROLLED SENATE BILL No. 845

AN ACT to amend 1979 PA 94, entitled “An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts,” by amending sections 3, 6, 6a, 11, 11a, 11j, 11k, 11m, 11s, 15, 18, 20, 20d, 20f, 20m, 21b, 21f, 21h, 22a, 22b, 22c, 22d, 22m, 22p, 24, 24a, 25f, 25g, 26a, 26b, 26c, 26d, 28, 31a, 31d, 31f, 31j, 31n, 31o, 31p, 31y, 31z, 32d, 32p, 35a, 35d, 35f, 35g, 35h, 39, 39a, 41, 51a, 51c, 51d, 51g, 53a, 54, 54b, 54d, 55, 56, 61a, 61b, 61c, 61d, 62, 65, 67, 67a, 74, 81, 94, 94a, 95b, 97, 97a, 98, 98b, 99h, 99i, 99s, 99t, 99u, 99x, 99aa, 101, 104, 104f, 104h, 107, 147, 147a, 147b, 147c, 147e, 152a, 152b, 201, 202a, 206, 207a, 207b, 207c, 209, 209a, 210h, 226b, 226d, 226g, 229, 229a, 230, 236, 236b, 236c, 236h, 237b, 241, 245a, 251, 252, 256, 259, 260, 263, 264, 265, 265a, 265b, 267, 268, 269, 270c, 274, 275, 275b, 275f, 275g, 275h, 275i, 276, 277, 278, 279, 280, 281, and 282 (MCL 388.1603, 388.1606, 388.1606a, 388.1611, 388.1611a, 388.1611j, 388.1611k, 388.1611m, 388.1611s, 388.1615, 388.1618, 388.1620, 388.1620d, 388.1620f, 388.1620m, 388.1621b, 388.1621f, 388.1621h, 388.1622a, 388.1622b, 388.1622c, 388.1622d, 388.1622m, 388.1622p, 388.1624, 388.1624a, 388.1625f, 388.1625g, 388.1626a, 388.1626b, 388.1626c, 388.1626d, 388.1628, 388.1631a, 388.1631d, 388.1631f, 388.1631j, 388.1631n, 388.1631o, 388.1631p, 388.1631y, 388.1631z, 388.1632d, 388.1632p, 388.1635a, 388.1635d, 388.1635f, 388.1635g, 388.1635h, 388.1639, 388.1639a, 388.1641, 388.1651a, 388.1651c, 388.1651d, 388.1651g, 388.1653a, 388.1654, 388.1654b, 388.1654d, 388.1655, 388.1656, 388.1661a, 388.1661b, 388.1661c, 388.1661d, 388.1662, 388.1665, 388.1667, 388.1667a, 388.1674, 388.1681, 388.1694, 388.1694a, 388.1695b, 388.1697, 388.1697a, 388.1698, 388.1698b, 388.1699h, 388.1699i, 388.1699s, 388.1699t, 388.1699u, 388.1699x, 388.1699aa, 388.1701, 388.1704, 388.1704f, 388.1704h, 388.1707, 388.1747, 388.1747a, 388.1747b, 388.1747c, 388.1747e, 388.1752a, 388.1752b, 388.1801, 388.1802a, 388.1806, 388.1807a, 388.1807b, 388.1807c, 388.1809, 388.1809a, 388.1810h, 388.1826b, 388.1826d, 388.1826g, 388.1829, 388.1829a, 388.1830, 388.1836, 388.1836b, 388.1836c, 388.1836h, 388.1837b, 388.1841, 388.1845a, 388.1851, 388.1852, 388.1856, 388.1859, 388.1860, 388.1863, 388.1864, 388.1865, 388.1865a, 388.1865b, 388.1867, 388.1868, 388.1869, 388.1870c, 388.1874, 388.1875, 388.1875b, 388.1875f, 388.1875g, 388.1875h, 388.1875i, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, and 388.1882), sections 3, 202a, 237b, and 275 as amended by 2020 PA 165, sections 6, 6a, 11a, 11j, 11k, 11m, 11s, 15, 18, 20, 20d, 20f, 21f, 21h, 22a, 22b, 22d, 22m, 22p, 24, 24a, 25f, 25g, 26a, 26b, 26c, 28, 31a, 31d, 31f, 31j, 31n, 32d, 32p, 35a, 35d, 35f, 39, 39a, 41, 51a, 51c, 51d, 53a, 54, 54b, 54d, 55, 56, 61a, 61b, 61c, 61d, 62, 65, 67, 67a, 74, 81, 94, 94a, 95b, 98, 99h, 99i, 99s, 99t, 99u, 99x, 101, 104, 104f, 107, 147, 147a, 147b, 147c, 147e, 152a, and 152b as amended and sections 20m, 22c, 26d, 31o, 31p, 31y, 31z, 35g, 35h, 51g, 97, 97a, 98b, 99aa, and 104h as added by 2021 PA 48, section 11 as amended by 2022 PA 93,

(4) From the appropriations described in subsection (1), both of the following apply:

(a) Subject to section 207a, the amount appropriated for fiscal year 2022-2023 to offset certain fiscal year 2022-2023 retirement contributions is \$1,733,600.00, appropriated from the state school aid fund.

(b) For fiscal year 2022-2023, there is allocated an amount not to exceed \$10,800,000.00 for payments to participating community colleges, appropriated from the state school aid fund. A community college that receives money under this subdivision shall use that money solely for the purpose of offsetting the normal cost contribution rate.

(5) From the appropriations described in subsection (1), subject to section 207b, the amount appropriated for payments to community colleges that are participating entities of the retirement system is \$92,600,000.00, appropriated from the state school aid fund.

(6) From the appropriations described in subsection (1), subject to section 207c, the amount appropriated for renaissance zone tax reimbursements is \$2,200,000.00, appropriated from the state school aid fund. Each community college receiving funds in this subsection shall accrue these payments to its institutional fiscal year ending June 30, 2023.

(7) From the appropriations described in subsection (1), subject to section 216, the amount appropriated for the Michigan reconnect grant program short-term training grants is \$6,000,000.00, appropriated from the coronavirus state fiscal recovery funds under the American rescue plan act of 2021, title IX, subtitle M of Public Law 117-2.

(8) From the appropriations described in subsection (1), there is appropriated \$9,200,000.00 from the coronavirus state fiscal recovery funds under the American rescue plan act of 2021, title IX, subtitle M of Public Law 117-2, for fiscal year 2022-2023 only, to the nonprofit organization Talent 2025, for the creation and operation of the Michigan center for adult college success to focus on research, support models, and best practices on ensuring enrollment and completion of college degrees and certificates among adults returning to further their education due to being unemployed or underemployed, including, but not limited to, those whose employment opportunities have been adversely affected by the COVID-19 pandemic. The goal of the research is to identify barriers that prevent these individuals from completing degree and certificate programs, create greater support systems within colleges and universities for these students that address these barriers, and as a result increase the number of adults completing degree and certificate programs. This research is meant to serve the overarching aim of increasing the skills and training of Michiganders impacted by the COVID-19 pandemic. Talent 2025 shall provide information on request to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director on the use of these funds until the project is completed.

(9) From the appropriations described in subsection (1), subject to section 216a, there is appropriated \$10,000,000.00, from the coronavirus state fiscal recovery funds under the American rescue plan act of 2021, title IX, subtitle M of Public Law 117-2, for fiscal year 2022-2023 only, to the Michigan Community College Association, for the community college academic catch-up program.

~~(10) The amount appropriated for pregnant and parenting student services is \$500,000.00, appropriated from the state school aid fund, and is subject to section 226f.~~

(11) From the appropriations described in subsection (1), subject to section 216b, the amount appropriated for the Michigan ADN to BSN completion grant program is \$56,000,000.00, appropriated from the coronavirus state fiscal recovery funds under the American rescue plan act of 2021, title IX, subtitle M of Public Law 117-2.

Sec. 202a. As used in this article:

(a) "ADN" means an associate of science degree in nursing, an associate of applied science in nursing, or a similar 2-year degree in nursing.

(b) "BSN" means a bachelor of science degree in nursing.

(c) "Center" means the center for educational performance and information created in section 94a.

(d) "College level equivalent credit examination" means an examination that is administered by an independent testing service and that is used by colleges and universities generally to award postsecondary credit for achievement of a particular score, and includes, but is not limited to, advanced placement examinations, the DANTES Subject Standardized Test (DSST), and college-level examination program (CLEP) examinations.

(e) "Participating college" means a community college that is a reporting unit of the retirement system and that reports employees to the retirement system for the state fiscal year.

(f) "Retirement system" means the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437.

received, including the amounts, related to the COVID-19 pandemic, including, but not limited to, any federal funds received from the coronavirus response and relief supplemental appropriations act, the American rescue plan act of 2021, and similar federal relief packages.

(b) Post the information contained in the report described in subdivision (a) on the public transparency website described in section 209.

Sec. 226d. It is the intent of the legislature that by February 1, 2023, each community college will submit to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director a report on activities related to strategic planning and internal assessment or reassessment to best provide for open and free expression and speech, while protecting students from hate-speech, violence, and discrimination.

Sec. 226e. It is the goal of the governor and legislature to ensure that 60% of Michigan's residents achieve a postsecondary credential, high-quality industry certification, associate degree, or bachelor's degree by 2030.

~~Sec. 226f. (1) From the funds appropriated in section 201(10), a community college may establish and operate a pregnant and parenting student services office. If established, an office shall meet all of the following:~~

~~(a) Be located on the campus of the community college.~~

~~(b) Annually assess the performance of the community college and the office in meeting all of the following needs of students on campus who are pregnant or who are custodial parents or legal guardians of minors:~~

~~(i) Comprehensive student health care.~~

~~(ii) Family housing.~~

~~(iii) Child care.~~

~~(iv) Flexible or alternative academic scheduling.~~

~~(v) Education concerning responsible parenting for mothers and fathers.~~

~~(c) Identify public and private service providers qualified to meet the needs described in subdivision (b), both on campus and within the local community, and establish programs with qualified providers it selects to meet those needs.~~

~~(d) Assist students in locating and obtaining services that meet 1 or more of the needs described in subdivision (b).~~

~~(e) If appropriate, provide referrals on prenatal care and delivery, infant, or foster care, adoption, and family planning to individual students who request that information. An office shall not provide referrals for abortion services.~~

~~(2) By December 1, 2022, a community college that establishes a pregnant and parenting student services office shall report to the house and senate appropriations subcommittees on community colleges, the house and senate fiscal agencies, and the state budget director all of the following:~~

~~(a) An itemized list of office expenditures during the preceding fiscal year.~~

~~(b) A review and evaluation of the performance of the office in fulfilling its obligations under this section.~~

~~(c) The number of students served by the office.~~

Sec. 226g. (1) It is the intent of the legislature that each community college adopt an advocacy policy applicable to faculty, staff, students, student employees, visitors, and contractors by January 1, 2023 and comply with all other requirements of this section.

(2) An advocacy policy established under subsection (1) should include, but is not limited to, policies for distribution and self-distribution of printed political or advocacy materials related to First Amendment activities and political demonstrating. The policy should include a process for filing a complaint or reporting a violation of the advocacy policy and identify the community college staff responsible for investigating complaints and violations. The advocacy policy should include the effective date and be posted on the community college's website.

Sec. 227. (1) Each community college that receives an appropriation in section 201 shall demonstrate the acceptance of nationally recognized college level equivalent credit examination opportunities by developing and implementing policies and procedures for the awarding of academic credit through college level equivalent credit examinations.

(2) A community college shall not create policies or procedures that prevent students from earning college credits through college level equivalent credit examinations once enrolled in the community college.

(8) The money appropriated in subsection (7) for grants and financial aid is appropriated from the following:

(a) Federal revenues under the United States Department of Education, Office of Elementary and Secondary Education, GEAR-UP program, \$3,200,000.00.

(b) Federal revenues under the social security act, temporary assistance for needy families, \$125,326,400.00.

(c) State general fund/general purpose money, \$19,256,800.00.

(9) For fiscal year 2022-2023 only, in addition to the allocation under subsection (4), from the appropriations described in subsection (1), there is allocated an amount not to exceed \$4,650,000.00 for payments to participating public universities, appropriated from the state school aid fund. A university that receives money under this subsection shall use that money solely for the purpose of offsetting the normal cost contribution rate. As used in this subsection, "participating public universities" means public universities that are a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that pay contributions to the Michigan public school employees' retirement system for the state fiscal year.

~~(10) From the appropriations described in subsection (1), subject to section 274a, the amount appropriated for ethical stem cell/fetal tissue research is \$5,000,000.00, appropriated from the state general fund/general purpose money.~~

~~(11) The amount appropriated for pregnant and parenting student support services is \$500,000.00, appropriated from the state general fund/general purpose money, and is subject to section 275k.~~

Sec. 236b. In addition to the funds appropriated in section 236, there is appropriated for grants and financial aid in fiscal year 2022-2023 an amount not to exceed \$6,000,000.00 for federal contingency authorization. These funds are not available for expenditure until they have been transferred under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, for another purpose under this article.

Sec. 236c. In addition to the funds appropriated for fiscal year 2022-2023 in section 236, appropriations to the department of technology, management, and budget in the act providing general appropriations for fiscal year 2022-2023 for state building authority rent, totaling an estimated \$132,295,300.00, provide funding for the state share of costs for previously constructed capital projects for state universities. These appropriations for state building authority rent represent additional state general fund support provided to public universities, and the following is an estimate of the amount of that support to each university:

(a) Central Michigan University, \$12,973,000.00.

(b) Eastern Michigan University, \$6,049,500.00.

(c) Ferris State University, \$8,392,700.00.

(d) Grand Valley State University, \$8,653,400.00.

(e) Lake Superior State University, \$2,340,600.00.

(f) Michigan State University, \$16,673,800.00.

(g) Michigan Technological University, \$3,421,600.00.

(h) Northern Michigan University, \$7,342,400.00.

(i) Oakland University, \$9,488,200.00.

(j) Saginaw Valley State University, \$7,855,700.00.

(k) University of Michigan - Ann Arbor, \$12,065,900.00.

(l) University of Michigan - Dearborn, \$10,774,000.00.

(m) University of Michigan - Flint, \$6,084,700.00.

(n) Wayne State University, \$10,118,000.00.

(o) Western Michigan University, \$10,061,800.00.

Sec. 236h. (1) For fiscal year 2021-2022 only, in addition to the allocations under section 236(4) and (9), there is allocated an amount not to exceed \$384,741,700.00 for payments to participating public universities, \$84,741,700.00 appropriated from the state general fund/general purpose money and \$300,000,000.00 appropriated from the state school aid fund. A university that receives money under this subsection shall use that money solely for the purpose of payments toward the pension and other postemployment benefit unfunded actuarial accrued liabilities associated with members and pension recipients of those participating public universities. As used in this section, "participating public universities" means public universities that are reporting units of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that pay contributions to the Michigan public school employees' retirement system for the state fiscal year.

(b) A list of all human embryonic stem cell lines submitted by the organization to the National Institutes of Health for inclusion in the Human Embryonic Stem Cell Registry before and during fiscal year 2021-2022, and the status of each submission as approved, pending approval, or review completed but not yet accepted.

(c) Number of human embryonic stem cell lines derived and not submitted for inclusion in the Human Embryonic Stem Cell Registry, before and during fiscal year 2021-2022.

del ~~Sec. 274a. From the funds appropriated in section 236(10), public universities classified as doctoral universities under the Carnegie classification system may be awarded research grants up to the full appropriated amount in section 236(10). As a condition to receiving a grant under this section, a public university must agree not to conduct any research on aborted fetal tissue. As used in this section, "Carnegie classification" means that term as defined in section 265a.~~

Sec. 275. (1) Each public university that receives an appropriation in section 236 shall do all of the following:

(a) Meet the provisions of section 5003 of the post-911 veterans educational assistance act of 2008, 38 USC 3301 to 3327, including voluntary participation in the Yellow Ribbon GI Education Enhancement Program established in that act in 38 USC 3317. By October 1 of each year, each public university shall report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the Michigan Association of State Universities on whether or not it has chosen to participate in the Yellow Ribbon GI Education Enhancement Program. If at any time during the fiscal year a university participating in the Yellow Ribbon Program chooses to leave the Yellow Ribbon Program, it shall notify the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the Michigan Association of State Universities.

(b) Establish an on-campus veterans' liaison to provide information and assistance to all student veterans.

(c) Provide flexible enrollment application deadlines for all veterans.

(d) Include in its admission application process a specific question as to whether an applicant for admission is a veteran, an active member of the military, a member of the National Guard or military reserves, or the spouse or dependent of a veteran, active member of the military, or member of the National Guard or military reserves, in order to more quickly identify potential educational assistance available to that applicant.

(e) Consider all veterans residents of this state for determining their tuition rates and fees.

(f) Waive enrollment fees for all veterans.

(g) Provide reasonable programming and scheduling accommodations necessary to facilitate a student's military, National Guard, or military reserves duties and training obligations.

(h) Provide college level equivalent credit examination opportunities for veterans and active members of the military, National Guard, or military reserves within the first semester of enrollment.

(i) Grant college credit for, or create a structure that evaluates granting college credit for, the service background and experience of veterans and members of the military, National Guard, or military reserves.

(2) By October 1 of each year, each public university shall report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the department of military and veterans affairs regarding services provided specifically to veterans and active military duty personnel, including, but not limited to, the services described in subsection (1).

(3) As used in this section, "veteran" means an honorably discharged veteran entitled to educational assistance under section 5003 of the post-911 veterans educational assistance act of 2008, 38 USC 3301 to 3327.

Sec. 275b. (1) Each public university receiving an appropriation in section 236 shall ensure that the public university does all of the following in its admission application process if it knows that an applicant for admission is currently serving, or has ever served, as a member of the military, the National Guard, or the military reserves:

(a) Inform the applicant that he or she may receive academic credit for college-level training and education he or she received while serving in the military.

(b) Inform the applicant that he or she may submit a transcript of his or her college-level military training and education to the public university.

(c) If the applicant submits a transcript described in subdivision (b), evaluate that transcript and notify the applicant of what transfer credits are available to the applicant from the public university for his or her college-level military training and education.

(c) The number of students and employees in noncompliance with the public university's COVID-19 vaccine policy.

(6) No provision of this section is to be construed as requiring a public university to violate any federal law.

Sec. 275j. It is the goal of the governor and legislature to ensure that 60% of Michigan's residents achieve a postsecondary credential, high-quality industry certification, associate degree, or bachelor's degree by 2030.

~~Sec. 275k. (1) Appropriations in section 236(11) for the pregnant and parenting student support services program are for developing academically or economically disadvantaged student retention programs for 4 year public and independent educational institutions in this state. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the student population.~~

~~(2) An award made under this program to an individual institution must not be greater than \$50,000.00 and the amount awarded must be matched on a 70% state, 30% college or university basis.~~

~~(3) The department of labor and economic opportunity shall administer the program. All of the following apply to the program:~~

~~(a) The institution shall provide a physical location for the program on its campus.~~

~~(b) The department of labor and economic opportunity shall annually assess the performance of the institution in meeting the following needs of students on campus who are pregnant or who are a custodial parent or legal guardian of a minor:~~

~~(i) Comprehensive student health care.~~

~~(ii) Family housing.~~

~~(iii) Child care.~~

~~(iv) Flexible or alternative academic scheduling.~~

~~(v) Education concerning responsible parenting for mothers and fathers.~~

~~(e) The institution shall identify public and private service providers qualified to meet the needs described in subdivision (b), both on campus and within the local community, and establish programs with qualified providers it selects to meet those needs.~~

~~(d) The institution shall assist students in locating and obtaining services that meet 1 or more of the needs described in subdivision (b).~~

~~(e) If appropriate, the institution shall provide referrals on prenatal care and delivery, infant or foster care, adoption, and family planning to individual students who request that information. An approved program shall not provide referrals for abortion services.~~

~~(4) By December 1, 2022, institutions that establish a pregnant and parenting student support services program shall report to the house and senate subcommittees on higher education, the house and senate fiscal agencies, and the state budget director all of the following:~~

~~(a) A review and evaluation of the performance of the program in fulfilling its goals and objectives.~~

~~(b) The number of students served.~~

~~(c) The number and percentage of program graduates.~~

Sec. 276. (1) Included in the appropriation for fiscal year 2022-2023 for each public university in section 236 is funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks future faculty program that is intended to increase the pool of academically or economically disadvantaged candidates pursuing faculty teaching careers in postsecondary education in this state. Preference may not be given to applicants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage applications from applicants who would otherwise not adequately be represented in the graduate student and faculty populations. Each public university shall apply the percentage change applicable to every public university in the calculation of appropriations in section 236 to the amount of funds allocated to the future faculty program.

(2) Each public university shall administer the program in a manner prescribed by the department of labor and economic opportunity. The department of labor and economic opportunity shall use a good faith effort standard to evaluate whether a fellowship is in default. All of the following apply to the program:

(a) By April 15 of each year, public universities shall report any anticipated unexpended or unencumbered program funds to the department of labor and economic opportunity. Encumbered funds are those funds that were committed by a fellowship agreement that is signed during the current fiscal year or administrative expenses that have been approved by the department of labor and economic opportunity.