



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JOHN D. CHERRY, JR.
LT. GOVERNOR

October 29, 2009

Michigan Senate
State Capitol
Lansing, Michigan 48909-7536

Ladies and Gentlemen:

Today I have signed Enrolled Senate Bill 243 authorizing expenditures by the Department of Energy, Labor, and Economic Growth for the fiscal year ending September 30, 2010. I have, however, disapproved six items pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The item vetoes are detailed in the attached copy of the bill, which has been filed with the Secretary of State.

I have disapproved a proposed appropriation of \$300,000 for agriculture economic development and related boilerplate in Section 364, which diverts out of this budget limited general funds for activities in the Michigan Department of Agriculture. I also have disapproved proposed appropriations totaling \$415,000 for an occupational safety training grant, an allocation for the Michigan After-School Partnership, and two workforce training grants under Sections 342, 704, 813, and 818, respectively. These earmarks would undermine the Department's competitive process for awarding grants and impede the prioritization of workforce training funds needed to help improve the job skills of displaced workers. Finally, given scarce general fund resources, I have disapproved a proposed appropriation of \$59,000 for the Michigan Housing and Community Development Fund and related boilerplate in Section 501.

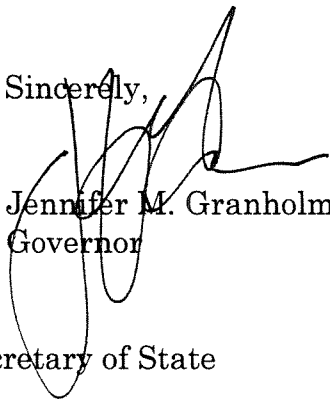
To provide direction regarding the implementation of this appropriations act, I note the following:

- Section 332 of the bill requires the Department of Energy, Labor, and Economic Growth to complete a request for proposal and contracting process related to unemployment insurance computer system by October 1, 2009. This condition cannot be satisfied as the bill was not presented for enactment until October 20, 2009. Furthermore, existing law vests such procurement authority in the Department of Management and Budget.

- Consistent with my duty to assure that laws are faithfully executed under Section 8 of Article V of the Michigan Constitution of 1963, when a governor is concerned that a provision in an appropriations bill is unconstitutional, it is appropriate to express that concern. See OAG, 2009-2010, No 7,225 (February 27, 2009). A governor has no less a solemn obligation than does the judiciary to consider the constitutionality of his or her every act. Accordingly, to the extent that Section 341 of the bill modifies or amends the provisions of the Michigan Occupational Safety and Health Act, 1974 PA 154, MCL 408.1001 to 408.1094, and similarly, to the extent that Section 406 modifies or amends the powers and duties vested in the Commissioner of the Office of Financial and Insurance Regulation under Michigan law, these sections are in contravention of Section 25 of Article IV of the Michigan Constitution of 1963 and unenforceable.
- Sections 216, 351, 366, 372, 501(2), 814, and 817 of the bill include statements of legislative intent. While the Legislature has the right to state its advice, preferences, or wishes through a statement of intent, such statements do not impose conditions upon appropriations and are non-binding.

I thank the Michigan Senate for presenting me the fiscal year 2010 budget for the Department of Energy, Labor, and Economic Growth.

Sincerely,



Jennifer M. Granholm
Governor

cc: Michigan House of Representatives
The Honorable Terri Lynn Land, Secretary of State