



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

SECRETARY OF SENATE
ENROLLING CLERKS

2009 OCT 12 P 4: 19

JOHN D. CHERRY, JR.
LT. GOVERNOR

JENNIFER M. GRANHOLM
GOVERNOR

October 12, 2009

Michigan State Senate
State Capitol
Lansing, Michigan 48909-7536

Ladies and Gentlemen:

Today I have signed Enrolled Senate Bill 254 authorizing the expenditure of nearly \$3.3 billion by the Department of Transportation in the fiscal year that ends on September 30, 2009. I have, however, disapproved of three items pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill, which has been filed with the Secretary of State.

I have exercised my item veto authority to eliminate the following unnecessary items: (1) Section 306(3), which would mandate the State Treasurer to develop an alternative cost allocation plan for motor fuel tax collections; (2) Section 324, although I strongly support the purpose and funding for the underlying program, nonetheless is an earmark directing scarce transportation resources away from core activities and toward law enforcement functions that are already funded; and (3) Section 729, a similar earmark no longer sustainable with the scarce resources available.

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

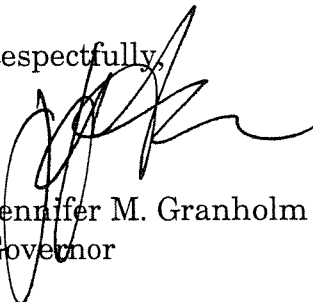
- Section 709 of Senate Bill 254 purports to require that any changes in an essential corridor list for bus routes be approved by House and Senate Appropriations Subcommittees on Transportation. As the Legislature lacks the constitutional authority to delegate administrative or legislative duties to a subcommittee of the legislature, this provision appears to violate Const 1963, art 3, § 2, Const 1963, art 4, § 26, and Const 1963, art 4, § 33, and is unenforceable.
- Sections 395, 399, 607, 610, 615, 654, 655, 656, 658, 660, 661, 737, 743, and 744 of the bill include statements of legislative intent. While the Legislature has the right to state its advice, preferences, or wishes

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through a statement of intent, such statements do not impose conditions upon appropriations and are non-binding.

I thank the Legislature for presenting a fiscal year 2010 budget for the Department of Transportation.

Respectfully,

A handwritten signature in black ink, appearing to read "Jennifer M. Granholm", is written over the word "Respectfully,".

Jennifer M. Granholm
Governor

cc: Michigan House of Representatives
The Honorable Terri Lynn Land