



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JOHN D. CHERRY, JR.
LT. GOVERNOR

October 14, 2009

Michigan House of Representatives
State Capitol
Lansing, MI 48909-7514

Ladies and Gentlemen:

Today I have signed Enrolled House Bill 4446, which authorizes expenditures by the Departments of Natural Resources and Environmental Quality for the fiscal year ending September 30, 2010. I have, however, disapproved five items and related boilerplate 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.

First, I have disapproved a proposed appropriation of \$75,000 for a cormorant population mitigation program as these migratory birds are regulated and controlled by the federal government. The Department of Natural Resources will continue to work with federal agencies to administer a program to control and manage double-crested cormorants as required in Public Acts 47-49 of 2007. Next, I have disapproved Sections 226 and 1204—two earmarks of funds for non-essential services.

I also have disapproved Section 237(2) of the bill, which includes language attempting to require the Department of Environmental Quality to reimburse permit holders for costs associated with conducting feasibility studies to determine whether to utilize best available retrofit technologies. The Department already has adopted by reference federal regulations requiring best available retrofit technologies, and the Department indicates that enactment of this section would jeopardize federal approval of Michigan's regional haze state implementation plan resulting in direct imposition of best available retrofit technologies by the federal government.

Finally, I have vetoed the proposed negative appropriation for department consolidation savings and related boilerplate language included in Section 1701 of the bill. While I have proposed the consolidation of the Departments of Natural Resources and Environmental Quality into a new Department of Natural Resources and Environment in Executive Order 2009-45, as authorized by Const 1963, art 5, § 2, that order is not yet effective and existing law mandates the continued operation of two separate departments. Should Executive Order 2009-45 take effect in

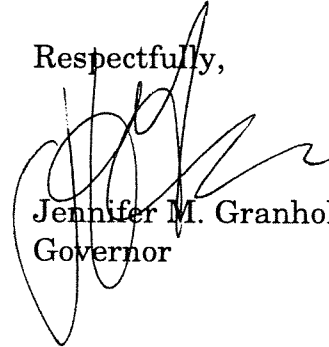
Michigan House of Representatives
October 14, 2009
Page 3 of 3

provision fails to conform with Const 1963, art 4, § 25.

- Sections 228, 301, 306, and 801 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 House of Representatives for presenting this budget.

Respectfully,



Jennifer M. Granholm
Governor

Attachment

c: Michigan State Senate
The Honorable Terri Lynn Land