



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JOHN D. CHERRY, JR.
LT. GOVERNOR

September 30, 2010

Michigan House of Representatives
State Capitol
Lansing, Michigan 48933

Ladies and Gentlemen:

Today I have signed Enrolled House Bill 5884 providing over \$1.2 billion in appropriations for the Department of Energy, Labor, and Economic Growth for the fiscal year ending September 30, 2011. I have, however, disapproved 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 proposed appropriations totaling \$355,000 for an occupational safety training grant, an allocation for the Michigan After-School Partnership, and two workforce development grants under Sections 342, 704, 719, and 818 of the bill. 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.

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

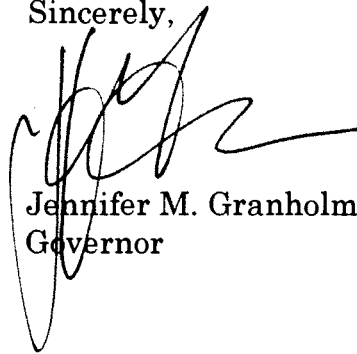
- Consistent with my duty to assure that laws are faithfully executed under Section 8 of Article V of the Michigan Constitution of 1963, when a governor is concerned that a provision in an appropriations bill is unconstitutional, it is appropriate to express that concern. See, for example, OAG, 2009-2010, No 7225 (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, this section is in contravention of Section 25 of Article IV of the Michigan Constitution of 1963 and unenforceable.
- Section 332 of the bill requires the department to complete a contracting process related to the unemployment insurance computer system by April 11, 2011. This condition cannot be imposed on the department given that existing law vests

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such procurement authority in the Department of Technology, Management and Budget.

I thank the Legislature for its work on this budget for the Department of Energy, Labor, and Economic Growth.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer M. Granholm", written over a large, faint, circular watermark or stamp.

Jennifer M. Granholm
Governor

c: Michigan Senate
The Honorable Terri Lynn Land, Secretary of State