RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

BRIAN CALLEY
LT. GOVERNOR

June 21, 2011

Michigan House of Representatives
State Capitol
Lansing, MI 48909-7536

Ladies and Gentlemen:

Today I have signed Enrolled House Bill 4526, which makes appropriations for various departments and agencies, the judicial branch and the legislative branch for the fiscal year ending September 30, 2012. I have, however, disapproved items pursuant to Section 19 of Article V of the Michigan Constitution of 1963. The specific vetoes are detailed in the attached copy of the bill that has been filed with the Secretary of State.

I have disapproved the following appropriations:

- Precollege engineering appropriation contained in section 1053 (Article VIII), within the Department of Treasury, Michigan Strategic Fund. This proposed appropriation deviates from my original fiscal year 2012 spending recommendation that eliminated state funding, as these programs are available in only two locations in the state and receive support from other contributors.

- Special adoption subsidy proposed appropriation of $4,250,000 contained in section 556(2) (Article X), within the Department of Human Services. I object to this item for several reasons. Federal regulations prohibit an adoption subsidy rate that exceeds the rate paid while the child is in foster care; this policy would, therefore, create ongoing obligations at 100 percent general fund cost. In fact, the general fund burden will increase each year as additional children are adopted, since children can receive adoption subsidies until age 19. Furthermore, the revenue used to create the special subsidy for fiscal year 2012 is only available on a one-time basis.

- Study of mental health illnesses in juvenile justice facilities contained in section 717 (Article X), requiring the Department of Human Services to expend funds for a contract with the Michigan Public Health Institute. I disapprove of this item as it requires the department to contract with a specific vendor.

- Surface mining industry proposed appropriation of $80,000 contained in section 342 (Article XII), within the Department of Licensing and Regulatory Affairs. I disapprove of this item as it singles out a specific industry for preferential treatment.
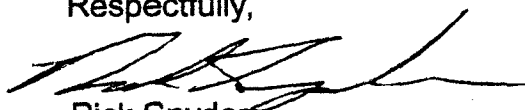
In providing direction to departments in implementing appropriations contained in Enrolled House Bill 4526, I note the following:

- To the extent the following boilerplate sections modify or amend the provisions of existing statutes, these sections are in contravention of Section 25 of Article IV of the Michigan Constitution of 1963 and unenforceable: section 803 (Article I); section 927 (Article V); section 943 (Article VIII); section 727 (Article XII); section 218 (Article XIII); and section 218 (Article XVI).

- To the extent the following boilerplate sections impose conditions with no appropriations included in part 1 of the related Article, the provisions appear to be outside the scope of the title and object of Enrolled House Bill 4526 and are in contravention of Section 24 of Article IV of the Michigan Constitution of 1963 and unenforceable: section 804 (Article I) and section 927 (Article V).

Enrolled House Bill 4526 also contains numerous boilerplate sections that include statements of legislative intent. We will take these legislative preferences into consideration as departments and agencies implement the appropriations. However, these legislative intent statements do not impose conditions on appropriations and are non-binding upon departments and agencies implementing the appropriations.

I thank the Legislature for adopting this omnibus appropriation bill and for presenting Enrolled House Bill 4526 less than four months from the date I originally outlined my spending plan. Much has been achieved in a very short time and I commend the Legislature on its work. I look forward to continued cooperation as we move forward with Michigan's reinvention.

Respectfully,

Rick Snyder
Governor

Attachment
cc: Michigan State Senate
      The Honorable Ruth Johnson, Secretary of State