



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

September 30, 2019

Michigan State Senate
State Capitol
Lansing, MI 48909-7536

Senators,

I have signed Enrolled Senate Bill 139, which makes appropriations for the Department of Health and Human Services for the fiscal year ending September 30, 2020. I have, however, disapproved 48 items pursuant to article 5, section 19 of the Michigan Constitution of 1963. The specific item vetoes are detailed in the attached copy of the bill that has been filed with the secretary of state.

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

- Sections 218, 240, 518, 595, 1305, and 1350 violate article 4, section 25 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Sections 225, 253, 264, 518, 537, 1350, 1502, 1793, and 1931 violate article 4, section 24 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Sections 229, 253, 264, 518, 537, 558, 595, 1053, 1763, 1804, as well as subsections (1), (2), and (9) of 1909, violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable. I note in particular that section 1053, and subsections (1), (2), and (9) of section 1909, amount to an impermissible attempt to condition the department's expenditure of appropriated funds on further legislative approval.
- Those provisions of this bill that express merely the intent, advice, preferences, or wishes of the legislature do not impose conditions upon appropriations and are non-binding.

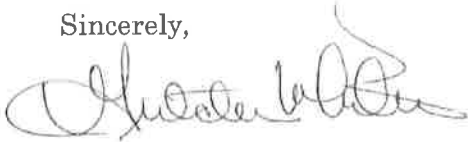
Two additional notes are in order. First, I note that a number of the provisions cited above are not only unconstitutional, but also would hamper the department's ability to focus on evidence-based practices known to strengthen the child welfare system and to provide the best outcomes for the children and families they serve.

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Second, I am directing the department to implement policy changes that will achieve additional efficiencies.

Thank you for your attention to these matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gretchen Whitmer".

Gretchen Whitmer
Governor

cc: Michigan House of Representatives
The Honorable Jocelyn Benson