



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

September 30, 2019

Michigan State Senate
State Capitol
Lansing, MI 48909-7536

Senators,

I have signed Enrolled Senate Bill 147, which makes appropriations for the Department of State Police for the fiscal year ending September 30, 2020. I have, however, disapproved four 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 226 and 228, and subsections (8) and (9) of section 704, violate article 4, section 25 of the Michigan Constitution of 1963, and are therefore unenforceable.
- Section 216 violates article 4, section 24 of the Michigan Constitution of 1963, and is therefore unenforceable.
- Sections 216 and 228 violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable.
- Subsections (2) and (3) of section 601, subsections (2) through (5) of section 602, subsection (3) of section 603, subsection (2) of section 604, subsections (3) and (4) of section 701, subsections (2) through (7) of section 702, and the annual property inspection goal in subsection (8) of section 702, also violate the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and are therefore unenforceable. Although the Michigan State Police, as a matter of practice, meets or exceeds the availability and staffing requirements described in the aforementioned provisions, the Michigan Constitution of 1963 grants to the executive branch exclusive control over the management of its employees, which necessarily includes the administrative function of managing deployment of staff resources to accomplish departmental goals.

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- Subsection (4) of section 703, which purports to place funds into a commercial vehicle enforcement operations reserve fund under the control of the legislature, amounts to an attempt to condition the department's expenditure of appropriated funds on further legislative approval. It therefore violates the separation of powers required by article 3, section 2, among other provisions of the Michigan Constitution of 1963, and is unenforceable.

Thank you for your attention to these matters.

Sincerely,



Gretchen Whitmer
Governor

cc: Michigan House of Representatives
The Honorable Jocelyn Benson