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# VETOES

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## VETOES

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March 3, 1998

Michigan House of Representatives  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bill 5223.

Enrolled House Bill 5223 attempts to grant exemptions from statutory time and process requirements for eight industrial property tax abatement certificates. As I have stated in my previous letters, dated January 10, 1997, and August 8, 1997, I believe that the deadlines put into law should be followed and granting retroactive exemptions is not sound public policy.

The stipulation that applications be filed locally no later than six months after commencement of a project has been in place since 1982. This statutory requirement, along with my previous messages, provides ample notice of the specifications of the law.

For these reasons, I am returning Enrolled House Bill 5223 without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled House Bill No. 5223, referred to above, is compiled in *Michigan House Enrolled Bills (1998)*.

March 31, 1998

Michigan State Senate  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled Senate Bill 385. This bill has the admirable purpose of changing all references to "handicapped persons" in the Revised School Code to "persons with disabilities." I fully support the legislature's efforts in this regard.

However, under the requirement of Article IV, section 25 of the state constitution, Enrolled Senate Bill 385 reenacts a number of sections of the Revised School Code that have been altered by Executive Order 1996-12. Executive Order 1996-12 transferred certain rulemaking and administrative functions from the State Board of Education to the Superintendent of Public Instruction.

While the Ingham County Circuit Court permanently enjoined Executive Order 1996-12 prior to its effective date of July 1, 1997, that action was appealed to the Michigan Court of Appeals on the basis of the decisions in House Speaker v Governor, 443 Mich 560 (1993) and Morris v Governor, 214 Mich App 604 (1995). Signing Enrolled Senate Bill 385 into law (a subsequent statutory enactment) would reconstitute certain administrative and rulemaking authority in the State Board of Education, undoing some of the transfers contained in Executive Order 1996-12.

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Should the legislature see fit to send me a revised version of Enrolled Senate Bill 385 which parallels the relevant provisions of Executive Order 1996-12 with respect to administrative and rulemaking authority, I would gladly sign it. However, because of the unintended consequences that are part of Enrolled Senate Bill 385, I am returning this legislation to you without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled Senate Bill No. 385, referred to above, is compiled in *Michigan Senate Enrolled Bills (1998)*.

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May 6, 1998

Michigan House of Representatives  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bill 5583.

The intent of Enrolled House Bill 5583 is to preempt local ordinances that place restrictions on the use of private airstrips or "landing areas." However, in its attempt to protect the rights of some owners of private landing areas, the bill places an unwelcome restriction on the rights of all such owners.

I refer specifically to the bill's requirement that access to private landing areas "shall not be denied, limited, or regulated . . . on the basis of . . . familial relationship." This language would appear to prevent the owner of a private landing area from restricting its use to members of his or her own family. This limitation on private property rights is unacceptable.

I also question the wisdom of attacking local ordinances concerning the use of private airstrips on the basis of state civil rights. I do not consider this a proper basis for extending our cherished civil rights protections, which should be rooted in efforts to remedy or prevent actual instances of discrimination.

For these reasons, I am returning Enrolled House Bill 5583 without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled House Bill No. 5583, referred to above, is compiled in *Michigan House Enrolled Bills (1998)*.

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May 14, 1998

Michigan House of Representatives  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bill 5358.

The legislature created the State Real Estate Transfer Tax Act (MCL 207.521-207.537) as part of the school finance reform proposal known as Proposal A. The state real estate transfer tax is a tax levied on transfer of property. Proceeds from this tax fund K-12 public education.

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Enrolled House Bill 5358 would permit the exemption of a religious society from having to pay the state real estate transfer tax on the sale of property. To narrowly carve out a special exemption to the State Real Estate Transfer Tax Act would set a precedent and invite other interests to seek similar special treatment. Such action only serves to erode the real estate transfer tax base.

For this reason, I am returning Enrolled House Bill 5358 without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled House Bill No. 5358, referred to above, is compiled in *Michigan House Enrolled Bills (1998)*.

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July 2, 1998

Michigan State Senate  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled Senate Bill 789.

Enrolled Senate Bill 789 would create a presumption that full-time fire fighters who suffered from certain cancers would be eligible for workers' compensation benefits. The analysis of Enrolled Senate Bill 789 argues that the legislation is necessary because of fire fighters' exposure to toxic substances. Regrettably, the legislation is improperly drafted and would have the effect of extending the presumption to a fire fighter who was never exposed to a chemical fire or toxic substances created by such a fire.

Since Enrolled Senate Bill 789 calls for researching the cancer presumption as it might relate to volunteer fire fighters, I will direct that such a study be undertaken immediately. I will further require that the results of the study include advice to the Legislature on how to equitably determine the right approach to protect those fire fighters with actual exposure to chemical fires.

For this reason, I am returning Enrolled Senate Bill 789 without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled Senate Bill No. 789, referred to above, is compiled in *Michigan Senate Enrolled Bills (1998)*.

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July 24, 1998

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I have signed Enrolled House Bill 5594, the fiscal year 1999 appropriations bill for the Department of Transportation. However, I am returning it to you because of items which I disapprove pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of this bill, which has been filed with the Secretary of State.

## VETOES 1998

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This bill will provide landmark support for the rebuilding, repair and maintenance of Michigan's roads and bridges. Thanks to *Build Michigan II*, Michigan will again invest nearly \$2.2 billion for record improvements on the state trunkline system and local road and bridge projects. My action today:

- Provides for \$300 million in new federal funding authorized in the Transportation Equity Act for the 21st Century (TEA 21). Michigan's bipartisan Congressional delegation is to be applauded for their efforts in returning more federal dollars than ever before for our state's transportation and infrastructure programs.
- Supports over \$69 million in new *Build Michigan II* revenues that will continue to be shared with locals under the historical distribution formula. The Department of Transportation will continue to seek voluntary agreements with local units related to responsibility of the commercial backbone system.
- Includes \$155 million in support of local bus operating assistance. Contingent upon available revenues, operating assistance will be provided to local systems up to the current 50 percent and 60 percent levels of eligible reimbursements.
- Shifts \$26.8 million to state highway maintenance programs, enhancing preventative maintenance efforts on the state trunkline system.
- Supports \$3 million in information technology enhancements that will improve the department's efficiency and effectiveness in delivering its record breaking road and bridge improvement program.

Finally, I have vetoed the following three boilerplate sections for the reasons noted below:

- Section 316—My action includes a partial veto of language in section 316 requiring that 2 percent of the carry-forward of the state trunkline fund be placed in a Type II soundwall construction fund. The State Transportation Commission has already placed a moratorium on these types of discretionary projects, and I cannot support the diversion of transportation dollars for this purpose when they could be used on vitally important road and bridge improvements.
- Sections 603 and 609—The inclusion of these types of special interest projects for specific improvements to rest area facilities and passing lanes undermines the appropriations process and sets a dangerous precedent for future legislatures. I believe such programming decisions should be left to the Transportation Commission.

I commend the Legislature for supporting this important budget bill and look forward to working with you as we continue to aggressively improve Michigan's transportation networks.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled House Bill No. 5594, referred to above, became P.A. 1998, No. 309.

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July 27, 1998

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I have signed Enrolled House Bill 5589, the fiscal year 1999 appropriations bill for the Department of Environmental Quality. However, I am returning it to you because

of three items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific vetoes are contained in the attached copy of the bill, which has been filed with the Secretary of State. My action today:

- Provides \$53.4 million for the Environmental Cleanup and Redevelopment program, including a \$19 million general fund commitment. Cleanup priorities will be targeted to sites that endanger the public health, protect the environment, and speed redevelopment of contaminated “brownfield” properties.
- Provides additional support for Geological Survey programs, including \$665,000 in increased oil and gas revenue passed by the Legislature earlier this year.
- Provides \$5.7 million general fund to replace declining settlement revenues, allowing department personnel to continue work on contaminated site cleanup.
- Increases Scrap Tire Cleanup grants by \$1.8 million, providing total funding of \$3 million to local governments and private entities as incentives to properly recycle or dispose of excess tires.
- Contains \$102 million from the Water Pollution Control Revolving Fund for low-interest loans to municipalities for construction of combined sewer overflow and wastewater management projects and continues the federal Safe Drinking Water Revolving Loan Fund, providing local grants for groundwater, capacity, and source water protection projects.
- Earmarks \$170,000 of a \$250,000 commitment for the Center for Applied Environmental Research and Outreach at the University of Michigan-Flint campus as one-time transitional support in place of private contributions. Availability of Clean Michigan Initiative resources will allow the center to compete for additional state support for its environmental programs.

My action includes veto of the Looking Glass River watershed project and related boilerplate section 503, and boilerplate sections 1202 and 1203. These appropriations represent special interest items.

The Looking Glass River watershed project and section 503 utilize general fund resources for the first year of a three-year watershed restoration project performed by the Clinton soil conservation district. The Legislature recently completed action on the Clean Michigan Initiative legislation that earmarks \$50 million for nonpoint source pollution in order to fund watershed projects. The use of general fund revenue for the Looking Glass River project is an unnecessary expenditure of state resources and would place this project before all others requiring similar or greater funding support.

Section 1202 earmarks \$300,000 from waste reduction fee revenue for a university pilot program studying means of enhancing the department’s Retired Engineers Technical Assistance Program (RETAP) by increasing capacity and utilizing student internship possibilities. Currently, RETAP services are available from the private sector to provide technical assistance to Michigan businesses in the areas of waste minimization and waste reduction. Additionally, the use of interns is inconsistent with RETAP program guidelines established in Enrolled House Bill 4849.

Section 1203 directs \$100,000 in waste reduction fee revenue from the Pollution Prevention Outreach program to Grand Valley State University’s efforts to create a fresh water research institute. However, waste reduction fee revenue is dedicated to pollution prevention and waste reduction activities, not for educational programs pertaining to surface and groundwater protection. The University is encouraged to apply for funding consideration under the Clean Michigan Initiative as a possible source of state financial support.

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In order to finalize the fiscal year 1999 budget, I encourage the Legislature to complete action on mineral well regulatory fee legislation that will fully support geological survey program activities.

I commend the Legislature for its actions in funding critical site cleanup, drinking water, waste management, and conservation law enforcement programs within Enrolled House Bill 5589, as well as the Clean Michigan Initiative legislation. I look forward to continued cooperation in completing action on Department of Environmental Quality legislation for fiscal year 1999.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled House Bill No. 5589, referred to above, became P.A. 1998, No. 292.

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July 27, 1998

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I have signed Enrolled House Bill 5590, the fiscal year 1999 appropriation for the Family Independence Agency (FIA). However, I am returning it to you because of several items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill, which has been filed with the Secretary of State.

Members of the Legislature deserve to be commended for their support of Michigan's ongoing welfare reform policies. The Family Independence Program (FIP) monthly average caseload was only 115,700 cases in June, nearly a **50 percent reduction** from the March 1994 level, the month when the caseload began its current decline. Continued declining caseloads and increased earnings by those still on the caseload will generate additional Temporary Assistance For Needy Families savings of at least \$167 million in fiscal year 1999. These dramatic savings will be redirected primarily to support the day care needs of Michigan's working families and other high priority FIA programs. The child day care caseload has been increasing steadily as more FIP clients and low-income families enter the labor force. The May figures are the highest ever, with 60,048 day care cases and 105,793 children receiving care. Funding for the day care program will exceed \$300 million in fiscal year 1999, representing nearly a 50% increase over fiscal year 1997 spending levels.

I am pleased the Legislature has joined me in taking the actions necessary to clear the way for FIA to increase worker safety. Your support of our worker safety proposals will help fund additional protective services workers, purchase additional cell phones, and install "keyless access" to state cars to allow easier entry in stressed situations.

I also applaud your continuing support of the Lt. Governor's children's agenda. Additional funding will help move more children into adoptive homes, and support the placement of children with extended family members (kinship care) when these children must be removed from their parents' home.

My action today also vetoes:

- Section 635 because it conflicts with the statutory requirements of Act 431 of the Public Acts of 1984 regarding the appropriation of unobligated funds.

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- Section 645 which would have mandated the department create a “citizenship assistance program” for non-U.S. citizens. While there certainly is merit in helping non-citizens pass their citizenship examinations, it is more appropriate for the federal government to perform this function. This veto will not affect public assistance eligibility standards for non-citizens.
- Section 620 which would have required the department to continue Family Independence Program grants for certain ineligible recipients. This language is an overly prescriptive infringement on the Executive branch’s administrative authority. There are clearly instances when prudent management of this program requires the imposition of immediate case closure or grant reduction.
- Funding anticipated in section 702 which would have required the department to create a commission to study delinquency services. Two commissions are already studying this issue and creation of another deliberative body is unnecessary.

I commend the members of the Michigan Legislature for your responsible actions on this bill.

Sincerely,  
John Engler  
Governor

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**Compiler’s note:** Enrolled House Bill No. 5590, referred to above, became P.A. 1998, No. 294.

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September 30, 1998

Michigan State Senate  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I have signed Enrolled Senate Bill 908, the fiscal year 1999 appropriation bill for the Department of Community Health. However, I am returning it to you because of items of which I disapprove, pursuant to Article V, Section 19, of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill, which has been filed with the Secretary of State.

The bill you sent me has many positive aspects, but it also deviates in a number of ways from my recommendations. Significantly, the bill continues to fund the expansion of children’s health insurance, the MICHild program, and supports full funding of community mental health services and the conversion of our mental health services delivery system into a managed care operation.

Unfortunately, this bill fails to include \$44 million, \$19 million general fund, in funding needed to pay for known Medicaid costs. I have directed the Office of the State Budget Director and the Department of Community Health to closely monitor Medicaid spending and to be prepared to implement reimbursement reductions if these unfunded costs cannot be offset by surpluses in other accounts.

In addition, I have vetoed the following provisions:

- Section 352 is vetoed because it inappropriately funds a program in the Department of Community Health to evaluate substance abuse services in the Department of Corrections.
- Sections 1119 and 1688 are vetoed because they make contingent appropriations. Even worse, if the conditions were not met, the effect would be to cause appropriations for this department to exceed agreed upon levels—in effect, backdoor budget busting.

## VETOES 1998

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- Section 1410 is vetoed because the late passage of this appropriations bill makes it impossible to issue a new contract by October 15, 1998. Had this bill been passed in July, this provision would have been attainable.

I appreciate the Legislature's cooperation in the development of this appropriations bill.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled Senate Bill No. 908, referred to above, became P.A. 1998, No. 336.

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October 13, 1998

Michigan House of Representatives  
State Capitol  
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I have signed Enrolled House Bill 5516. However, I am returning it to you because of several items which I have vetoed pursuant to Article V, Section 19, of the Michigan Constitution. The specific items vetoed are contained within the attached copy of the bill, which has been filed with the Secretary of State.

The 1990s have been a decade of reform and improvement for Michigan's public schools. Test scores are up, funding is up, standards are up, accountability is up, choice is up and Michigan is on the right track to building the best system of public schools in the world. Michigan's commitment to high quality public education is reflected both in funding and in our dedication to giving students, parents and teachers the tools to build a brighter future.

The U.S. Census Bureau recently reported that the State of Michigan spends more per capita on education (including both K-12 and higher education) than 47 other states. In addition, we devote a higher percentage than 46 states of our total state budget to education. That is why it is not surprising that the Census Bureau also reports that Michigan is NUMBER ONE in the nation in per pupil spending for K-12 public education.

Today, I am signing the last School Aid budget bill of the century, a two-year spending plan that boosts the minimum foundation grant to a record high \$5,550 per pupil by fiscal year 2000. Since 1995, the minimum grant has grown by nearly 33 percent while inflation has been less than 13 percent. In addition, this is the second two-year budget, a reform that has proven to be a great benefit for school administrators.

Other highlights of this school funding package include:

- More than \$91 million to fund a one-time minimum grant per pupil of \$51 in fiscal year 1999. The lowest spending districts will receive \$102 per pupil.
- Another \$344.6 million to fund a 3.5 percent basic foundation grant increase of \$190 to \$5,652 per pupil in fiscal year 2000. Lowest spending districts will receive an additional \$380 per pupil for a total of \$5,550 per pupil.
- An increase of more than \$58 million for special education in fiscal year 2000, bringing total spending to \$818.6 million.

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- An additional \$9.1 million for at-risk funding for fiscal year 2000, bringing total spending to \$269.1 million.
- An additional \$5 million for the School Readiness Preschool Program, increasing the state's commitment to \$60 million in fiscal year 2000.

The average foundation allowance for fiscal year 1999 is estimated to be \$6,064 per pupil. In addition, recent changes in state policies for fiscal year 1999 have reduced retirement contribution rates from 14.66 percent to 10.77 percent, thereby saving local and intermediate school districts an estimated \$287 million. For local districts, this equates to a 2.8 percent increase on the average foundation allowance. Combined with the one-time supplemental payment for fiscal year 1999, which equates to a 0.9 percent increase, local districts are effectively receiving a 3.7 percent boost in spending power in fiscal year 1999.

However, several items in this bill are inconsistent with the overall state policy we have established for public school funding and I am returning this bill to the Legislature with the following vetoes:

- Sections 11J and 11K provide additional payments to districts that operated special education center programs in fiscal years 1992, 1993 and 1994. These payments are in addition to court awards or settlements which have already been received by these districts as part of the \$1 billion Durant court case resolution. The estimated cost of this provision is \$29.7 million over ten years.

I accept the court's judgment in the Durant case as final. We have already fully complied with the judgment by implementing the court's funding formula for both plaintiff and nonplaintiff districts. I am unwilling to reopen a case which took 17 years to resolve.

- Section 31B adds a new categorical to extend school days by three hours in districts located in large cities or where 75 percent of pupils are eligible for the free lunch program. The cost of this provision is \$1.25 million in fiscal year 2000. I am vetoing this provision because, as written, it is difficult to target the desired districts, there are no accountability measures, and the funding is insufficient to achieve its goals. I am willing to work with the Legislature to further define the overall goals of this initiative for possible inclusion in the at-risk program.
- Section 63 expands upon Michigan's career preparation system. It provides \$1.8 million in competitive grants to public schools involved in career preparation in order to enhance employer-provided instruction in manufacturing technology programs and increase student awareness of the programs. However, I am vetoing \$350,000 of funding provided specifically to Michigan State University's school-to-work clearinghouse. While I am supportive of the clearinghouse's efforts, I believe that the Department of Education, in conjunction with the Michigan Jobs Commission, is best situated to determine who should provide what types of technical assistance for the career preparation system as a whole.
- Section 6(4)(Y) artificially increases a district's pupil membership count to 6.0 FTE if its membership is less than 7.0 FTE. The estimated cost of this provision is \$14,400 in fiscal year 1999 and \$14,600 in fiscal year 2000.

With this new budget, total state and local spending on K-12 public education will climb to a record high \$12.3 billion by fiscal year 2000, an astounding 56 percent increase since 1990. In addition, state spending on school aid of \$9.8 billion in fiscal year 2000 is expected to exceed the entire General Fund budget for the third year in a row.

While I realize that funding is only one important ingredient in the recipe for school and student success, clearly Michigan is funding our schools at a world class level. Now, our challenge is to deliver a world class education and make it accessible to every child.

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I am confident that the Legislature is ready to meet that challenge and I look forward to working with you.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled House Bill No. 5516, referred to above, became P.A. 1998, No. 339.

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December 21, 1998

Michigan House of Representatives  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bill 4160.

I find HB 4160 to be overbroad in its application. The fact that the legislation has been given immediate effect means that any local official that would now be covered in this section could unwittingly be engaging in criminal activity and find himself or herself subject to fines and up to 90 days in jail.

For these reasons, I am returning Enrolled House Bill 4160 without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled House Bill No. 4160, referred to above, is compiled in *Michigan House Enrolled Bills (1998)*.

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December 29, 1998

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bill 5613.

HB 5613 amends the Marriage Act by adding county clerks to the list of individuals who may perform marriages. I have not been presented with any compelling evidence to show why this list should be expanded to include clerks. Under current law, there are several options for those individuals seeking to have a non-religious service, including district court judges and magistrates, probate judges and city mayors.

For this reason, I am returning Enrolled House Bill 5613 without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled House Bill No. 5613, referred to above, is compiled in *Michigan House Enrolled Bills (1998)*.

December 30, 1998

Michigan State Senate  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled Senate Bill 479.

Enrolled Senate Bill 479 would permit an annual \$5,000 tax credit for five years for the following individuals who have a practice in a health professional shortage area: existing and new primary care physicians, residents and interns in training, dentists, physician's assistants, nurse practitioners, any physician whose practice consists of more than 50 percent reimbursement from Medicaid, and nurse midwives. The intention of this bill is to encourage certain health professionals to practice in under-served areas by providing more money to these persons through a tax credit. However, the bill also provides significant monies for physicians and other health professionals who have already made the decision to practice in a specific area. This would not result in encouraging new health professionals into a specific area of Michigan.

Further, there is no evidence that this new tax credit would be more effective in placing health professionals in under-served areas than existing programs. There is no information comparing the income of physicians who practice in under-served areas with the income of other primary care physicians to indicate that such a tax credit would sufficiently motivate individuals to practice in under-served areas.

The state already has in place several programs that have successfully placed health professionals in under-served areas across Michigan. Last year, 99 physicians were placed in under-served areas through these programs.

Enrolled Senate Bill 479 would provide tax credits for persons in currently designated health profession shortage areas, even though these designations are likely to be significantly changed by the federal government in 1999. Most experts agree that the new federal changes will rationally result in a significant reduction in the number of under-served areas. Under current definitions, the vast majority of counties in Michigan have a full or a partial under-served designation. Legislation based on current designations, due to change, may have the unintended consequence of ensuring that a large number of health professionals will continue to qualify for this tax credit long after the federal government removes the under-served designation from the area in which they work.

There is an undetermined cost to the state for this proposed tax credit. A conservative estimate of the cost per year under the present under-served criteria is \$12,735,000. Further, this estimate does not include the cost of a tax credit for interns and residents because of the difficulty in calculating the numbers of those individuals who may qualify. The actual total cost may be substantially higher.

Enrolled Senate Bill 479 allows salaried residents and interns in training to benefit from the tax credit, even though these individuals have only limited control over their training placement. The process for placing residents and interns in training programs is complex and done through a national computer match program. In many cases, the tax credit is not an incentive because the individuals do not have the ability to choose where they will train.

Finally, to narrowly carve out a special tax credit for these professionals would benefit a select group of tax payers and reduce the ability to provide across-the-board income tax benefits for all Michigan tax payers.

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For these reasons, I am returning Enrolled Senate Bill 479 without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled Senate Bill No. 479, referred to above, is compiled in *Michigan Senate Enrolled Bills (1998)*.

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December 30, 1998

Michigan State Senate  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled Senate Bill 375.

Enrolled Senate Bill 375 amends the act providing for supervision of private, denominational and parochial schools to update references to "handicappers" to "persons with disabilities." I agree with the intent of this legislation. I have signed and will sign legislation to make similar changes in other acts. However, Enrolled Senate Bill 375 is tie-barred to a bill which was earlier vetoed. Therefore, even if signed, Enrolled Senate Bill 375 could not take effect.

For this reason, I am returning Enrolled Senate Bill 375 without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled Senate Bill No. 375, referred to above, is compiled in *Michigan Senate Enrolled Bills (1998)*.

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January 4, 1999

Michigan House of Representatives  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bill 5365.

Enrolled House Bill 5365 amends the Michigan Renaissance Zone Act to allow all local governments the same right to deny the tax exemptions and credits provided under the act to businesses that relocate to a Renaissance Zone within another local government jurisdiction. This amendment corrects an oversight in the original act that extended this option only to those local governments in which a Renaissance Zone was not already located. Also, the bill gives local governments some flexibility in determining whether or not individuals and businesses located within a Renaissance Zone are substantially delinquent in paying their taxes, as it impacts eligibility for the tax exemptions and credits provided under the act. These amendments are appropriate and logical.

A third amendment would extend tax exemptions and credits provided under the act to businesses that relocate outside of a designated Renaissance Zone and have met certain criteria. The criteria provided are so exact that it appears the change would benefit only a few, if not only one specific interest. This amendment clearly violates the intent of the Renaissance Zone initiative. All of the local governments in Michigan that applied to receive a Renaissance Zone designation had to meet the same requirements. To alter the standards in this way undermines the efforts of those individuals and the spirit of the law.

For this reason, I am returning Enrolled House Bill 5365 without signature. I encourage the members of the 90th Legislature of the State of Michigan to pass legislation

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providing for the sensible amendments to the Michigan Renaissance Zone Act previously discussed.

Sincerely,  
John Engler  
Governor

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Compiler's note: Enrolled House Bill No. 5365, referred to above, is compiled in *Michigan House Enrolled Bills (1998)*.

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January 4, 1999

Michigan House of Representatives  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled House Bills 4274, 4296 and 4789.

These bills deal with licensing issues for nutritionists, dieticians and athletic trainers. It has not been demonstrated that the public's health, safety or welfare is at risk. Both the dietician and athletic trainer professions, through their national organizations, already do an excellent job of assuring that their practitioners meet the highest professional standards. Enactment of these bills would inevitably result in higher health care costs and may cause confusion to the public or lead to unnecessary regulation.

I do support the original purpose of Enrolled House Bill 4274, to move the current registration of Social Workers from the Occupational Code to the Public Health Code. However, due to the additional language that was added to deal with nutritionists, dieticians and athletic trainers, I cannot support the bill.

Finally, I would call on the 90th Legislature to review the effectiveness of licensure and regulation. I do not want to give any false hope to the citizens of Michigan that licensure alone brings with it safety.

For this reason, I am returning Enrolled House Bills 4274, 4296 and 4789 without signature.

Sincerely,  
John Engler  
Governor

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Compiler's note: Enrolled House Bill Nos. 4274, 4296, and 4789, referred to above, are compiled in *Michigan House Enrolled Bills (1998)*.

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January 11, 1999

Michigan House of Representatives  
State Capitol Building  
Lansing, Michigan 48913

Ladies and Gentlemen:

Today I have signed Enrolled House Bill 4425, which provides supplemental fiscal year 1999 appropriations for the Legislature, Department of Attorney General, Department of Corrections, Department of Natural Resources, and Capital Outlay. However, I am returning the bill to you with vetoes of a number of capital outlay projects which I do not support.

The bill appropriates \$8.4 million total and general fund to support unclassified positions within the Department of Attorney General, to provide support for the Northbank Center building renovation at the University of Michigan - Flint and renovation of the

## VETOES 1998

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State Fair Ice Arena within the Department of Agriculture. Also included are operational resources for the Legislature to cover anticipated expenditures associated with office relocation and a retirement system conversion.

The bill also provides planning authorization for the Health Professions Facility project at Central Michigan University with final authorization to be sought once planning is complete, consistent with the new process for authorizing capital outlay projects which is included in Enrolled Senate Bill 906. The bill further provides new boilerplate language for the fiscal year 1999 County Jail Reimbursement Program for the Department of Corrections.

I have vetoed planning authorization for capital outlay projects at Grand Valley State University, Oakland University, Lansing Community College and Schoolcraft Community College. These projects were added to Enrolled House Bill 4425 late in the legislative process and, as such, have not been adequately reviewed in the context of overall capital outlay priorities.

I thank the Legislature for its work on this supplemental appropriations bill.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled House Bill No. 4425, referred to above, became P.A. 1998, No. 515.

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January 18, 1999

Michigan State Senate  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled Senate Bills 712 and 713.

I appreciate the intent of these bills which is to provide protection for governmental units and businesses in regard to construction costs. However, I am concerned that the effect of these bills could be the opposite. I cannot support measures that may increase the liability of governmental units in regard to private contracts.

For this reason, I am returning Enrolled Senate Bills 712 and 713 without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled Senate Bill Nos. 712 and 713, referred to above, are compiled in *Michigan Senate Enrolled Bills (1998)*.

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January 22, 1999

Michigan State Senate  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled Senate Bill 981.

## VETOES 1998

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Enrolled Senate Bill 981 amends the Natural Resources and Environmental Protection Act to prohibit the Michigan Department of Natural Resources from setting fire to forests, unless it is to protect the public health, safety and welfare or as prescribed for forest management or wildlife management programs under the authority of the department. The bill also provides a definition for a "prescribed burn" as follows:

"A prescribed burn is a fire that is intentionally set by the department in a forest area on state owned property or privately owned property to assist the department in implementing 1 or more land use management goals."

The word "use" implies that a burn can only be conducted if the land is intended for some human use. This definition would act as a barrier in the course of the department's efforts toward better habitat management, forest regeneration, site preparation, disease control, species conversion and fuel management. Both the department's goals and the public welfare would be better served by striking "use" from the definition.

For this reason, I am returning Enrolled Senate Bill 981 without signature. I encourage the members of the 90th Legislature of the State of Michigan to pass legislation with a definition for "prescribed burn" as suggested above.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled Senate Bill No. 981, referred to above, is compiled in *Michigan Senate Enrolled Bills (1998)*.

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January 22, 1999

Michigan State Senate  
State Capitol Building  
Lansing, MI 48913

Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled Senate Bill 820.

Enrolled Senate Bill 820 creates the Bail Enforcement Agent Regulation Act to provide licensure of "bounty hunters" by the Department of Consumer and Industry Services. The bill provides a set of criteria that must be met in order to be licensed, describes a code of conduct for agents and prescribes penalties for violations of the act.

While a code of conduct may be necessary for Bail Enforcement Agents, I do not believe that licensure is the appropriate remedy. Committee testimony indicated that only 12 to 20 individuals provide this service in Michigan and it is untenable to initiate a full licensure program for so few.

As I have previously stated, I call upon the 90th legislature to review the effectiveness of licensure and regulation. I do not want to give any false hope to the citizens of Michigan that licensure alone brings with it safety.

For these reasons, I am returning Enrolled Senate Bill 820 without signature. As Enrolled Senate Bill 1264 is tie-barred to Enrolled Senate Bill 820, it is also being returned without signature.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled Senate Bill Nos. 820 and 1264, referred to above, are compiled in *Michigan Senate Enrolled Bills (1998)*.

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VETOES 1998

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January 22, 1999

TO WHOM IT MAY CONCERN:

The following entitled enrolled bill was presented to the Governor on January 8, 1999, at 2:00 p.m., for his approval:

Enrolled Senate Bill No. 73, being

An act to amend 1961 PA 88, entitled "An act to provide for the preservation and continuity of retirement system service credits for public employees who transfer their employment between units of government," by amending section 4 (MCL 38.1104), as amended by 1990 PA 274.

The enrolled bill, not having been approved as of January 22, 1999, at 2:00 p.m., did not become law, in accordance with the provisions of Article IV, Section 33 of the Constitution.

Carol Morey Viventi, J.D.  
Secretary of the Senate

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**Compiler's note:** Enrolled Senate Bill No. 73, referred to above, is compiled in *Michigan Senate Enrolled Bills (1998)*.

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January 27, 1999

Michigan State Senate  
State Capitol  
Lansing, Michigan 48913

Dear Ladies and Gentlemen:

Today I have vetoed and am returning to you herewith, Enrolled Senate Bill 773.

Enrolled Senate Bill 773 would have amended Public Act 431 of 1984, otherwise known as the Department of Management and Budget (DMB) Act. The bill includes several provisions that would have significantly improved the operations of a number of DMB functions, particularly as they relate to the legislatively mandated capital outlay process. However, I am unable to support the bill because of several significant flaws with regard to the amendments that authorize work projects.

Specifically, Enrolled Senate Bill 773 removes the Budget Director's authority to issued directives that could cause the lapse of unencumbered work project funds. The Budget Director should have the authority to lapse Executive Branch work projects in the event of a potential departmental or overall general fund deficit.

Enrolled Senate Bill 773 also attempts to limit the duration of Executive Branch work projects to 24 months. The bill actually removes all time limits because the work project language included in subsection 451(3) clearly exempts work projects from the lapse restrictions detailed in subsection 451(1).

Furthermore, Enrolled Senate Bill 773 has what I believe to be the unintended consequence of limiting the legislative and judicial branch's ability to establish work projects. Enrolled Senate Bill 773 limits this ability to specific line items in an appropriation bill. Existing law also allows for the designation of work projects at the end of the fiscal year upon the recommendation of the Budget Director and the lack of disapproval by either of the Appropriations Committees.

For these reasons, I am returning Senate Bill 773 without signature. I commend the Legislature, and in particular Senator Gast, for their attempt to streamline many of the legislative processes established in the DMB Act. I would encourage the Legislature to continue their efforts in this regard.

Sincerely,  
John Engler  
Governor

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**Compiler's note:** Enrolled Senate Bill No. 773, referred to above, is compiled in *Michigan Senate Enrolled Bills (1998)*.