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LT. GOVERNOR

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Michigan Senate
State Capitol Building
Lansing, MI 48909-7536

Senators,

Today, I am vetoing Enrolled Senate Bill 976. Because the session at which this bill was passed has finally adjourned, my disapproval means it will not become law (1963 Const. Art. VI, § 33).

This bill added language that exempts Unemployment Insurance Agency (UIA) records related to the methods it uses to identify and investigate fraudulent claims from disclosure under the Freedom of Information Act, MCL 15.231, et seq. The bill also added language to clarify which records must be made available to an interested party who is requesting information which may affect an individual's claim for worker's compensation. And, it adds language to clarify that the recipient must pay the costs that UIA incurs to facilitate the disclosure of these records.

However, this bill has a concerning carveout. The bill allows for the FOIA exemption to be bypassed by any licensed attorney with good standing in the Michigan Bar. This exemption is problematic because disclosure of this information could be a violation of regulations promulgated by the United States Department of Labor and could subject the State to potential penalties including the withholding of funds. Additionally, such an exemption is entirely unnecessary, given that attorneys can receive this information through the discovery process in court and administrative proceedings.

While I support the intention of the bill, I am concerned that there are significant deficiencies that outweigh the benefit. Therefore, I am vetoing Enrolled Senate Bill 976.

Respectfully,

Gretchen Whitmer
Governor