



State of West Virginia
Earl Ray Tomblin
Governor

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March 23, 2011

The Honorable Natalie E. Tennant
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Dear Secretary Tennant:

Pursuant to the provisions of Section 51, Article VI of the Constitution of West Virginia, I hereby return Enrolled Committee Substitute for House Bill No. 2012, passed March 18, 2011, approved with the following objections:

My first objection to the Bill is contained in Item 10, page 17, line 14, which states:

“Bee Research 691 86,894”

While the above funding may be of benefit, I am hesitant to add funding for programs when the future challenges in West Virginia’s budget make it imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore I am reducing the appropriation by the amount of \$10,000 to \$76,894.

My second objection to the Bill is contained in Item 11, page 19, line 6, which states:

“Marlinton Flood Wall (R) 757 1,500,000”

The Soil Conservation Agency reports that the Army Corps of Engineers is reevaluating the budget and timeline for the Marlinton Floodwall Project. Until that data becomes available, I believe it is fiscally prudent to reduce the appropriation by the amount of \$750,000 to \$750,000.

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My third objection to the Bill is contained in Item 36, page 30, line 7, which states:

“Unclassified 099 4,061,758”

The above appropriation has been increased by \$2,250,000, of which \$750,000 was appropriated for TechConnect. While efforts to spur technology development and commercialization across West Virginia are a worthy goal, I am hesitant to add such a large amount of funding for a new program. Therefore, I am reducing the appropriation by the amount of \$500,000 to \$3,561,758.

My fourth objection to the Bill is contained in Item 36, page 31, line 23, which states:

“Chemical Alliance Zone 390 100,000”

While this program may be determined to be of benefit, I am hesitant to add additional funding for a program at a time when the future challenges in West Virginia’s budget make it imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$54,400 to \$45,600 to maintain the FY 2011 funding level.

My fifth objection to the Bill is contained in Item 36, page 31, lines 37 and 38, which states:

“Local Economic Development Assistance (R) 819 7,677,000”

The above appropriation has several years of reappropriated funding (unspent funds) available that I believe to be adequate to fulfill the needs of the program. Therefore, I am reducing the appropriation by the amount of \$3,777,000 to \$3,900,000.

My sixth objection to the Bill is contained in Item 36, page 31, line 39, which states:

“I-79 Development Council 824 65,050”

The appropriation has been increased by 174% over the FY 2011 level of funding. A cautious and prudent approach must be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$15,000 to \$50,050, which should provide an adequate level of funding for FY 2012.

My seventh objection to the Bill is contained in Item 36, page 32, lines 75 through 78, which states:

“From the above appropriation for Unclassified (fund 0256, activity 099) \$750,000 is for TechConnect; \$250,000 is for Tamarack Foundation; \$1,250,000 is to be transferred to

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Development Office Promotion Fund (Fund 3171)."

Having reduced the appropriation for Unclassified in objection three above, I am therefore reducing the amount in the language on page 32 in line 76 for TechConnect from \$750,000 to \$250,000.

My eighth objection to the Bill is contained in Item 38, page 33, lines 1, 2 and 4, which states:

"Personal Services	001	\$	200,000
Employee Benefits	010		100,000
BRIM Premium	913		1,500"

The above appropriations provide funding to expand the Department of Commerce, Division of Labor by adding a new program. I applaud the Legislature for focusing on the safety and health of public employees in the workplace. However, being acutely aware of the national economy and of the budget deficits currently facing many other states, it is imperative that a cautious and prudent approach is taken to avoid over funding new programs. In order to adequately prepare for the implementation of a new program in state government, I am reducing the appropriation for Personal Services in the amount of \$200,000, Employee Benefits in the amount of \$100,000, and BRIM Premium in the amount of \$1,500 leaving \$98,500 of new monies for program start-up funds in the Unclassified.

My ninth objection to the Bill is contained in Item 48, page 38, line 45, which states:

"Educational Program Allowance	996		350,000"
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Being aware of the uncertainty of the national economy and of the budget deficits currently facing many other states, it is imperative that a cautious and prudent approach be taken to avoid building the State's base budget. Therefore, I am reducing the appropriation by the amount of \$100,000 to \$250,000.

My tenth objection to the Bill is contained in Item 48, page 39, lines 63 through 68, which states:

"From the above appropriation for Educational Program Allowance (activity 996), \$100,000 shall be expended for Webster County Board of Education for Hacker Valley; \$150,000 for the Randolph County Board of Education for Pickens School and \$100,000 for the Preston County Board of Education for Aurora School."

Having reduced the appropriation for Educational Program Allowance in objection nine

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above, I am deleting the corresponding language in its entirety contained on page 39, lines 67 and 68 starting with, "and \$100,000 for the Preston County Board of Education for Aurora School".

My eleventh objection to the Bill is contained in Item 48, page 40, line 79 through 81, which states:

"The above appropriation for Math and Science Teacher Loan Assistance Program shall be transferred to the Math and Science Teacher Loan Assistance Fund."

The above language references an appropriation that is not under Item 48. Therefore, I am deleting this language in its entirety, lines 79 through 81, for technical reasons.

My twelfth objection to the Bill is contained in Item 50, page 41, line 9, which states:

"Improved Instructional Programs 156 44,369,840"

The above line-item contains funding that the School Aid Formula does not need to fulfill statutory requirements. Therefore, I am reducing the appropriation by the amount of \$5,841,043 to \$38,528,797.

My thirteenth objection to the Bill is contained in Item 50, page 41, lines 22 through 25, which states:

"Included in the above appropriation for Administration (fund 0317, activity 155) is an additional \$500,000 to be used to improve the current nurse-to-student ratio in a manner to be determined by the State Board of Education."

The above language references an appropriation for Administration, activity 155, which is funded at \$0. Therefore, I am deleting this language in its entirety, lines 22 through 25, for technical reasons.

My fourteenth objection to the Bill is contained in Item 54, page 43, line 4, which states:

"National Youth Science Camp 132 350,000"

Being acutely aware of the national economy and of the budget deficits currently facing many other states, it is imperative that a cautious and prudent approach is taken to avoid dedicating additional funding for existing programs. Therefore, I am reducing the appropriation by the amount of \$60,000 to \$290,000, which is still a \$100,000 increase over the FY 2011 funding level.

My fifteenth objection to the Bill is contained in Item 63, page 50, line 20, which states:

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“Center for End of Life 545 500,000”

The above appropriation was increased by 100% above the FY 2011 level. Being acutely aware of the national economy and of the budget deficits currently facing many other states, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$250,000 to \$250,000 to maintain the FY 2011 level of funding.

My sixteenth objection to the Bill is contained in Item 63, page 52, lines 70 through 72, which states:

“From the above appropriation for Unclassified (fund 0407, activity 099) \$30,000 is for the Center for Rural Health Development.”

Being acutely aware of the national economy and of the budget deficits currently facing many other states, it is imperative that a cautious and prudent approach is taken to avoid dedicating funding for new programs. Therefore, I am deleting the language in its entirety, page 52, lines 70 through 72.

My seventeenth objection to the Bill is contained in Item 64, page 53, line 6 and line 7, which states:

**“Behavioral Health Program -
Unclassified (R) 219 62,937,972”**

At the request of the Hartley court monitor, West Virginia is finishing work on a Statewide Substance Abuse System Strategic Plan, which is due to the court monitor on October 1, 2011. The plan, which has been more than a year in its formation, is being developed with technical assistance from the federal Substance Abuse Mental Health Services Administration. It is being formulated with input from more than 350 stakeholders including providers, consumers, and advocates. While I do not deny the need for more funding for substance abuse, it would be a better use of limited State dollars to wait until completion of the State’s strategic plan and its approval by the federal government and the court system. Therefore, I am reducing the appropriation by the amount of \$500,000 to \$62,437,972.

My eighteenth objection to the Bill is contained in Item 64, page 54, lines 29 through 33, which states:

“Included in the above appropriation for Behavioral Health Program - Unclassified (fund 0525, activity 219) is \$100,000 for the Four Angels Substance Abuse Treatment Project

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development and \$500,000 for West Virginia Partnership To Promote Community Well-Being.”

Having reduced the appropriation for Behavioral Health Program - Unclassified in objection seventeen above, I am, therefore, deleting the language on page 54, lines 32 and 33, “and \$500,000 for West Virginia Partnership To Promote Community Well-Being.”

My nineteenth objection to the Bill is contained in Item 67, page 56, line 4, which states:

“Unclassified 099 15,552,857”

Being acutely aware of the national economy and of the budget deficits currently facing many other states, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$100,000 to \$15,452,857.

My twentieth objection to the Bill is contained in Item 67, page 58, lines 89 through 93, which states:

“From the above appropriation for Unclassified (fund 0403, activity 099) \$200,000 is provided for a one-time pilot program for at-risk youth. The funds are to be administered as a reimbursement grant and may only be drawn down on a one-to-one matching basis.”

Having reduced the appropriation for Unclassified in objection nineteen above, I am reducing the amount in the language on page 58, line 90 from \$200,000 to \$100,000.

My twenty-first objection to the Bill is contained in Item 83, page 69, line 4, which states:

“Unclassified (R) 099 8,099,623”

This appropriation has been increased over the FY 2011 level of funding. A cautious and prudent approach must be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$30,000 to \$8,069,623.

My twenty-second objection to the Bill is contained in Item 84, page 70, line 2, which states:

“Pay Equity Reserve 364 600,000”

This appropriation has been increased over the FY 2011 level of funding by 140%. A cautious and prudent approach must be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$100,000 to \$500,000 which will still double the funding available for the program.

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My twenty-third objection to the Bill is contained in Item 96, page 78, line 16, which states:

“Glenville State College 428 7,197,804”

Being acutely aware of the national economy and of the budget deficits currently facing many other states, it is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$100,000 to \$7,097,804.

My twenty-fourth objection to the Bill is contained in Item 96, page 78, line 23, which states:

“West Virginia University 459 116,372,285”

Being acutely aware of the national economy and of the budget deficits currently facing many other states, it is imperative that a cautious and prudent approach is taken to avoid building the State’s base budget. Therefore, I am reducing the appropriation by the amount of \$100,000 to \$116,272,285.

My twenty-fifth objection to the Bill is contained in Item 96, page 80, lines 67 through 72, which states:

“Included in the above appropriation for Glenville State College is \$350,000 for a 20 county “Hidden Promise” consortium between the County School Systems and Glenville State College; \$200,000 for courses offered in conjunction with the corrections academy; and \$50,000 to upgrade the security system at the corrections academy.”

Having reduced the appropriation for Glenville State College in objection twenty-three above, I am reducing the amounts in the language on page 80, line 68 from \$350,000 to \$300,000 and on lines 71 and 72 deleting the words, “; and \$50,000 to upgrade the security system at the corrections academy.”

My twenty-sixth objection to the Bill is contained in Item 96, page 80 and 81, lines 73 through 97, which states:

“Included in the above appropriation for West Virginia University is \$34,500 for the Marshall and WVU Faculty and Course Development International Study Project; \$246,429 for the WVU Law School — Skills Program; \$300,000 for the WVU Coal and Energy Research Bureau to be expended in consultation with the Board of Coal Mine Health and Safety, the Mine Safety Technology Task Force, and the DEP Advisory Council; \$19,714 for the WVU College of Engineering and Mineral Resources — Diesel Training — Transfer; \$82,500 for the

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WVU — Sheep Study; \$500,000 for the Mining Engineering Program; \$500,000 for the Center for Multiple Sclerosis Program; \$550,000 for the Davis College of Forestry Agriculture and Consumer Sciences of which \$112,500 is to be used for Morgantown Farms; \$112,500 is to be used for Raymond Memorial Farm; \$112,500 is to be used for Reedsville Farm; \$112,500 is to be used for Kerneysville Farm; \$200,000 for Reedsville Arena and Jackson’s Mill Arena; \$80,000 for a Landscape Architect at Davis College of Forestry Agriculture and Consumer Sciences; \$100,000 for the WVU — Soil Testing Program; \$100,000 for a veterinarian; \$50,000 for the WVU Cancer Study; \$220,000 for the WVU Petroleum Engineering Program; \$150,000 for the WV Alzheimer Disease Register; \$100,000 is for the Aquaculture Program; and \$100,000 for the rifle team.”

Having reduced the appropriation for West Virginia University in objection twenty-four above, I am deleting the language on page 81, line 96, by removing the words, “\$100,000 is for the Aquaculture Program;”.

My twenty-seventh objection to the Bill is contained in Item 266, page 147, line 8, which states:

“Governor’s Honor Academy 478 489,358”

Because of decreasing lottery revenues, I am hesitant to provide significant increases in appropriations to items that receive lottery funding. Therefore, I am reducing the appropriation by the amount of \$89,358 to \$400,000.

My twenty-eighth objection to the Bill is contained in Item 266, page 147, line 9, which states:

“Literacy Project 899 425,000”

Because of decreasing lottery revenues, I am hesitant to provide significant increases in appropriations to items that receive lottery funding. Therefore, I am reducing the appropriation by the amount of \$75,000 to \$350,000 to maintain the FY 2011 level of funding.

My twenty-ninth objection to the Bill is contained in Item 267, page 147, lines 16 and 17, which states:

“Grants for Competitive Arts Program (R) 624 1,250,000”

Because of decreasing lottery revenues, I am hesitant to provide significant increases in appropriations to items that receive lottery funding. While there may be a higher demand for these grants, it is imperative to be cautious when expanding program funding. I believe the FY 2012

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recommendation was sufficient for the operations of this program. Therefore, I am reducing the above appropriation by the amount of \$228,750 to \$1,021,250 to maintain funding at the FY 2011 level.

My thirtieth objection to the Bill is contained in Item 277, pages 164 and 165, lines 2 through 5, which states:

“The above appropriation for Unclassified - Total - Transfer (activity 402) shall be transferred to the West Virginia Infrastructure Fund (fund 3384, org 0316) created by W.Va. Code §31-15A-9.”

This language does not correspond with new legislation passed in the 2011 Regular Session, Senate Bill 245, therefore I am deleting the language in its entirety, lines 2 through 5.

My thirty-first objection to the Bill is contained in Item 280, page 165, lines 4 through 7, which states:

“The above appropriation for Unclassified - Transfer (fund 7308, activity 482) shall be transferred to the Unredeemed Pari-Mutuel Tickets Fund (fund 7301, org 0707) in support of W.Va. Code §19-23-13.”

This language references an appropriation that is no longer under Item 280. Therefore I am deleting the language in its entirety, lines 4 through 7, for technical reasons.

My thirty-second objection to the Bill is contained in Item 367, page 191, lines 2 through 5, which states:

“The above appropriation for Unclassified - Surplus - Total (fund 0273, activity 097) shall be transferred to the Underground Storage Tank Insurance Fund (fund 3218, org 0313).”

The language above, “Unclassified - Surplus - Total”, does not match the appropriation name. Therefore I am deleting the “- Total” on line 2 for technical reasons.

My thirty-third objection to the Bill is contained in Item 368, page 191, which states:

**“368-Division of Homeland Security and
 Emergency Management
 (WV Code Chapter 15)
 Fund 0443 FY 2012 Org 0606**

Unclassified - Surplus 097 5,000,000

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The above appropriation for Unclassified - Surplus (fund 0443, activity 097) shall be used to match federal funds for the purpose of relocating the Division of Homeland Security and Emergency Management.”


This is a new appropriation for FY 2012 that has not been fully vetted to determine its need and true benefit. Therefore, I am deleting Item 368 in its entirety.

My thirty-fourth objection to the Bill is contained in Item 378, page 194, lines 1 and 2, which states:

**“Agricultural Disaster and Mitigation
Needs - Surplus 850 500,000”**

This is a new appropriation for FY 2012 that has not been fully vetted to determine its need and true benefit. Therefore, I am reducing the appropriation by the amount of \$250,000 to \$250,000.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for House Bill No. 2012.

Sincerely,

Earl Ray Tomblin
Governor