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OFFICE WEST VIRGINIA
SECRETARY OF STATE

State of West Virginia
Earl Ray Tomblin
Governor

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March 21, 2012

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 Senate Bill No. 160, passed March 16, 2012, approved with the following objections:

My first objection to the Bill is contained in Item 36, page 28, line 6, which states:

“Current Expenses 130 3,395,169”

The above appropriation includes new funding for One Voice for FY 2013 that should be considered by the Governor’s Advisory Council on Substance Abuse. Therefore, I am reducing the appropriation by the amount of \$250,000 to \$3,145,169.

My second objection to the Bill is contained in Item 36, page 30, line 75 through line 80, which states:

“From the above appropriation for Current Expenses (fund 0256, activity 130) \$250,000 is for TechConnect; \$250,000 is for Tamarack Foundation; \$150,000 is for the Citizens Conservation Corps; \$350,000 is for One Voice and \$1,000,000 is to be transferred to Development Office Promotion Fund (Fund 3171).”

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Having reduced the appropriation for Current Expenses in objection one above, I am reducing the amount in the language on page 30, line 78 from \$350,000 to \$100,000.

My third objection to the Bill is contained in Item 36, page 31, line 91 through line 94, which states:

“From the above appropriation for Local Economic Development Assistance (fund 0256, activity 819) the division may retain an amount not to exceed one percent of the total appropriation for administrative purposes.”

This language does not consider the increase in the Personal Services and Employee Benefits lines in this fund for this purpose and would be redundant funding. Therefore, I am deleting the language in its entirety, page 31, lines 91 through 94.

My fourth objection to the Bill is contained in Item 48, page 38, line 69 through line 72, which states:

“From the above appropriation for National Teacher Certification (activity 161), any funds remaining after all initial certification expenses have been met shall be for the reimbursement of NBPTS certificate renewal.”

This language changes the intent of the activity and therefore, I am deleting the corresponding language in its entirety contained on page 38, lines 69 through 72.

My fifth objection to the Bill is contained in Item 55, page 43, line 28 through line 31, which states:

“From the above appropriation for Unclassified (activity 099), and Current Expenses (activity 130), is \$250,000 for the WVSOM in conjunction with WV Public Broadcasting for the Healthy Choices Childrens Television Program.”

This is a new program that was not provided additional funding and would place greater demand on current resources dedicated to existing culture and history programs. Therefore, I am reducing the amount in the language on page 43, line 29 from \$250,000 to \$100,000.

My sixth objection to the Bill is contained in Item 63, page 49, line 32, which states:

“Health Right Free Clinics 727 5,000,000”

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At a time when we are facing major future funding challenges, 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 \$4,750,000.

My seventh objection to the Bill is contained in Item 67, page 54, line 37 and 38, which states:

“Sexual Assault Intervention and Prevention 723 500,000”

At a time when budget deficits are prevalent across many other states and with economic uncertainty at the national level, it is critical that appropriate actions be taken to minimize building base budget items. Therefore, I am reducing the appropriation by the amount of \$250,000 to \$250,000.

My eighth objection to the Bill is contained in Item 75, page 61, lines 1 and 3, which states:

**“Personal Services 001 \$ 46,664,205
Employee Benefits 010 10,257,264”**

The above appropriations contain funding for a pay raise for the civilian employees of the State Police. At a time when we are facing major future budget challenges, we should be cautious in giving base building pay raises. It is imperative that a cautious and prudent approach be taken to avoid building the State’s base budget. Therefore, I am reducing the appropriations for Personal Services by \$807,500 to \$45,856,705 and Employee Benefits by \$242,500 to \$10,014,764.

My ninth objection to the Bill is contained in Item 75, page 62, lines 31 through 34, which states:

“Included in the above appropriation for Personal Services (activity 001), and Employee Benefits (activity 010), is \$1,300,000 for salary increases and associated benefits for civilian employees of the West Virginia State Police.”

Having reduced the appropriations for Personal Services and Employee Benefits in objection eight above, I am reducing the amount in the language on page 62, line 33 from \$1,300,000 to \$250,000.

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My tenth objection to the Bill is contained in Item 120, page 88, line 1, which states:

“Current Expenses 130 38,000,000”

The above appropriation needs reduced to match the recommended funding requirement as noted by my budget adjustment letter submitted to the Legislature on March 7, 2012 resulting from the final actuarial estimates for Teachers’ Retirement Savings Realized. Therefore, I am reducing the appropriation by the amount of \$9,939,000 to \$28,061,000.

My eleventh objection to the Bill is contained in Item 135, page 94, line 5, which states:

“Equipment 070 510,000”

The above appropriation is to purchase equipment for a program that is not administered through the Contractor Licensing Board Fund and would not be in compliance with W.Va Code §21-11-17(a). Therefore, I am reducing the appropriation by the amount of \$510,000 to \$0.

My twelfth objection to the Bill is contained in Item 226, page 126, line 4, which states:

“Current Expenses 130 1,254,164”

The above appropriation contains \$696,800 too much spending authority for FY 2013, which was noted in my budget adjustment letter submitted to the Legislature on March 7, 2012. Therefore, I am reducing the appropriation by the amount of \$696,800 to \$557,364.

My thirteenth objection to the Bill is contained in Item 271, page 156, line 35 through line 38, which states:

“The above appropriation for Higher Education Grant Program (activity 164) shall be transferred to the Higher Education Grant Fund (fund 4933, Org 0441) established by W.Va. Code §18C-5-3.”

The above language references an appropriation for Higher Education Grant Program, activity 164, which is funded at \$0 from this funding source. Therefore, I am deleting this language in its entirety, lines 35 through 38.

My fourteenth objection to the Bill is contained in Item 284, page 161, line 1, which states:

“Unclassified - Total 096\$ 810,000”

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Because of anticipated decreasing lottery revenues in future years, 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 \$410,000 to \$400,000.

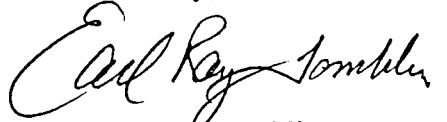
My fifteenth objection to the Bill is contained in Item 364, page 187, line 3 through line 12, which states:

“From the above appropriation (fund 0525, activity 354), the funding will be consistent with the goal areas outlined in the Comprehensive Substance Abuse Strategic Action Plan. Prior to disbursement of funds, the Department of Health and Human Resources, Bureau for Behavioral Health and Health Facilities, shall submit a gap analysis of substance abuse services, and an outline of service provision costs to provide assistance to the Regional Task Forces and the Advisory Council for development and prioritization of recommendations.”

The above language references the incorrect activity number on line 3 . Therefore, I am deleting the phrase “, activity 354”.

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Committee Substitute for Senate Bill No. 160.

Sincerely,

A handwritten signature in black ink, reading "Earl Ray Tomblin". The signature is written in a cursive style with a large initial "E" and a long, sweeping underline.

Earl Ray Tomblin
Governor