STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
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EARL RAY TOMBLIN
GOVERNOR

June 2, 2016

**VIA HAND DELIVERY**

The Honorable William P. Cole III
President, West Virginia Senate
Room 229M, Building 1
State Capitol
Charleston, West Virginia 25305

RE: Enrolled Senate Bill 1002

Dear President Cole:

Pursuant to the provisions of section fifty-one, article VI of the Constitution of West Virginia, I hereby return Enrolled Senate Bill 1002, passed May 27, 2016, approved with the following objections:

My first objection to the Bill pertains to the title of the bill, on page 1, lines 1-23, which states:

**"AN ACT expiring funds to the unappropriated balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2016, in the amount of $1,000,000 from the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the amount of $1,000,000 from the Governor's Office, Civil Contingent Fund - Total - Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the amount of $1,000,000 from the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400; $3,150,000 from the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200; in the amount of $3,000,000 from the Treasurer's Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300; in the amount of $8,500,000 from the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the amount of $2,500,000 from the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Costs Review Fund, fund 5375, fiscal year 2016,**

**organization 0507; in the amount of $32,000,000 from the Department of Revenue, Office of the Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701; in the amount of $5,000,000 from the Department of Revenue, Insurance Commissioner - Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the amount of $4,631,089.49 from the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the amount of $2,000,000 from the Public Service Commission, fund 8623, fiscal year 2016, organization 0926."**

The expirations in this bill are intended to help fill an anticipated budget gap in the current fiscal year, fiscal year 2016. Expiring these funds reduces the amount of an anticipated end of the year appropriation reduction to DHHR accounts, but amendments to the introduced bill by the Legislature added expirations from funds in the Governor's Office - Civil Contingent Fund. The Civil Contingent funds are funds of last resort that are used for unforseen emergencies.

Therefore, on page 1, lines 2-7, I am deleting the language, "$1,000,000 from the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the amount of $1,000,000 from the Governor's Office, Civil Contingent Fund - Total - Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the amount of $1,000,000 from the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400;".

My second objection to the Bill pertains to pages 3-4, lines 63-79, which state:

**"Whereas, The Legislature finds that the account balances in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the Governor's Office, Civil Contingent Fund - Total - Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400; in the Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200; in the Treasurer's Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300; in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500; in the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507; in the Department of Revenue, Office of the Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701; in the Department of Revenue, Insurance Commissioner - Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704; in the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705; and in the Public Service Commission, fund 8623, fiscal year 2016, organization 0926, exceed that which is necessary for the purposes for which the accounts were**

**established; therefore"**

Having deleted the language in the title of the Bill in objection one above, I am deleting the language on page 3, lines 63-67, "in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400; in the Governor's Office, Civil Contingent Fund - Total - Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800; in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400;"

My third objection to the Bill pertains to page 4, lines 1-24, which state:

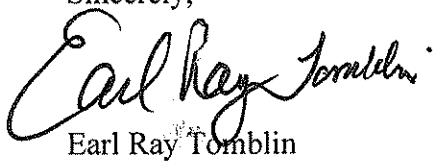
**"That the balance of the funds available for expenditure in the fiscal year ending June 30, 2016, in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the amount of $1,000,000; in the Governor's Office, Civil Contingent Fund - Total - Surplus, fund 0105, fiscal year 2005, organization 0100, appropriation 23800, be decreased by expiring the amount of $1,000,000; in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased by expiring the amount of $1,000,000; Joint Expenses, Tax Reduction and Federal Funding Increased Compliance (TRAFFIC), fund 0175, fiscal year 2009, organization 2300, appropriation 64200, be decreased by expiring the amount of $3,150,000; in the Treasurer's Office, Personal Income Tax Reserve Fund, fund 1313, fiscal year 2016, organization 1300, be decreased by expiring the amount of $3,000,000; in the Attorney General, Consumer Protection Recovery Fund, fund 1509, fiscal year 2016, organization 1500, be decreased by expiring the amount of $8,500,000; in the Department of Health and Human Resources, West Virginia Health Care Authority - Health Care Costs Review Fund, fund 5375, fiscal year 2016, organization 0507, be decreased by expiring the amount of $2,500,000; in the Department of Revenue, Office of the Secretary - Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2016, organization 0701, be decreased by expiring the amount of $32,000,000; in the Department of Revenue, Insurance Commissioner - Insurance Commission Fund, fund 7152, fiscal year 2016, organization 0704, be decreased by expiring the amount of $5,000,000; in the Department of Revenue, Lottery Commission, Operating and Expenses Fund, fund 7200, fiscal year 2016, organization 0705, be decreased by expiring the amount of $4,631,089.49; and in the Public Service Commission, fund 8623, fiscal year 2016, organization 0926, be decreased by expiring the amount of $2,000,000, all to the unappropriated balance of the State Fund, General Revenue, to be available during the fiscal year ending June 30, 2016. "**

Having deleted the language in the title of the Bill in objection one above, I am deleting the language on page 4, lines 2-7, "Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2004, organization 0100, appropriation 61400, be decreased by expiring the amount of $1,000,000; in the Governor's Office, Civil Contingent Fund - Total - Surplus, fund 0105, fiscal year 2005,

organization 0100, appropriation 23800, be decreased by expiring the amount of $1,000,000; in the Governor's Office, Civil Contingent Fund, fund 0105, fiscal year 2006, organization 0100, appropriation 61400, be decreased by expiring the amount of $1,000,000; "

For the reasons stated herein, I have approved, subject to the above objections, Enrolled Senate Bill 1002.

Sincerely,



Earl Ray Tomblin
Governor

cc: The Hon. Tim Armstead
Speaker, West Virginia House of Delegates

The Hon. Natalie E. Tennant
Secretary of State