LINE ITEM VETO

The Governor's greatest power regarding legislation is the veto, whereby the Governor rejects a piece of legislation on either technical or policy grounds. With most bills, the veto is all-or-nothing. However, with the budget, the Governor has "line item veto" power. Line item vetoes allow the governor to lower an amount or eliminate specific lines in the budget, without rejecting the entire bill.

VETO PROCESS

Once a bill is passed by both legislative bodies, it goes to the Committee on Enrolled Bills (in chamber where bill was introduced). It is then sent to the Governor for his signature. When the Committee sends the bill to the Governor during the legislative session, he has ten days to decide whether to sign the bill or veto it. When the committee sends it to him after the conclusion of the regular legislative session, he has fifteen days to act. Any time the Governor receives an appropriations bill, however, he only has five days to return the bill. If the Governor signs the bill, a message is sent to the legislature informing them that the legislative process is complete.

KEY TERMS

Veto: The constitution allows the governor to express disapproval and return the bill to the chamber of origin. This is known as a "veto" and renders the bill null and void. The legislature may override a veto in specific circumstances.

Line Item Veto: For the budget and supplemental bills, the governor has the ability to lower or remove specific amounts and/or language from the bill. He cannot, however, increase amounts or add additional lines.

Appropriation: Money that has been allocated in the state budget to fund a specific purpose. For example, money might be "appropriated" to dam safety within the Department of Environmental Protection. The agency cannot use the money for any other purpose.

Reappropriated Funds: Certain appropriations in the budget (designated with an (R)) are rolled over from year to year. Agencies can only spend this reappropriated money as specified in the appropriation.

VETO LETTER

If the Governor decides to veto a bill, he sends a veto letter. The letter will either explain a technical flaw found within the bill or give reasons why the Governor considered the legislation to be bad policy. In the case of a line item veto, the Governor will cite specific lines in his objection (as shown in table below). The veto letter is hand delivered to the Secretary of State, with copies going to each chamber of the legislature.

OVERRIDING A VETO

The legislature has the authority to override a Governor's veto if they so choose. The vote margin required to override a gubernatorial veto varies from state to state. In most states, an override requires a two-thirds vote from each legislative chamber. In West Virginia, the legislature only needs a simple majority to override a veto for most bills. For appropriations bills, however, a two-thirds vote is required. If the override is successful, the bill becomes law.

LINE ITEM VETOES IN 2020 BUDGET

The Governor vetoed four different items in the 2020 Budget. Because of the line item veto power, the Governor was able to make these changes to the bill without voiding the entire bill. Also, as you can see, the Governor was able to lower the amounts for certain lines without eliminating the entire line. Each of these vetoes was made on technical grounds.

Line Item	Original	Final	Reason
Item 45: Teacher's Retirement Savings Realized	$42,954,000	$37,582,000	The Public Retirement Board determined that funding in the Budget was higher than it needed to be
Item 75: Unclassified (R)	$5,837	$5,837	The (R) symbol indicates a reappropriated fund, which does not apply in this case
Item 75: Unclassified – Total (budget language)			The wrong appropriation number was given for this line item
Item 141: Current Expenses	$42,954,000	$37,582,000	The Special Revenue fund for the Teacher's Retirement system also had to be changed to reflect the lower estimate