

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
Charleston, WV 25305
April 6, 2010

VETO MESSAGE

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, WV 25305

Dear Secretary of State Tennant:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove Enrolled Committee Substitute for H. B. 4557.

Enrolled Committee Substitute for House Bill No. 4557 affects the duties of the Legislative Oversight Commission on Health and Human Resources Accountability. If approved, the commission would be required to review, upon submission to the appropriate purchasing entity, all Department of Health and Human Resources requests for proposals valued at over \$500,000 and change orders to existing contracts valued at over \$500,000.

I strongly support the intent of this Bill. The free exchange of information between the executive branch and legislative branch is critical to good government. My objection to the Bill is purely technical and is necessary because certain provisions of the Bill would lead to consequences that, I believe, are contrary to the Bill's intent.

As stated above, the Bill would require the review of requests for proposals and change orders "upon submission to the appropriate purchasing entity." The Department of Health and Human Resources, like many state agencies, regularly submits documents to the Division of Purchasing in draft form for comment and review. Therefore, if this Bill were approved, it would require, in some instances, the public release of purchasing documents that have not received final agency approval. Outside vendors and other interested parties could seek to influence the drafting of contract terms if requests for proposals or change orders are released prior to final agency approval. I do not believe this was the intent of the legislature when it passed this Bill.

For this reason, I must veto Enrolled Committee Substitute for House Bill No. 4557. However, I encourage the Department of Health and Human Resources to work with the Bill's sponsors and the Legislature to ensure that any requested information is provided for review.

Very truly yours,
JOE MANCHIN, III,
Governor.