



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Senate Bill 633

Dear Secretary Warner:

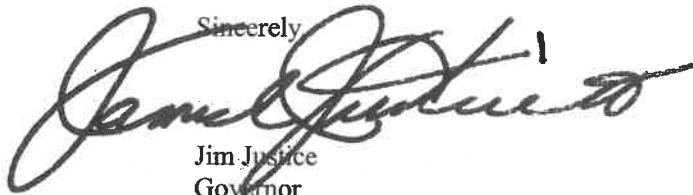
Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 633.

Enrolled Senate Bill No. 633 allows for the WV Board of Physical Therapy to conduct criminal background checks on applicants for a license. Further, the bill allows for disqualification for licensure and prohibition from disqualification based on certain crimes if found as a result of the background check. It is these crimes and how they affect the issuance of a license, that is missing from the bill's title.

The bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). Specifically, there are nine subsections that are not reflected in the title of the bill and therefore does not provide the notice required of the bill's contents. The passage of this bill is very important to the operation of the WV Physical Therapy Board as it implements the multi-state compact that was approved by the legislature in 2018. Therefore, I ask that this bill be corrected and resubmitted to the legislature for approval.

For these reasons, I must disapprove and return Enrolled Senate Bill No. 633.

Sincerely



Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Roger Hanshaw  
Speaker of the House of Delegates



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2079

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2079, relating to medical cannabis.

The bill imposes excise taxes on growers, processors, and dispensaries of medical cannabis that favors wholly vertically integrated businesses. While the Legislature has authority to classify different businesses and to tax them differently, the classifications must be (1) reasonable, (2) based on pertinent and real differences, and (3) have as their object a purpose that is germane to the enabling legislation. *See United Fuel Gas Co. v. Battle*, 167 S.E.2d 890 (1969), *cert. denied*, *United Fuel Gas Co. v. Haden*, 396 U.S. 116 (1969). Applying this test, it is impossible to justify the classifications in the bill.

For this reason, I must disapprove and return Enrolled Committee Substitute for House Bill 2079. However, because I support the medical cannabis program for those West Virginians that need it, therefore I encourage the Legislature to address the constitutional issues above and present a bill for signature that treats all taxpayers that will be engaged in this industry in West Virginia fairly.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Roger Hanshaw  
Speaker of the House of Delegates



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled House Bill No. 2412

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2412.

Enrolled House Bill No. 2412 amends §61-5B-1 to move statutes regarding prohibited acts in government procurement from Chapter 5A, Article 3 to Chapter 61, the chapter containing statutes outlining criminal acts. While the statute, when contained in Chapter 5A, applied to procurement officers contained in the WV Department of Administration's Purchasing Division, its application is not so clear when moved to Chapter 61, the criminal code. For example, the statute reads "no person purchasing or contracting for the purchase of commodities..." (§61-5B-2) could be broadly applied to anyone in a chain of people who are part of the buying and ordering process required in the purchasing of government goods.

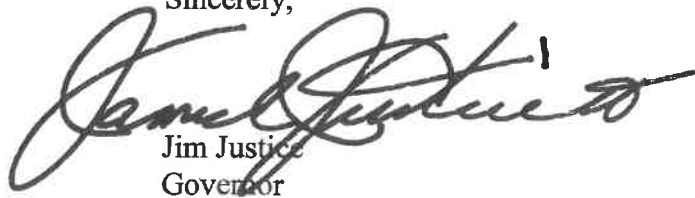
Furthermore, the statute makes it a crime for a person to accept "*anything of value*" from a "business entity offering to sell, providing or contracting to sell...commodities." 'Anything of value' is too vague a term to give notice to a person that they are about to commit a crime. Without some monetary framework for this term, it would be unenforceable for prosecutors and would result in confusion and wasted resources in the attempt to prosecute these crimes.

Creating this prohibition within the criminal chapter of the West Virginia Code requires the statute to give clear notice of who and what is in jeopardy of violation of this criminal offense. This statute does not rise to that level and cannot stand. I request that the Legislature address these issues and resubmit the bill in the future.

OFFICE OF THE GOVERNOR

For these reasons, I must disapprove and return Enrolled House Bill No. 2412.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice". The signature is fluid and cursive, with a prominent initial "J".

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Roger Hanshaw  
Speaker of the House of Delegates



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2503

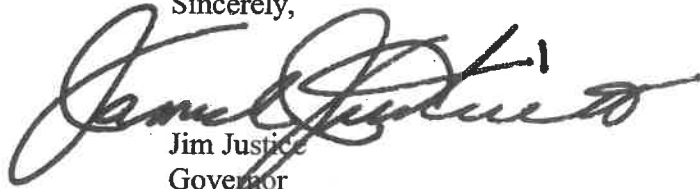
Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2674. This bill would require a petition alleging abuse or neglect of a child to name each parent, guardian, or custodian and to specifically state which are alleged to have abused or neglected the child, and would make provision for counsel to be provided in such hearings, among other things.

While I certainly appreciate the intent of this bill, the bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, the title provides that the bill requires "that notice be given by courts that a hearing required by subsection (a) of this section has been held." It is unclear to what subsection that title provision is meant to relate as the bill amends two different sections, neither of which specifically provides for a hearing under their respective subsections (a).

As a result of this flaw, I must disapprove and return Enrolled Committee Substitute for House Bill 2503, and would welcome a similar bill to be submitted in a subsequent legislative session to correct the error noted above.

Sincerely,



Jim Justice  
Governor

cc: The Hon. Roger Hanshaw  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled House Bill No. 2530

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2530.

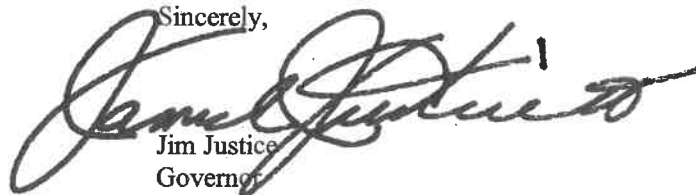
Enrolled House Bill No. 2530 creates a voluntary certification process for drug and alcohol-free recovery residences. It provided for inspection standards, regulations, fees, criminal penalties, fines and rulemaking. In §16-56-2, the “certifying agency” is granted rulemaking authority, after consultation with WV Department of Health and Human Resources. ‘Certifying agency’ is undefined but is required to be under contract with DHHR.

Legislative rules under §29A-1-1 et seq. act with the force of law. An undefined “certifying agency” who acts as a contractor with DHHR could be a governmental agency but that is not a requirement of the bill. If the contract was awarded to a for profit business or even nonprofit corporation, how could they effectuate laws through the promulgation of rules. Constitutionally, the force of law cannot be promulgated by a private entity.

Although this bill had unanimous support and was with a well-intended purpose, this rulemaking issue would cause legal and constitutional conflicts that are untenable. I request that this bill be corrected of these issues and be submitted again for legislative approval.

For these reasons, I must disapprove and return Enrolled House Bill No. 2530.

Sincerely,



Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Roger Hanshaw  
Speaker of the House of Delegates

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

RE: Enrolled Committee Substitute for House Bill No. 2531

Dear Secretary Warner:

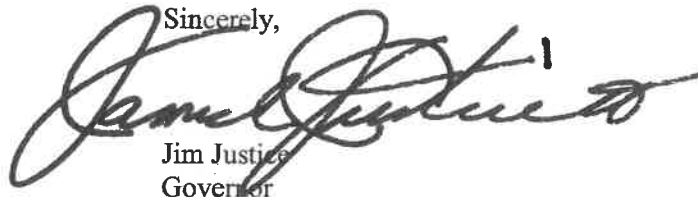
Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill No. 2531.

Enrolled Committee Substitute for House Bill No. 2531 allows additional health care professionals to provide counseling in medication -assisted treatment settings for substance use disorders. This bill serves an important purpose and is needed; however, it contains a severe technical flaw that renders it void.

The enrolled version of this bill omits subsection (f) through (s) of WV Code §16-5Y-5, with no evidence of strike-throughs. The bill's enrolled version eliminates 14 sections of current West Virginia Code. If approved, this bill would effectively delete current sections of West Virginia Code with no notice to the members of the legislature who voted for this bill.

For these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill No. 2531.

Sincerely,



Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Roger Hanshaw  
Speaker of the House of Delegates



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2661

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2661. The bill would permit a gas utility to petition the Public Service Commission for approval of requests for proposals containing proposed incentives for the drilling of new natural gas wells and/or increasing production from existing natural gas well to procure dependable supplies of natural gas to serve gas utility customers where such dependable, lower-priced supplies of natural gas are not readily available to serve those customers. The bill would also allow utilities to defer their actual expenditures attributable to the cost reasonably necessary to convert customers to a different source of energy in the event the Public Service Commission determines that abandoning gas services is in the public interest, subject only to Public Service Commission review of whether those costs are reasonably necessary to convert each customer and are not reflected in current base rates or have not been otherwise pursuant to filings.

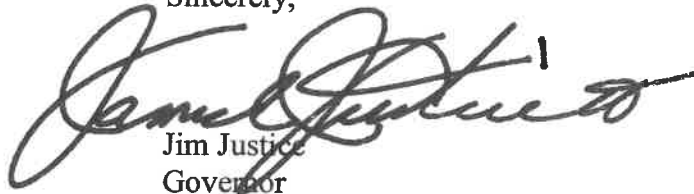
The bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, the title notes that a utility may make a request for incentivized drilling, but fails to note that the bill also requires the Public Service Commission to approve such request upon the sole finding that dependable, lower-priced supplies of natural gas are not available and that the winning proposal will be deemed to be the utility's reasonable cost to dependably serve at the lowest available price. The title also fails to note that the bill allows utilities to defer their expenditures for abandonment of service and conversion to another source until a future rate case or an adjustment filing, subject only to Public Service Commission review of whether those costs were reasonably necessary. Further, the bill unnecessarily constrains the Public Service Commission in its ratemaking authority and obstructs existing statutory provisions that protect natural gas customers from paying unreasonable rates.



OFFICE OF THE GOVERNOR

For these reasons I must disapprove and return Enrolled Committee Substitute for House Bill 2661.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice", with a stylized flourish at the end.

Jim Justice  
Governor

cc: The Hon. Roger Hanshaw  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2673

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2673. This bill would reduce to 2.5% the severance tax rate on natural gas or oil for any natural gas produced from a well which produced an average between 5,000 and 60,000 cubic feet of gas and for any oil produced from any well which produced an average between one-half barrel and ten barrels per day, each calculated from the calendar year immediately preceding the beginning date of a given tax year. The bill also would direct the proceeds of this reduced 2.5% severance tax rate to an Oil and Gas Abandoned Well Plugging Fund, for use by the Department of Environmental Protection to plug abandoned oil and gas wells and reclaim property disturbed by the plugging.

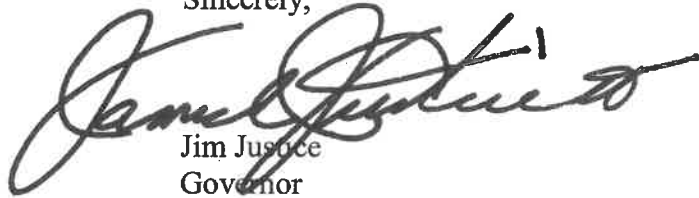
The goal of providing additional needed funding to the Department of Environmental Protection to plug abandoned oil and gas wells and reclaim property disturbed by the plugging is a goal that needs to be pursued and achieved. However, this needed funding should come from general revenues generated by the current severance tax rate, among other sources, rather than from significantly diminished revenues generated by a 50% tax rate cut, which, under the bill, effectively becomes a 100% tax rate cut when \$4 million is in the Fund. I believe it would be to the detriment of the State and to the many causes to which general revenues are put to allow for such an increase in the amount of natural gas and oil produced with an effective tax rate of 0% once \$4 million has been deposited to the Fund, in order to direct funding to a purpose more efficiently funded from general revenues.

OFFICE OF THE GOVERNOR

Further, there is potential conflict regarding the dedication of the severance tax proceeds from the privilege of producing oil and natural gas. Currently, 10% of the severance tax attributable to the severance tax on oil and natural gas is dedicated for the use and benefit of the counties and municipalities of the State, and of that amount 75% is to go to the oil and natural gas producing counties. As enacted, this bill would affect the amount available for these distributions needed to provide funds to counties and municipalities throughout the State.

For the reasons provided above, I disapprove and return Enrolled Committee Substitute for House Bill 2673.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice", written over a printed name and title.

Jim Justice  
Governor

cc: The Hon. Roger Hanshaw  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2674

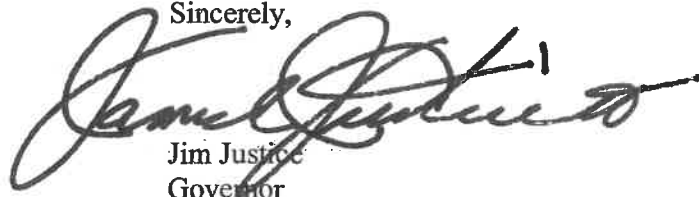
Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2674. This bill purports to establish a student loan repayment program for mental health providers residing in West Virginia and practicing in underserved areas of the state, and to allow two nonresident students per year, in each cohort, to attend each of the state's medical schools at the in-state tuition rate.

The aim of this bill is laudable: to get mental health providers into practice in underserved areas throughout the state. The bill, however, is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, the title notes that the bill authorizes legislative rules to be promulgated, but the bill authorizes the Commissioner of the Higher Education Policy Commission to promulgate rules.

As a result of this flaw, I disapprove and return Enrolled Committee Substitute for House Bill 2674, but welcome a similar bill in a subsequent legislative session to achieve its purposes.

Sincerely,



Jim Justice  
Governor

cc: The Hon. Roger Hanshaw  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2703

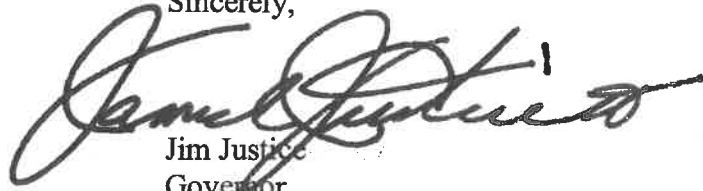
Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2703. This bill would provide an increase in the allowable refund of up to 1% for tax collected for fuels lost to evaporation.

Although I appreciate the intent of this bill, it is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, the bill amends W.Va. Code §11-14C-30, but the title states that the bill amends W.Va. Code §11-14-10.

As a result of this flaw, I disapprove and return Enrolled Committee Substitute for House Bill 2703, but would welcome a similar bill correcting the error noted above in a subsequent legislative session.

Sincerely,



Jim Justice  
Governor

cc: The Hon. Roger Hanshaw  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2734

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2734, which is intended to provide business and occupation tax credit and corporation net income tax credit to certain public service businesses for reducing sewer utility rates for low-income residential customers.

Enrolled Committee Substitute for House Bill 2734 is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 1919 S.E.2d 610 (requiring bill titles to provide notice of a bill's content). Specifically, the title does not mention that credits are allowable for taxable years beginning on and after January 1, 2019 or that the bill defines certain terms. Additionally, there are other technical flaws in the bill. The bill includes erroneous code references. The language in §11-13F-3(a) and (b) in the bill erroneously refers to §24-13-1 et seq. when the correct reference is to §11-13-1 et seq. Additionally, within the bill, §11-13F-2(a)(2) and §11-13F-3(a) refer to §24-2A-3 when they should refer to §24-2A-2.

For these reasons I must disapprove and return Enrolled Committee Substitute for House Bill 2734. However, I support the underlying policy in the bill, and encourage the Legislature to present a bill for signature that addresses the technical deficiencies mentioned above.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate  
The Honorable Roger Hanshaw  
Speaker of the House of Delegates



*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 2807

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2807 the purposes of which is to allow electing small business corporations (S corporations) and limited liability companies that are financial organizations to claim certain decreasing modifications when determining their West Virginia adjusted federal taxable income that they could have claimed had they been subject to the West Virginia corporation net income tax.

Enrolled Committee Substitute for House Bill 2807 includes numerous technical flaws. For example, while attempting to update W. Va. Code §11-21-17a to incorporate the current way of citing to the West Virginia Code, a technical error was made in the bill -- the bill changed references to subsections (b), (c) and (d) of W. Va. Code §11-21-12, to reference §11-21-12b, §11-21-12c, and §11-21-12d, thereby changing the meaning of Bill §11-21-17a. The reference to the definition of "financial organizations" is also incorrect, as are other Code sections referenced in the bill.

For these reasons I must disapprove and return Enrolled Committee Substitute for House Bill 2807, but welcome a similar bill to be introduced in a subsequent legislative session to correct the issues noted above.

Sincerely



Jim Justice  
Governor

cc: The Hon. Roger Hanshaw  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate



*Jim Justice*  
*Governor of West Virginia*  
March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Suite 157-K  
State Capitol  
Charleston, WV 25305

Re: Enrolled House Bill 2828

Dear Secretary Warner:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill 2828, which is intended to promote, through tax incentives, investment and business growth in the state's low-income communities.

While Enrolled House Bill 2828 certainly has laudable purposes, it contains numerous technical flaws. For example, the title of the Bill is materially defective because it (1) does not state that the Bill creates an insurance premiums tax credit for qualified community development entities making qualified equity investments; (2) does not refer to the 60-million-dollar limit on certification for qualified equity investments; and (3) does not say that under certain circumstances the credit can be recaptured by the Insurance Commissioner. Within new article 31-15D in the Bill there are several references to 26 U.S.C. § 45D, as amended. This is an unconstitutional delegation of the Legislature's authority to the United States Congress. *See* Syl. Pt. 1, *State v. Grinstead*, 157 W. Va. 1001, 206 S.E.2d 912 (1974). Additionally, while the Bill allows credit for qualified community development entities making qualified investments, only insurance companies pay the insurance premiums tax to the Insurance Commissioner, which makes the credit impossible to administer as written.

For these reasons I must disapprove and return Enrolled House Bill 2828, but welcome a similar bill in a subsequent legislative session, correcting the technical errors noted above.

Sincerely,

Jim Justice  
Governor

cc: The Hon. Roger Hanshaw  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000





*Jim Justice*  
*Governor of West Virginia*

March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 2933

Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 2933. This bill purports to modify the criminal penalties imposed on a parent, guardian, or custodian for child abuse resulting in injury and child abuse or neglect creating risk of injury.

Although I support the intent of the bill, Enrolled Committee Substitute for House Bill 2933 is technically flawed because either its title is defective, *see State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents), or the bill inadvertently makes ambiguous or ineffective certain limitations on penalties for conviction under W.Va. Code §61-8D-4. Specifically, the bill repeals language creating a "misdemeanor" for certain offenses, but fails to repeal or amend subsection (f) which provides certain limitations on the penalties to be assessed against those "convicted of a misdemeanor." The title does not provide notice of the repeal of these limitations (i.e., that one may now be required to register pursuant to the requirements of W.Va. Code §15-13-1 et seq. or, solely by virtue of conviction under the section, have their custody, visitation, or parental rights automatically restricted), or the bill makes ambiguous or ineffective these certain limitations, and, therefore, is technically flawed.

As a result of the flaws noted above, I disapprove and return Enrolled Committee Substitute 2933, but welcome a similar bill in a subsequent legislative session, correcting or clarifying this issue.

Sincerely

Jim Justice  
Governor

cc: The Hon. Roger Hanshaw  
Speaker of the House of Delegates  
The Hon. Mitch Carmichael  
President of the Senate



*Jim Justice*  
*Governor of West Virginia*  
March 27, 2019

**VIA HAND DELIVERY**

The Honorable Mac Warner  
Secretary of State  
Building 1, Suite 157-K  
State Capitol  
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for House Bill 3024

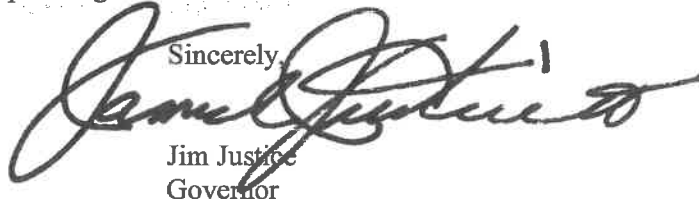
Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 3024. This bill purports to create a pilot program to encourage utility infrastructure development to industrial sites throughout West Virginia.

Although the bill's purpose is certainly important and encouraged, the bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W.Va. 154, 191 S.E.2d 610 (1972) (requiring bill titles to provide notice of a bill's contents). Specifically, the bill requires the West Virginia Development Office to certify sites as having the potential for industrial development without adequate public utility services from one or more public utilities regulated by the Public Service Commission; requires the Public Service Commission to receive and review for approval applications for multi-year comprehensive plans for infrastructure development to construct public utility infrastructure, which applications are in lieu of a proceeding under W.Va. Code §24-2-11; and requires an applicant for approval of a site as an industrial development site to publish the anticipated rates and any rate increase under the proposal as a Class I legal advertisement in compliance with the provisions of W.Va. Code §59-3-1 et seq., none of which is adequately noticed in the title, which only provides an overly general and vague description of the pilot program authorized under the bill.

As a result of these flaws, I disapprove and return Enrolled Committee Substitute for House Bill 3024, but welcome a similar bill in a subsequent legislative session to correct the issues described above.

Sincerely,



Jim Justice  
Governor

cc: The Hon. Mitch Carmichael  
President of the Senate  
The Hon. Roger Hanshaw  
Speaker of the House of Delegates

State Capitol | 1900 Kanawha Blvd., East, Charleston, WV 25305 | (304) 558-2000