



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

February 27, 2015

VIA HAND DELIVERY

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

Re: Enrolled Senate Bill No. 389

Dear President Cole:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill No. 389 for technical reasons.

The bill's title is defective for several reasons. *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). First, the bill provides for a late fee in W. Va. Code § 30-13-18(b) that is not noted in the title. Second, the title provides that the bill requires reinstatement of nonrenewed licenses, but the bill does not contain language to that effect. Rather, the bill states in § 30-13-18(c) that "[a] certificate that was not timely renewed or for other reason was given a nonpracticing status *may* be reinstated" (emphasis added). Reinstatement is permissive in the bill, rather than required. Finally, the bill requires the West Virginia State Board of Registration for Professional Engineers to promulgate emergency rules in § 30-13-18(e). Emergency rulemaking authorization is absent from the title.

OFFICE OF THE GOVERNOR

For the foregoing reasons, I disapprove and return this bill. I urge the Legislature to correct these technical issues, and to return the bill to my desk for signature.

Sincerely,

A handwritten signature in black ink that reads "Earl Ray Tomblin". The signature is written in a cursive style with a large, looping initial "E".

Earl Ray Tomblin
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates

The Hon. Natalie E. Tennant
Secretary of State