STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305
(304) 558-2000

EARL RAY TOMBLIN
GOVERNOR

April 1, 2016

VIA HAND DELIVERY

The Honorable Natalie E. Tennant
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4080

Dear Secretary of State Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for House Bill 4080. This bill authorizing the Department of Veterans' Assistance ("DVA") to promulgate legislative rules is defective from a technical standpoint. First, it purports (perhaps inadvertently) to amend and reenact W. Va. Code § 64-11-1, which would cancel out the Legislature's technical corrections to certain legislative rules filed by the former Division of Environmental Protection, Office of Oil and Gas. In other words, this bill appears to amend the wrong section of the West Virginia Code. Second, the bill's internal citation to W. Va. Code § 9A-2-10 for the DVA's authority to promulgate legislative rules is incorrect because § 9A-2-10 does not exist. In these circumstances, I must veto this bill on the foregoing technical grounds.

Sincerely,

Earl Ray Tomblin
Governor

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

The Hon. William P. Cole III
President of the Senate