

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
Charleston, WV 25305

May 11, 2009

The Honorable Richard Thompson
Speaker
West Virginia House of Delegates
State Capitol
Charleston, WV 25305

Dear Speaker Thompson:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 3170.

Unfortunately, I must object to this legislation because its proposed title does not reflect material language set forth in the Bill. According to the Bill's title, the West Virginia Supreme Court of Appeals would be authorized to coordinate education programs and update materials and forms for guardians and conservators. However, a close reading of the Bill indicates that this authorization would include the promulgation of legislative rules. Moreover, the Bill would require the Supreme Court of Appeals to propose legislative rules consistent with the West Virginia Administrative Procedures Act, a requirement that is currently found nowhere in the Code. I find that a reasonable person would be unable to discern this material requirement without reading the entire text of the Bill. Therefore, I must veto Enrolled House Bill No. 3170.

Nevertheless, I encourage the Legislature to reconsider this Bill, correct any deficiencies in the title, address the rulemaking authority of the Court and return the Bill for my approval.

Sincerely,

JOE MANCHIN, III
Governor.