

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

May 4, 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 Committee Substitute for House Bill No. 3288.

Enrolled Committee Substitute for House Bill No. 3288 was passed on April 10, 2009, and would amend West Virginia Code §5-16-7 to require the West Virginia Public Employees Insurance Agency ("PEIA") demonstrate that its total costs for treatment of mental illness for any plan exceeds two percent of the total costs before PEIA may apply additional cost-containment measures.

Although I support the substantive intent of this Bill, a veto is warranted because another bill subsequently enacted by the Legislature, Enrolled Committee Substitute for Senate Bill No. 326, also amended West Virginia Code §5-16-7. Having passed after this Bill, the provisions of Enrolled Committee Substitute for Senate Bill No. 326 would control, making my approval of this Bill fruitless. For this reason, I must veto Enrolled Committee Substitute for House Bill No. 3288. Nevertheless, I would encourage the Legislature to promptly consider this measure again in the near future.

Very truly yours,

JOE MANCHIN, III
Governor.