



*State of West Virginia*

*Joe Manchin III*

*Governor*

May 8, 2009

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**VIA HAND DELIVERY**

The Honorable Earl Ray Tomblin  
President, Senate of West Virginia  
State Capitol  
Charleston, West Virginia 25305

Dear President Tomblin:

Pursuant to the provisions of Section Fourteen, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 239.

I must object to this Bill because of an erroneous cross-reference that would render the legislation ineffective. If approved, Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 239 would allow a county with a population exceeding 150,000 and a single Class I city that is the principal municipality of the county to form a metro government if a simple majority of residents of the principal municipality and a simple majority of residents of all unincorporated and incorporated areas of the affected county, excluding the principal municipality, cast votes in favor of metro government. Subsection (b), section four-a of the Bill defines "Class I city" as a municipality "so classified under section eight, article one, chapter eight" of the Code. Unfortunately, this cross-reference is a typographical error; the term "Class I city" does not appear in section eight, article one, chapter eight of the Code. The result of this error is to leave the term "Class I city" undefined in the Bill. Without a proper definition, my approval of this Bill would render the legislation difficult, if not impossible, to apply.

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For this reason, I must veto Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 239 so that the Legislature may reconsider and correct this technical flaw.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Manchin III', written in a cursive style.

Joe Manchin III  
Governor

cc: The Honorable Richard Thompson  
Speaker, House of Delegates  
The Honorable Natalie E. Tennant  
Secretary of State