

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 24, 2011

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Ms. Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled House Bill No. 2345.

Enrolled House Bill No. 2345 relates to the composition and appointment of the Public Employees Insurance Agency Finance Board. Subdivision (7), subsection (a), section four, article sixteen, chapter five of the Bill provides that the Governor shall appoint five members of the Board from the public at large. In subsection (d) of the same section, however, the Bill requires that "[t]he three members appointed from the public shall each have experience in the financing, development or management of employee benefit programs." As written, the provisions of subdivision (7), subsection (a) are inconsistent with the provisions of subsection (d) as they relate to the number of members of the Board who are appointed by the Governor from the public at large.

Unfortunately, because the Bill contains the referenced

internal inconsistency, I must veto Enrolled House Bill No. 2345.

Additionally, the Bill expands the total number of members of the Board from nine to eleven. Nevertheless, subsection (e), section four, article sixteen, chapter five of the Bill provides that no more than five members of the Board may be of the same political party. Because the Bill provides that the Board consist of eleven members, if the Legislature were to reconsider this legislation in the future, it should consider increasing the maximum number of Board members that may be from the same political party to six.

Sincerely,

Earl Ray Tomblin,

Governor.

cc: The Honorable Richard Thompson

The Honorable Jeffrey V. Kessler