

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 18, 2011

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

Dear Mr. Speaker:

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. 2663.

I must veto the Bill for several reasons. First, its objects are not adequately expressed in the title. The Bill would allow a tax credit to public utilities for providing water utility services to certain low-income residents; require the Department of Health and Human Resources to establish procedural rules regarding the special reduced rate; require the Public Service Commission to establish rules and procedures to approve the special reduced rate; and require the Tax Commissioner to establish rules to implement the reduced rate program. As a result, the title requires amending to reflect the respective amendments and additions to the Code. Additionally, while not fatal, the Bill's title states that the Public Service Commission must establish a toll-free telephone number to receive certain comments. That requirement is not

reflected in the Bill as presented and is not necessary in the title.

Also, the new §24-2A-5 appears to be missing a reference to "TANF" in subdivision (1), subsection (c) of that section. I am concerned that such an omission may jeopardize residents who might otherwise qualify for the special reduced rate provided by the Bill.

Additionally, I must object to this Bill because §11-24-11 is duplicated in the enrolled bill with language that is incongruent. This error appears to have occurred in the conference committee report filed on March 12, 2011. This occurrence renders the bill ambiguous.

For these reasons, I must veto the Bill. If the Legislature would reconsider its actions and resolve the duplicative and conflicting sections, as well as amend the title to reflect other changes made within the Bill, I would be happy to reevaluate my decision to veto the Bill.

Very truly yours,

Earl Ray Tomblin,

Governor.

cc: The Honorable Jeffrey V. Kessler

The Honorable Natalie E. Tennant