

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 21, 2012

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 Committee Substitute for House Bill No. 4489.

While I support the substance of this bill, I must object to the bill because its object is not adequately expressed in the title. The purpose of the bill is to provide the West Virginia Municipal Pensions Oversight Board with additional investigative authority and the ability to initiate and intervene in legal actions involving pension funds. The bill would also provide the Municipal Pensions Oversight Board with immunity from civil liability. The title, however, fails to reference a limitation or barring of liability against the board. The specified provision cannot be read to be encapsulated into the title's "all relating to" language. Accordingly, I find the title of the bill inconsistent with the substance of the bill, so as to render

Enrolled Committee Substitute for House Bill No. 4489
constitutionally defective.

For this reason, I must veto the legislation. However, I encourage the Legislature to reconsider this matter and return it to my desk for approval at a future date.

Very truly yours,

Earl Ray Tomblin,

Governor.

cc: The Honorable Richard Thompson

The Honorable Jeffrey V. Kessler