



Jim Justice
Governor of West Virginia

April 13, 2017

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
State of West Virginia
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Committee Substitute for Senate Bill 248

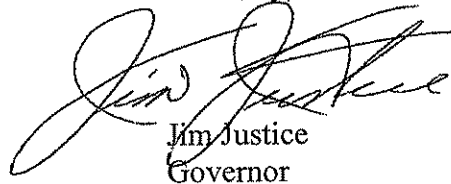
Dear Secretary Warner:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill 248. This bill purports to clarify the composition and chairmanship of the Commission on Special Investigations. It exhibits, however, certain technical flaws which may compromise future investigations and actions by the Commission on Special Investigations.

The bill is technically flawed because its title is defective. *See State ex rel. Davis v. Oakley*, 156 W. Va. 154, 191 S.E.2d 610 (1972) (requiring bill title to provide notice of bill's contents). Specifically, there are two sections that are not reflected in the title: (1) That the director may issue subpoenas on the Commission's behalf, (P. 6, line 16-17) and (2) that the agency head is required to appear before the Commission to answer why an employee has failed to appear or failed to produce requested or subpoenaed material and address the basis for failure to comply. (P. 6, line 26-30).

As a result of these issues, I disapprove and return Enrolled Committee Substitute for Senate Bill 248.

Sincerely,


Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates

The Hon. Mitch Carmichael
President of the Senate