



*Jim Justice*  
*Governor of West Virginia*

March 28, 2018

**VIA HAND DELIVERY**

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

RE: Enrolled Committee Substitute for House Bill 4392

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 House Bill No. 4392 for technical reasons.

Enrolled Committee Substitute for House Bill 4392 contains a significant technical flaw that inadvertently creates an incorrect burden of proof that the allocation agreed to by the parties was proper on the WV Department of Health and Human Resources. This technical error would require that the WVDHHR take a contrary legal position than it should be taking, undercutting the Department's case and causing confusion. This technical error is sufficient to require a technical veto.

OFFICE OF THE GOVERNOR

For these reasons, I must disapprove and return Enrolled Committee Substitute for House Bill No. 4392.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice". The signature is stylized with large, sweeping loops and a prominent initial "J".

Jim Justice  
Governor

cc: The Honorable Mitch Carmichael  
President of the Senate

The Honorable Tim Armstead  
Speaker of the House of Delegates