



Jim Justice
Governor of West Virginia

February 11, 2019

VIA HAND DELIVERY

The Honorable Mitch Carmichael
President, West Virginia Senate
Room 229M, Building 1
State Capitol
Charleston, West Virginia 25305

Re: Enrolled Senate Bill 272

Dear President Carmichael:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 272. This bill purports to update the composition, powers and procedures of the Commission on Special Investigations. In addition, the bill purports to create misdemeanor offenses for the impersonation and obstruction of Commissions members or staff.

Many state agencies have confidential data that is required to be protected from disclosure, including the WV Department of Health and Human Resources, Workforce WV, and the Office of the West Virginia Tax Commissioner. With regard to West Virginia tax information, West Virginia Code §11-10-5d prohibits the unauthorized disclosure of tax information, by the tax department, under the penalty of misdemeanor. The Tax Commissioner and/or his staff would be in the untenable position of choosing which offense to violate in misdemeanor; either violate WV tax code by disclosing confidential tax information or violate the Commission on Special Investigations state code that makes obstruction of their request for information a misdemeanor.

The Tax Commissioner and his staff, as well as other state agencies, would be forced to have to litigate over the manner and disclosure of the information in each instance, creating a pointless waste of state resources. I ask that you work with Executive branch agencies to rectify these issues so that state agencies may be able to comply with West Virginia Code to ensure transparency, while protecting the privacy and confidentiality of protected information.

As a result of these issues, I disapprove and return Enrolled Senate Bill 272.

Sincerely,

A handwritten signature in blue ink, reading "Jim Justice".

Jim Justice
Governor

cc: The Hon. Roger Hanshaw
Speaker of the House of Delegates
The Hon. Mac Warner
Secretary of State