

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 25, 2010

The Honorable Natalie E. Tennant
Secretary of State
State Capitol
Charleston, West Virginia

Dear Secretary Tennant:

Pursuant to the provisions of Section 14, Article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Senate Bill No. 651.

Enrolled Committee Substitute for Senate Bill No. 651 would create a bidding preference for current holders of limited video lottery terminal permits. If approved, the bill would give a current permit holder the right to match the bid of a new bidder by paying the bid price plus an amount equal to ten percent of the bid price.

I must object to this bill because of vagueness and the potential for regulatory conflicts. Although the bill intends to apply a preference only to limited video lottery permits, the bill amends article three, chapter five-a of the West Virginia Code, which relates to the Division of Purchasing. This is problematic because there is no explicit language in the bill that would exempt the Division of Purchasing from regulating the limited video

lottery bid process, which should be regulated solely by the West Virginia Lottery Commission.

After thorough discussions, interested parties and state agencies have agreed to legislation that would address this concern. I truly appreciate the cooperation and diligence of all parties to these discussions. Barring any unforeseen circumstances, I intend to place this revised legislation on a special session call later this year and I urge the Legislature to consider its passage.

Very truly yours,

Joe Manchin III,

Governor.

cc: The Honorable Earl Ray Tomblin

The Honorable Richard Thompson