



Patrick Morrissey
Office of the Governor

April 1, 2026

VIA HAND DELIVERY

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

Re: Enrolled Committee Substitute for House Bill 4002

Dear Secretary Warner:

Pursuant to Section Fourteen, Article VII of the Constitution of the State of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 4002 with the following objections:

The bill violates separation of powers principles, *see* W. Va. Const. art. V, § 1, by giving members of the Legislature an active role in a statutorily created entity otherwise made up of executive branch officials, 87th Reg. Leg. Sess. H.B. 4002, p. 3-4 (Mar. 12, 2026), and by letting the Senate President and Speaker of the House appoint two citizens to a statutorily created office, *id.*, in violation of the constitutional prohibition that “no such officer shall be appointed . . . by the Legislature.” W. Va. Const. art. VII, § 8 (1872). These separation of powers problems require my objection to this otherwise creative and laudable idea.

House Bill 4002 would create the West Virginia Collaboratory—housed in Marshall University—“to facilitate the dissemination of the policy and research expertise of state institutions of higher education within West Virginia.” H.B. 4002, p. 1, ln. 1-5. The bill authorizes the Collaboratory to “[c]onduct, manage, or participate in research projects and opportunities that may be of interest to citizens and policymakers,” *id.* p.1, ln.8, to “lead or participate in projects across the state,” *id.* p.2, ln.20-21, to assist another executive branch agency—the State Fire Marshal—in “the maintenance of standard safe practices” in certain areas, *id.* p.2, ln.23-25, and to expend public money for those purposes, *id.* p.3, ln.41-48.

April 1, 2026

Page 2

The Collaboratory also looks to an advisory group that is made up of “[t]wo members of the House of Delegates,” an equal number of members of the Senate, *id.* p.3, ln.3-5, several officials of institutions of higher education, and “[t]wo persons who are citizens and residents of the state, to be appointed” by the Speaker and President of the Senate, *id.* p.4, ln.14-16. None of the legislative members serve in a non-voting capacity and as a group, they are entrusted with “establish[ing] priorities and develop protocols for purposes of identifying research opportunities,” *id.*, p. 4, “recommend[ing] . . . research and project ideas,” “help[ing] identify higher education subject matter experts,” “defin[ing] the work of the Collaboratory’s research projects,” and “review[ing] and recommend[ing]” “funding proposals and projects.” *Id.*

The problem is the members of the Legislature who are charged with passing laws also can’t be responsible for enforcing them. The Constitution requires “separate and distinct” legislative, executive, and judicial branches, and prohibits each branch from “exercise[ing] the powers belonging to” the others. W. Va. Const. art. V, § 1 (1872). And the Speaker and Senate President cannot appoint public officers. The Constitution makes that abundantly clear: “The governor shall nominate, and by and with the advice and consent of the Senate . . . , appoint all officers whose offices are . . . created by law.” W. Va. Const. art. VII, § 8. It also expressly prohibits the legislature from exercising this power, too: “No such officer shall be appointed or elected by the Legislature.” *Id.*

That’s why, in the past, the Legislature empowered the Governor to appoint members of the board of governors of the various institutions of higher education, W. Va. Code § 18B-2A-1(c)(4) (regarding Governor appointments to the Board of Governors of Marshall University), and why even last year, it created a State Advisory Council on Establishing a Military College that authorized me to appoint seven voting members. *See* W. Va. Code § 18B-1D-12(c) (2025). And it’s why representatives of the Legislature traditionally sit on other councils as nonvoting members. *E.g.*, W. Va. Code § 31G-1-3(c)(6) (providing for ex officio nonvoting legislative membership on the Broadband Enhancement Council). After all, the Legislature can “make laws, but not . . . enforce them or appoint the agents charged with the duty of such enforcement.” *Grant Comm. I*, 213 W. Va. at 267, 580 S.E.2d at 883 (cleaned up).

House Bill 4002 unconstitutionally deviates that well-established separation of powers principle. I would be pleased to work with the Legislature and institutions of higher education to facilitate greater access to policy and research expertise at state universities if these constitutional defects are corrected. But for now, I must object to the Collaboratory in this form.

As a result of these issues, I hereby disapprove and return Enrolled Committee Substitute for House Bill 4002.

Sincerely,



Patrick Morrisey
Governor

April 1, 2026

Page 3

cc: The Honorable Randy Smith,
President of the Senate

The Honorable Roger Hanshaw
Speaker of the House of Delegates