

FINAL ACTION ON MEASURES AFTER SINE DIE ADJOURNMENT**MESSAGES FROM THE GOVERNOR**

Advising of her approval of **HBs 1103, 1104, 1109, 1233, 1303, 1340, 1418, 1419, 1426, 1477, 1526, 1622, 1683, 1688, 1690, 1695, 1700, 1703, 1717, 1919, 1923, 1924, 1932, 1989, 2055, 2062, 2099, 2182, 2193, 2226, 2308, 2310, HJR 1047, 1048, 1051, 1053, 1054, 1056, 1057, and 1069** on May 29, 2013.

Advising of her veto of **HB 1763** on May 29, 2013. The veto message reads as follows:

To the Honorable Speaker of the House
and Members of the House of Representatives
First Regular Session, Fifty-fourth Oklahoma Legislature

Enrolled House Bill No. **1763**

By: Roberts (Dustin) et al of the House and Sykes of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill **1763**.

Currently, 63 percent of the positions at the Oklahoma Military Department are considered “unclassified” which means they are not covered by the Oklahoma Personnel Act and Merit Rules. House Bill **1763** would place all employees of the Oklahoma Military Department back into the “classified” system; this would require all positions or personnel at the Military Department to be covered under the Oklahoma Personnel Act and Merit Rules. The Oklahoma Personnel Act and Merit Rules are detailed statutory provisions which govern the hiring of personnel, create conditions of their employment and extensive procedures for their removal.

This legislation may negatively impact the Military Department because approximately 80 percent of the employees at the Oklahoma Military Department are federally funded through cooperative agreements with the federal government. As a result of House Bill **1763**, these employees would become “classified” employees, so any loss or reduction in federal funding would require the Oklahoma Military Department to pay additional expenses for reduction-in-force such as severance packages, retirement packages, longevity pay, and insurance premiums that it would not have been required to pay otherwise.

House Bill **1763** may also impact pending litigation in the Oklahoma Supreme Court regarding 2011 Oklahoma legislation amending the exact same provision of law which made all the positions at the Oklahoma Military Department “unclassified”.

After a lawsuit has been commenced on an issue, Article 5, Section 52 of the Oklahoma Constitution prohibits the legislature from passing legislation to remove that issue from the court's consideration. I have thus been advised that House Bill **1763** may be unconstitutional; therefore, I believe this is not the appropriate time to pass legislation on this particular issue which may illegally impact the judicial process. For these reasons, I cannot in good conscience sign it into law.

By the Governor of the State of Oklahoma

/s/ Mary Fallin

Advising of her veto of **HJR 1060** on May 29, 2013. The veto message reads as follows:

To the Honorable Speaker of the House
and Members of the House of Representatives
First Regular Session, Fifty-fourth Oklahoma Legislature

Enrolled House Joint Resolution No. **1060**

By: Floyd of the House and McAffrey of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Joint Resolution **1060**.

House Joint Resolution **1060** disapproves Oklahoma Department of Labor rules that I previously approved on March 11, 2013, after conducting a thorough and detailed review. Individuals applying for asbestos removal licenses must receive training related to the identification of asbestos, state-of-the-art work practices, potential health effects due to exposure to asbestos and protective equipment; these rules create more options for applicants seeking an asbestos removal license by expanding eligible training providers. House Joint Resolution **1060** disapproves these provisions, thereby preventing the rules from taking effect.

These rules will expand eligible training providers by allowing applicants seeking an asbestos removal license to obtain training from EPA or DOL accredited training providers which are not affiliated with education institutions, labor unions, government agencies, or private vocational education providers. The rules also require licensing applicants to provide all necessary documentation for their application to the Department of Labor within 120 days or the application will be deemed denied. These changes create more options for applicants seeking an asbestos removal license and will align Oklahoma's asbestos licensing standards with the standards in surrounding states.

I stand by my previous decision to approve this rule and hereby veto this legislation in order to allow the Oklahoma Department of Labor to move forward with these rules because they are good public policy and beneficial to our business community and the citizens of Oklahoma.

By the Governor of the State of Oklahoma

/s/ Mary Fallin

Advising of her approval of **HBs 1441, 1660, 1874, 1886, 2101, 2164, 2195, 2231** and **HJR 1068** and **1070** on May 31, 2013.

Advising of her veto of **HB 1917** on May 31, 2013. The veto message reads as follows:

To the Honorable Speaker of the House
and Members of the House of Representatives
First Regular Session, Fifty-fourth Oklahoma Legislature

Enrolled House Bill No. **1917**

By: Shannon et al of the House and Bingman et al of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill **1917**.

House Bill **1917** would require state agencies to develop a contingency plan and corresponding budget in case of a 25% reduction in federal funds. Agencies must also provide a separate, annual disclosure of all federal funds being used by the agency, the programs for which the funds are being used, and the priority or rank of the funds based upon the agency's reliance on the funds. The legislation would also require an additional annual report from state agencies detailing those federal funds for which the agency must incur costs to implement.

The state's current budget process allows for ample review of federal programs and funding by both the executive and legislative branches of government. For any current fiscal year, Oklahoma Statute Title 62, Section 34.42 requires state agencies to submit a budget to the Office of Management and Enterprise Services ("OMES"), as well as to the staff of the Joint Legislative Committee on Budget and Program Oversight. This budget includes a description of all funds available to the agency for expenditure and any allotments requested by the agency.

OMES forms and instructions also provide for a thorough review and explanation of federal programs, federal funds received by the agencies as well as any anticipated reductions in federal funding. At the beginning of this year, in preparation for the FY2014 budget, I also directed all of my cabinet secretaries and state agencies to prepare for sequestration and any potential fiscal impact to agency budgets.

One of my focuses since taking office has been to streamline government and to create a more efficient and accountable state government. House Bill **1917** would place undue burden on state agencies and may cause agencies to re-direct essential staff and resources to this project. Moreover, this information is currently being compiled by the Office of Management and Enterprise Services and is available to both the executive and legislative branches. In order to increase transparency and efficiencies, I have directed OMES to make this information, which is currently being collected, easily accessible to the public by posting it on the OMES website.

While House Bill **1917** is well-intentioned, it is duplicative, burdensome to state agencies and unnecessarily creates more bureaucratic red-tape. This legislation is not consistent with my commitment to streamline state government.

By the Governor of the State of Oklahoma

/s/ Mary Fallin

Advising of her veto of **HB 1922** on May 31, 2013. The veto message reads as follows:

To the Honorable Speaker of the House
and Members of the House of Representatives
First Regular Session, Fifty-fourth Oklahoma Legislature

Enrolled House Bill No. **1922**

By: DeWitt et al of the House and Fields of the Senate

This is to advise you that on this date, pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution to approve or object to legislation presented to me, I have VETOED House Bill **1922**.

House Bill **1922** allows the Oklahoma Scenic Rivers Commission (“OSRC”) to assess administrative fines ranging from \$50 to \$500 for violations of the Scenic Rivers Act such as littering. Currently, the OSRC enforces violations of the Act through the district attorney in district court, so assessed fines are retained by the district court. This legislation would shift these duties to the OSRC Board of Commissioners permitting them to initiate and prosecute administrative, civil, or criminal actions against those who violate the Scenic Rivers Act. The Board would then be allowed to appoint an administrative law judge to conduct hearings regarding alleged violations. Lastly, the legislation would allow the OSRC to collect all penalties, fees, and fines related to violations of the Act.

While I am supportive of preserving this state’s scenic river areas, this goal is currently being accomplished through criminal and civil enforcement against those who violate the Scenic Rivers Act. This enforcement mechanism is already available to the OSRC. The Oklahoma Legislature has clearly stated that because certain areas in the state possess such unique natural scenic beauty, water conservation, fish, wildlife and outdoor recreational values which benefit the citizens of the state, it has adopted a policy to preserve these areas

for the benefit of the people of Oklahoma. The primary purpose of the Scenic Rivers Act is to encourage the preservation of areas designated as “scenic river areas”.

One of my focuses since taking office has been to streamline government and to create a more efficient and accountable state government. House Bill **1922** is duplicative, unnecessarily expands government and creates more bureaucratic red-tape. This legislation is not consistent with my commitment to reducing the size and cost of state government.

By the Governor of the State of Oklahoma

/s/ Mary Fallin