

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR

PAT McCrory  
GOVERNOR

June 6, 2016

**Governor's Objections and Veto Message**

Senate Bill 71 is not good for the environment or for the rule of law in North Carolina.

This bill weakens environmental protections, delays water connections for well owners, ignores dam safety and hinders environmentally sound efforts to reuse coal ash. This bill also lacks a firm deadline to connect well owners to alternate water supplies. In contrast, my administration proposed a solution that would have provided water connections within 18 months and required Duke Energy to repair dams around its coal ash ponds.

Furthermore, Senate Bill 71 yet again violates the separation of powers by interfering with a Governor's constitutional duty to faithfully execute the laws. It does this by re-establishing unaccountable bureaucracies within the cabinet agencies that have the power to make or overrule executive decisions. This legislation completely disregards a decisive 6-1 North Carolina Supreme Court ruling that came a mere four months ago. The re-established Coal Ash, Mining, and Oil & Gas Commissions have the same lack of supervision and extremely limited removal authority that the Supreme Court objected to in *McCrory v. Berger*. This bill further limits appointment authority by requiring the General Assembly to approve executive appointments by confirmation.

In addition, this legislation imposes unrealistic deadlines to make appointments to the Mining and Oil & Gas Commissions. If an appointment is not made, the General Assembly gives gubernatorial appointments to the Lieutenant Governor, who is also the President of the Senate, despite the fact that these commissions are located in the Governor's cabinet. The Supreme Court was clear that it is the Governor who must have control over entities within the cabinet agencies.

As Governor, I have a duty to protect the environment and preserve the constitutional role of the executive branch, therefore, I veto Senate Bill 71.

A handwritten signature in black ink that reads "Pat McCrory". The signature is written in a cursive, flowing style.

Pat McCrory  
Governor of the State of North Carolina

for appointment to the Oil and Gas Commission pursuant to G.S. 143B-293.2(a1), as enacted by Section 4(a) of this act, for confirmation by the General Assembly by joint resolution. Upon failure of the Governor to submit names as provided herein by December 1, 2016, the Lieutenant Governor shall make such appointments, and if such appointments made by the Lieutenant Governor occur when the General Assembly is not in session, the member may be appointed and serve on an interim basis pending confirmation by the General Assembly.

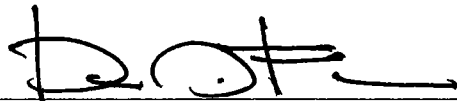
**SECTION 4.(c)** For purposes of the rules set forth in 15A NCAC 05H (Oil and Gas Conservation Rules), modifications made to the Oil and Gas Commission under Section 4(a) of this act shall, pursuant to G.S. 150B-21.7, be construed to (1) have repealed authority to adopt such rules given to previously constituted commissions and (2) transferred the authority to adopt such rules to the Oil and Gas Commission as modified by Section 4(a) of this act. Therefore, pursuant to G.S. 150B-21.7, rules set forth in 15A NCAC 05H (Oil and Gas Conservation Rules) shall be effective until the Oil and Gas Commission, as modified Section 4(a) of this act, amends or repeals the rules.

**SECTION 4.(d)** This section is effective when it becomes law.

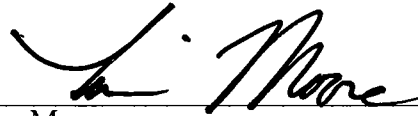
**SECTION 5.** The provisions of this act shall be severable, and if any phrase, clause, sentence, or provision is declared to be unconstitutional or otherwise invalid, the validity of the remainder of this act shall not be affected thereby.

**SECTION 6.** Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1<sup>st</sup> day of June, 2016.



Daniel J. Forest  
President of the Senate



Tim Moore  
Speaker of the House of Representatives

Pat McCrory  
Governor

Approved \_\_\_\_\_ m, this \_\_\_\_\_ day of \_\_\_\_\_

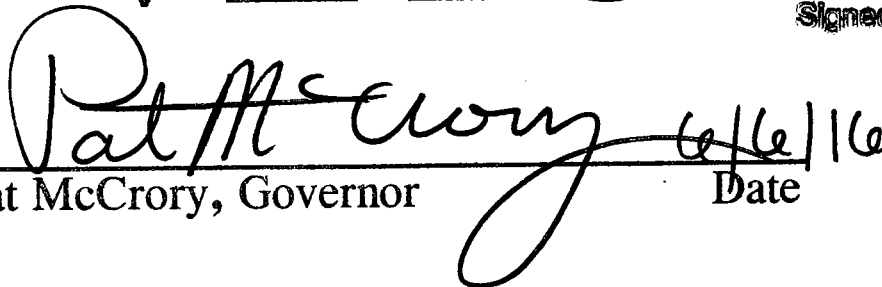
**VETO**

RECEIVED FROM GOVERNOR

Date June 6, 2016

Time 8:00 p.m.

Signed Sarah Lang



Pat McCrory, Governor

Date 6/6/16