



OFFICE OF

No. HB 1763

THE GOVERNOR
STATE OF OKLAHOMA

OKLAHOMA CITY, OKLA.,

May 29, 2013

TIME SIGNED: 4:41 pm

TO THE HONORABLE SPEAKER OF THE HOUSE
AND MEMBERS OF THE HOUSE OF REPRESENTATIVES
FIRST SESSION OF THE
FIFTY FOURTH OKLAHOMA LEGISLATURE

ENROLLED HOUSE BILL NO. 1763

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 HB 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 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

Mary Fallin

By Collette A. Hauck

Date/Time 5/29/13 5:26 pm

RECEIVED

MAY 29 2013

OKLAHOMA SECRETARY
OF STATE

5:25 pm
[Signature]