



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 style with a large, prominent initial "P".

Pat McCrory  
Governor of the State of North Carolina