



OFFICE OF

No. HB 2263

THE GOVERNOR
STATE OF OKLAHOMA

OKLAHOMA CITY, OKLA., May 19, 2023

TIME SIGNED: 10:26 am

TO THE HONORABLE SPEAKER OF THE HOUSE
AND MEMBERS OF THE OKLAHOMA HOUSE OF REPRESENTATIVES
FIRST REGULAR SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED HOUSE BILL NO. 2263:

Pursuant to the authority vested in me by Section 11 of Article VI of the Oklahoma Constitution, I have vetoed Enrolled House Bill 2263.

The powers of the government of this State are divided by Article IV of the Oklahoma Constitution into three separate departments, which shall not "exercise the powers properly belonging to either of the others." Each department should, in other words, be kept independent, and the acts of each shall not be controlled by or subjected, directly or indirectly, to the coercive influences of either of the other departments.

Enrolled House Bill 2263 would shift the lion's share of appointments to the Oklahoma Turnpike Authority, a non-appropriated entity, from the executive to legislative departments. Such a shift—from six members appointed by the Governor to two members appointed by the Governor and four members appointed by legislative leadership—would codify legislative superiority and control over the operation of an executive branch agency and would enable the Legislature to exercise unconstitutionally coercive influence over the executive department.

Under Oklahoma law, the Oklahoma Turnpike Authority engages in exclusively executive functions, most predominantly to implement turnpike projects authorized by the Legislature.

While the Legislature has the authority to make law, it does not have the power to carry it out or to appoint agents charged with the duty of enforcement—a purely executive function. Simply put, although the Legislature declares policy, it cannot oversee the execution of the policy it declares.

If House Bill 2263 were to become law, it would be unconstitutional, thereby causing the Authority's makeup and decisions to be subject to legitimate legal challenges. Any argument or advice to the contrary should be seen for what it is—a well paved road to a legal dead end.

For these reasons, I have vetoed Enrolled House Bill 2263

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Delivered to HOUSE: Gumer Curry

Date/Time: 5/19/23; 1:22 pm

HOUSE:

By Collette A. Hauck

Date/Time: 5/19/23 1:22 pm

RECEIVED

MAY 19 2023

OKLAHOMA SECRETARY
OF STATE