

## EXECUTIVE DEPARTMENT

Annapolis, Md., May 7, 1968.

The Honorable Marvin Mandel  
Speaker of the House of Delegates  
State House  
Annapolis, Maryland

Dear Mr. Speaker:

In accordance with Section 17 of Article II of the Maryland Constitution, I have vetoed today House Bill 50 and am returning it to you.

This bill would transfer the control of utilities along certain roads in Prince George's County and Montgomery County from the Washington Suburban Sanitary Commission to the County Governments.

While seldom is it valid to consider the legislative progress of an act, I believe that in this case it is necessary. The bill was introduced on January 18 and was lodged in Committee until March 23, three days before the end of the legislative session. At that time it emerged bearing no resemblance to the original measure, the entire body of the bill having been changed. No hearings were held during the legislative session on the bill, and while this is quite understandable in many cases, the drastic effect this bill could have on the public utility companies operating in this State would seem to demand a hearing in this instance. Notice was not given to the Public Service Commission either, although there is little doubt that the Commission should certainly be involved in any attempt to legislate in this area.

As a result of the above, neither the Utility Companies nor the Public Service Commission were aware of the provisions of the bill until days after the end of the legislative session. It is clear that the bill affects the companies in such a way that compliance on their part would be difficult, if not impossible. Likewise it is evident that the Utilities' rights to use highway right of ways would be curtailed in a fashion that could produce results not considered. The Commission has informed me that it can take no position on the bill since it has not had the time to study its provisions and their effect.

The sole purpose of the bill, according to its sponsors and members of both County Administrations, is to comply with certain Federal Highway regulations. A check of the regulations cited by the proponents indicates that they are still tentative and not yet adopted. Furthermore, the regulations seem to require *State* regulation of utilities along the highways and provide for *State* agreement with local authorities to see that the regulations are carried out. Further still, even if it is assumed that the County must comply with the regulations for Federal money, I do not believe that this justifies a State law as poorly drafted and hastily enacted as this one. The State is always willing to cooperate with the Federal Government when the reasons for the cooperation are clear and the State has adequate advance notice to tailor its laws in a way to create the fewest difficulties possible. The utility companies assure me that they will also cooperate in order to be sure that the State receives its share of Federal funds. But in no case should a law of such far reaching effect be pushed through at the insistence of Federal Authorities without notice to all those affected.

Senate Joint Resolution 8, passed at the 1968 Session, asks for a study of the laws of the Public Service Commission by the Legislative Council.