

Because of the conflict in form between Senate Bill 658 and House Bill 534, and because House Bill 534 accomplishes the same purpose as Senate Bill 658, I have decided to veto Senate Bill 658.

Sincerely,

MARVIN MANDEL,
Governor.

Which was read.

Letter from Attorney General on Senate Bill No. 658

April 26, 1973.

The Honorable Marvin Mandel
Governor of Maryland
State House
Annapolis, Maryland

Re: Senate Bill No. 658 and
House Bill No. 534

Dear Governor Mandel:

Both Senate Bill No. 658 and House Bill No. 534 would enact a new subsection 55(3) to Article 48A of the Annotated Code of Maryland (1972 Replacement Volume). Both bills would authorize the Insurance Commissioner to issue a cease and desist order, without notice and before hearing, in certain cases where an insurer is in a precarious financial condition. The texts of both bills generally are identical. However, Senate Bill No. 658 would authorize a cease and desist order "whenever substantial evidence becomes available to the commissioner" that the insurer is in a precarious financial condition, whereas House Bill No. 534 would authorize such an order "whenever it appears to the commissioner" that the insurer is in a precarious financial condition. In addition, there is some difference in the respective titles of the two bills and some difference in subdivision.

In light of the differences between the two bills, particularly in light of the condition allowing the Insurance Commissioner to issue the cease and desist order, it is our opinion that the two bills are not compatible and, as a consequence, only one should stand as the law. Accordingly, we recommend that one of the two bills ought to be vetoed.

Very truly yours,

FRANCIS B. BURCH,
Attorney General.

Which was read.

Senate Bill No. 658—By Senator Pine (Departmental):

An Act to add a new Section 55(3) to Article 48A of the Annotated Code of Maryland (1972 Replacement Volume), title "Insurance Code," subtitle "Insurers: Authorization and General Requirements," to follow immediately after Section 55(2) thereof, to permit the Insurance Commissioner to issue a cease and desist order **[[**where there are grounds