

other rules and regulations, including notice and public hearing. If the agency does not so comply within the authorized time, the approval of the emergency measure is negated.

I have no objection to such a proposal. However, the language of House Bill 1898 goes considerably further. It allows the Committee's approval to be subject to any condition, including a time limit. This would allow the Committee, in effect, to adopt its own rules and regulations by placing whatever condition(s) it deems appropriate on a proposed emergency measure, thereby raising serious questions about the separation of powers and the efficient administration of the executive branch of government.

Secondly, House Bill 1898 proposes to negate the approval of an emergency measure, unless, within a certain time period, the emergency measure is finally adopted in accordance with the procedures of Article 41, § 256-I. That section requires, inter alia, that the administrator of the State Documents Division transmit a copy of an emergency rule to the printer. House Bill 1898, as worded, thus raises the possibility that a tentatively approved emergency measure may be subsequently negated by an administrative error or omission over which the adopting agency and the AELR Committee have no control.

I understand that the sponsors of House Bill 1898 were attempting to improve some of the Committee's procedures with respect to the approval of an emergency rule or regulation. I have no objection to a bill which is properly drawn in order to accomplish the objectives as communicated to me by the lead sponsor; I have already approved House Bill 1897 which authorizes a more liberal procedure for the Committee with respect to those members of the Committee who may approve an emergency measure. However, House Bill 1898, as drafted, goes far beyond the sponsors' stated intention or what, in my judgment, is desirable policy.

For these reasons, I have decided to veto House Bill 1898.

Sincerely,  
Marvin Mandel  
Governor

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