

May 29, 1979

Honorable James Clark, Jr.
President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 1036.

This bill authorizes the Board of Public Works to adopt, subject to approval by the Joint Standing Committee on Administrative, Executive and Legislative Review, regulations by which State agencies may enter into capital project related contracts and change orders prior to or without the Board's approval under certain circumstances. It is a significant piece of legislation for two reasons: First, because it would enable the Board to relieve itself of the unnecessary and increasing burden of relatively minor contracts and change orders. Secondly, because it paves the way for a judicial resolution of the constitutional authority of the General Assembly to condition the exercise of an administrative agency's rule making authority upon the approval of a legislative committee, i.e., it subjects administrative rule making to a so-called "legislative veto" mechanism.

Senate Bill 1036 is substantially the same as Senate Bill 296 of 1978, which my predecessor vetoed on both policy and constitutional grounds.1/

I too have serious reservations regarding the wisdom of such mechanisms. However, I also agree with the sponsor of this measure that the significant question of the constitutionality of legislative veto mechanisms should be made available for resolution by the courts of Maryland. Accordingly, I did not oppose this measure during its passage through the General Assembly.

Nevertheless, in order to preserve my strong policy objections to the use of such devices and to insure that the courts are presented with a legislative veto question which is not tainted by an apparent gubernatorial approval,2/ I am vetoing Senate Bill 1036.

Sincerely,
Harry Hughes
Governor