

HARRY HUGHES, Governor

4097

Proposed regulations must be published in the Maryland Register and submitted to the AELR Committee at least 45 days prior to their final adoption. During the 45-day period, the AELR Committee may hold hearings, contact the agency, or otherwise review proposed regulations.

In addition, I have issued a directive instructing all department heads to cooperate with the AELR Committee when adopting proposed regulations. I believe this process provides adequate time for review and other protections to prevent unwise or improper regulations while maintaining the proper constitutional balance between the Legislative and Executive Branches.

For these reasons, I have vetoed House Bill 1255.

Sincerely,
Harry Hughes
Governor

May 24, 1984

Honorable Harry Hughes
Governor of Maryland
State House
Annapolis, MD 21401-1991

Re: House Bill 1255

Dear Governor Hughes:

We have reviewed for constitutionality House Bill 1255, a bill which would expand existing authority of the Joint Committee on Administrative, Executive and Legislative Review ("AELR Committee") for legislative review of executive agency rule making activity. As passed by the General Assembly, the bill would permit the AELR Committee to suspend the adoption of regulations after notice to the appropriate standing committee of the General Assembly, the President of the Senate, the Speaker of the House of Delegates, and the administrative unit proposing the regulation. The AELR Committee may suspend the adoption of the regulation if the Committee makes certain findings. In addition, the bill authorizes the AELR Committee to delay the adoption of a regulation or any portion of it for an additional 45-day period. We are unable to approve the bill as it is our view that a nonseverable provision of it violates the separation of powers provision of Article 8 of the Declaration of Rights.

In our recent letter of advice of counsel to the Honorable Catherine I. Riley and the Honorable John S. Arnick, dated February 9, 1984, we summarized and ratified prior advice of this