

VETOES

Assembly prior to adoption by the Board of Public Works. Failure of the Legislative Policy Committee to reject the proposed change within 30 days after presentation before the Legislative Policy Committee shall be deemed to be approval." (Emphasis added)

In his review of this bill, the Attorney General states:

"In our view, it is simply unclear whether the bill sets out a scheme for prior consultation with the Committee or a legislative veto."

The Attorney General concluded that the bill should be construed as constitutionally permissible prior consultation, but cautioned that this outcome is "not free from doubt" and that a court might not "reach the same result."

The Public School Construction Program is one of the most significant programs carried out by state government. It is a program concerning which the Board of Public Works makes decisions and takes actions pursuant to the rules, regulations and procedures of the Board. I fear that the effective administration of this Program will be impaired if the decisions and actions taken by the Board are subject to challenge because of allegations that the procedural requirements of this bill were not observed in adopting the rules, regulations and procedures that form the basis for the administration of the Program. Given the uncertain interpretation of the scope and meaning of this bill, such challenges could be easily asserted, with results that could be exceedingly harmful to the Program. For this reason, I have decided to veto Senate Bill 81.

I recognize the concern of the General Assembly in wanting to be informed and consulted by the Board of Public Works as it reviews its rules, regulations and procedures in seeking to meet the pressing school construction needs in the State in the coming decade. For this reason, I have secured the agreement of the members of the Board of Public Works to adopt a new procedure under which the Board will consult with the Legislative Policy Committee prior to adopting any new rule, regulation or procedure that relates to the Public School Construction Program and that meets the criteria described in Senate Bill 81. Except for cases of emergency, the Legislative Policy Committee will have at least 30 days to transmit to the board its views about any such new rule, regulation, or procedure. I am confident that this new procedure will effectively address the concern of the General Assembly as expressed in Senate Bill 81.

Sincerely,
William Donald Schaefer
Governor