

(1993 Replacement Volume and 1993 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Transportation

8-328.

(b) Unless all parties in a case certified to a board agree otherwise, the full board shall hear and decide the case. If a member of the board is absent or disqualified from hearing or deciding any case, the judges of the [judicial circuit] COURT THAT APPOINTED THE BOARD shall designate another [person] INDIVIDUAL with qualifications similar to those of the absent or disqualified member to serve [in his place] INSTEAD.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994.

May 26, 1994

The Honorable Casper R. Taylor, Jr.
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401-1991

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 441.

House Bill 441 would prohibit the State from imposing sanctions authorized by the State Substance Abuse Policy (SSAP) on both "sensitive" and "non-sensitive" employees who receive probation before judgement for a drug or alcohol offense that occurred outside the work place. Further, the bill would prohibit the State from imposing sanctions on a "non-sensitive" employee who is convicted of a drug or alcohol offense that occurred outside the work place.

In the last two years, I vetoed bills similar to House Bill 441 because of my concern that these proposals would greatly undermine public confidence in State employees - especially law enforcement and corrections personnel - and would deprive taxpayers of the right to a drug and alcohol-free State work force.

The State employs numerous classes of people who hold "sensitive" positions. These classes include law enforcement personnel, corrections and probation officers, drug laboratory chemists, helicopter pilots and mechanics, highway maintenance technicians, and heavy equipment operators. Under the provisions of this bill, an employee who is entrusted with the public's safety and welfare would not be held accountable for off-work drug or alcohol offenses. This situation is intolerable to a public that demands and deserves such accountability.