

~~SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.~~

SUBTITLE 2A. SURROGATE PARENTAGE CONTRACTS

5-2A-01.

A SURROGATE PARENTAGE CONTRACT IS VOID AND UNENFORCEABLE AS AGAINST STATE POLICY.

SECTION ~~3. 2.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, ~~1993~~ 1992.

May 26, 1992

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 252. Senate Bill 252 would require the Secretary of Personnel to delegate final decision-making authority over cases involving grievance and denial of increment appeals to the Office of Administrative Hearings (OAH). It further requires the Secretary to delegate final decision-making authority to OAH for cases involving removals, demotions, unsatisfactory work reports, suspensions, and preliminary hearings. OAH would also have final decision-making authority on proposed decisions by outside arbitrators.

The bill contains one exception to the requirement for the delegation of final decision-making authority: parties may appeal OAH decisions to the Secretary of Personnel "for the sole purpose of reviewing the severity of the punishment or discipline imposed on the employee." Similar legislation, without the exception, passed the 1991 Session of the General Assembly.

For the same reasons that I vetoed that bill, I am vetoing Senate Bill 252. In addition, I note that the Attorney General has advised me that he viewed the possible enactment of Senate Bill 252 with "great concern" and that a portion of the bill "raises substantial legal problems." In my veto letter for the 1991 version of this bill, I reviewed the legislative history behind the creation of OAH. I think it is important to do this again. The final report of the Governor's Task Force on Administrative Hearing Officers, which led to the creation of OAH in 1989, makes it clear that it was the intent of the Governor and the General Assembly that OAH would be an independent agency that would conduct hearings in contested cases involving State employees and their supervisors. The Department of Personnel (DOP) was to retain its responsibility to set and enforce State