

The Honorable Thomas V. Mike Miller, Jr.
Senate President
State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 309 – *State Government – Administrative Procedure Act – Proposed Regulations*.

Senate Bill 309 requires all executive branch agencies to submit a proposed regulation to the Department of Legislative Services in addition to the Joint Committee on Administrative, Executive, and Legislative Review (AELR) at least 15 days before the proposed regulation is submitted to the Maryland Register for publication. The amount of time an executive agency must wait prior to adopting a proposed regulation, subsequent to the AELR Committee's request for an additional period of review, is extended by 30 days from the seventy-fifth to the one-hundred and fifth day following the initial publication of the regulation in the Maryland Register. Senate Bill 309 also alters the process by which the AELR Committee approves an emergency regulation. The provisions of the bill enable the presiding chairman or co-chairman to approve a proposed emergency regulation only when the committee staff tries, but is unable to contact a majority of committee members in a timely manner and immediate adoption is necessary to protect the public health or safety.

I have vetoed Senate Bill 309 because it significantly alters the State's regulatory review process in several ways that potentially undermine the authority of the Executive Branch. The Administrative Procedure Act in Maryland establishes the process for adopting proposed regulations. The current process provides the legislature, through the AELR Committee, a means for overseeing the issuance of regulations and encourages cooperation and discussion between the Legislative and Executive Branches. According to the Department of Legislative Services Fiscal and Policy Note, the AELR Committee received only 89 regulations by Executive Branch agencies in 2003 for emergency approval.

Accordingly, the amended provisions to the Administrative Procedure Act would unduly undermine the authority of the office of the Governor, particularly relating to the approval of emergency regulations. For the above stated reason, I have vetoed Senate Bill 309.

Very truly yours,
Robert L. Ehrlich, Jr.
Governor

Senate Bill No. 309

AN ACT concerning

State Government – Administrative Procedure Act – Proposed Regulations