

permanent supplements to the Code of Maryland Regulations, or the Maryland Register, without the written permission of the Joint Committee on Administrative, Executive, and Legislative Review (AELR).

Current law (Section 10-115(a) of the State Government Article) prohibits State agencies from resetting or reprinting regulations from COMAR or its supplements, or from the Maryland Register. I am advised by the Attorney General (in Senate Bill 397 review letter of April 25, 1994) that the existing prohibition found in Section 10-115 (a) constitutes a "legislative veto," which he has characterized as "possibly unconstitutional" and "of doubtful validity."

The Attorney General further advises that federal court cases decided since the late 1970s "have almost invariably held legislative veto to be unconstitutional." Senate Bill 397 would broaden a possibly invalid provision of law in a manner that would serve to hinder State agencies in the process of promulgating regulations.

For that reason, I have vetoed Senate Bill 397.

Sincerely,
William Donald Schaefer
Governor

Senate Bill No. 397

AN ACT concerning

State Government – Regulations – Electronic Reproduction

FOR the purpose of requiring a unit of State government to obtain permission from the Joint Committee on Administrative, Executive, and Legislative Review to electronically reproduce a regulation in the Code of Maryland Regulations, the permanent supplements to the Code of Maryland Regulations, or the Maryland Register.

BY repealing and reenacting, with amendments,

Article – State Government

Section 10-115

Annotated Code of Maryland

(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 – State Government

10-115.

(a) A unit may not reset [or], reprint, OR ELECTRONICALLY REPRODUCE a regulation in the Code of Maryland Regulations, the permanent supplements to the Code of Maryland Regulations, or the Register without the written permission of the Committee.