

May 27, 2016

The Honorable Thomas V. Mike Miller
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 vetoed Senate Bill 910 – *Maryland Education Development Collaborative – Established*.

In its current form, Senate Bill 910 violates the separation of powers of Article 8 of the Maryland Declaration of Rights which specifically precludes the General Assembly from appointing its members to a board or commission that performs executive functions. This bill would establish the Maryland Education Development Collaborative to advise the Maryland State Board of Education, the General Assembly, and local school systems regarding education policies. The proposed Collaborative would have a governing board of 18 members including one member of the Senate and one member of the House of Delegates, which directly violates the separation of powers clause. The Board members collectively are given the authority to hire an executive director and may retain any necessary professional help. In addition they can accept any loans, grants, or assistance from public and private entities and can enter into contracts and other legal negotiations.

With regard to the violation of Article 8 separation of powers, statutory legislative members serving on the governing board of the Collaborative would be decision-makers as a party entering into binding contracts on behalf of the State thus performing a core executive branch function that violates long-standing separation of powers between the Executive and Legislative branches.

In addition, Senate Bill 910 likely causes a violation of the prohibition against plural office holding found in Article III, §11 of the State Constitution. If Senate Bill 910 became law, legislators who are members of the Collaborative governing board will be members of an “office of trust” that is incompatible with simultaneous service in the Maryland General Assembly.

For these reasons, I have vetoed Senate Bill 910.

Sincerely,

Governor Lawrence J. Hogan, Jr.