

laws to any other authority.”⁹ For example, under this fundamental doctrine of separation of powers, it has been held that the legislature cannot by statute delegate to the governor the power by executive order to place certain state jobs under the Merit System.¹⁰ Likewise, it would appear that the legislature could not constitutionally delegate to the governor, or some other state official, power to negotiate and enter into an interstate compact that is to have the force of law.

This limitation on the power to delegate its functions is probably not too significant if the legislature feels that interstate compacts will continue to be used to deal with narrow issues involving few states. In this context it should not be difficult to go back to the legislatures and get explicit approval even after a compact has been negotiated. If, on the other hand, the legislature feels that in the future it might be desirable to delegate broad regulatory powers to a “super legislature,” comprised of the representatives of several states, the limitation is significant.

⁹ *Pressman v. Barnes*, 209 Md. 544, 552 (1956); see also MD. CONST. Dec. of Rights, art. 8.

¹⁰ *Ahlgren v. Cromwell*, 179 Md. 243, 246-7 (1940).

For example, suppose the Maryland legislature were to decide that it would be desirable to enter into a compact with New York, New Jersey, Delaware, Pennsylvania, Washington, D.C., and Virginia whereby a board would be established to promulgate and enforce uniform driver licensing standards, motor vehicle laws, air pollution controls, and highway construction standards, and to establish a centralized highway patrol. It would be extremely cumbersome and time consuming if every change in speed limit or raise in policemen’s salary were to require an explicit ratification by the governing bodies of the seven states.

The following constitutional provision is designed to permit the more efficient functioning by such a “super legislature”:

Section _____. *Delegation of Authority by the Legislature.*

The legislature may by law delegate to the governor or any other state official authority to enter into interstate compacts subject to such limitations as the legislature may prescribe. When entered into by such an authorized representative, a compact shall become effective and may have the force of law without subsequent legislative approval.