

agency "has exceeded the authority delegated to it by the General Assembly". A disapproved rule has no effect unless, within one year of disapproval, the General Assembly adopts a joint resolution approving the rule. The bill also contains procedures for the temporary adoption of a rule pending the General Assembly's review.

The Committee on Administrative, Executive, and Legislative Review (AELR Committee) is the successor to the Committee on Legislative Review which had originally been established in 1964 as an adjunct of the General Assembly's Legislative Council. In 1972 the General Assembly renamed this Committee as the AELR Committee and altered its powers and duties.

Under present law each Executive Branch agency must submit to the AELR Committee every proposed rule or regulation, or amendment or repeal thereof. Committee approval of the proposal is not required, except to the extent that the agency desires that a rule be adopted on an emergency basis.

When the AELR Committee was thus restructured in 1972, I believe that there was a legitimate concern among the members of the General Assembly about the increasing volume of rules being promulgated by Executive Branch agencies. A second concern was that this increased regulatory activity could, in some instances, begin to infringe upon the Legislature's duty to determine policy. Therefore the Committee was given its current oversight function, and I believe that it has alleviated the General Assembly's concerns while performing that function.

House Bill 619 would now vest in the AELR Committee, subject to ultimate review by the General Assembly at its next session, the duty to approve or disapprove a rule or regulation proposed after July 1, 1978. This function is usually characterized as a "legislative veto" provision. The wisdom and constitutionality thereof has been the subject of an increasing amount of comment and controversy at the federal and State levels.

The Attorney General has advised me, in a lengthy Opinion, that at least 14 States have enacted some form of legislative veto mechanism, and that the Attorneys General of several of these States have expressed grave concerns regarding their constitutionality. However, the concerns expressed by these legal officers are questions of first impression in the Maryland Courts.

In his Opinion, which I have attached to this message, the Attorney General has focused upon several Constitutional issues inherent in the provisions of House Bill 619. He has concluded that House Bill 619 is "not clearly unconstitutional". That conclusion ultimately is based upon