

the strong presumption of constitutionality accorded to each enactment of the General Assembly. However, his very thorough analysis of these issues clearly reveals the breadth of the disagreement among the legal authorities, and I must respectfully disagree with the conclusion of the Attorney General for the reasons I set forth herein.

However, before addressing the Constitutional issues of House Bill 619, I must discuss one of the greatest practical problems which I find inherent in the mechanism it creates. This problem is rooted in the nature of the rules promulgated by some State agencies. Many State programs are partially funded with federal matching funds. The change proposed by House Bill 619 in the State's regulatory process may impede or prohibit the issuance of a regulation designed to comply with a federal requirement. The potential for the loss of millions of federal dollars by the exercise of the "legislative veto" is conceivable. Even if the General Assembly, at its next session, overrides the judgment of the AELR Committee, the result would be a loss of those funds, and possible future entitlement, during the interim period.

However, my most serious concerns about House Bill 619 are generated by my concern for the preservation of the Constitutional balance of powers created by the people.

Article 8 of the Declaration of Rights of the Maryland Constitution mandates that the Legislative, Executive, and Judicial branches of government are to be separate, and that no person exercising the functions of one of these Departments shall assume or discharge the duties of any other. Even assuming that House Bill 619 does not violate the terms of Article 8, I believe that it severely tramples upon the spirit of this most fundamental tenet of the Constitution. House Bill 619, in my judgment, injects the General Assembly into a realm which the Constitution has reserved to the Executive Branch alone.

The Constitution of Maryland charges the Chief Executive to faithfully execute the laws of the State. Pursuant to that mandate, the General Assembly passes bills, and if signed into law, the Governor executes the Legislative policy.

Pursuant to laws enacted by the General Assembly, I must appoint officials to implement legislative programs. Most of these officials are appointed subject to the advice and consent of the Senate and therefore are subject to legislative scrutiny and guidance regarding the manner in which they are to implement legislative policy.

More important, the provisions of the State Documents Law assure legislative and public input into the rule making process. Yet House Bill 619 would allow the members of a single legislative committee to disapprove a proposed rule