

Stewart, Constitutionality of the Legislative Veto, 13 Harv. J. of Legis. 593, 594 (1976). The Attorney General of the United States has consistently expressed the opinion that such statutes are unconstitutional. See, 41 Opinions of the Attorney General 300 (1955); 41 Opinions of the Attorney General 56 (1933).⁶ Indeed, mirroring what the Court of Claims termed "the long-standing objections of all recent Presidents against what is viewed as an incursion into the constitutional domain of the Presidency," the Department of Justice recently conceded the constitutional invalidity of a legislative veto provision which the Court ultimately found to be valid. Atkins v. United States, 556 F. 2d 1028, 1058 n. 15 (1977), cert. den. 98 S. Ct. 718 (1978).⁷

On the state level, according to the latest issue of State Legislatures,:

"[m]ost state legislatures now conduct some form of regulation review. The total increased to 34 last year, as nine states ... established formal review procedures. In ... [three states], similar bills were vetoed by the governors.

"Five other states ... amended their regulation review last year, either to clarify existing procedures or to strengthen the legislature's role in the process. In ... [two], amendments to existing review procedures were vetoed by the governors, while [in one] the ... amendments were enacted over the governor's veto.

The powers of the legislatures in the review process generally fall into four categories:

(1) Advisory review power. * * * 8

(2) Repeal [or disapproval] of an objectionable regulation by the legislature through passage of a bill or a resolution. * * * 9

(3) Committee suspension of a regulation for a certain period of time, during which the full legislature must ratify the committee's suspension in order for the regulation to be nullified. * * * 10

(4) Permanent suspension of a regulation by the committee. * * * 11

"Within these four categories, there is a multitude of approaches to legislative review of regulations. * * *