

"For the past two years, the Legislative Improvement and Modernization (LIM) Committee of the National Conference of State Legislatures has been studying these alternative approaches, and has now prepared a report with recommendations for improving the regulation-review process. * * * 12

"The LIM Committee's basic recommendation is that legislatures should establish procedures for reviewing all agency rules and regulations promulgated with the force of law, [and t]hese review procedures should be as strong as the constitution of each state allows.

"[Moreover, in the Committee's view, b]ecause of the size of most legislatures, the most effective way of conducting review is through the [joint] committee procedure. * * *"

Wyatt, "Runaway Bureaucracy: How to Get it Under Control," State Legislatures, 8, 9 (March/April 1978).

The Attorneys General of several other states which have either enacted or considered such legislation have expressed grave concerns about the constitutionality of such statutes. 13 This is the first time we have formally addressed the issues presented by the legislative veto of proposed regulations;14 however, on April 23, 1965, Attorney General Finan expressed the view that an Act which would have prohibited open seasons for the hunting of doe in certain counties, unless authorized by the Game and Inland Fish Commission and concurred in by the Legislative Delegation for each of these counties, was unconstitutional because it: (1) contravened the separation of powers mandated by Article 8 of the Declaration of Rights, "if the action taken by the County Delegation is considered an executive function"; (2) constituted an impermissible attempt to authorize a group of legislators less than the whole to make laws; and (3) fatally provided no standard whatsoever by which the Delegation was to exercise its authority. Laws of Maryland (1965), pp. 1690-1692.

Nevertheless, these objections remain questions of first impression in the courts of Maryland, and the few courts which have even remotely addressed the issues in other jurisdictions are not in accord.15 Moreover, the most recent case on the subject persuasively upheld a significant federal statute which presented substantially the same issues as those posed by House Bill 619,16 and some such mechanisms already are law in Maryland.17 Furthermore, although "[t]he Supreme Court deliberately avoided the issue in Buckley v. Valeo, [424 U.S. 1, 692 n. 176 (1976), aff'g in part and rev'g in part 519 F.2d 821 (D.C. Cir. 1976)] Mr. Justice White, writing separately, expressed a belief that