

which it legislates. 1 M.L.E., Administrative Law and Procedure, §24; Davis, Administrative Law Treatise, §2.07. Thus, "[a] legislative veto power limited to agency rule-making would supervise an area of ... action [by a creature of the legislature] that involves the exercise of legislative powers," Stewart, supra, at 607.

Thirdly, in making such a delegation the General Assembly is properly concerned with the relationship between its acts and the delegated quasi-legislative acts of its creatures. Thus, here also the fourth factor flows naturally from the above, viz., the General Assembly's intent to retain a large measure of control over the exercise of that rule-making power which it has delegated to its administrative offspring.

In the words of the Atkins court, the problem, then, becomes one of the propriety of the manner in which the Legislature has chosen to exercise its authority under the Act. What is the constitutional underpinning of the device used here? To paraphrase the Court, it is a combination of Article III, which assigns the legislative power exclusively to the General Assembly, Pressman v. Barnes, 209 Md. 544, 552 (1956), and Article III, Sec. 56, the so-called "necessary and proper" clause, which literally vests in the Legislature the power:

"... to pass all ... Laws necessary and proper for carrying into execution the powers vested, by this Constitution, in any Department, or office of the Government, and the duties imposed upon them thereby."

See, Atkins v. United States, supra, 556 F.2d at 1061. Specifically:

"[Article III of the Maryland Constitution, like] Article I, Section 1 [of the U.S. Constitution] ... endows ... [the legislative branch] with the broadest reach of power in this instance, so long as executive functions are not infringed and ... [gubernatorial] veto rights not compromised, because the subject of [this legislative veto, administrative agency rules and regulations, like] the salaries of judges ... [et al.,] is at the center of the ... [legislative] sphere. On this foundation, the necessary and proper clause authorizes [the General Assembly, like] Congress to choose, first, to delegate the initial power to make ... [rules] to the ... [agencies,] and, then, to select for itself the appropriate method for checking and monitoring the ... [agency's] action."