

the legislative veto arguably is merely a device for enabling the Legislature to more directly oversee the execution of its policy, by its offspring exercising its delegated authority.³⁷ In this light, a rather strong case can be made for the proposition that, rather than violating Article 8, the legislative veto

"... device serves that aspect of the separation of powers principle which seeks to prevent the total vesting of the power of one branch in another and that aspect of the principle which enjoins the branches to act as checks and balances which lies at the heart of the separation of powers principle."

Cooper & Cooper, supra at 515. See also, Stewart, supra, at 619, viz.:

"'New institutions of government have developed as new times produced new problems,' Professor Archibald Cox has written, 'subject only to the fundamental necessity of maintaining the essential balance of the three departments and preventing one from taking over functions falling exclusively in the core of power belonging to another.' The legislative veto power is a mode of congressional action that permits Congress to rectify an imbalance that has arisen between the branches due to Congress' delegation of legislative authority to other government organs. If limited in scope to those activities of executive and administrative agencies that involved legislative interests, the legislative veto does not impinge upon the prerogatives of Congress' co-ordinate branches."

Indeed, it has been asserted, with merit in our view, that "one of the unique advantages of the veto, when properly used and structured, is that in areas where ... extensive powers must be delegated to the executive on the basis of vague and incomplete standards, it offers a mechanism for combining executive initiation and leadership with ... [legislative] deliberation and control to the mutual advantage of both." Cooper & Cooper, supra, at 513.

For these reasons, we are of the opinion that, at the very least, House Bill 619 does not, in contravention of Article 8 of the Declaration of Rights, clearly inject the Legislative Branch into a realm which the Constitution has reserved to the Executive Branch.

D. Separation of Powers: Judicial and Legislative. Although the Court was not presented with this issue in Atkins, some have suggested that to disapprove a proposed administrative rule on the grounds that it is contrary to