

legislative intent or beyond the authority of the promulgating agency is a judicial power, which the Legislature may not exercise. Compare, 63 Opinions of the Attorney General 159, 164 (Wisc. 1974); and Unpublished Opinion of the Attorney General (Mich. 1953), cited at II Opinions of the Attorney General 246, 251 (Mich. 1958),³⁸ both of which appear to have concerned the suspension of existing rules.

In our opinion, this assertion fallaciously fails to recognize the fundamental distinction between disapproving a proposed rule and suspending one which has already taken effect. While only that branch which is authorized to exercise the judicial function may effectively suspend the operation of a duly promulgated rule, the expression of an opinion which is a statutorily required condition precedent to the valid promulgation of a rule certainly is not inherently judicial. For example, under the provisions of Code, Article 31, §9, it has long been required that:

"[p]rior to the adoption of any rule or regulation by an officer or department of the executive branch of the State of Maryland, the rule or regulation shall be submitted to the Attorney General of Maryland for approval as to its legality. * * * No rule or regulation hereafter made, promulgated or adopted is effective until after compliance with this section."

Applied in Md. Tobacco Grower's Association v. Md. Tobacco Authority, 267 Md. 20 (1972). Furthermore, although perhaps administratively burdensome and of questionable wisdom, the requirement for approval by two different authorities is not of constitutional magnitude. See, 60 Opinions of the Attorney General 771, 773-774 (1975).

Consequently, we agree with our colleague from Tennessee, who while expressing the opinion that only the Legislature may suspend duly promulgated rules and regulations, nevertheless, also concluded:

"..., the Legislature may delegate to committees or to a single committee the authority to review rules and regulations before those rules and regulations become effective. This power to review, which would carry the power to veto those rules and regulations found lacking, should be clearly circumscribed so that the committees have lucid guidelines within which to act. The power to review and veto could run to rules and regulations which the committees find to be illegal, unreasonable or contrary to legislative intent. There may be other criteria upon which guidelines could be drawn. The ability to act