

doctrine protects from usurpation of another branch."

Letter of May 26, 1979 from Attorney General Sachs to Governor Hughes concerning House Bill 1589. As the selection of an organization to perform a study mandated by statute could reasonably be regarded as an exercise of executive power, it was concluded that a statutory requirement that a legislative committee concur in the selection was an usurpation of executive power in violation of the separation of powers clause. Likewise, we conclude that the certification, in accordance with certain criteria, of State projects for which private donations may be solicited is the implementation of policy and is thus an exercise of an essential executive function which may not be usurped by the legislative branch.

It is, of course, an exercise in legislative power for the General Assembly to specify criteria for selecting State projects for which private donations could be solicited. If the Legislature delegated the development of such criteria to the Executive, this office has indicated that it is not clearly unconstitutional for the Legislature to reserve a veto over the exercise of this delegated legislative power. See letter to the Honorable Catherine I. Riley and the Honorable John Arnick, dated February 9, 1984. However, it can not exercise an essential executive function of making the selection. Although the bill also raises issues of whether the legislators would be holding more than one office and whether the private donation would be subject to the appropriation process, we find it unnecessary to address these matters in view of the separation of powers objection.

Very truly yours,
Stephen H. Sachs
Attorney General

House Bill No. 952

AN ACT concerning

State Donations Oversight Committee

FOR the purpose of establishing a State Donations Oversight Committee; providing for the membership of the committee; establishing procedures for the implementation of the committee; establishing procedures to receive and disburse donations; ~~designating--under--certain--conditions--certain projects--that--may--receive--donations--during--the--first--year--of--the--program~~; providing for the termination of this Act; and generally relating to the establishment of a State Donations Oversight Committee.