

his approval of the bill for that reason.

While I agree with the Attorney General's Opinion that this bill violates the separation of powers clause of the Constitution, I also believe that it would infringe on the power of the Executive Branch as well as the Judiciary and violates other provisions of the Constitution.

At least three provisions of the bill are, in my view, subject to constitutional challenge:

1. The provision allowing a committee of the General Assembly to suspend the adoption of a regulation which is otherwise authorized by statute to become effective at an earlier date constitutes a transfer to a committee of the General Assembly the power to alter the effective date of legislation -- a power which can be exercised only by concurrent action by both houses of the General Assembly subject to the power of gubernatorial veto.

2. The provision of the bill permitting the General Assembly, by law, to reject a regulation is constitutionally objectionable insofar as it purports to make this action effective notwithstanding a gubernatorial veto until the veto has been sustained or the time for a legislative override of the veto elapses. The effect of this provision is to permit an action of the General Assembly to become effective as law for a potentially extended period of time, even though the purported law has not been signed by the Governor nor has the gubernatorial veto been overridden.

3. The provision of the bill permitting the AELR Committee to delay the effectiveness of any regulation for 45 days for any reason plainly contravenes not merely the provisions of the Constitution relating to the gubernatorial veto but also those vesting legislative authority in the two houses of the General Assembly.

In addition, all three provisions in my view contravene Article VIII of the Declaration of Rights relating to the separation of powers and restrain my ability to "take care that the Laws are faithfully executed" as required by Article II, Section 9 of the Constitution.

In reaching these conclusions I am not unmindful of concerns which have led the General Assembly to propose other legislation containing various forms of "legislative veto" power. I am also aware that the General Assembly has been in some measure encouraged in this course by expressions contained in an Opinion of Attorney General Burch on May 26, 1978 (1978 Opinion) which took the view that House Bill 619 of the 1978 Session, which would have permitted the AELR Committee to disapprove regulations subject to override by joint resolution of the General Assembly, was "not clearly unconstitutional"; and a letter from Attorney