

DELEGATE BOYER: I think it is both, Delegate Willoner, a statement of general policy, and a clause with very direct operative effect because it would pointedly for the first time give natural resources constitutional recognition. It has never been considered so because there was no need for it, and this would allow and point out to the General Assembly that we as delegates are cognizant of that fact and wish them to take some steps to protect our natural resources.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: What would be the applicable effect.

DELEGATE BOYER: I do not understand your question.

DELEGATE WILLONER: You said it would have an operable effect. My question is, how would it operate, other than as a remainder to the legislature to take certain acts. We are interested in conservation. What could be the effect of it, judicially?

DELEGATE BOYER: I imagine that would be up to the judicial branch to determine what the judicial effect would be. Operatively it would certainly point out to the legislature, that it was our thought that there should be some protection of our natural resources and conservation taken by the General Assembly because it says the General Assembly shall provide by law.

THE CHAIRMAN: Delegate Boyer, if I could interrupt, maybe the difficulty is with the use of the word "operable". I think Delegate Willoner means will this provision be self-executing in any way or will it require legislation to implement it.

DELEGATE BOYER: It will require legislation. The General Assembly shall by law provide for it.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: I have two questions of the Chairman of the General Provisions Committee. First, does this provision vest any power in the General Assembly that it does not already have by virtue of its plenary power, and secondly, if for example, the General Assembly failed to enact legislation to enhance and to protect the natural resources, environment, scenic beauty of the State, would there be any power by which they could be mandamus'd to do so?

DELEGATE BOYER: In answer to your first question, if there is any question about whether the General Assembly has the

power to do it now this would remove all doubt. In answer to your second question, it appears to me that the law is, if the constitutional provision is passed and the General Assembly is put on notice that they shall by law provide for enhancement, improvement and protection of natural resources, and if, following that, they refuse or neglect to do so, certainly the court by mandamus could direct them to act.

THE CHAIRMAN: Delegate Scanlan.

DELEGATE SCANLAN: With respect to your answer to the first question, you indicated that there was some doubt, and I wanted to make clear whether the research of your Committee had indicated that there was any doubt that the General Assembly now has the power to do what they are asked to do here, and secondly, the answer to the second question, are there any precedents in this State where the court, any court of this State has ever mandamus'd the legislature to do anything?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: In answer to your first question, the legislature, as you know, has for years been gradually increasing its interest and attention to natural resources, air pollution, water pollution, et cetera. We felt that there probably was ample authority, statutorywise, for the General Assembly to continue it. However, if—I did not indicate there was any doubt—but if there was doubt in anyone's mind, and there seemed to be in the eyes of interested citizens who testified before us, this would remove all doubt.

In answer to your second question, we could find no precedent where the General Assembly was mandamus'd, or required to act. They seemed to have been gradually doing this voluntarily on an increasing basis, but this would make it certain by including language in the Constitution which mandated action.

THE CHAIRMAN: Are there any other questions? Delegate Byrnes.

DELEGATE BYRNES: Mr. Chairman, you mentioned briefly air and water pollution. I would like to ask you at this time, does the word "environment" include such a mandate to the legislature to look into the matter of the general protection of air and water? Is this what is intended by the use of this language?

DELEGATE BOYER: The word "environment" was the last addition that we made to our recommendation here. If you