

will read the recommendation with the two words "and environment", you will have the recommendation as we originally contemplated it. At the request of Delegate Singer, the words "and environment" were added. This passed in our Committee by a 6 to 5 vote; so the words "and environment" were included. That is the history of it.

DELEGATE BYRNES: Do I interpret this correctly—that you do intend to cover air and water pollution by this particular mandate to the legislature?

DELEGATE BOYER: Yes. It is our intention as stated in the commentary that we want the broadest possible interpretation. May I call to your attention page 2 of the commentary which began with the sentence at the bottom of page 1, expressing our intention to give the broadest possible interpretation to the phrase "natural resources and environment, and scenic beauty." This would include the abatement and prevention of air and water pollution, which would fall into this category.

DELEGATE BYRNES: Thank you.

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

DELEGATE SCHNEIDER: I would like to ask, I know some of the recent constitutions that have been enacted have contained provisions similar to this. Does your Committee know of any provisions in constitutions which have been around a bit longer and perhaps tested, and if so, what effect such a conservation provision has had, if any?

DELEGATE BOYER: Yes. There are other constitutions—Michigan, New York, which had the ill-fated worded constitution.

DELEGATE JAMES: Hawaii.

DELEGATE BOYER: Hawaii. Other states have adopted in their constitutions provisions relating to forest reserves, and some of them go into great length. It is difficult to know when you get started where to stop, and the Committee was afraid that by inclusion, we might have later court interpretation that we meant to exclude those items that we neglected to include. We thought that we could best serve the public interest by making a broad policy statement and in our commentary, trying to spell out that the phrase did include the broadest possible interpretation and by so doing avoid the pitfall that other state constitutions have fallen into by rambling on for three or four pages.

THE CHAIRMAN: Delegate Schneider.

DELEGATE SCHNEIDER: Do you have any indication that these have had any effectiveness whatsoever in these states? In other words, do you have any cases where the legislature has been told to act or not to act because the constitution says that we should preserve natural resources and scenic beauty?

DELEGATE BOYER: No, sir.

THE CHAIRMAN: Delegate Clagett.

DELEGATE CLAGETT: Mr. Chairman, you do intend, do you not, that the words "and environment" be considered in conjunction with natural resources only, do you not?

DELEGATE BOYER: Yes, sir.

DELEGATE CLAGETT: And you do not take us off into the area of social environment or slum area or anything of that kind?

DELEGATE BOYER: No, and I am glad you brought that up, Delegate Clagett; our intention was to cover natural resources and natural environment, not social or physical, manmade environment.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: Delegate Boyer, I have two questions: One, would the existence of this language in the constitution preclude local governments in the State from taking action to conserve environmental resources?

DELEGATE BOYER: I would think not. It seems to be the trend apparently of this Convention to give broader powers to local government. We will learn more about that as the local government report is made but it is certainly not our intention to deprive local governments from protecting their own resources, if they have the authority under local government provisions to do so.

DELEGATE HANSON: And so long as this is not inconsistent with state law.

DELEGATE BOYER: That is right.

DELEGATE HANSON: The second question is, would not the language which you have here make it clear that such acts as might provide historic trusts or provide for the preservation of sites of natural beauty, et cetera, would be constitutional?

DELEGATE BOYER: We strongly considered the inclusion of historical sites, and