

refer only to the natural resources, natural environment, natural beauty. He is not saying that that does not take into account the effect of these natural conditions on human beings.

DELEGATE BOYER: Thank you, Mr. Chairman.

THE CHAIRMAN: Delegate Taylor.

DELEGATE L. TAYLOR: From your report, it does not include anything about the effects on human beings in terms of the natural environment. Was this intentional or an oversight?

DELEGATE BOYER: It was not intentional. In fact, to the contrary, it was deliberately our intention that human needs were included when it refers to air pollution, water pollution and other natural resources.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Delegate Boyer, your response with regard to whether or not this would forbid the State from putting a road through a park suggests a more general question to me. Is this in any way intended to restrict the General Assembly from taking account of needs not referred to here, human needs, various needs, when those needs may come in conflict with some of the matters referred to here?

DELEGATE BOYER: May I ask you to define what you mean by human needs?

DELEGATE CHABOT: Let us take the need for a road at a particular place.

DELEGATE BOYER: The answer to that would be no. It is not our intention to restrict the General Assembly's action there.

THE CHAIRMAN: Delegate Chobot.

DELEGATE CHABOT: Any of the other matters that some of the people here have referred to, such as the environmental needs of people in the cities and the concern of human beings with regard to air and water pollution, should require the taking of some action which might, at least in a short range point of view, seem to conflict with this provision. The General Assembly, I gather, would not be forbidden to take those other needs into consideration?

DELEGATE BOYER: No.

DELEGATE CHABOT: The General Assembly under those circumstances would

be permitted to go contrary to the provisions here, if human needs were paramount?

DELEGATE BOYER: Your assumption is our intention.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Delegate Boyer, I am having some problem understanding the extent to which this law would apply. I understand that the birds, bees, the flowers, and the air are not owned by any one of us. To what extent could this law apply to private property and at what point would this mandate take precedence over economic considerations in terms of, say, conservation of trees or fish or anything else like that?

DELEGATE BOYER: Delegate Koss, I think it would be rash or brash of me to make a broad statement as to the extent of effect or to anticipate the conflicts which might arise. It appears to me that you would almost have to look at it on a case-by-case basis and determine what is going to be the best for the most and what is going to be for the public good when it comes to the area of conservation.

THE CHAIRMAN: Delegate Koss.

DELEGATE KOSS: Well, would this authorize, for instance, the General Assembly to pay damages or reimbursement to any individual who felt that his economic interests were aggrieved by the operation of a conservation measure?

DELEGATE BOYER: I think Judge Adkins raised a similar question, and my answer there was that it was never our intention to take any property or damage anyone's property without just compensation, and knowing that the personal rights provision was going to include something about just compensation, we felt we would not spell out in detail that matter here.

THE CHAIRMAN: Delegate Hanson.

DELEGATE HANSON: I think I have communicated my problem to Delegate Boyer. Let me ask it, though, for the record: is it not true, Delegate Boyer, that in the reapportionment cases mandamus was not issued against the legislature, but rather injunctions against administrative officials?

DELEGATE BOYER: Injunctions, yes, and threats of further action if the legislature did not act, which they did.

DELEGATE HANSON: But my point, however, being that is it not true that in