

these cases the court did not find, or the courts have not found that they could mandamus the legislature to act in such an area?

DELEGATE BOYER: In such an area, are you talking about other vital natural resources or reapportionment?

DELEGATE HANSON: Let me ask the question more broadly. Has your Committee come upon any instance in which a state court has mandamus a state legislature to do anything?

DELEGATE BOYER: We did not research that legal question of whether any state court has ever mandamus any state legislature to do anything. I do not know.

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: Mr. Chairman, do these legalistic questions mean that the legislature does not have to do anything that the constitution directs, that it is above the constitution?

I think this is a very broad implication, and it disturbs me.

DELEGATE BOYER: Yes, sir.

As you know, in some of the sections that we passed previous to this we said that the General Assembly might do thus and so. This provision, however, is very mandatory, Dr. Pullen, and says "the General Assembly shall," and it is our intention that the General Assembly shall, without any hanky-panky about it.

It is our intention that if the General Assembly should fail or neglect to mandatorily and positively, affirmatively act, then there will be recourse to judicial interpretation.

THE CHAIRMAN: Delegate Pullen.

DELEGATE PULLEN: To carry that a little further, Mr. Chairman, suppose the constitution requires judiciary reform and the legislature fails to carry that out? Then where do you go?

DELEGATE BOYER: Dr. Pullen, my only answer would be the same as I have given. As in any instance where there is non-conformance or mal-conformance on the part of any branch of government, be it legislative or executive, the courts are the ultimate resort upon which you can rely to compel such action.

THE CHAIRMAN: Delegate Pullen, if the Chair might make an observation, I think there are certain matters that the

three coordinated branches of government cannot be compelled to do or not to do by another coordinate branch of government and the ultimate power in that is the power of the ballot.

Delegate Mentzer.

DELEGATE MENTZER: Mr. Chairman, I believe you said that Hawaii was one of the states which had such a clause, and I understand that one result is that they have no billboards on the countryside in Hawaii. Much as I might be in sympathy with this for Maryland, are we not inviting trouble if we have suits saying that the legislation to control billboards did not go far enough? This particular instance of billboards, was discussed by your Committee?

DELEGATE BOYER. No. the matter of billboards is very interesting. As I understand it, in Hawaii a group of interested citizens went out with their own time and money and purchased all the billboard signs that were on the landscape of Hawaii. When they finally bought the last block of billboards, they then approached the General Assembly, or the constitutional convention out there, and had built into the constitution the prohibition against any further billboards; but this was done as a civic duty by an interested civic group to trigger and initiate the prohibition of billboards. We did not consider billboards per se in our Committee, but certainly I think Mrs. Lyndon Johnson, as part of her beautification program probably the prohibition against billboards in the interests of conservation as part of scenic beauty.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: Delegate Boyer, did your Committee give any consideration to putting at least part of this in the positive and restricting the legislature from selling any public lands or utilizing any public lands dedicated for park purposes for anything else other than it was originally used for?

DELEGATE BOYER: No, sir, we did not consider that.

DELEGATE BENNETT: That would be feasible, would it not, and at least preserve what we have?

DELEGATE BOYER: I imagine anything is feasible, Delegate Bennett. We just thought that the best protection that we could give the citizens of the State in response to the many intensely interested witnesses who came down, to testify, would be