

this compulsive, affirmative action by the General Assembly, that they shall do as the recommendation provides.

THE CHAIRMAN: Delegate Bennett.

DELEGATE BENNETT: We should renew this when we enter the legislature. We will see this thing through, won't we?

DELEGATE BOYER: I am afraid I will no longer be in the legislature.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: You have indicated this is a self-executing provision. I would like you to give us an example of how you would envision this provision being enforced by the courts, if you could give us an example.

DELEGATE BOYER: Yes, sir.

Since the constitution has prescribed the salary, the court said in one case that the people had directed the payment of that salary, and if the appropriate voucher had been submitted, the treasurer had a ministerial duty to pay it. This would seem to imply that if an unfulfilled Constitutional mandate on the legislature must be followed by some other state official without legislative action, the courts would compel the state official to act, or the General Assembly.

DELEGATE WILLONER: I understand the concept of mandamus in a specific area. Let's take, for example, the wetlands. Assuming a private developer started to drain our wetlands and develop a resort community, at that point could we sue the developer and enjoin his development on the ground that the legislature failed to protect that particular wetland?

DELEGATE BOYER: Could we sue—you mean an interested taxpayer—sue whom?

DELEGATE WILLONER: Could the interested taxpayer enjoin the developer from developing the land on the ground that the legislature failed to carry out the mandate of the constitution?

DELEGATE BOYER: There is not a thing to prevent any aggrieved taxpayer from filing a suit against anybody?

DELEGATE WILLONER: Is this not an entirely new concept of law?

DELEGATE BOYER: If it is, I think it is a good one.

DELEGATE HICKMAN: Mr. Chairman.

THE CHAIRMAN: Delegate Hickman.

DELEGATE HICKMAN: Mr. Boyer, to what degree, or how extensively in this field do you think the legislature would have to go each year to meet the requirements of this particular provision? Could they do one-fourth as much as they are doing now and meet the requirements?

DELEGATE BOYER: That is a matter of relative degree, I think, Delegate Hickman. I think the answer would be they would have to go to the degree that public interest demanded.

THE CHAIRMAN: Are there any further questions?

DELEGATE BOYER: That would differ with various situations.

THE CHAIRMAN: Delegate Groh.

DELEGATE GROH: Delegate Boyer, was it the intention of the Committee to broaden or extend the scope of the police power; in other words, create another area besides health, welfare, et cetera?

DELEGATE BOYER: No, Delegate Groh. Our sole intention was to provide protection for natural resources.

THE CHAIRMAN: Are there any further questions for purposes of clarification?

Delegate Boyer, the last answer leaves me in some confusion as a result of an earlier answer.

I thought you had said earlier in response to questions from Delegate Taylor that the purpose of conservation of natural resources, natural environment and natural scenic beauty was for the citizens of the State, and I understood you to be saying perhaps to the contrary in your answer to Delegate Groh. Could you clear that up for us?

DELEGATE BOYER: Yes, sir.

Our answer to Delegate Taylor was our answer of the Committee. Delegate Groh got into another field about the extension of police power. In my answer to Delegate Taylor it inevitably follows that police power is extended, and to that extent I would have to agree with Delegate Groh; but we did not get into the extension of police power, per se. We were considering solely the protection of our natural resources as opposed to man made resources.

THE CHAIRMAN: I understood Delegate Groh's question was whether or not you were intending protection of natural