

In response to Delegate James' question, the sponsor indicated it was his deliberate intention to put this power solely in the hands of the General Assembly; that it was his intention to also give the restrictive powers to the Executive Branch.

It appears to me that this would create quite a hiatus. It could lead to a lot of buck-passing between the executive and the legislative branches and a lot of overlapping and duplication; and worse it seems to me that this would create confusion as to prime responsibility and to whom the people could look for guidance

It also appears to me that the first several words of the amendment saying that it shall be the policy of this state dilutes the intent of the Committee.

We deliberately chose the words, after long hours and hearing from many witnesses, who are intensely interested in conservation. We deliberately chose the words, "the General Assembly shall provide by law" because this seemed to be consistent with the other matters that had thus far been submitted to this Convention, and to the best of our knowledge and information would be continued to be submitted in this form. To now say that it shall be the policy of the State to do thus and so would be inconsistent with what had gone before and what we thought might come hereafter.

Your Committee deliberately considered and deliberately chose the words, "that the General Assembly shall provide by law." We would prefer it this way, from the expert testimony given us, and I would have to oppose any change as suggested by the amendment.

THE CHAIRMAN: Does any delegate desire to speak in favor of the amendment?

Delegate Bennett?

DELEGATE BENNETT: Mr. Chairman, I would think that this proviso would give a great deal of protection to the public and to the preservation of natural resources because it would enable a taxpayer or citizen to go into court and enjoin action by the Public Roads Department, for instance, which might plan a road that would require the cutting down of the Wye Oak, for instance, or otherwise take over certain public lands.

As it is phrased here, it seems to me that that could be done by a citizen, and to that end I would support it. I think in addition to that, just as the Constitution of the United States states that the Congress

shall provide for the common defense, possible offices and possible roads, et cetera, here we can mandate the legislature to do certain acts and have a kind of double-barreled amendment that I think should be approved.

THE CHAIRMAN: Before recognizing anyone else to speak, I understand the amendment is printed and circulated. I will ask the Clerk to read it. It will be marked Amendment No. 1.

READING CLERK: Amendment No. 1 to Committee Recommendation GP-3 by Delegate Hardwicke: Strike out lines 8 through 11 and substitute in lieu thereof the following: "It shall be the policy of this State that the State government shall, by appropriate action, conserve, enhance, improve and protect the natural resources and environment, and scenic beauty of the State."

THE CHAIRMAN: Since we have a pause for a moment, the Chair would like to announce that this morning we had with us some students from Chestertown High School in Kent County, and I understand there are now in the gallery some students from Western High School in Baltimore City. We are delighted to have them here.

(Applause.)

THE CHAIRMAN: Delegate Carson, do you desire to speak in favor or in opposition?

DELEGATE CARSON: In opposition.

THE CHAIRMAN: The Chair recognizes Delegate Carson to speak in opposition to the amendment.

DELEGATE CARSON: I rise in opposition to the amendment, and at the same time I will state that I will support the Committee Recommendation.

At the present time under Maryland law, Article 66 (c) dealing with conservation of natural resources broadly comprises about 1/15 of the laws in this State in the Annotated Code of Maryland.

Your Local Government Committee has realized this and it has been a consideration in our discussions about restricting against public local laws and requiring the General Assembly to act only by public general law. We know it may possibly affect Article 66 (c), because Article 66 (c) realizes what we all know, that there is a species of deer in Worcester County that does not exist in Garrett; that there are