

not about trees and birds and the rest. Those are nice and desirable, but I say to you if we are going to have society as we know it, and live healthy, productive lives, we had better wake up to the reality of the situation, and not wait until it is too late.

If we have to put police powers in the constitution to accomplish it, so be it, the stronger, the better. Police powers must be in there. If we are going to preserve what we know as our way of life, as I say, so be it, let it be in there.

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

Delegate Harry Taylor?

DELEGATE H. TAYLOR: Mr. Chairman, I wondered whether the author of the amendment would yield to a question.

THE CHAIRMAN: Delegate Hardwicke, do you yield to a question?

DELEGATE HARDWICKE: Yes, Mr. Chairman.

THE CHAIRMAN: Delegate Taylor.

DELEGATE H. TAYLOR: Delegate Hardwicke, we have had before us proposals which contained the language, "as shall be prescribed by law," such as giving the General Assembly power to set the number of members of the legislature, and the terms of the legislature. Until now I never realized that that provision, "that the General Assembly shall prescribe by law," has no effective enforcement. However, you indicated there might be some way to do it. I was wondering whether you could give us an example of a provision that would contain the language, "as the General Assembly shall prescribe by law," that could be enforced, and how it would be enforced.

THE CHAIRMAN: Delegate Hardwicke.

DELEGATE HARDWICKE: Well, Mr. Chairman, ladies and gentlemen of the Committee of the Whole, there is, it seems to me, a very important difference between our setting out certain guidelines, certain general requirements for the legislature, and then following that with the statement that the General Assembly shall implement this by law. There you have laid down the guidelines, the over-all framework of what the General Assembly is to do, and the General Assembly must in the nature of things act in the area that we are talking about, such things as restricting, reapportionment, as you have only laid down the

principles under which they shall act, and if they fail to act, their action shall be unconstitutional.

In the area that we are dealing with here, however, according to the committee recommendation, and in this the committee recommendation seems to me to be fatally bad, we are saying that the legislature shall pass laws about conservation. That is all that is being said and, therefore, if the legislature passes a weak law about conservation, do we say in the constitution that it has acted, or if it passes one that is too strong, shall we say constitutionally that it has acted?

In the former area, we are dealing with something that is entirely different from the kind of problems that we are raising now, and it seems to me to be frivolous and foolish to say that the legislature shall pass laws about conservation; I cannot see that it means anything.

THE CHAIRMAN: Delegate Taylor?

DELEGATE H. TAYLOR: Will the delegate yield for a further question?

THE CHAIRMAN: Delegate Taylor.

DELEGATE H. TAYLOR: Just as a specific example, Delegate Hardwicke, if we had adopted the provision that the General Assembly could provide by law for the number of delegates in the General Assembly and the number of senators in the Senate, and they did not do this, what could the people of the State of Maryland do?

DELEGATE HARDWICKE: Well, I submit, Delegate Taylor, and members of the Committee of the Whole, that the problem that you are raising is of a different kind and character because there you are permissive. We are leaving the number to be determined by the legislature itself, and the only way they could not do that would be not to create the General Assembly at all, so that their action is imperative. They have to act in the area of creating a General Assembly. They have no choice. Otherwise there would not be one, and what we would be saying is, as you suggest, that they have the power to name the number.

THE CHAIRMAN: Does any other delegate desire to speak in opposition to the amendment?

Delegate Ulrich?

DELEGATE ULRICH: Mr. Chairman, I hope that all people in this assembly will be able to breathe clean air and drink