

retain to the State the greatest degree of jurisdiction permitted by federal law.

I would be very happy to answer any questions.

THE CHAIRMAN: Are there any questions of the Committee Chairman for purposes of clarification?

Delegate Henderson?

DELEGATE HENDERSON: This seems to be confined to lands hereafter acquired. Is there a reason for that? Why should it not apply to all that are presently owned by the federal government?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: Yes, there are many lands already acquired by the federal government. We would not want to rock the boat and disturb or disrupt what rights they presently have. This has already been accomplished by statutory law and by the suggestion of the General Provisions Committee to include this in the new constitution to take effect for any future acquired lands.

THE CHAIRMAN: Are there any questions of the Committee Chairman?

Delegate Carson.

DELEGATE CARSON: Chairman Boyer, does the proposed GP-5 add anything whatsoever to the present statutory law contained in section 47 of Article 96?

DELEGATE BOYER: It was not intended. We copied the proposal as recommended by Delegate Storm, who would be an authority on this.

Personally, it was not our intention to include anything else; it was so designed to accomplish that, sir.

THE CHAIRMAN: Delegate Carson.

DELEGATE CARSON: One further question, if I may.

I have some little difficulty with your language in that I suggest it may restrict the State from, in the terms of the deed involved, granting additional or less jurisdiction. It seems to me that the terms of the deed will not affect at all what jurisdiction it has obtained by this constitutional provision.

Am I correct in that?

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: Yes, sir.

THE CHAIRMAN: Are there any other questions of the Committee Chairman?

Delegate Byrnes.

DELEGATE BYRNES: Delegate Boyer, in your presentation you said that you want to retain or use to the fullest extent permitted by the law and the Constitution of the United States but refer only to the Constitution of the United States, and I wonder whether or not you mean by "law" the reference to the uses, purposes and functions in 13, 14 and 15, that is, whether that implies federal law.

THE CHAIRMAN: Delegate Boyer.

DELEGATE BOYER: That was our intention. Of course, federal law derives from the federal Constitution, with the trickle-down theory that any federal law passed by the federal government would be paramount to whatever the state law might provide.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: Is this kind of provision contained in other state constitutions?

DELEGATE BOYER: Touche. I do not know. I would yield to Delegate Storm on that.

THE CHAIRMAN: Delegate Storm, the question was asked whether a similar provision is contained in other state constitutions.

Could you take the floor and reply?

DELEGATE STORM: As far as I know, Mr. Chairman, there are no other states with a constitutional provision. This particular original proposal was copied from the West Virginia statute, and I understand a number of other states have similar statutes. However, Delegate Jett and I have an amendment which I believe will clear up the language just a little bit, and I might say that we conferred with some representatives of the federal government in arriving at the amendment language which we will submit. The reason for it being in our constitution, even if it is not in any other, is that if the legislature passed a statute as they did in the case of Fort Dietrick, or if they pass, as they did in the case of the National Institutes of Health, a cession act, it will be interpreted as being a more exclusive ceding than any previous ceding because of this being a statute. Therefore, if it is in the constitution, it cannot be so interpreted, and that is the reason for it being in the constitution.