

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 236
Committee Substitute Favorable 3/29/05

Short Title: Federal Jurisdiction Over Land.

(Public)

Sponsors:

Referred to:

February 15, 2005

A BILL TO BE ENTITLED

AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION
OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 104-7 reads as rewritten:

"§ 104-7. Acquisition of lands by the United States for public buildings; customhouses, courthouses, post offices, forts, arsenals, or armories; cession of jurisdiction; exemption from taxation.

"(a) The consent of the State is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the State ~~required for the sites~~ State that either is:

(1) Required for customhouses, courthouses, post offices, forts, arsenals, or armories; provided that the total land to be acquired for a particular facility does not exceed 25 acres; or other public buildings whatever, or for any other purposes of the government.

(2) To be added to Fort Bragg, Pope Air Force Base, Camp Lejeune, Seymour Johnson Air Force Base, Cherry Point Marine Corps Air Station, Military Ocean Terminal at Sunny Point, or the United States Coast Guard Air Station at Elizabeth City. Any of the land to be added to a military base named in this subdivision shall be contiguous to and within a 25-mile radius of the military base for which the property is acquired.

(b) Exclusive jurisdiction in and over any land ~~so~~ acquired by the United States ~~shall be and the same~~ with the consent of the State under subsection (a) of this section is hereby ceded to the United States for all purposes for which the United States requests cession of jurisdiction except that jurisdiction in and over these lands with respect to: (i) the service upon such sites of all civil and criminal process of the courts of this State; State, (ii) the concurrent power to enforce the criminal law, (iii) the power to enforce

1 State laws for the protection of public health and the environment and for the
2 conservation of natural resources, and (iv) the entire legislative jurisdiction of the State
3 with respect to marriage, divorce, annulment, adoption, commitment of the mentally
4 incompetent, and descent and distribution of property is reserved to the State. but the
5 Cession of jurisdiction so ceded shall continue no longer than only so long as the said
6 United States shall own such lands. owns the land.

7 (c) The jurisdiction ceded shall not vest until the United States shall have
8 acquired title to said lands the land by purchase, condemnation, or otherwise. otherwise;
9 accepted the cession of jurisdiction in writing; and filed a certified copy of the
10 acceptance in the office of the register of deeds in the county or counties in which the
11 land is located. The acceptance of jurisdiction shall be made by an authorized official of
12 the United States and shall include a precise description of the land involved and a
13 statement of the extent to which cession of jurisdiction is accepted.

14 (d) So long as the said lands shall remain land acquired with the consent of the
15 State under subsection (a) of this section remains the property of the United States when
16 acquired as aforesaid, and no longer, the same shall be and continue States, and no
17 longer, the land shall be exempt and exonerated from all State, county, and municipal
18 taxation, assessment, or other charges which that may be levied or imposed under the
19 authority of this State.

20 (e) Persons residing on lands in the State for which any jurisdiction has been
21 ceded under this section shall not be deprived of any civil or political rights, including
22 the right of suffrage, by reason of the cession of jurisdiction to the United States."

23 **SECTION 2.** This act is effective when it becomes law.