

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE DRH50189-LB-221 (3/6)

Short Title: Federal Reservation Statute.

(Public)

Sponsors: Representative Owens.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT CONSENT OF THE STATE IS NOT GRANTED TO THE
3 UNITED STATES FOR ACQUISITION OF LAND FOR AN OUTLYING LANDING
4 FIELD IN A COUNTY OR COUNTIES WHICH HAVE NO EXISTING MILITARY
5 BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED.

6 The General Assembly of North Carolina enacts:

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

8 "§ 104-7. Acquisition of lands by the United States for customhouses, courthouses, post
9 offices, forts, arsenals, or armories; cession of jurisdiction; exemption from
10 taxation.

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

- 15 (1) Required for customhouses, courthouses, post offices, forts, arsenals, or
16 armories; provided that the total land to be acquired for a particular facility
17 does not exceed 25 acres; or
18 (2) To be added to Fort Bragg, Pope Air Force Base, Camp Lejeune, New River
19 Marine Corps Air Station, Seymour Johnson Air Force Base, Cherry Point
20 Marine Corps Air Station, Military Ocean Terminal at Sunny Point, or the
21 United States Coast Guard Air Station at Elizabeth City. Any of the land to
22 be added to a military base named in this subdivision shall be contiguous to
23 and within a 25-mile radius of the military base for which the property is
24 acquired.

25 (a1) Notwithstanding the provisions of subsection (a) above, the consent of the State is
26 not given to the acquisition by the United States, by purchase, condemnation or otherwise, of
27 any land in a county or counties which have no existing military base at which aircraft
28 squadrons are stationed, for the purpose of establishing an outlying landing field to support
29 training and operations of aircraft squadrons stationed at or transient to military bases or
30 military stations located outside of the State. Exclusive jurisdiction in and over any land
31 acquired by the United States without the consent of the State under this subsection is not ceded
32 to the United States for any purpose.

33 (b) Exclusive jurisdiction in and over any land acquired by the United States with the
34 consent of the State under subsection (a) of this section is hereby ceded to the United States for
35 all purposes for which the United States requests cession of jurisdiction except that jurisdiction



1 in and over these lands with respect to: (i) the service of all civil and criminal process of the
2 courts of this State, (ii) the concurrent power to enforce the criminal law, (iii) the power to
3 enforce State laws for the protection of public health and the environment and for the
4 conservation of natural resources, and (iv) the entire legislative jurisdiction of the State with
5 respect to marriage, divorce, annulment, adoption, commitment of the mentally incompetent,
6 and descent and distribution of property is reserved to the State. Cession of jurisdiction shall
7 continue only so long as the United States owns the land.

8 (c) The jurisdiction ceded shall not vest until the United States has acquired title to the
9 land by purchase, condemnation, or otherwise; accepted the cession of jurisdiction in writing;
10 and filed a certified copy of the acceptance in the office of the register of deeds in the county or
11 counties in which the land is located. The acceptance of jurisdiction shall be made by an
12 authorized official of the United States and shall include a precise description of the land
13 involved and a statement of the extent to which cession of jurisdiction is accepted. The register
14 of deeds shall record the acceptance of jurisdiction and index it in both the grantor and the
15 grantee index under the name of the United States and, if title to the land over which
16 jurisdiction is ceded is vested in any entity other than the United States, then the register of
17 deeds shall also index the acceptance of jurisdiction in both the grantor and the grantee index
18 under the name of that entity.

19 (d) So long as land acquired with the consent of the State under subsection (a) of this
20 section remains the property of the United States, and no longer, the land shall be exempt and
21 exonerated from all State, county, and municipal taxation, assessment, or other charges that
22 may be levied or imposed under the authority of this State.

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

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