

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 613

Short Title: Federal Reservation Statute. (Public)

Sponsors: Representatives Owens, Mobley (Primary Sponsors); and Harrison.

Referred to: Judiciary I, if favorable, Homeland Security, Military, and Veterans Affairs.

March 17, 2009

A BILL TO BE ENTITLED

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

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 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 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
- (2) To be added to Fort Bragg, Pope Air Force Base, Camp Lejeune, New River Marine Corps Air Station, 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.

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

(b) Exclusive jurisdiction in and over any land acquired by the United States 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 of all civil and criminal process of the courts of this State, (ii) the concurrent power to enforce the criminal law, (iii) the power to



1 enforce 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 with
3 respect to marriage, divorce, annulment, adoption, commitment of the mentally incompetent,
4 and descent and distribution of property is reserved to the State. Cession of jurisdiction shall
5 continue only so long as the United States owns the land.

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

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

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

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