

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 236  
Committee Substitute Favorable 3/29/05  
Third Edition Engrossed 4/12/05

Short Title: Federal Jurisdiction Over Land.

(Public)

Sponsors:

Referred to:

February 15, 2005

1 A BILL TO BE ENTITLED  
2 AN ACT TO LIMIT THE AUTOMATIC GRANT OF EXCLUSIVE JURISDICTION  
3 OVER LANDS ACQUIRED BY THE FEDERAL GOVERNMENT.

4 The General Assembly of North Carolina enacts:

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

6 "§ 104-7. Acquisition of lands by the United States for public buildings;  
7 customhouses, courthouses, post offices, forts, arsenals, or armories;  
8 cession of jurisdiction; exemption from taxation.

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

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

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

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

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

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

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

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

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