

BILL NO.

Introduced by

Representative Klemin

1 A BILL for an Act to create and enact section 54-01-09.4 of the North Dakota Century Code,
2 relating to concurrent federal jurisdiction on military installations.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Section 54-01-09.4 of the North Dakota Century Code is created and enacted
5 as follows:

6 **54-01-09.4. United States military installations - Concurrent jurisdiction.**

- 7 1. The state accepts the relinquishment of exclusive legislative jurisdiction from the
8 United States in accordance with this section.
- 9 2. The state has concurrent legislative jurisdiction with the United States over any United
10 States military installation under the control of the United States which is located within
11 the boundaries of this state.
- 12 3. The concurrent legislative jurisdiction over a United States military installation under
13 this section is effective upon the governor's written acceptance of a request filed by
14 the principal officer, or other authorized representative who has supervision or control
15 over the military installation under chapter 159 of United States Code title 10
16 [10 U.S.C. 2683], of the military installation where concurrent legislative jurisdiction is
17 sought, relinquishing exclusive legislative jurisdiction and retaining concurrent
18 legislative jurisdiction over the military installation.
- 19 4. The governor may not accept a request filed under subsection 3 unless the request:
20 a. States the name, position, and authority of the individual requesting the cession;
21 b. States the subject matter for the concurrent jurisdiction request;
22 c. Describes by metes and bounds the United States military installation subject to
23 the concurrent legislative jurisdiction request; and

- 1 d. Indicates whether the request includes future contiguous expansions of land
2 acquired for military purposes.
- 3 5. If the governor accepts a request filed under subsection 3:
- 4 a. The governor's acceptance must state each element of the request which is
5 accepted; and
- 6 b. The governor shall submit the following documents to the secretary of state to
7 index and submit copies to the individual who filed the request for concurrent
8 legislative jurisdiction:
- 9 (1) The request for concurrent legislative jurisdiction;
- 10 (2) The governor's written acceptance of concurrent legislative jurisdiction; and
- 11 (3) A description by metes and bounds of the United States military installation
12 subject to the concurrent legislative jurisdiction.
- 13 6. The state may not incur or assume liability as a result of accepting concurrent
14 legislative jurisdiction under this section.
- 15 7. After concurrent legislative jurisdiction is established under this section, a state agency
16 or a political subdivision may enter a reciprocal agreement with a United States
17 agency to designate duties related to the concurrent legislative jurisdiction between
18 the parties.