

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 888
Committee Substitute Favorable 4/13/09
Committee Substitute #2 Favorable 4/22/09
Senate State and Local Government Committee Substitute Adopted 6/3/09

Short Title: County Bow Hunting/Mineral Rights.

(Local)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY; TO REGULATE HUNTING WITH GUNS, DOGS, OR BOW AND ARROW ON THE LANDS OF ANOTHER IN WAYNE COUNTY; AND TO EXTINGUISH ANCIENT MINERAL CLAIMS IN HYDE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 1 of Chapter 420 of the 1985 Session Laws reads as rewritten:

"**Section 1.** It is unlawful to hunt with guns or dogs or to hunt with a bow and arrow or crossbow upon the lands of another without permission from the owner or ~~lessor~~lessee of the land."

SECTION 1.(b) Section 4 of Chapter 420 of the 1985 Session Laws reads as rewritten:

"Sec. 4. This act applies only to Hyde County and Wayne County."

SECTION 1.(c) This section becomes effective October 1, 2009, and applies to acts committed on or after that date.

SECTION 2. Article 4 of Chapter 1 of the General Statutes is amended by adding a new section to read as follows:

"§ 1-42.9A. Ancient mineral claims extinguished in Hyde County; oil, gas, and mineral interests to be recorded and listed for taxation.

(a) Where it appears on the public records that the fee simple title to any oil, gas, or mineral interests in an area of land has been severed or separated from the surface fee simple ownership of the land and the interest is not in actual course of being mined, drilled, worked, or operated, or in the adverse possession of another, and that the record titleholder of the oil, gas, or mineral interests has not listed the same for ad valorem tax purposes in the county in which the same is located for a period of five years prior to January 1, 2009, any person, having the legal capacity to own land in this State, who has on October 1, 2009, an unbroken chain of title of record to the surface estate of the area of land for at least 30 years and provided the surface estate is not in the adverse possession of another, shall be deemed to have a marketable title to the fee estate as provided in the succeeding subsections of this section, subject to the interests and defects as are inherent in the provisions and limitations contained in the muniments of which the chain of record is formed.

(b) This marketable title shall be held by the person and shall be taken by the person's successors in interest free and clear of any and all fee simple oil, gas, or mineral interests in the area of land founded upon any reservation or exception contained in an instrument conveying



1 the surface estate in fee simple that was executed or recorded at least 30 years or more prior to
2 October 1, 2009, and the oil, gas, or mineral interests are hereby declared to be null and void
3 and of no effect whatever at law or in equity. However, any fee simple oil, gas, or mineral
4 interests may be preserved and kept effective by recording within two years after October 1,
5 2009, a notice in writing duly sworn to and subscribed before an official authorized to take
6 probate by G.S. 47-1, which sets forth the nature of the oil, gas, or mineral interests and gives
7 the book and page where recorded. This notice shall be probated as required for registration of
8 instruments by G.S. 47-14 and recorded in the office of the register of deeds of the county
9 wherein the area of land, or any part thereof, lies and in the book therein kept or provided under
10 the terms of G.S. 1-42 for the purpose of recording certain severances of surface and subsurface
11 land rights and shall state the name and address of the claimant and, if known, the name of the
12 surface owner and also contain either a description of the area of land involved as to make the
13 property readily located thereby or due incorporation by reference of the recorded instrument
14 containing the reservation or exception of the oil, gas, or mineral interests. The notice may be
15 made and recorded by the claimant, by any person authorized by the claimant to act on the
16 claimant's behalf, or by any person acting on behalf of any claimant who is under a disability,
17 unable to assert a claim on his or her own behalf, or one of a class whose identity cannot be
18 established or is uncertain at the time of filing the notice of claim for record.

19 (c) This section shall be construed to effect the legislative purpose of facilitating land
20 title transactions by extinguishing certain ancient oil, gas, or mineral claims unless preserved
21 by recording as provided in this section. The oil, gas, or mineral claims hereby extinguished
22 shall include those of persons whether within or without the State, and whether natural or
23 corporate, but shall exclude governmental claims, State or federal, and all such claims by
24 reason of unexpired oil, gas, or mineral leases.

25 (d) Within two years from October 1, 2009, all oil, gas, or mineral interests in lands
26 severed or separated from the surface fee simple ownership and forfeitable under the terms of
27 subsection (b) of this section must be listed for ad valorem taxes, and notice of this interest
28 must be filed in writing in the manner provided by subsection (b) of this section and recorded
29 in the local registry in the book provided by G.S. 1-42 to be effective against the surface fee
30 simple owner or creditors, purchasers, heirs, or assigns of the owner. Subsurface oil, gas, and
31 mineral interests shall be assessed for ad valorem taxes as real property and the taxes shall be
32 collected and foreclosed in the manner authorized by Chapter 105 of the General Statutes.

33 (e) The board of county commissioners shall publish a notice of this section in a
34 newspaper published in the county or having general circulation in the county once a week for
35 four consecutive weeks prior to October 1, 2009.

36 (f) This section applies to Hyde County only."

37 **SECTION 3.** Except as otherwise provided in this act, this act is effective when it
38 becomes law.