

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
PROPOSED SENATE COMMITTEE SUBSTITUTE H888-PCS70448-RR-50

Short Title: County Bow Hunting/Mineral Rights.

(Local)

Sponsors:

Referred to:

March 31, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE
3 COUNTY; TO REGULATE HUNTING WITH GUNS, DOGS, OR BOW AND ARROW
4 ON THE LANDS OF ANOTHER IN WAYNE COUNTY; AND TO EXTINGUISH
5 ANCIENT MINERAL CLAIMS IN HYDE COUNTY.

6 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

19 "**§ 1-42.9A. Ancient mineral claims extinguished in Hyde County; oil, gas, and mineral**
20 **interests to be recorded and listed for taxation.**

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



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

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

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

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

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

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