



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 820

AMENDMENT NO. 4
(to be filled in by
Principal Clerk)

S820-ARI-66 [v.5]

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Comm. Sub. [YES]
Amends Title [NO]
S820-PCS15242-RI-48

Date 6-14, 2012

Representative Gillespie

1 moves to amend the bill on page 3, line 47, through page 4, line 18,
2 by rewriting those lines to read:

3
4 **""§ 143B-293.1. North Carolina Mining and Energy Commission – creation; powers and**
5 **duties.**

6 (a) There is hereby created the North Carolina Mining and Energy Commission of the
7 Department of Environment and Natural Resources with the power and duty to adopt rules
8 necessary to administer the Oil and Gas Conservation Act pursuant to G.S. 113-391 and for the
9 development of the oil, gas, and mining resources of the State. The Commission shall make
10 such rules consistent with the provisions of this Chapter. All rules adopted by the Commission
11 shall be enforced by the Department of Environment and Natural Resources.";

12
13 and on page 6, lines 5 through 13,
14 by rewriting those lines to read:

15
16 "(g) Committees. – In addition to the Committee on Civil Penalty Remissions required to
17 be established under G.S. 143B-293.6, the chair may establish other committees from members
18 of the Commission to address specific issues as appropriate. No member of a committee may
19 hear or vote on any matter in which the member has an economic interest. A majority of a
20 committee shall constitute a quorum for the transaction of business. At a minimum, the chair
21 shall establish a Committee on Mining, which shall consist of members appointed under
22 subdivisions (1), (4), (6), (8), (10), (14), and (15) of subsection (a) of this section. The
23 Committee on Mining shall have exclusive responsibility and authority over matters pertaining
24 to mining and implementation of the Mining Act of 1971, including all of the following powers
25 and duties.

- 26 (1) To act as the advisory body to the Governor pursuant to Article V(a) of the
27 Interstate Mining Compact, as set out in G.S. 74-37.
- 28 (2) To adopt rules necessary to administer the Mining Act of 1971 pursuant to
29 G.S. 74-63.
- 30 (3) To adopt rules necessary to administer the Control of Exploration for
31 Uranium in North Carolina Act of 1983 pursuant to G.S. 74-86.
- 32



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1 (4) To adopt rules, not inconsistent with the laws of this State, as may be
2 required by the federal government for grants-in-aid for mining resource
3 purposes which may be made available to the State by the federal
4 government. This section is to be liberally construed in order that the State
5 and its citizens may benefit from such grants-in-aid.";

6
7
8 and on page 26, line 3
9 by rewriting that line to read:

10
11 "(3) Negotiates for the acquisition or divestiture of oil or gas rights,";

12
13
14 and on page 26, line 32
15 by rewriting that line to read:

16
17 "omission of material facts related to oil or gas interests.";

18
19
20 and on page 26, line 49
21 by rewriting that line to read:

22
23 "landowner rights, including information on leases of oil or gas rights, applicable to exploration
24 and";

25
26
27 "and on page 28, line 28 through page 29 line 5,
28 by rewriting those lines to read:

29
30 (b2) With regard to transfers described in G.S. 47E-1, the owner of the real property
31 shall include in any real estate contract, an oil and gas rights mandatory disclosure as provided
32 in this subsection.

33 (1) Transfers of residential property set forth in G.S. 47E-2 are excluded from
34 this requirement, except that the exemptions provided under subdivisions (9)
35 and (11) of G.S. 47E-2 specifically are not excluded from this requirement.

36 (2) The disclosure shall be conspicuous, shall be in boldface type, and shall be
37 as follows:

38
39 OIL AND GAS RIGHTS DISCLOSURE

40
41 Oil and gas rights can be severed from the title to real property by
42 conveyance (deed) of the oil and gas rights from the owner or by reservation
43 of the oil and gas rights by the owner. If oil and gas rights are or will be

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1 severed from the property, the owner of those rights may have the perpetual
 2 right to drill, mine, explore, and remove any of the subsurface oil or gas
 3 resources on or from the property either directly from the surface of the
 4 property or from a nearby location. With regard to the severance of oil and
 5 gas rights, Seller makes the following disclosures:

		<u>Yes</u>	<u>No</u>	<u>No Representation</u>
6				
7	<u>Buyer Initials</u>			
8	1. <u>Oil and gas rights were severed from</u>	<u>—</u>	<u>—</u>	<u>—</u>
9	<u>the property by a previous owner.</u>			
10		<u>Yes</u>	<u>No</u>	
11	<u>Buyer Initials</u>	<u>—</u>	<u>—</u>	
12	2. <u>Seller has severed the oil and gas</u>			
13	<u>rights from the property.</u>	<u>Yes</u>	<u>No</u>	
14		<u>—</u>	<u>—</u>	
15	<u>Buyer Initials</u>			
	3. <u>Seller intends to sever the oil and</u>			
	<u>gas rights from the property prior to</u>			
	<u>transfer of title to Buyer. "".</u>			

SIGNED [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 104 (ad) 103-2 EV FAILED _____ Tabled _____

JUN 14 2012
Simie Weeks

ADOPTED