

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 13

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H13-AMC-12 [v.1]

Page 1 of 3

Comm. Sub. [YES]
Amends Title [YES]
Third Edition

Date _____, 2013

Senator Hartsell

1 moves to amend the bill on page 1, lines 2 through 7, by rewriting those lines to read:

2
3 "AN ACT TO: (1) REQUIRE STATE AGENCIES TO BIENNIALY REPORT TO THE
4 DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION
5 DIVISION ON THEIR USE OF REAL PROPERTY; (2) REQUIRE STATE AGENCIES
6 TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING
7 THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY
8 PROPERTY; (3) IMPROVE THE OVERSIGHT AND MANAGEMENT OF
9 STATE-OWNED SUBMERGED LANDS, INCLUDING INITIATING A PROCESS TO
10 INVENTORY CLAIMS ON STATE-OWNED SUBMERGED LANDS; AND (4)
11 CLARIFY THE INFORMATION THAT MUST BE PROVIDED TO THE STATE
12 BUREAU OF INVESTIGATION CONCERNING MISUSE OF STATE PROPERTY.";

13
14 and on page 3, line 14, by rewriting that line to read:

15
16 "SECTION 3.(a) The Department of Administration shall modify the existing
17 State property database to include a field to indicate whether or not an item within the database
18 includes submerged land. The Department of Administration shall modify the database no later
19 than April 15, 2014, and shall report to the Joint Legislative Commission on Governmental
20 Operations on the completion of the modification no later than that date.

21 SECTION 3.(b) No structures may be placed on State-owned submerged lands
22 after the effective date of this act without an easement granted by the Department of
23 Administration. The Department of Administration shall record such easements, if granted,
24 within the State property database using the database field required to be added by Section 3(a)
25 of this act. This section should not be construed to validate or authorize the presence of any
26 existing structures on State-owned submerged lands.

27 SECTION 3.(c) The Department of Administration shall adopt rules specifying the
28 process for how to obtain utility easements on submerged lands, including any fees. The
29 Department shall adopt rules no later than April 15, 2014, and shall report to the Joint
30 Legislative Commission on Governmental Operations on the new rules no later than that date.

31 SECTION 3.(d) The Department of Administration shall develop and implement
32 procedures with the Department of Environment and Natural Resources for implementing



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1 G.S. 146-8, which relates to the disposition of mineral deposits in State lands under water. The
2 Department of Administration and the Department of Environment and Natural Resources shall
3 implement these procedures no later than April 15, 2014, and shall report to the Joint
4 Legislative Commission on Governmental Operations on the implementation status no later
5 than that date.

6 **SECTION 3.(e)** Article 4 of Subchapter I of Chapter 146 of the General Statutes is
7 amended by adding a new section to read:

8 **§ 146-20.2. Non-coastal submerged lands inventory.**

9 (a) Inventory Process. – The Department of Environment and Natural Resources,
10 Division of Water Resources, in conjunction with the Department of Administration and the
11 Office of the Attorney General, shall inventory all State-owned submerged lands in non-coastal
12 counties and shall determine the validity of the claims submitted under this section. In
13 evaluating claims registered pursuant to this section, the Division shall favor public ownership
14 of submerged lands and public trust rights. The provisions of this section shall not apply to the
15 land lying under any private fish pond, irrigation pond, or other waterway not owned by the
16 State.

17 (b) Claims Submission. – Every person claiming any interest in any part of the bed
18 lying under navigable waters of any non-coastal county of North Carolina or any right of
19 fishery in navigable waters of any non-coastal county superior to that of the general public shall
20 register the grant, charter, or other authorization under which the person claims with the
21 Department of Environment and Natural Resources, Division of Water Resources. Such
22 registration shall be accompanied by a survey of the claimed area, meeting criteria established
23 by the Division. Registering any claim with the Division in no way implies recognition by the
24 State of the validity of the claim.

25 (c) Notice by Publication. – The Division shall give notice of the claims process under
26 this section at least once each calendar year for three years by publication in a newspaper or
27 newspapers of general circulation throughout all non-coastal counties of the State.

28 (d) Unfiled Claims Void. – All rights and titles not registered in accordance with this
29 subsection on or before December 31, 2015, are hereby declared null and void.

30 (e) Annual Report. – On or before September 1 of each year, the Department of
31 Environment and Natural Resources, Division of Water Resources, shall report to the Joint
32 Legislative Commission on Governmental Operations on the following:

33 (1) The total number of new claims registered.

34 (2) The number of claims registered that were resolved during the preceding
35 year.

36 (3) The cost of resolving the claims that were resolved during the preceding
37 year.

38 (4) The number of unresolved claims.

39 (5) The projected completion date of the inventory process.

40 (f) Definition. – For the purpose of this subsection, "non-coastal county" shall mean all
41 the counties not included in the definition of "coastal counties" in G.S. 113-205(a).'

42 **SECTION 4.** G.S. 114-15.1 reads as rewritten:

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'§ 114-15.1. Department heads to report possible violations of criminal statutes involving misuse of State property to State Bureau of Investigation.

(a) Any person employed by the State of North Carolina, its agencies or institutions, who receives any information or evidence of an attempted arson, or arson, damage of, theft from, or theft of, or embezzlement from, or embezzlement of, or misuse of, any state-owned personal property, buildings or other real property, shall as soon as possible, but not later than three days from receipt of the information or evidence, report such information or evidence to his immediate supervisor, who shall in turn report such information or evidence to the head of the respective department, agency, or institution. The head of any department, agency, or institution receiving such information or evidence shall, within a reasonable time but no later than 10 days from receipt thereof, report such information in writing to the Director of the State Bureau of Investigation. Information concerning damage or loss resulting from motor vehicle accidents or unintentional loss of property is exempt from the reporting requirements of this subsection.

(b) Upon receipt of notification and information as provided for in this section, the State Bureau of Investigation shall, if appropriate, conduct an investigation.

(c) The employees of all State departments, agencies and institutions are hereby required to cooperate with the State Bureau of Investigation, its officers and agents, as far as may be possible, in aid of ~~such investigation.~~ an investigation conducted pursuant to this section.

(d) If ~~such an investigation conducted pursuant to this section~~ reveals a possible violation of the criminal laws, the results thereof shall be reported by the State Bureau of Investigation to the district attorney of any district if the same concerns persons or offenses in his district.'

SECTION 5. This act is effective when it becomes law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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