

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL DRS35091-MQ-38 (02/22)

Short Title: Establish Ownership of Mineral Rights. (Public)

Sponsors: Senators Foushee and Woodard (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A UNIFORM PROCEDURE TO DETERMINE TITLE TO OIL,
GAS, OR MINERAL RIGHTS.

The General Assembly of North Carolina enacts:

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

"§ 1-42.10. Severed surface and mineral interests; registration and merger; publication.

(a) Where it appears on the public records that the fee simple title to any oil, gas, or mineral interest in an area of land has been severed or separated from the surface fee simple estate of that land and the interest is not currently being mined, drilled, worked, or operated, or in the adverse possession of another, or that the record title holder of any oil, gas, or mineral interest has not listed the same for ad valorem tax purposes in the county in which the oil, gas, or mineral interests are located for a period of 10 years prior to the effective date of this section, the oil, gas, or mineral interests shall be deemed to have merged with the surface fee simple estate subject to the interests and defects as are inherent in the provisions and limitations contained in the muniments of which the chain of record title is formed; provided, however, the title holder on the surface fee simple estate has the legal capacity to own land in this State and has an unbroken chain of title of record to the surface fee simple estate of the area of land for at least 30 years and the surface fee simple estate is not in the adverse possession of another.

(b) Every person claiming any oil, gas, or mineral interest that is severed from the surface fee simple estate and is not currently being mined, drilled, worked, or operated, or in the adverse possession of another, or who has not listed the oil, gas, or mineral interest for ad valorem tax purposes within the last 10 years in the county in which the oil, gas, or mineral interests are located shall register the oil, gas, or mineral rights with the register of deeds office in the county or counties in which the oil, gas, or mineral rights are located. The registration shall be accompanied by a deed demonstrating ownership of the oil, gas, or mineral rights. Any oil, gas, or mineral rights which are severed from the surface fee simple estate and not registered with the register of deeds office in the county or counties in which the minerals are located by January 1, 2020, shall be null and void, and the oil, gas, or mineral rights shall merge with the surface fee simple estate.

(c) The Secretary of State shall give notice of this section at least once each calendar year for three years by publication in a newspaper or newspapers of general circulation throughout each county in this State and shall maintain a record of the dates and newspapers where the notices have been published.

(d) Any oil, gas, or mineral interests registered under the provisions of G.S. 1-42.1 through G.S. 1-42.9 are not affected by this section."

SECTION 2. This act is effective when it becomes law.



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