

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2013

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SENATE BILL 345

Short Title: Statewide Submerged Lands Inventory. (Public)

Sponsors: Senators Hartsell (Primary Sponsor); and Bingham.

Referred to: Appropriations/Base Budget.

March 19, 2013

A BILL TO BE ENTITLED

AN ACT TO IMPROVE THE OVERSIGHT AND MANAGEMENT OF STATE-OWNED
SUBMERGED LANDS, INCLUDING INITIATING A PROCESS TO INVENTORY
CLAIMS ON STATE-OWNED SUBMERGED LANDS.

The General Assembly of North Carolina enacts:

SECTION 1. The Department of Administration shall modify the existing State property database to include a field to indicate whether or not an item within the database includes submerged land. The Department of Administration shall modify the database no later than April 15, 2014, and shall report to the Joint Legislative Commission on Governmental Operations on the completion of the modification no later than that date.

SECTION 2. No structures may be placed on State-owned submerged lands after the effective date of this act without an easement granted by the Department of Administration. The Department of Administration shall record such easements, if granted, within the State property database using the database field required to be added by Section 1 of this act. This section should not be construed to validate or authorize the presence of any existing structures on State-owned submerged lands.

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

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

SECTION 5.(a) Article 4 of Subchapter I of Chapter 146 of the General Statutes is amended by adding the following new section:

"§ 146-20.2. Non-coastal submerged lands inventory.

(a) Inventory Process. – The Department of Environment and Natural Resources, Division of Water Resources, in conjunction with the Department of Administration and the Office of the Attorney General, shall inventory all State-owned submerged lands in non-coastal counties and shall determine the validity of the claims submitted under this section. In evaluating claims registered pursuant to this section, the Division shall favor public ownership of submerged lands and public trust rights. The provisions of this section shall not apply to the



1 land lying under any private fish pond, irrigation pond, or other waterway not owned by the
2 State.

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

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

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

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

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

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

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

24 (4) The number of unresolved claims.

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

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

28 **SECTION 5.(b)** The sum of three hundred twenty-eight thousand dollars
29 (\$328,000) is appropriated from the General Fund to the Department of Environment and
30 Natural Resources, Division of Water Resources, for fiscal year 2013-2014 for the personnel
31 and other expenses associated with inventorying State-owned submerged lands under
32 G.S. 146-20.2, as enacted by this section. Three new positions are authorized, to be paid from
33 these funds: one attorney, one paralegal, and one administrative assistant.

34 The sum of five hundred fifty thousand dollars (\$550,000) is appropriated from the
35 General Fund to the Department of Environment and Natural Resources, Division of Water
36 Resources, for fiscal year 2014-2015, recurring, for the personnel and other expenses
37 associated with inventorying State-owned submerged lands under G.S. 146-20.2, as enacted by
38 this section. In addition to the three positions authorized for fiscal year 2013-2014, the
39 following new positions are authorized effective for fiscal year 2014-2015, to be paid from
40 these funds: three paralegals and one geographic information system (GIS) specialist.

41 **SECTION 6.** Section 5(b) of this act becomes effective July 1, 2013. The
42 remainder of this act is effective when it becomes law.