

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 819
SENATE BILL 583

AN ACT TO TAX LESSEES AND USERS OF CROPLAND OR FORESTLAND OWNED BY THE UNITED STATES, THE STATE OR ITS POLITICAL SUBDIVISIONS AND USED BY THE LESSEE OR USER IN CONNECTION WITH A BUSINESS CONDUCTED FOR PROFIT.

The General Assembly of North Carolina enacts:

Section 1. Subchapter II of Chapter 105 is amended by adding a new Article, 12A, to read:

"ARTICLE 12A.

"Taxation of Lessees and Users of Tax-Exempt Cropland or Forestland.

§ 105-282.2. Taxation of lessees and users of tax-exempt cropland or forestland. — (a) When any cropland or forestland owned by the United States, the State, a county or a municipal corporation is leased, loaned or otherwise made available to and used by a person, as defined in G.S. 105-273(12), in connection with a business conducted for profit, the lessee or user of the property is subject to taxation to the same extent as if the lessee or user owned the property. As used in this section, 'forestland' has the same meaning as in G.S. 105-277.2(2), and 'cropland' means agricultural land and horticultural land as defined in G.S. 105-277.2(1) and (3) respectively.

(b) This section does not apply to cropland or forestland for which payments in lieu of taxes are made in amounts equivalent to the amount of tax that could otherwise be lawfully assessed.

(c) Taxes levied pursuant to this Article are levied on the privilege of leasing or otherwise using tax-exempt cropland or forestland in connection with a business conducted for profit. The purpose of these taxes is to eliminate the competitive advantage accruing to profit-making enterprises from the use of tax-exempt property.

§ 105-282.3. Assessment and collection. — The taxes levied under this Article shall be assessed to the lessee or user of the exempt property and shall be collected in the same manner and to the extent as if the lessee or user owned the property. The taxes are a debt due from the lessee or user to the taxing unit in which the property is located and are recoverable as other actions to collect a debt."

Sec. 2. G.S. 105-279 is repealed.

Sec. 3. This act shall become effective for taxable years beginning on and after January 1, 1982.

In the General Assembly read three times and ratified, this the 3rd day of July, 1981.