

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 443
SENATE BILL 229

AN ACT TO REMOVE IMPEDIMENTS AND DISINCENTIVES TO DONATING
CONSERVATION LAND OR PRESERVATION STRUCTURES OR SITES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 121-35(2) reads as rewritten:

"(2) 'Holder' means any public body of this State, including the State, any of its agencies, any city, county, district or other political subdivision or municipal or public corporation, or any instrumentality of any of the foregoing, any agency, department, or instrumentality of the United States, any nonprofit corporation or trust, or any private corporation or business entity whose purposes include any of those stated in (1) and (3), covering the purposes of preservation and conservation agreements."

Sec. 2. Any conservation agreement or preservation agreement, as defined in G.S. 121-35, that was entered into by an agency, department, or instrumentality of the United States on or after June 1, 1979, and prior to the date this act becomes effective is validated and confirmed as though the amendment to G.S. 121-35(2) made by Section 1 of this act had been in effect at the time of the agreement.

Sec. 3. G.S. 47B-3(8) reads as rewritten:

"(8) Rights of any person who has an easement or interest in the nature of an easement, whether recorded or unrecorded and whether possessory or nonpossessory, when such easement or interest in the nature of an easement is for ~~the purpose of:~~ any one of the following purposes:

- a. Flowage, flooding or impounding of water, provided that the watercourse or body of water, which such easement or interest in the nature of an easement serves, continues to ~~exist, or exist.~~
- b. Placing and maintaining lines, pipes, cables, conduits or other appurtenances which are either aboveground, underground or on the surface and which are useful in the operation of any water, gas, natural gas, petroleum products, or electric generation, transmission or distribution system, or any sewage collection or disposal system, or any telephone, telegraph or other communications system, or any surface water drainage or disposal system whether or not the existence of the same is clearly observable by physical evidence of its use.

- c. Conserving land or water areas pursuant to a conservation agreement or preserving a structure or site pursuant to a preservation agreement under Article 4 of Chapter 121 of the General Statutes."

Sec. 4. G.S. 105-277.4 is amended by adding a new subsection as follows:

"(e) Notwithstanding the provisions of subsection (c) of this section, if real property qualified for present use appraisal is conveyed by gift to a nonprofit organization and qualifies for exclusion from the tax base pursuant to G.S. 105-275(12) or G.S. 105-275(29) or is conveyed by gift to the State, a political subdivision of the State, or the United States, no deferred taxes shall be owed, and all present use value tax liens are extinguished."

Sec. 5. Section 4 of this act becomes effective January 1, 1995. The remaining sections of this act are effective upon ratification.

In the General Assembly read three times and ratified this the 18th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives