

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

2

SENATE BILL 733
Second Edition Engrossed 5/8/91

Short Title: Farms for Future Act Auth.

(Public)

Sponsors: Senator Odom.

Referred to: Agriculture, Marine Resources, and Wildlife.

April 22, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO QUALIFY THE STATE FOR FUNDING UNDER THE FEDERAL
3 FARMS FOR THE FUTURE ACT.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 61 of Chapter 106 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 106-744. Purchase of agricultural conservation easements.**

8 (a) A county may, with the voluntary consent of landowners, acquire by purchase
9 agricultural conservation easements over qualifying farmland as defined by G.S. 106-
10 737 located within a voluntary agricultural district as defined by G.S. 106-738.

11 (b) For purposes of this section, 'agricultural conservation easement' means a
12 negative easement in gross restricting residential, commercial, and industrial
13 development of land for the purpose of maintaining its agricultural production
14 capability. Such easement:

15 (1) May permit the creation of not more than three lots that meet
16 applicable county zoning and subdivision regulations; and

17 (2) Shall be perpetual in duration, provided that, at least 20 years after the
18 purchase of an easement, a county may agree to reconvey the easement
19 to the owner of the land for consideration, if the landowner can
20 demonstrate to the satisfaction of the county that commercial
21 agriculture is no longer practicable on the land in question.

22 (c) There is established a 'North Carolina Farmland Preservation Trust Fund' to
23 be administered by the Commissioner of Agriculture. The Trust Fund shall consist of

1 all monies appropriated from the General Fund for the purpose of purchasing
2 agricultural conservation easements or transferred from counties or private sources. The
3 Trust Fund shall be invested as provided in G.S. 147-69.2 and G.S. 147-69.3. The
4 Commissioner shall use Trust Fund monies for the purchase of agricultural conservation
5 easements, including transaction costs, and shall distribute Trust Fund monies to
6 counties and private nonprofit conservation organizations for such purchases, including
7 transaction costs. The Commissioner of Agriculture shall adopt rules and regulations
8 governing the use, distribution, investment, and management of Trust Fund monies.

9 (d) This section shall apply to agricultural conservation easements falling within
10 its terms. This section shall not be construed to make unenforceable any restriction,
11 easement, covenant, or condition that does not comply with the requirements of this
12 section.

13 This section shall not be construed to invalidate any farmland preservation program.

14 This section shall not be construed to diminish the powers of any public entity,
15 agency, or instrumentality to acquire by purchase, gift, devise, inheritance, eminent
16 domain, or otherwise and to use property of any kind for public purposes."

17 Sec. 2. This act becomes effective July 1, 1991.