

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1252*
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Short Title: Brownfields Tax Incentive.

(Public)

Sponsors: Senator Odom.

Referred to: Agriculture/Environment/Natural Resources.

May 16, 2000

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A TAX INCENTIVE FOR THE REDEVELOPMENT OF
3 BROWNFIELDS PROPERTIES, AS RECOMMENDED BY THE
4 ENVIRONMENTAL REVIEW COMMISSION.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 12 of Chapter 105 of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 105-277.13. Taxation of improvements on brownfields.**

9 (a) Qualifying improvements on brownfields properties are designated a special
10 class of property under Article V, Sec. 2(2) of the North Carolina Constitution and shall
11 be appraised, assessed, and taxed in accordance with this section. An owner of land is
12 entitled to the partial exclusion provided by this section for the first five taxable years
13 beginning after completion of qualifying improvements made after the later of July 1,
14 2000, or the date of the brownfields agreement. After property has qualified for the
15 exclusion provided by this section, the assessor for the county in which the property is
16 located shall annually appraise the improvements made to the property during the period
17 of time that the owner is entitled to the exclusion.

18 (b) For the purposes of this section, the terms "qualifying improvements on
19 brownfields properties" and "qualifying improvements" mean improvements made to real

1 property that is subject to a brownfields agreement entered into by the Department of
2 Environment and Natural Resources and the owner pursuant to G.S. 130A-310.32.

3 (c) The following table establishes the percentage of the appraised value of the
4 qualified improvements that is excluded based on the taxable year:

<u>Year</u>	<u>Percent of Appraised Value Excluded</u>
<u>Year 1</u>	<u>90%</u>
<u>Year 2</u>	<u>75%</u>
<u>Year 3</u>	<u>50%</u>
<u>Year 4</u>	<u>30%</u>
<u>Year 5</u>	<u>10%."</u>

12 Section 2. G.S. 130A-310.34(d) reads as rewritten:

13 "(d) Prior to entering into a brownfields agreement, the Department shall take into
14 account the comment received during the comment period and at the public meeting if the
15 Department holds a public meeting. The Department shall incorporate into the
16 brownfields agreement provisions that reflect comment received during the comment
17 period and at the public meeting to the extent practical. The Department shall give
18 particular consideration to written comment that is supported by valid scientific and
19 technical information and ~~analysis.~~ analysis and to written comment from the units of
20 local government that have taxing jurisdiction over the brownfields property."

21 Section 3. Section 1 of this act is effective for taxes imposed for taxable years
22 beginning on or after 1 July 2001. The remainder of this act is effective when it becomes
23 law.