

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

D

SENATE DRS75169-MC-67 (2/22)

Short Title: Wildlife Conservation Property Tax Relief. (Public)

Sponsors: Senator Hartsell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PROPERTY TAX RELIEF FOR QUALIFYING WILDLIFE
CONSERVATION LAND.

The General Assembly of North Carolina enacts:

SECTION 1. Article 12 of Subchapter II of Chapter 105 of the General
Statutes is amended by adding the following new section to read:

"§ 105-277.14. Taxation of land used for wildlife conservation.

(a) Classification. – Land qualifying as wildlife conservation land is designated a special class of property under Section 2(2) of Article V of the North Carolina Constitution and must be appraised, assessed, and taxed in accordance with this section.

(b) Contents of Application. – Property is eligible for classification under this section if a timely and proper application is filed with the assessor of the county in which the property is located. The application must show that the property meets the following requirements and must also contain any other relevant information required by the assessor to properly appraise the property:

(1) The land is managed and maintained under a written sound management plan that has been certified by the North Carolina Wildlife Resources Commission.

(2) The land contains priority wildlife habitats identified in the North Carolina Wildlife Action Plan, supports State or federally listed threatened or endangered wildlife species, or is operated under a state or federal natural resources management plan for which wildlife habitat is its primary objective.

(3) The land was appraised, assessed, and taxed at its present-use value as agricultural land, horticultural land, or forestland at the time the owner submitted a sound management plan to the North Carolina Wildlife Resources Commission.

1 (c) Timely Application Required. – An initial application must be filed during
2 the regular listing period of the year for which the benefit of this classification is first
3 claimed, or within 30 days of the date shown on a notice of change in valuation made
4 pursuant to G.S. 105-286 or G.S. 105-287. A new application is not required to be
5 submitted unless the property is transferred or becomes ineligible for use-value
6 appraisal because of a change in use or acreage. An application required due to transfer
7 of the land may be submitted at any time during the calendar year but must be submitted
8 within 60 days of the date of the property's transfer. Notwithstanding this subsection, a
9 late application may be approved by the board of equalization and review upon a
10 showing of good cause. If the board of equalization and review is not in session, then
11 the board of county commissioners may approve the late application. An untimely
12 application approved under this subsection applies only to property taxes levied by the
13 county or municipality in the calendar year in which the untimely application is filed.
14 Decisions of the county board may be appealed to the Property Tax Commission.

15 (d) Appeal. – Decisions of the assessor regarding the qualifications or appraisal
16 of property under this section may be appealed to the county board of equalization and
17 review or, if that board is not in session, to the board of county commissioners. An
18 appeal must be made within 60 days after the decision of the assessor. If the owner
19 submits additional information to the assessor under G.S. 105-296(j), the appeal must be
20 made within 60 days after the assessor's decision based on the additional information.
21 Decisions of the county board may be appealed to the Property Tax Commission.

22 (e) Appraisal at Present-Use Value. – Upon receipt of a properly executed
23 application, the assessor must appraise the property at its present-use value as if the
24 property were still classified as agricultural land, horticultural land, or forestland
25 pursuant to G.S. 105-277.4.

26 (f) Deferred Taxes. – Land meeting the conditions for classification under this
27 section must be taxed on the basis of the value of the land for its present-use as defined
28 in subsection (e) of this section. The difference between the taxes due on the present-use
29 basis and the taxes that would have been payable in the absence of this classification,
30 together with any interest, penalties, or costs that may accrue thereon, are a lien on the
31 real property of the taxpayer as provided in G.S. 105-355(a). The difference in taxes
32 must be carried forward in the records of the taxing unit or units as deferred taxes. Other
33 than a change in the use of the land that qualifies the land for present-use value as
34 forestland, the taxes become due and payable when the land fails to meet any condition
35 or requirement for classification under this section. Failure to have an application
36 approved is ground for disqualification. The tax for the fiscal year that opens in the
37 calendar year in which deferred taxes become due is computed as if the land had not
38 been classified for that year, and taxes for the preceding three fiscal years that have been
39 deferred are immediately payable, together with interest as provided in G.S. 105-360 for
40 unpaid taxes. Interest accrues on the deferred taxes due as if they had been payable on
41 the dates on which they originally became due. If only a part of the qualifying tract of
42 land fails to meet a condition or requirement for classification, the assessor must
43 determine the amount of deferred taxes applicable to that part, and that amount becomes
44 payable with interest as provided above. Upon the payment of any taxes deferred under

1 this section for the three years immediately preceding a disqualification, all liens arising
2 under this subsection are extinguished. The deferred taxes for any given year may be
3 paid in that year without the qualifying tract of land becoming ineligible for deferred
4 status.

5 (g) Exceptions. – Notwithstanding the provisions in subsection (f) of this section,
6 if property loses its eligibility for present-use value classification solely due to one of
7 the following reasons, no deferred taxes are due and the lien for the deferred taxes is
8 extinguished:

9 (1) The property is conveyed by gift to a nonprofit organization and
10 qualifies for exclusion from the tax base under G.S. 105-275(12) or
11 G.S. 105-275(29).

12 (2) The property is conveyed by gift to the State, a political subdivision of
13 the State, or the United States."

14 **SECTION 2.** This act is effective for taxes imposed for taxable years
15 beginning on or after July 1, 2007.