



2015-2016 General Assembly

SENATE BILL 513: North Carolina Farm Act of 2015, Sec. 13: Procedure for Termination or Modification of Conservation Agreements

Committee:

Introduced by:

Analysis of: Sec. 13 of S.L. 2015-263

Date:

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Staff Attorney

SUMMARY: Sec. of S.L. 2015-263 provides that easements secured by the Agricultural Development and Farmland Preservation Trust Fund and any agricultural conservation easement secured in whole or in part with federal funds, and where at least one party is a public body of the State, must not be terminated or modified for the purpose of economic development. Prior to any modification or termination of a conservation agreement, the agency requesting the termination must conduct a conservation benefit analysis, and the termination or modification may only proceed if the analysis concludes that the modification or termination results in a greater benefit to conservation purposes. The analysis must be provided to the Council of State before the Council of State votes on the final decision to modify the agreement. However, this section does not apply to a condemnation action initiated by an entity condemning the property through eminent domain, as governed by Article 6 of Chapter 40A of the General Statutes.

This section also allows funds from the Agricultural Development and Farmland Preservation Trust Fund to be distributed to the Department of Agriculture and Consumer Services for the purchase of agricultural conservation easements or agreements to be held by the Department.

This section became effective September 30, 2015, and applies to conservation agreements or easements executed on or after that date.

O. Walker Reagan
Director



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