

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
Apr 2, 2013
S.B. 637
PRINCIPAL CLERK

S

D

SENATE DRS15191-MH-137 (3/26)

Short Title: The Blizzard Act.

(Public)

Sponsors: Senator Jackson (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO SPECIFY THAT A LANDOWNER ENTERING INTO AN AGREEMENT UNDER THE CONSERVATION RESERVE PROGRAM MAY TERMINATE THE AGREEMENT UPON TAKING CERTAIN ACTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-235 reads as rewritten:

"§ 113A-235. Conservation easements.

(a) Acquisition and Protection of Conservation Easements. – Ecological systems and appropriate public use of these systems may be protected through conservation easements, including conservation agreements under Article 4 of Chapter 121 of the General Statutes, the Conservation and Historic Preservation Agreements Act, and conservation easements under the Conservation Reserve Enhancement Program. The Department of Environment and Natural Resources shall work cooperatively with State and local agencies and qualified nonprofit organizations to monitor compliance with conservation easements and conservation agreements and to ensure the continued viability of the protected ecosystems.

(a1) Soil and water conservation districts established under Chapter 139 of the General Statutes may acquire easements under the Conservation Reserve Enhancement Program by purchase or gift. A soil and water conservation district may agree to terminate an easement under this subsection if the landowner requests in writing to terminate the easement and agrees to all of the following:

- (1) Reimburse the district for all costs associated with the termination of the easement.
- (2) Refund the purchase price, if any, paid by the district, plus interest from the date of purchase at the rate charged by the federal Civilian Conservation Corps for termination of a Conservation Reserve Program contract under 7 C.F.R. § 1410.32(h).
- (3) Pay liquidated damages, if any, specified in the easement agreement.
- (4) Notify the tax assessor of the county or counties where the easement agreement applied of the termination.

(b) Conveyance of Conservation Lands. – The Department may convey real property or an interest in real property that has been acquired for conservation in perpetuity to a federal agency, State agency, a local government, or a private nonprofit conservation organization in accordance with State law governing the conveyance of real property. The grantee of real property or an interest in real property shall manage and maintain the real property or interest in real property for the purposes set out in subsection (a) of this section. When conveying real property or an interest in real property under this subsection, the Department shall retain a



* D R S 1 5 1 9 1 - M H - 1 3 7 *

1 possibility of reverter, a right of entry, or other appropriate property interest to ensure that the
2 real property or interest in real property will continue to be managed and maintained in a
3 manner that protects ecological systems and the appropriate public use of these systems.

4 (c) Report. – The Department shall report on the implementation of this Article to the
5 Environmental Review Commission no later than 1 October of each year. The Department shall
6 maintain an inventory of all conservation easements held by the Department. The inventory
7 shall be included in the report required by this subsection."

8 **SECTION 2.** This act is effective when it becomes law.