

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 202
Second Edition Engrossed 2/22/95

Short Title: Poultry Composting Credit.

(Public)

Sponsors: Senators Albertson, Warren, Speed, and Carpenter:

Referred to: Finance

February 15, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO ENCOURAGE THE COMPOSTING OF POULTRY CARCASSES AND
3 PROVIDE AN INCOME TAX CREDIT FOR POULTRY COMPOSTING
4 FACILITIES.

5 The General Assembly of North Carolina enacts:

6 Section 1. Division II of Article 4 of Chapter 105 of the General Statutes is
7 amended by adding a new section to read:

8 **"§ 105-151.24. Credit for construction of a poultry composting facility.**

9 (a) Credit. – A taxpayer who constructs in this State a poultry composting facility
10 as defined in G.S. 106-549.51 for the composting of whole, unprocessed poultry
11 carcasses from commercial operations in which poultry is raised or produced is allowed
12 as a credit against the tax imposed by this Division an amount equal to fifty percent
13 (50%) of the installation, materials, and equipment costs of construction paid during the
14 taxable year. This credit may not exceed two thousand dollars (\$2,000) for any single
15 installation. The credit allowed by this section may not exceed the amount of tax
16 imposed by this Division for the taxable year reduced by the sum of all credits allowable,
17 except payments of tax by or on behalf of the taxpayer. The credit allowed by this

1 section does not apply to costs paid with funds provided the taxpayer by a State or federal
2 agency.

3 (b) Property Owned by the Entirety. – In the case of property owned by the
4 entirety, if both spouses are required to file North Carolina income tax returns, the credit
5 allowed by this section may be claimed only if the spouses file a joint return. If only one
6 spouse is required to file a North Carolina income tax return, that spouse may claim the
7 credit allowed by this section on a separate return."

8 Sec. 2. Division I of Article 4 of Chapter 105 of the General Statutes is
9 amended by adding a new section to read:

10 **"§ 105-130.43. Credit for construction of poultry composting facility.**

11 A taxpayer who constructs in this State a poultry composting facility as defined in
12 G.S. 106-549.51 for the composting of whole, unprocessed poultry carcasses from
13 commercial operations in which poultry is raised or produced is allowed as a credit
14 against the tax imposed by this Division an amount equal to fifty percent (50%) of the
15 installation, materials, and equipment costs of construction paid during the taxable year.
16 This credit may not exceed two thousand dollars (\$2,000) for any single installation. The
17 credit allowed by this section may not exceed the amount of tax imposed by this Division
18 for the taxable year reduced by the sum of all credits allowable, except payments of tax
19 by or on behalf of the taxpayer. The credit allowed by this section does not apply to costs
20 paid with funds provided the taxpayer by a State or federal agency."

21 Sec. 3. G.S. 106-549.70 reads as rewritten:

22 **"§ 106-549.70. Disposal ~~pit or incinerator.~~ pit, incinerator, or poultry composting**
23 **facility required.**

24 Every person, firm or corporation engaged in growing poultry, turkeys or other domestic
25 fowl or products thereof raising or producing poultry for commercial purposes shall
26 provide and maintain a disposal ~~pit or incinerator~~ pit, incinerator, or poultry composting
27 facility of a size and design, approved by the Department of Agriculture, ~~wherein~~ in
28 which all dead diseased poultry carcasses are disposed. ~~shall be disposed of in a manner to~~
29 prevent the spread of disease; provided, that the provisions of this Article shall—This section
30 does not apply to growers of poultry, turkeys or other domestic fowl poultry producers with
31 flocks of 200 or less. The definitions provided in Article 49D of this Chapter apply in
32 this Article."

33 Sec. 4. G.S. 106-549.51 is amended by adding a new subdivision to read:

34 "(25a) 'Poultry composting facility' means a structure or enclosure in
35 which whole, unprocessed poultry carcasses are decomposed by a
36 natural process into an organic, biologically safe by-product that
37 can be used for plant food."

38 Sec. 5. Sections 3 and 4 of this act are effective upon ratification, and the
39 remainder of this act becomes effective for taxable years beginning on or after January 1,
40 1995.