

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 1253*

Short Title: Amend Pollution Abatement Tax Exclusion.

(Public)

Sponsors: Senators Odom; Clodfelter and Kinnaird.

Referred to: Finance.

June 6, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT CERTAIN ANIMAL WASTE MANAGEMENT
3 SYSTEMS SHALL NOT QUALIFY FOR SPECIAL PROPERTY
4 CLASSIFICATION AND EXCLUSION FROM THE TAX BASE PURSUANT TO
5 G.S. 105-275(8) AND TO DIRECT THE REVENUE LAWS STUDY
6 COMMITTEE TO STUDY ISSUES RELATED TO THE TAX EXCLUSION, AS
7 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 105-275(8) is amended by adding a new sub-subdivision
10 to read:

11 "a1. Sub-subdivision a. of this subdivision shall not apply to an
12 animal waste management system, as defined in
13 G.S. 143-215.10B, unless the Environmental Management
14 Commission determines that the animal waste management
15 system will:

- 16 1. Eliminate the discharge of animal waste to surface
17 waters and groundwater through direct discharge,
18 seepage, or runoff.
- 19 2. Substantially eliminate atmospheric emissions of
20 ammonia.
- 21 3. Substantially eliminate the emission of odor that is
22 detectable beyond the boundaries of the parcel or tract of
23 land on which the swine farm is located.
- 24 4. Substantially eliminate the release of disease-
25 transmitting vectors and airborne pathogens.
- 26 5. Substantially eliminate nutrient and heavy metal
27 contamination of soil and groundwater."

28 **SECTION 2.** The Revenue Laws Study Committee shall study issues related
29 to the application of G.S. 105-275(8). The Committee shall consider whether the tax

1 exclusion should be limited to real or personal property that is subject to or is part of a
2 facility that is subject to an individual permit issued by the Environmental Management
3 Commission. The Committee shall also consider whether the tax exclusion should be
4 phased out for certain types of real or personal property. In conducting this study, the
5 Committee shall consult with the North Carolina Association of County Commissioners
6 and the North Carolina League of Municipalities. The Committee shall report its
7 findings and recommendations, including legislative proposals, if any, to the 2003
8 General Assembly.

9 **SECTION 3.** This act is effective when it becomes law. Section 1 of this act
10 applies to taxes imposed for taxable years beginning on or after July 1, 2002.