

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1324

Short Title: Poultry Composting.

(Public)

Sponsors: Senators Plyler, Albertson; Carpenter, Conder, Odom, Parnell, and Speed.

Referred to: Finance.

May 25, 1994

A BILL TO BE ENTITLED

AN ACT TO ENCOURAGE COMPOSTING OF POULTRY CARCASSES AND
PROVIDE AN INCOME TAX CREDIT FOR POULTRY COMPOSTING
FACILITIES.

The General Assembly of North Carolina enacts:

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

"§ 105-151.23. Credit for construction of a poultry composting facility.

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

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

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

3 **"§ 105-130.42. Credit for construction of poultry composting facility.**

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

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

15 **"§ 106-549.70. Disposal ~~pit or incinerator.~~ pit, incinerator, or poultry composting**
16 **facility required.**

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

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

27 "(25a) 'Poultry composting facility' means a structure or enclosure in
28 which whole, unprocessed poultry carcasses are decomposed
29 by a natural process into an organic, biologically safe by-
30 product that can be used for plant food."

31 Sec. 5. Sections 3, 4, and 5 of this act are effective upon ratification and the
32 remainder of this act becomes effective for taxable years beginning on or after January
33 1, 1994.