

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 447

Short Title: Poultry Composting Tax Credit.

(Public)

Sponsors: Representative James.

Referred to: Agriculture.

March 18, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR POULTRY
COMPOSTING FACILITIES, WHICH HAVE BEEN RECOGNIZED AS AN
ENVIRONMENTALLY SOUND METHOD OF DISPOSING OF POULTRY
MORTALITIES.

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 person who constructs a poultry composting facility in this State for the composting of poultry carcasses from commercial poultry operations 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 one thousand dollars (\$1,000) 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.

(b) Definitions. – The following definitions apply in this section:

(1) Commercial poultry operation. – A site or facility where poultry is kept for profit. Section 183 of the Code governs the determination whether poultry is kept for profit.

(2) Poultry composting facility. – A structure or enclosure in which poultry carcasses are decomposed to produce organic matter that can be used as plant food.

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

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

8 **"§ 105-130.42. Credit for construction of poultry composting facility.**

9 (a) Credit. – A corporation that constructs a poultry composting facility in this
10 State for the composting of poultry carcasses from commercial poultry operations is
11 allowed as a credit against the tax imposed by this Division an amount equal to fifty
12 percent (50%) of the installation, materials, and equipment costs of construction paid
13 during the taxable year. This credit may not exceed one thousand dollars (\$1,000) for
14 any single installation. The credit allowed by this section may not exceed the amount of
15 tax imposed by this Division for the taxable year reduced by the sum of all credits
16 allowable, except payments of tax by or on behalf of the taxpayer.

17 (b) Definitions. – The following definitions apply in this section:

18 (1) Commercial poultry operation. – A site or facility where poultry is
19 kept for profit. Section 183 of the Code governs the determination
20 whether poultry is kept for profit.

21 (2) Poultry composting facility. – A structure or enclosure in which
22 poultry carcasses are decomposed to produce organic matter that can
23 be used as plant food."

24 Sec. 3. This act becomes effective for taxable years beginning on or after
25 January 1, 1993.