

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1157
Agriculture/Environment/Natural Resources Committee Substitute Adopted
4/19/05

Short Title: Oyster Shells/Ban Landfilling/Tax Credit.

(Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE DISPOSAL OF OYSTER SHELLS IN LANDFILLS
AND TO PROVIDE AN INCOME TAX CREDIT FOR DONATIONS OF
OYSTER SHELLS TO THE DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES FOR PLACEMENT IN OYSTER SANCTUARIES TO
RESTORE OYSTER POPULATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-309.10(f) reads as rewritten:

"(f) No person shall knowingly dispose of the following solid wastes in landfills:

- (1) Repealed by Session Laws 1991, c. 375, s. 1.
- (2) Used oil.
- (3) Yard trash, except in landfills approved for the disposal of yard trash under rules adopted by the Commission. Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area where the area provides and maintains separate yard trash composting facilities.
- (4) White goods.
- (5) Antifreeze (ethylene glycol).
- (6) Aluminum cans.
- (7) Whole scrap tires, as provided in G.S. 130A-309.58(b). ~~The prohibition against landfilling~~ The prohibition of the disposal of whole scrap tires in landfills applies to all whole pneumatic rubber coverings, but does not apply to whole solid rubber coverings.
- (8) Lead-acid batteries, as provided in G.S. 130A-309.70.
- (9) Oyster shells."

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

"§ 105-130.47. Credit for recycling oyster shells.

1 (a) Credit. – A taxpayer who donates oyster shells to the Division of Marine
2 Fisheries of the Department of Environment and Natural Resources is eligible for a
3 credit against the tax imposed by this Part. The amount of the credit is equal to the fair
4 market value of the oyster shells donated.

5 (b) Limitation. – The credit allowed under this section may not exceed the
6 amount of tax imposed by this Part for the taxable year reduced by the sum of all credits
7 allowable, except tax payment made by or on behalf of the taxpayer. Any unused
8 portion of the credit may be carried forward for the succeeding five years.

9 (c) No Double Benefit. – No deduction is allowed under G.S. 105-130.5(b)(5) for
10 the oyster shells for which a credit is claimed under this section."

11 **SECTION 3.** Part 2 of Article 4 of Chapter 105 of the General Statutes is
12 amended by adding a new section to read:

13 **"§ 105-151.29. Credit for recycling oyster shells.**

14 (a) Credit. – A taxpayer who donates oyster shells to the Division of Marine
15 Fisheries of the Department of Environment and Natural Resources is eligible for a
16 credit against the tax imposed by this Part. The amount of the credit is equal to the fair
17 market value of the oyster shells donated.

18 (b) Limitation. – The credit allowed under this section may not exceed the
19 amount of tax imposed by this Part for the taxable year reduced by the sum of all credits
20 allowable, except tax payment made by or on behalf of the taxpayer. Any unused
21 portion of the credit may be carried forward for the succeeding five years.

22 (c) No Double Benefit. – A taxpayer who claims a credit under this section must
23 add back to taxable income any amount deducted under the Code for the donation of the
24 oyster shells."

25 **SECTION 4.** G.S. 105-160.3(b) reads as rewritten:

26 "(b) The following credits are not allowed to an estate or trust:

27 ...

28 (8) G.S. 105-151.29. Credit for recycling oyster shells."

29 **SECTION 5.** Section 1 of this act becomes effective 1 December 2005.
30 Sections 2 through 5 of this act become effective when it becomes law. Sections 2
31 through 4 of this act apply to taxable years beginning on or after 1 January 2005 and
32 expire for taxable years beginning on or after 1 January 2010.