

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1443*

Short Title: Amend White Goods Tax.

(Public)

Sponsors: Representatives Mitchell; and Hill.

Referred to: Finance.

May 25, 1998

A BILL TO BE ENTITLED

1 AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE
2 FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD
3 CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS
4 DISPOSAL TAX SUNSET, AND TO ALTER THE DISTRIBUTION OF THE TAX
5 PROCEEDS FROM THIS TAX, AS RECOMMENDED BY THE
6 ENVIRONMENTAL REVIEW COMMISSION.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 105-187.21 reads as rewritten:

10 **"§ 105-187.21. Tax imposed.**

11 A privilege tax is imposed on a white goods retailer at a flat rate for each new white
12 good that is sold by the retailer. An excise tax is imposed on a new white good
13 purchased outside the State for storage, use, or consumption in this State. The rate of the
14 privilege tax and the excise tax is ~~five dollars (\$5.00) if the new white good does not contain~~
15 ~~chlorofluorocarbon refrigerants and is ten dollars (\$10.00) if the new white good contains~~
16 ~~ehlorofluorocarbon refrigerants.~~ three dollars (\$3.00). These taxes are in addition to all
17 other taxes."

18 Section 2. G.S. 130A-309.82 reads as rewritten:

19 **"§ 130A-309.82. Use of disposal tax proceeds by counties.**

1 Article 5C of Chapter 105 of the General Statutes imposes a tax on new white goods
2 to provide funds for the management of discarded white goods. A county ~~may~~must use
3 the proceeds of the tax distributed to it under that Article ~~only~~ for the management of
4 discarded white goods."

5 Section 3. G.S. 105-187.24 reads as rewritten:

6 "**§ 105-187.24. Use of tax proceeds.**

7 The Secretary shall distribute the taxes collected under this Article, less the
8 Department of Revenue's allowance for administrative expenses, in accordance with this
9 section. The Secretary may retain the Department's cost of collection, not to exceed two
10 hundred twenty-five thousand dollars (\$225,000) a year, as reimbursement to the
11 Department.

12 Each quarter, the Secretary shall credit ~~five percent (5%)~~eight percent (8%) of the net
13 tax proceeds to the Solid Waste Management Trust Fund and shall credit twenty percent
14 (20%) of the net tax proceeds to the White Goods Management Account. The Secretary
15 shall distribute the remaining ~~seventy-five percent (75%)~~seventy-two percent (72%) of the
16 net tax proceeds among the counties on a per capita basis according to the most recent
17 annual population estimates certified to the Secretary by the State Planning Officer.

18 A county may use funds distributed to it under this section only as provided in G.S.
19 130A-309.82. A county that receives funds under this section and that has an interlocal
20 agreement with another unit of local government under which the other unit provides for
21 the disposal of solid waste for the county must transfer the amount received under this
22 section to that other unit. A unit to which funds are transferred is subject to the same
23 restrictions on use of the funds as the county."

24 Section 4. G.S. 130A-309.12 reads as rewritten:

25 "**§ 130A-309.12. Solid Waste Management Trust Fund.**

26 (a) The Solid Waste Management Trust Fund is created and is to be administered
27 by the Department for the purposes of:

- 28 (1) Funding activities of the Department to promote waste reduction and
29 recycling including but not limited to public education programs and
30 technical assistance to units of local government;
- 31 (2) Funding research on the solid waste stream in North Carolina;
- 32 (3) Funding activities related to the development of secondary materials
33 markets;
- 34 (4) Providing funding for demonstration projects as provided by this Part;
35 and
- 36 (5) Providing funding for research by The University of North Carolina and
37 independent nonprofit colleges and universities within the State which
38 are accredited by the Southern Association of Colleges and Schools as
39 provided by this Part.

40 (b) The Solid Waste Management Trust Fund shall consist of the following:

- 41 (1) Funds appropriated by the General Assembly.
- 42 (2) Contributions and grants from public or private sources.

1 (3) Ten percent (10%) of the proceeds of the scrap tire disposal tax imposed
2 under Article 5B of Chapter 105 of the General Statutes.

3 (4) ~~Five percent (5%)~~ Eight percent (8%) of the proceeds of the white goods
4 disposal tax imposed under Article 5C of Chapter 105 of the General
5 Statutes.

6 (c) The Department shall report annually on or before 1 September to the
7 Environmental Review Commission as to the condition of the Solid Waste Management
8 Trust Fund and as to the use of all funds allocated from the Solid Waste Management
9 Trust Fund."

10 Section 5. Section 11 of Chapter 471 of the 1993 Session Laws, as amended
11 by Section 15.1(b) of Chapter 769 of the 1993 Session Laws, reads as rewritten:

12 "Sec. 11. Sections 1 through 5 of this act and this section become effective January 1,
13 1994. Section 3 of this act expires July 1, ~~1998.~~ 2003. Section 6 of this act becomes
14 effective July 1, ~~1998.~~ 2003. Sections 7, 8, and 9 of this act become effective July 1,
15 ~~1999.~~ 2004.

16 The repeal of the tax imposed by Section 3 of this act does not affect the rights or
17 liabilities of the State, a taxpayer, or another person that arose during the time the tax was
18 in effect. The first report submitted by the Department to the Environmental Review
19 Commission under G.S. 130A-309.85, as enacted by this act, shall cover the period from
20 January 1, 1994, to June 30, 1994."

21 Section 6. This act becomes effective July 1, 1998.