

HOUSE No. 4213

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 12, 2018.

The committee on Revenue to whom was referred the petition (accompanied by bill, Senate, No. 1624) of Richard J. Ross, Jason M. Lewis, Donald F. Humason, Jr., William Crocker and others for legislation to promote conservation through oyster shell recycling, reports recommending that the accompanying bill (House, No. 4213) ought to pass.

For the committee,

JAY R. KAUFMAN.

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**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to promote conservation through oyster shell recycling.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 6 of chapter 62 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by adding the following subsection:-

3 (u)(1) A taxpayer who donates oyster shells to an eligible nonprofit or governmental
4 organization shall be eligible for a credit against the taxes imposed by this chapter. For the
5 purposes of this subsection, an eligible nonprofit or governmental organization is one that
6 recycles oyster shells by depositing them back into appropriate bodies of water in order to
7 improve water filtration, reduce coastal erosion, or provide habitat for oysters within such bodies
8 of water. The amount of the credit shall be equal to \$0.50 per 5-gallon bucket of oyster shells
9 donated; provided, however, that the credit shall not exceed \$500 in any tax year. If a credit
10 claimed under this subsection by a taxpayer exceeds the taxpayer's liability as otherwise
11 determined under this chapter for the taxable year, any excess credit may be carried forward by
12 the taxpayer to any of the 3 subsequent taxable years.

13 (2) No deduction is allowed for the donation of oyster shells for which a credit is claimed
14 under this subsection.

15 (3) The taxpayer shall keep and, upon request, make available for inspection a
16 certification from the eligible nonprofit or governmental organization stating the number of 5-
17 gallon buckets of oyster shells donated by the taxpayer for the taxable year in which the credit is
18 claimed.

19 SECTION 2. Chapter 63 of the General Laws is hereby amended by inserting after
20 section 38FF the following section:-

21 Section 38GG. (a) A corporation subject to tax under this chapter that donates oyster
22 shells to an eligible nonprofit or governmental organization shall be eligible for a credit against
23 its excise due under this chapter. For the purposes of this section, an eligible nonprofit or
24 governmental organization is one that recycles oyster shells by depositing them back into
25 appropriate bodies of water in order to improve water filtration, reduce coastal erosion, or
26 provide habitat for oysters within such bodies of water. The amount of the credit is equal to
27 \$0.50 per 5-gallon bucket of oyster shells donated; provided, however, that the credit shall not
28 exceed \$500 in any tax year. If a credit claimed under this subsection by a taxpayer exceeds the
29 taxpayer's liability as otherwise determined under this chapter for the taxable year, any excess
30 credit may be carried forward by the taxpayer to any of the 3 subsequent taxable years.

31 (b) No deduction is allowed for the donation of oyster shells for which a credit is claimed
32 under this section.

33 (c) The corporation shall keep and, upon request, make available for inspection a
34 certification from the eligible nonprofit or governmental organization stating the number of 5-

35 gallon buckets of oyster shells donated by the taxpayer for the taxable year in which the credit is
36 claimed.

37 SECTION 3. Sections 1 and 2 are hereby repealed.

38 SECTION 4. Sections 1 and 2 shall be effective for tax years beginning on or after
39 January 1, 2019 and before January 1, 2022; provided, however, that credits allowed by this act
40 may be carried forward, pursuant to sections 1 and 2, to tax years beginning on or after January
41 1, 2022.

42 SECTION 5. Section 3 shall take effect on January 1, 2025.