

SENATE No. 466

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote conservation through oyster shell recycling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>11/7/2023</i>

SENATE No. 466

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 466) of Julian Cyr for legislation to promote conservation through oyster shell recycling. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 2020
2 Official Edition, is hereby amended by inserting at the end thereof the following new
3 subsection:-

4 “(x) (1) A taxpayer who donates oyster shells to an oyster shell recycling organization
5 shall be eligible for a credit against the taxes imposed by this chapter. The amount of the credit is
6 equal to five dollars per full 5 gallon bucket of oyster shells donated.

7 (2) The credit allowed under this subsection may not exceed the amount of tax imposed
8 by this chapter for the taxable year reduced by the sum of all credits allowable, except tax
9 payment made by or on behalf of the taxpayer.

10 (3) Any amount of the credit that exceeds the tax due for a taxable year may be carried
11 forward by the taxpayer to any of the 3 subsequent taxable years.

12 (4) No deduction is allowed for the donation of oyster shells for which a credit is claimed
13 under this section.

14 (5) To support the credit allowed by this section, the taxpayer shall have available for
15 inspection a certification by the recipient organization stating the number of 5 gallon buckets of
16 oyster shells donated by the taxpayer for the taxable year in which the credit is claimed.”

17 SECTION 2. Chapter 63 of the General Laws, as so appearing, is hereby amended by
18 inserting after section 38HH the following new section:-

19 “Section 38II. (a) A corporation subject to tax under this chapter that donates oyster
20 shells to an oyster shell recycling organization shall be eligible for a credit against its excise due
21 under this chapter. The amount of this credit is equal to five dollars per full 5 gallon bucket of
22 oyster shells donated.

23 (b) Any amount of the credit that exceeds the tax due for a taxable year may be carried
24 forward by the corporation to any of the 3 subsequent taxable years.

25 (c) No deduction is allowed for the donation of oyster shells for which a credit is claimed
26 under this section.

27 (d) The credit allowed in this chapter for any taxable year shall not reduce the excise to
28 less than the amount due under subsection (b) of section 39, section 67 or any other applicable
29 section.

30 (e) To support the credit allowed by this section, the corporation shall have available for
31 inspection a certification by the recipient organization stating the number of five gallon buckets
32 of oyster shells donated by the taxpayer for the taxable year in which the credit is claimed.”