

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1712\*

Short Title: Extend Credit for Oyster Shell Recycling. (Public)

Sponsors: Representatives Wainwright, Spear, Underhill (Primary Sponsors); Harrison, Hill, Hughes, Justice, Pierce, and Rapp.

Referred to: Marine Resources and Aquaculture, if favorable, Finance.

May 17, 2010

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE TAX CREDITS FOR THE RECYCLING OF OYSTER SHELLS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 105-130.48 reads as rewritten:

**"§ 105-130.48. Credit for recycling oyster shells.**

(a) Credit. – A taxpayer who donates oyster shells to the Division of Marine Fisheries of the Department of Environment and Natural Resources is eligible for a credit against the tax imposed by this Part. The amount of the credit is equal to one dollar (\$1.00) per bushel of oyster shells donated.

(b) Limitation. – The credit allowed under this section may not exceed the amount of tax imposed by this Part for the taxable year reduced by the sum of all credits allowable, except tax payment made by or on behalf of the taxpayer.

(c) Carryforward. – Any unused portion of a credit allowed in this section may be carried forward for the succeeding five years. A successor in business may take the carryforwards of a predecessor corporation as if they were carryforwards of a credit allowed to the successor in business.

(d) No Double Benefit. – No deduction is allowed under G.S. 105-130.5(b)(5) or G.S. 105-130.9 for the donation of oyster shells for which a credit is claimed under this section.

(e) Documentation of Credit. – Upon request, to support the credit allowed by this section, the taxpayer must file with its income tax return, for the taxable year in which the credit is claimed, a certification by the Department of Environment and Natural Resources stating the number of bushels of oyster shells donated by the taxpayer.

(f) Sunset. – This section is repealed effective for taxable years beginning on or after January 1, ~~2011~~2013."

**SECTION 2.** G.S. 105-151.30 reads as rewritten:

**"§ 105-151.30. Credit for recycling oyster shells.**

(a) Credit. – A taxpayer who donates oyster shells to the Division of Marine Fisheries of the Department of Environment and Natural Resources is eligible for a credit against the tax imposed by this Part. The amount of the credit is equal to one dollar (\$1.00) per bushel of oyster shells donated.

(b) Limitation. – The credit allowed under this section may not exceed the amount of tax imposed by this Part for the taxable year reduced by the sum of all credits allowable, except tax payment made by or on behalf of the taxpayer.



1 (c) Carryforward. – Any unused portion of a credit allowed in this section may be  
2 carried forward for the succeeding five years.

3 (d) Documentation of Credit. – Upon request, to support the credit allowed by this  
4 section, the taxpayer must file with its income tax return, for the taxable year in which the  
5 credit is claimed, a certification by the Department of Environment and Natural Resources  
6 stating the number of bushels of oyster shells donated by the taxpayer.

7 (e) No Double Benefit. – A taxpayer who claims a credit under this section must add  
8 back to taxable income any amount deducted under the Code for the donation of the oyster  
9 shells.

10 (f) Sunset. – This section is repealed effective for taxable years beginning on or after  
11 January 1, ~~2011-2013.~~"

12 **SECTION 3.** This act is effective when it becomes law.