

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 25, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3487 by Hunter (Relating to a deduction from the amount of taxable sales used to calculate the amount of sales and use taxes that the owners of restaurants that participate in an oyster shell recycling program are required to remit to the comptroller of public accounts.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

This bill would amend Chapter 151 of the Tax Code (Limited Sales, Excise and Use Tax) relating to a reduction in the amount of sales and use tax collections remitted to the state by owners of restaurants that participate in an oyster shell recycling program.

The bill would add new Section 151.4245 to the Tax Code, allowing a restaurant that participates in the qualified oyster shell recycling program to deduct \$2 for every 50 pounds of oyster shells collected at the restaurant and provided to a project that recycles oyster shells. This deduction would be applicable to the tax liability the taxpayer owes under this chapter.

The bill would define the oyster shell recycling program as recognized by the comptroller as a qualified oyster shell recycling program.

The bill would allow the Comptroller to require a taxpayer who makes a deduction described by the bill to provide any information the Comptroller determines is necessary to determine the accuracy of the deduction. The bill would also direct the Comptroller to adopt rules necessary to implement and administer the new Subchapter.

According to the Comptroller, information from the Texas Parks and Wildlife Department indicates there are currently two large scale oyster shell recycling facilities in Texas. The amount of revenue loss as a result of restaurant owners taking the deduction authorized by the bill is not anticipated to be significant.

The bill would take effect October 1, 2025.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts

LBB Staff: JMc, SD, KK