

House Bill 3487
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter I, Chapter 151, Tax Code, is amended by adding Section 151.4245 to read as follows:

Sec. 151.4245. **DISCOUNT FOR CERTAIN TAXPAYERS PARTICIPATING IN OYSTER SHELL RECYCLING PROGRAM.** (a) In this section:

(1) "Food service establishment" has the meaning assigned by Section 437.001, Health and Safety Code.

(2) "Qualified oyster shell recycling program" means an oyster shell recycling program recognized by the comptroller as a qualified oyster shell recycling program.

(b) A taxpayer may deduct and withhold from the taxpayer's tax liability for a quarter or month in which a payment is made the amount determined under Subsection (c) if the taxpayer owns a food service establishment and participates in a qualified oyster shell recycling program.

(c) A taxpayer may deduct and withhold from the taxpayer's tax liability for a quarter or month for each food service establishment for which a permit has been issued to the taxpayer under this chapter the amount equal to \$2 for each 50 pounds of oyster shells collected at the food service establishment and provided by the taxpayer to a project that recycles oyster shells as a result of the taxpayer's participation in a qualified oyster shell recycling program during the quarter or month, as applicable.

(d) The comptroller may require a taxpayer to provide any information the comptroller determines is reasonably necessary to determine the accuracy of the amount deducted and withheld by the taxpayer under this section.

SENATE VERSION (CS)

SECTION 1. Subchapter I, Chapter 151, Tax Code, is amended by adding Section 151.434 to read as follows:

Sec. 151.434. **DEDUCTION FOR CERTAIN TAXPAYERS PARTICIPATING IN OYSTER SHELL RECYCLING PROGRAM.** (a) In this section:

(1) "Food service establishment" has the meaning assigned by Section 437.001, Health and Safety Code.

(2) "Qualified oyster shell recycling program" means an oyster shell recycling program recognized by the comptroller as a qualified oyster shell recycling program.

(b) A taxpayer may deduct from the taxpayer's taxable sales for the year, quarter, or month in which the sale is reported the amount determined under Subsection (c) if the taxpayer owns a food service establishment and participates in a qualified oyster shell recycling program.

(c) A taxpayer may deduct from the taxpayer's taxable sales for a year, quarter, or month for each food service establishment for which a permit has been issued to the taxpayer under this chapter the amount equal to \$2 for each 50 pounds of oyster shells collected at the food service establishment and provided by the taxpayer to a project that recycles oyster shells as a result of the taxpayer's participation in a qualified oyster shell recycling program during the year, quarter, or month, as applicable.

(d) The comptroller may require a taxpayer to provide any information the comptroller determines is reasonably necessary to determine the accuracy of the amount deducted by the taxpayer under this section. The comptroller may request the assistance of the Parks and Wildlife Department in determining whether an oyster shell recycling program should be recognized as a qualified oyster shell recycling program and may consult with the department regarding other matters

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(e) The comptroller may adopt rules necessary to implement and administer this section, and may consult with the Parks and Wildlife Department when adopting the rules.

SECTION 2. Section 151.4245, Tax Code, as added by this Act, does not affect tax liability accruing before October 1, 2025. That liability continues in effect as if Section 151.4245, Tax Code, had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 3. This Act takes effect October 1, 2025.

SENATE VERSION (CS)

related to the implementation and administration of this section.

(e) The comptroller may adopt rules necessary to implement and administer this section, and may consult with the Parks and Wildlife Department and other relevant institutions and organizations when adopting the rules.

SECTION 2. The change in law made by this Act does not affect tax liability accruing before October 1, 2025. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION 3. Same as House version.

CONFERENCE