

By Mr. Costello, a petition (accompanied by bill, Senate, No. 1466) of Nicholas J. Costello and Thomas G. Palumbo for legislation relative to establishing voluntary tax credits for business and industry to recycle, reuse and otherwise conserve water. Taxation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT RELATIVE TO ESTABLISHING VOLUNTARY TAX CREDITS FOR BUSINESS AND INDUSTRY TO RECYCLE, REUSE AND OTHERWISE CONSERVE WATER.

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. Chapter 63 of the General Laws is hereby
2 amended by inserting the following new section: —

3 Section 39D. (a) A manufacturing corporation, or a business
4 corporation engaged primarily in research and development
5 which has been deemed to be such under sections thirty-eight C
6 or forty-two B, shall be allowed a credit, if they elect to take said
7 credit, as hereinafter provided against its excise due under this
8 chapter. The amount of such credit shall be one percent of the
9 cost or other basis of qualifying tangible property determined by
10 the state tax commissioner. Qualifying tangible property shall be
11 construed to mean property acquired, installed, constructed,
12 reconstructed, retrofitted, or erected expressly for the purpose of
13 water conservation, reuse or recycling during the taxable year as
14 hereinafter defined.

15 (b) A corporation renting or leasing real property otherwise
16 qualifying for the credit under this section from a regional business
17 development corporation or authority authorized under chapter
18 forty C of the General Laws or as regional business development
19 corporation as defined under Section 179(d) of the Federal
20 Internal Revenue code, as amended and in effect for the taxable
21 year, for the purposes of this section and shall be eligible for the

22 credit under paragraph (a). The amount of such credit shall be
23 one percent of the value of the qualifying property purchased and
24 placed in qualified use during the taxable year. For the purposes
25 of the preceding sentence, any contract or agreement to rent or
26 lease for the license to use property shall be considered a lease.
27 For the purposes of this section such value shall be the cost of
28 the real qualifying property duly recorded in corporation records
29 with a written approval from the lessor, in this case, the regional
30 business development authority, the corporation and lessor shall
31 be open to the commissioner for inspection. For the purposes of
32 this section, the termination or cessation of such rental or lease
33 for any reason other than a direct transferral of ownership of such
34 property to the lessee shall be considered a disposition of such
35 property and no credit shall be extended.

36 (c) Any corporation entitled to a credit for any taxable year
37 in accordance with the provisions of paragraphs (a) and (b), may
38 carry over and apply to its excise for any one or more of the next
39 succeeding three taxable years, that portion as reduced from year
40 to year, of its credit which exceeds its excise for the taxable year.

1 SECTION 2. Section one of this act shall apply only qualifying
2 tangible property as defined in (a) which purchased, installed,
3 constructed, reconstructed, retrofitted or erected expressly for
4 water conservation, reuse, or recycling purposes during the
5 taxable year ending on or after December thirty-first, nineteen
6 hundred and eighty-two.