

HOUSE BILL 598

Q7

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By: **Delegates Hixson, Barkley, Barve, Dumais, Elmore, Gilchrist, Hucker, Kaiser, Lawton, Manno, McIntosh, Montgomery, Rice, Ross, Simmons, ~~and Stukes~~ Stukes, Bartlett, Cardin, Doory, George, Howard, Ivey, Jennings, N. King, Krebs, McKee, Murphy, Olszewski, F. Turner, and Walker**

Introduced and read first time: February 8, 2007

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2007

CHAPTER _____

1 AN ACT concerning

2 **Maryland Heritage Structure Rehabilitation Tax Credit Program**

3 FOR the purpose of requiring the Director of the Maryland Historical Trust to adopt
4 certain regulations to establish certain criteria for plans of proposed
5 rehabilitation for purposes of the Maryland heritage structure rehabilitation tax
6 credits; altering a certain limit on the award of initial credit certificates for
7 projects in a single jurisdiction; altering certain preferences for the award of
8 initial credit certificates to certain commercial rehabilitations; altering a certain
9 limit on the amount of initial credit certificates that may be issued within a
10 fiscal year; repealing a requirement that a certain percentage of tax credits be
11 provided for certain nonprofit organizations; altering certain provisions relating
12 to certain authority of the Director to charge certain fees to certify heritage
13 structures and rehabilitations; altering a certain time period for completing
14 commercial rehabilitations for purposes of the credit; authorizing the Governor
15 to include certain appropriations to a certain fund in the annual budget bill;
16 defining a certain term; altering certain definitions; extending the termination
17 date of the credit; providing for the application of this Act; and generally

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 relating to the Maryland Heritage Structure Rehabilitation Tax Credit
2 Program.

3 BY repealing and reenacting, with amendments,
4 Article – State Finance and Procurement
5 Section 5A–303
6 Annotated Code of Maryland
7 (2006 Replacement Volume and 2006 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article – State Finance and Procurement**

11 5A–303.

12 (a) (1) In this section the following words have the meanings indicated.

13 (2) “Business entity” means:

14 (i) a person conducting or operating a trade or business in the
15 State; or

16 (ii) an organization operating in Maryland that is exempt from
17 taxation under § 501(c)(3) of the Internal Revenue Code.

18 (3) “Certified heritage area” has the meaning stated in § 13–1101 of
19 the Financial Institutions Article.

20 (4) (i) “Certified heritage structure” means a structure that is
21 located in the State and is:

22 1. listed in the National Register of Historic Places;

23 2. designated as a historic property under local law and
24 determined by the Director to be eligible for listing on the National Register of Historic
25 Places;

26 3. A. located in a historic district listed on the
27 National Register of Historic Places or in a local historic district that the Director
28 determines is eligible for listing on the National Register of Historic Places; and

1 B. certified by the Director as contributing to the
2 significance of the district; or

3 4. located in a certified heritage area and certified by the
4 Maryland Heritage Areas Authority as contributing to the significance of the certified
5 heritage area.

6 (ii) "Certified heritage structure" does not include a structure
7 that is owned by the State, a political subdivision of the State, or the federal
8 government.

9 (5) "Certified rehabilitation" means a completed rehabilitation of a
10 certified heritage structure that the Director certifies is a substantial rehabilitation in
11 conformance with the rehabilitation standards of the United States Secretary of the
12 Interior.

13 (6) "Commercial rehabilitation" means a rehabilitation of a structure
14 other than a single-family, owner-occupied residence.

15 (7) "Director" means the Director of the Maryland Historical Trust.

16 (8) "Local historic district" means a district that the governing body of
17 a county or municipal corporation, or the Mayor and City Council of Baltimore, has
18 designated under local law as historic.

19 **(9) "NATIONAL REGISTER STRUCTURE" MEANS A STRUCTURE**
20 **THAT IS:**

21 **(I) LISTED ON THE NATIONAL REGISTER OF HISTORIC**
22 **PLACES; OR**

23 **(II) LOCATED IN A HISTORIC DISTRICT LISTED ON THE**
24 **NATIONAL REGISTER OF HISTORIC PLACES AND CERTIFIED BY THE DIRECTOR**
25 **AS CONTRIBUTING TO THE SIGNIFICANCE OF THE DISTRICT.**

26 **[(9)] (10)** "Qualified rehabilitation expenditure" means any amount
27 that:

28 (i) is properly chargeable to a capital account;

1 (ii) is expended in the rehabilitation of a structure that by the
2 end of the calendar year in which the certified rehabilitation is completed is a certified
3 heritage structure;

4 (iii) is expended in compliance with a plan of proposed
5 rehabilitation that has been approved by the Director; and

6 (iv) is not funded, financed, or otherwise reimbursed by any:

7 1. State or local grant;

8 2. grant made from the proceeds of tax-exempt bonds
9 issued by the State, a political subdivision of the State, or an instrumentality of the
10 State or of a political subdivision of the State;

11 3. State tax credit other than the tax credit under this
12 section; or

13 4. other financial assistance from the State or a political
14 subdivision of the State, other than a loan that must be repaid at an interest rate that
15 is greater than the interest rate on general obligation bonds issued by the State at the
16 most recent bond sale prior to the time the loan is made.

17 [(10)] (11) "Substantial rehabilitation" means rehabilitation of a
18 structure for which the qualified rehabilitation expenditures, during the 24-month
19 period selected by the individual or business entity ending with or within the taxable
20 year, exceed:

21 (i) for owner-occupied residential property, \$5,000; or

22 (ii) for all other property, the greater of:

23 1. the adjusted basis of the structure; or

24 2. \$5,000.

25 (b) (1) The Director shall adopt regulations to:

26 (i) establish procedures and standards for certifying heritage
27 structures and rehabilitations under this section;

1 (ii) for commercial rehabilitations, establish an application
2 process for the award of initial credit certificates for Maryland heritage structure
3 rehabilitation tax credits consistent with the requirements of this subsection; [and]

4 (III) FOR COMMERCIAL REHABILITATIONS, ESTABLISH
5 CRITERIA, CONSISTENT WITH THE REQUIREMENTS OF THIS SUBSECTION, FOR
6 EVALUATING, COMPARING, AND RATING PLANS OF PROPOSED REHABILITATION
7 THAT HAVE BEEN DETERMINED BY THE DIRECTOR TO CONFORM WITH THE
8 REHABILITATION STANDARDS OF THE UNITED STATES SECRETARY OF THE
9 INTERIOR; AND

10 [(iii)] (IV) for commercial rehabilitations, establish a competitive
11 award process for the award of initial credit certificates for Maryland heritage
12 structure rehabilitation tax credits that:

13 1. [ensures tax credits are awarded in a manner that
14 reflects the geographic diversity of the State] **FAVORS THE AWARD OF TAX CREDITS
15 FOR REHABILITATION PROJECTS LOCATED IN JURISDICTIONS THAT HAVE BEEN
16 HISTORICALLY UNDERREPRESENTED IN THE AWARD OF TAX CREDITS FOR
17 COMMERCIAL REHABILITATIONS, BASED ON THE NUMBER OF NATIONAL
18 REGISTER STRUCTURES IN EACH JURISDICTION;**

19 2. favors the award of tax credits for rehabilitation
20 projects that are consistent with and promote current growth and development policies
21 and programs of the State; and

22 3. A. favors the award of tax credits for structures
23 that are listed in the National Register of Historic Places or are designated as historic
24 properties under local law and determined by the Director to be eligible for listing in
25 the National Register of Historic Places; or

26 B. favors the award of tax credits for structures that are
27 contributing buildings with historic significance and are located in historic districts
28 listed in the National Register of Historic Places.

29 (2) The Director may not certify that a rehabilitation is a certified
30 rehabilitation eligible for a tax credit provided under this section unless the individual
31 or business entity seeking certification states under oath the amount of the
32 individual's or business entity's qualified rehabilitation expenditures.

1 (3) ~~Between January 1 and March 31 each~~ **EACH** year, the Director
2 may accept applications for approval of plans of proposed commercial rehabilitations
3 and for the award of initial credit certificates for the fiscal year that begins July 1 of
4 that year.

5 (4) For commercial rehabilitations, the Director may not accept an
6 application for approval of plans of proposed rehabilitation if:

7 (i) any substantial part of the proposed rehabilitation work has
8 begun; or

9 (ii) the applicant for a commercial rehabilitation has previously
10 submitted three or more applications for commercial rehabilitations with total
11 proposed rehabilitations exceeding \$500,000 in that year.

12 (5) ~~Not~~ **EXCEPT AS PROVIDED IN SUBSECTION (D)(3)(III) OF THIS**
13 **SECTION, NOT** more than [50%] **75%** of the total credit amounts under initial credit
14 certificates issued for any fiscal year may be issued for projects in a single county or
15 Baltimore City.

16 (6) [(i) Except as provided in subparagraph (ii) of this paragraph, at
17 least 10% of the total credit amounts under initial credit certificates issued for any
18 fiscal year shall be issued for proposed rehabilitation projects submitted by
19 organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code.

20 (ii) For any fiscal year, subparagraph (i) of this paragraph does
21 not apply to the extent that the total credit amounts applied for by organizations
22 exempt from taxation under § 501(c)(3) of the Internal Revenue Code for qualifying
23 projects is less than 10% of the maximum authorized aggregate credit amounts for the
24 fiscal year under subsection (d) of this section.

25 (7)] (i) The Director shall adopt regulations to charge a reasonable
26 fee to certify heritage structures and rehabilitations under this section.

27 [(ii) A fee charged under this paragraph shall apply only to a
28 certification for a commercial rehabilitation that is awarded an initial credit certificate
29 under this section for a fiscal year that begins on or after July 1, 2005.]

30 [(iii)] **(II)** The Director shall set the level of the fee so that the
31 projected proceeds from the fee will cover the costs to the Trust of administering the
32 credit under this section and the federal historic tax credit.

1 [(iv)] (III) The fee charged [to any project] may not exceed 1% of
 2 the amount of the initial credit certificate issued for [the project] **A COMMERCIAL**
 3 **REHABILITATION PROJECT OR THE AMOUNT OF THE CREDIT FOR WHICH A**
 4 **SINGLE-FAMILY, OWNER-OCCUPIED REHABILITATION WOULD BE ELIGIBLE**
 5 **BASED ON THE GREATER OF THE ESTIMATED OR FINAL QUALIFIED**
 6 **REHABILITATION EXPENDITURES FOR THE REHABILITATION.**

7 [(v)] (IV) The proceeds from the fee shall be deposited in a
 8 special fund, to be used only for the purposes of paying the costs of administering the
 9 credit under this section and the federal historic tax credit.

10 [(vi)] (V) Any unused balance of the fund at the end of each
 11 fiscal year shall be transferred to the Reserve Fund established under subsection (d) of
 12 this section and shall increase the amount of the initial credit certificates that the
 13 Trust may issue for the following fiscal year.

14 (c) (1) Except as otherwise provided in this section, for the taxable year in
 15 which a certified rehabilitation is completed, an individual or business entity may
 16 claim a tax credit in an amount equal to 20% of the individual's or business entity's
 17 qualified rehabilitation expenditures for the rehabilitation.

18 (2) (i) For any commercial rehabilitation, the State tax credit
 19 allowed under this section may not exceed the lesser of:

- 20 1. \$3,000,000; or
- 21 2. the maximum amount specified under the initial
 22 credit certificate issued for the rehabilitation.

23 (ii) For a rehabilitation other than a commercial rehabilitation,
 24 the State tax credit allowed under this section may not exceed \$50,000.

25 (iii) For the purposes of the limitation under subparagraph (i) of
 26 this paragraph, the following shall be treated as a single commercial rehabilitation:

- 27 1. the phased rehabilitation of the same structure or
 28 property;
- 29 2. the separate rehabilitation of different components of
 30 the same structure or property; or

1 3. the rehabilitation of multiple structures that are
2 functionally related to serve an overall purpose.

3 (3) (i) Subject to subparagraph (ii) of this paragraph, the initial
4 credit certificate for a proposed commercial rehabilitation shall expire and the credit
5 under this section may not be claimed if the commercial rehabilitation is not
6 completed [by the end of the fiscal year following the fiscal year for which] **WITHIN 30**
7 **MONTHS AFTER** the initial credit certificate was issued.

8 (ii) For reasonable cause, the Director may postpone the
9 expiration date for an initial credit certificate for a commercial rehabilitation.

10 (4) If the tax credit allowed under this section in any taxable year
11 exceeds the total tax otherwise payable by the business entity or the individual for
12 that taxable year, the individual or business entity may claim a refund in the amount
13 of the excess.

14 (d) (1) In this subsection, "Reserve Fund" means the Heritage Structure
15 Rehabilitation Tax Credit Reserve Fund established under paragraph (2) of this
16 subsection.

17 (2) (i) There is a Heritage Structure Rehabilitation Tax Credit
18 Reserve Fund that is a continuing, nonlapsing special fund that is not subject to §
19 7-302 of this article.

20 (ii) The money in the Fund shall be invested and reinvested by
21 the Treasurer, and interest and earnings shall be credited to the General Fund.

22 (3) (i) Subject to the provisions of this subsection, the Director
23 shall issue an initial credit certificate for each commercial rehabilitation for which a
24 plan of proposed rehabilitation is approved.

25 (ii) An initial credit certificate issued under this subsection
26 shall state the maximum amount of credit under this section for which the commercial
27 rehabilitation may qualify.

28 (iii) 1. Except as otherwise provided in this subparagraph
29 and in subsection [(b)(7)(vi)] **(B)(6)(V)** of this section, for any fiscal year, the Director
30 may not issue initial credit certificates for credit amounts in the aggregate totaling
31 more than the amount appropriated to the Reserve Fund for that fiscal year in the
32 State budget as approved by the General Assembly.

1 **2. IF THE AGGREGATE CREDIT AMOUNTS UNDER**
 2 **INITIAL CREDIT CERTIFICATES ISSUED IN A FISCAL YEAR TOTAL LESS THAN THE**
 3 **AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR AS A**
 4 **RESULT OF THE LIMITATION UNDER SUBSECTION (B)(5) OF THIS SECTION, ANY**
 5 **EXCESS AMOUNT MAY BE ISSUED UNDER INITIAL CREDIT CERTIFICATES FOR**
 6 **PROJECTS IN A COUNTY OR BALTIMORE CITY IN THE SAME FISCAL YEAR,**
 7 **WITHOUT REGARD TO THE LIMITATION UNDER SUBSECTION (B)(5) OF THIS**
 8 **SECTION.**

9 ~~2.~~ **3. IF SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS**
 10 **SUBPARAGRAPH, IF** the aggregate credit amounts under initial credit certificates
 11 issued in a fiscal year total less than the amount appropriated to the Reserve Fund for
 12 that fiscal year, any excess amount shall remain in the Reserve Fund and may be
 13 issued under initial credit certificates for the next fiscal year.

14 ~~3.~~ **4.** For any fiscal year, if funds are transferred from the
 15 Reserve Fund under the authority of any provision of law other than paragraph (4) of
 16 this subsection, the maximum credit amounts in the aggregate for which the Director
 17 may issue initial credit certificates shall be reduced by the amount transferred.

18 (iv) [1. For fiscal year 2006, the Governor shall include in the
 19 budget bill an appropriation to the Reserve Fund in an amount equal to at least
 20 \$20,000,000.

21 2.] For each of fiscal years [2007 and 2008] **2009 AND**
 22 **2010**, the Governor shall include in the budget bill an appropriation to the Reserve
 23 Fund [in an amount equal to at least \$30,000,000].

24 (v) Notwithstanding the provisions of § 7-213 of this article, the
 25 Governor may not reduce an appropriation to the Reserve Fund in the State budget as
 26 approved by the General Assembly.

27 (vi) The Director may not issue an initial credit certificate for
 28 any fiscal year after fiscal year [2008] **2010**.

29 (4) (i) Except as provided in this paragraph, money appropriated to
 30 the Reserve Fund shall remain in the Fund.

31 (ii) 1. Within 15 days after the end of each calendar quarter,
 32 the Trust shall notify the Comptroller as to each commercial rehabilitation completed
 33 and certified during the quarter:

1 A. the maximum credit amount stated in the initial
2 credit certificate for the project; and

3 B. the final certified credit amount for the project.

4 2. On notification that a project has been certified, the
5 Comptroller shall transfer an amount equal to the maximum credit amount stated in
6 the initial credit certificate for the project from the Reserve Fund to the General Fund.

7 (iii) 1. On or before October 1 of each year, the Trust shall
8 notify the Comptroller as to the maximum credit amount stated in the initial credit
9 certificate for each commercial rehabilitation for which the initial credit certificate has
10 expired under subsection (c)(3) of this section as of the end of the prior fiscal year.

11 2. On notification that the initial credit certificate for a
12 project has expired under subsection (c)(3) of this section, the Comptroller shall
13 transfer an amount equal to the maximum credit amount stated in the initial credit
14 certificate for the project from the Reserve Fund to the General Fund.

15 (e) (1) In this subsection, “disqualifying work” means work that:

16 (i) is performed on a certified heritage structure for which a
17 rehabilitation has been certified under this section; and

18 (ii) if performed as part of the rehabilitation certified under this
19 section, would have made the rehabilitation ineligible for certification.

20 (2) The credit allowed under this section shall be recaptured as
21 provided in paragraph (3) of this subsection if, during the taxable year in which a
22 certified rehabilitation is completed or any of the 4 taxable years succeeding the
23 taxable year in which the certified rehabilitation is completed, any disqualifying work
24 is performed on the certified heritage structure for which the certified rehabilitation
25 has been completed.

26 (3) (i) 1. If the disqualifying work is performed during the
27 taxable year in which the certified rehabilitation was completed, 100% of the credit
28 shall be recaptured.

29 2. If the disqualifying work is performed during the first
30 full year succeeding the taxable year in which the certified rehabilitation was
31 completed, 80% of the credit shall be recaptured.

1 3. If the disqualifying work is performed during the
2 second full year succeeding the taxable year in which the certified rehabilitation was
3 completed, 60% of the credit shall be recaptured.

4 4. If the disqualifying work is performed during the
5 third full year succeeding the taxable year in which the certified rehabilitation was
6 completed, 40% of the credit shall be recaptured.

7 5. If the disqualifying work is performed during the
8 fourth full year succeeding the taxable year in which the certified rehabilitation was
9 completed, 20% of the credit shall be recaptured.

10 (ii) The individual or business entity that claimed the tax credit
11 shall pay the amount to be recaptured as determined under subparagraph (i) of this
12 paragraph as taxes payable to the State for the taxable year in which the disqualifying
13 work is performed.

14 (f) (1) The Comptroller may determine, under the process for return
15 examination and audit under §§ 13-301 and 13-302 of the Tax – General Article:

16 (i) the amount of rehabilitation expenditures used in
17 calculating the credit;

18 (ii) whether such expenditures are qualified rehabilitation
19 expenditures under this section; and

20 (iii) whether the credit is allowable as claimed.

21 (2) The authority of the Comptroller to examine and audit a tax return
22 does not limit the authority of the Director to determine whether a rehabilitation
23 qualifies as a certified rehabilitation or whether a certificate of certified rehabilitation
24 has been properly issued.

25 (3) The Comptroller may adopt regulations to require that an entity
26 other than a corporation claim the tax credit on the tax return filed by that entity.

27 (4) (i) Except as otherwise provided in this paragraph, the credit
28 under this section may be claimed for the year a certified rehabilitation is completed,
29 only if the Director has, by the time the return is filed, issued a certificate of
30 completion for the certified rehabilitation.

1 (ii) A taxpayer claiming the credit may amend a return for the
2 year the certified rehabilitation was completed to account for a certificate issued
3 subsequent to the filing of the original return.

4 (iii) An amended return shall be filed within the period allowed
5 under the Tax – General Article for filing refund claims.

6 (iv) The provisions of this paragraph do not extend the period in
7 which a certified rehabilitation must be completed to be eligible for a tax credit under
8 this section.

9 (v) An amended return may account for an amended
10 certification issued by the Director for a certified rehabilitation.

11 (g) A refund payable under subsection (c) of this section:

12 (1) operates to reduce the income tax revenue from corporations if the
13 person entitled to the refund is a corporation subject to the income tax under Title 10
14 of the Tax – General Article;

15 (2) operates to reduce insurance premium tax revenues if the person
16 entitled to the refund is subject to taxation under Title 6 of the Insurance Article; and

17 (3) operates to reduce the income tax revenue from individuals if the
18 person entitled to the refund is:

19 (i) an individual subject to the income tax under Title 10 of the
20 Tax – General Article; or

21 (ii) an organization exempt from taxation under § 501(c)(3) of
22 the Internal Revenue Code.

23 (h) (1) On or before December 15 of each fiscal year, the Director shall
24 report to the Governor and, subject to § 2–1246 of the State Government Article, to the
25 General Assembly, on:

26 (i) the initial credit certificates awarded for commercial
27 rehabilitations under this section for that fiscal year; and

28 (ii) the tax credits awarded for certified rehabilitations
29 completed in the preceding fiscal year.

1 (2) The report required under paragraph (1) of this subsection shall
2 include for each initial credit certificate awarded for the fiscal year for a commercial
3 rehabilitation:

4 (i) the name of the owner or developer of the commercial
5 rehabilitation;

6 (ii) the name and address of the proposed or certified
7 rehabilitation and the county where the project is located;

8 (iii) the dates of receipt and approval by the Director of all
9 applications regarding the project, including applications:

10 1. for certification that a structure or property will
11 qualify as a certified heritage structure; and

12 2. for approval of the proposed rehabilitation; and

13 (iv) the maximum amount of the credit stated in the initial
14 credit certificate for the project and the estimated rehabilitation expenditures stated
15 in the application for approval of the plan of proposed rehabilitation.

16 (3) The report required under paragraph (1) of this subsection shall
17 include for each certified commercial rehabilitation completed during the preceding
18 fiscal year:

19 (i) the name of the owner or developer of the commercial
20 rehabilitation;

21 (ii) the name and address of the certified rehabilitation and the
22 county where the project is located;

23 (iii) the dates of receipt and approval by the Director of all
24 applications regarding the project; and

25 (iv) 1. the maximum amount of the credit stated in the
26 initial credit certificate for the project and the estimated rehabilitation expenditures
27 stated in the application for approval of the plan of proposed rehabilitation; and

28 2. the actual qualified rehabilitation expenditures and
29 the final amount of the credit for which the project qualified.

1 (4) The report required under paragraph (1) of this subsection shall
2 summarize for each category of certified rehabilitations:

3 (i) the total number of applicants for:

4 1. certification that a structure or property will qualify
5 as a certified heritage structure;

6 2. approval of plans of proposed rehabilitations; or

7 3. certification of the completed rehabilitations;

8 (ii) the number of proposed projects for which plans of proposed
9 rehabilitation were approved; and

10 (iii) the total estimated rehabilitation expenditures stated in
11 approved applications for approval of plans of proposed rehabilitation and the total
12 qualified rehabilitation expenditures for completed rehabilitations certified.

13 (5) The information required under paragraph (4) of this subsection
14 shall be provided in the aggregate and separately for each of the following categories of
15 certified rehabilitations:

16 (i) owner-occupied single family residential structures; and

17 (ii) commercial rehabilitations.

18 (i) (1) Subject to the provisions of this subsection, the provisions of this
19 section and the tax credit authorized under this section shall terminate as of July 1,
20 [2008] **2010**.

21 (2) On and after July 1, [2008] **2010**:

22 (i) the tax credit authorized under this section may be claimed
23 for:

24 1. a rehabilitation project, other than a commercial
25 rehabilitation, for which an application for approval of a plan of proposed
26 rehabilitation was received by the Director on or before June 30, [2008] **2010**; or

27 2. a commercial rehabilitation for which an initial credit
28 certificate has been awarded under subsection (d) of this section; and

1 (ii) the Director shall continue to report to the Governor and the
2 General Assembly as required under subsection (h) of this section for as long as any
3 rehabilitation project for which the tax credit may be claimed remains incomplete.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2007, and shall be applicable to all initial credit certificates issued on or after
6 July 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.