

# SENATE BILL 43

Q3  
SB 85/15 – B&T

(PRE-FILED)

6lr0499

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By: **Senator Simonaire**  
Requested: July 22, 2015  
Introduced and read first time: January 13, 2016  
Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Clean Waterways Tax Credit Act**

3 FOR the purpose of allowing an individual a credit against the State income tax for the  
4 purchase price of equipment purchased during the taxable year used to install or  
5 maintain a floating garden; providing that the credit may not exceed a certain  
6 amount; providing that the credit may not be carried forward to another taxable  
7 year; requiring the Comptroller, in consultation with the Department of the  
8 Environment, to provide a certain annual report; defining a certain term; providing  
9 for the application of this Act; and generally relating to an income tax credit for  
10 floating garden equipment.

11 BY adding to  
12 Article – Tax – General  
13 Section 10–724.2  
14 Annotated Code of Maryland  
15 (2010 Replacement Volume and 2015 Supplement)

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

18 **Article – Tax – General**

19 **10–724.2.**

20 **(A) IN THIS SECTION, “FLOATING GARDEN” MEANS A DEVICE THAT:**

21 **(1) IS A MAN–MADE AQUATIC FEATURE THAT IS DEPLOYED INTO A**  
22 **BODY OF WATER;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) PROVIDES ADEQUATE BUOYANCY FOR THE ESTABLISHMENT OF**  
2 **PLANT COMMUNITIES;**

3           **(3) IS PLANTED ONLY WITH NATIVE AQUATIC PLANT VARIETIES;**

4           **(4) RELIES ON AVAILABLE NUTRIENTS IN A BODY OF WATER RATHER**  
5 **THAN A PREPARED MINERAL NUTRIENT SOLUTION; AND**

6           **(5) PROVIDES ENVIRONMENTAL BENEFITS.**

7           **(B) SUBJECT TO THE LIMITATIONS OF THIS SECTION, AN INDIVIDUAL MAY**  
8 **CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN AN AMOUNT EQUAL TO 100%**  
9 **OF THE PURCHASE PRICE OF EQUIPMENT PURCHASED DURING THE TAXABLE YEAR**  
10 **USED TO INSTALL OR MAINTAIN FLOATING GARDENS.**

11           **(C) (1) FOR ANY TAXABLE YEAR, THE CREDIT ALLOWED UNDER THIS**  
12 **SECTION MAY NOT EXCEED THE LESSER OF:**

13                   **(I) \$500; OR**

14                   **(II) THE STATE INCOME TAX IMPOSED FOR THE TAXABLE YEAR**  
15 **CALCULATED BEFORE THE APPLICATION OF THE CREDITS ALLOWED UNDER THIS**  
16 **SECTION AND UNDER §§ 10-701 AND 10-701.1 OF THIS SUBTITLE BUT AFTER THE**  
17 **APPLICATION OF ANY OTHER CREDIT ALLOWED UNDER THIS SUBTITLE.**

18           **(2) THE UNUSED AMOUNT OF THE CREDIT MAY NOT BE CARRIED**  
19 **OVER TO ANY OTHER TAXABLE YEAR.**

20           **(D) ON OR BEFORE DECEMBER 1, 2016, AND EACH DECEMBER 1**  
21 **THEREAFTER, THE COMPTROLLER, IN CONSULTATION WITH THE DEPARTMENT OF**  
22 **THE ENVIRONMENT, SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246**  
23 **OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY REGARDING THE**  
24 **CREDIT ALLOWED UNDER THIS SECTION, INCLUDING:**

25                   **(1) THE NUMBER OF INDIVIDUALS WHO HAVE CLAIMED THE CREDIT**  
26 **AND THE AMOUNT ALLOWED AS CREDITS; AND**

27                   **(2) THE ANTICIPATED REDUCTION OF NUTRIENTS BASED ON THE**  
28 **NUMBER OF FLOATING GARDENS INSTALLED AND MAINTAINED AS A RESULT OF THE**  
29 **CREDIT.**

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
31 1, 2016, and shall be applicable to all taxable years beginning after December 31, 2015.