

# HOUSE BILL 1089

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By: **Delegates Feldmark, Acevero, Ebersole, Forbes, Hill, Korman, Lehman, R. Lewis, Lierman, Moon, Palakovich Carr, Shetty, Solomon, Stewart, Terrasa, Wells, and Wilkins**

Introduced and read first time: February 6, 2020

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Economic Development – Job Creation Tax Credit – Qualified Position**

3 FOR the purpose of altering the definition of “qualified position” for purposes of eligibility  
4 under the job creation tax credit program; providing for the application of this Act;  
5 and generally relating to the job creation tax credit program.

6 BY repealing and reenacting, without amendments,

7 Article – Economic Development

8 Section 6–301(a) and 6–303(b)(1)

9 Annotated Code of Maryland

10 (2018 Replacement Volume and 2019 Supplement)

11 BY repealing and reenacting, with amendments,

12 Article – Economic Development

13 Section 6–301(d)(1)

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2019 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Economic Development**

19 6–301.

20 (a) In this subtitle the following words have the meanings indicated.

21 (d) (1) “Qualified position” means a position that:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) is full-time and of indefinite duration;

2 (ii) pays at least:

3 **1. FOR AN EMPLOYEE CLASSIFICATION FOR WHICH**  
4 **THERE IS A PREVAILING WAGE RATE, AS DEFINED UNDER § 17-201 OF THE STATE**  
5 **FINANCE AND PROCUREMENT ARTICLE, THE PREVAILING WAGE; OR**

6 **2. FOR ANY OTHER EMPLOYEE CLASSIFICATION, [120%]**  
7 **150% of the State minimum wage;**

8 (iii) is located in the State;

9 **(IV) PROVIDES CAREER ADVANCEMENT TRAINING;**

10 **(V) AFFORDS THE EMPLOYEE THE RIGHT TO COLLECTIVELY**  
11 **BARGAIN FOR WAGES AND BENEFITS;**

12 **(VI) PROVIDES FAIR SCHEDULING AND PAID LEAVE;**

13 **(VII) IS CONSIDERED COVERED EMPLOYMENT FOR PURPOSES OF**  
14 **UNEMPLOYMENT INSURANCE BENEFITS IN ACCORDANCE WITH TITLE 8 OF THE**  
15 **LABOR AND EMPLOYMENT ARTICLE;**

16 **(VIII) ENTITLES THE EMPLOYEE TO WORKERS' COMPENSATION**  
17 **BENEFITS IN ACCORDANCE WITH TITLE 9 OF THE LABOR AND EMPLOYMENT**  
18 **ARTICLE;**

19 **(IX) OFFERS EMPLOYER-PROVIDED HEALTH INSURANCE**  
20 **BENEFITS WITH AFFORDABLE DEDUCTIBLES AND COPAYMENTS;**

21 **(X) OFFERS RETIREMENT BENEFITS;**

22 **[(iv)] (XI) is newly created as a result of the establishment or**  
23 **expansion of a business facility in a single location in the State; and**

24 **[(v)] (XII) is filled.**

25 6-303.

26 (b) To be eligible for a tax credit under this subtitle, a person shall establish or  
27 expand a business facility in the State that:

28 (1) during any 24-month period creates at least:

- 1 (i) 60 qualified positions;
- 2 (ii) 25 qualified positions if the business facility established or  
3 expanded is located in a State priority funding area; or
- 4 (iii) 10 qualified positions in a county with:
  - 5 1. an annual average employment that is less than 75,000;  
6 or
  - 7 2. a median household income that is less than two-thirds of  
8 the statewide median household income; and

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
10 1, 2020, and shall be applicable to job creation tax credits certified after December 31, 2019.