

HOUSE BILL 1148

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Q7

1999 Regular Session
9lr2536
CF 9lr2535

By: **Delegate Hixson (Montgomery County Administration) and Delegates
Kopp, Goldwater, and Hurson**

Introduced and read first time: February 26, 1999

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Tax Credits - New or Expanded Business Premises**

3 FOR the purpose of clarifying the process by which counties and municipal
4 corporations elect to allow certain business entities to qualify for certain tax
5 credits; clarifying that certain premises must be newly constructed to qualify for
6 a tax credit; providing for notice and certification procedures; providing for a
7 limited time in which the credits must be earned; providing that the affiliates of
8 certain business entities are included for certain purposes relating to qualifying
9 for certain enhanced property tax credits for certain new or expanded business
10 premises and certain newly renovated premises under certain circumstances;
11 eliminating a prohibition against granting the credits to a business entity that
12 has been certified for a certain other tax credit; providing for the calculation of
13 enhanced property tax credits allowed for certain business entities, including
14 their affiliates, that satisfy certain requirements; providing that additional
15 requirements must be met for business entities, including their affiliates, to
16 qualify for the enhanced property tax credit; revising certain tax credit
17 recapture provisions; altering a requirement that a lessor of real property
18 eligible for certain tax credits make certain reductions under a lease agreement
19 under certain circumstances; providing for the continuing eligibility of a
20 business entity that has qualified for certain tax credits for the tax credits for
21 their full scheduled terms even if this Act is repealed, amended or abrogated;
22 repealing certain termination provisions applicable to certain tax credits;
23 providing for the applicability of this Act; defining certain terms; altering and
24 deleting certain definitions; and generally relating to certain property tax and
25 State tax credits granted to certain business entities that construct or expand
26 certain new or expanded business premises under certain circumstances.

27 BY repealing and reenacting, with amendments,
28 Article - Tax - Property
29 Section 9-230
30 Annotated Code of Maryland
31 (1994 Replacement Volume and 1998 Supplement)

32 BY repealing and reenacting, with amendments,

1 Chapter 623 of the Acts of the General Assembly of 1997, as amended by
2 Chapter 623 of the Acts of the General Assembly of 1998
3 Section 2 and 3

4 BY repealing and reenacting, with amendments,
5 Chapter 624 of the Acts of the General Assembly of 1997, as amended by
6 Chapter 623 of the Acts of the General Assembly of 1998
7 Section 2 and 3

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

10 **Article - Tax - Property**

11 9-230.

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

13 (2) "AFFILIATE" MEANS A PERSON:

14 (I) THAT DIRECTLY OR INDIRECTLY OWNS AT LEAST 80% OF A
15 BUSINESS ENTITY; OR

16 (II) 80% OF WHICH IS OWNED, DIRECTLY OR INDIRECTLY, BY A
17 BUSINESS ENTITY.

18 [(2)] (3) "Business entity" means a person conducting a trade or
19 business in the State, that is subject to the State individual or corporate income tax,
20 insurance premiums tax, financial institution franchise tax, or public service
21 company franchise tax.

22 (4) "FULL-TIME POSITION" MEANS A POSITION REQUIRING AT LEAST 840
23 HOURS OF AN EMPLOYEE'S TIME DURING AT LEAST 24 WEEKS IN A 6-MONTH PERIOD.

24 [(3)] (5) (i) "New permanent full-time position" means a position that
25 is:

26 1. a full-time position of indefinite duration;

27 2. located in Maryland;

28 3. newly created, as a result of the establishment or
29 expansion of a business facility in the State; and

30 4. filled.

31 (ii) "New permanent full-time position" does not include a position
32 that is:

1 1. created when an employment function is shifted from an
 2 existing business facility of the business entity OR ITS AFFILIATES located in
 3 Maryland to another business facility of the same business entity OR ITS AFFILIATES,
 4 if the position does not represent a net new job in the State;

5 2. created through a change in ownership of a trade or
 6 business;

7 3. created through a consolidation, merger, or restructuring
 8 of a business entity OR ITS AFFILIATES, if the position does not represent a net new
 9 job in the State;

10 4. created when an employment function is contractually
 11 shifted from an existing business entity OR ITS AFFILIATES, located in the State to
 12 another business entity OR ITS AFFILIATES, if the position does not represent a net
 13 new job in the State; or

14 5. filled for a period of less than 12 months.

15 [(4)] (6) "New or expanded premises" means real property, including a
 16 building or part of a building that has not been previously occupied, where a business
 17 entity [locates] OR ITS AFFILIATES LOCATE to conduct [its] business.

18 [(5) "Assessed value" is the value of real property as determined by the
 19 Department to which a county or municipal corporation property tax rate may be
 20 applied.]

21 (b) (1) The Mayor and City Council of Baltimore City or the governing body
 22 of a county or of a municipal corporation may ENACT LEGISLATION NECESSARY TO
 23 grant[, by law,] EITHER [a] property tax [credit] CREDITS, ENHANCED PROPERTY
 24 TAX CREDITS, OR BOTH TYPES OF PROPERTY TAX CREDITS against the county or
 25 municipal corporation property tax imposed on real property owned or leased by [a]
 26 business [entity] ENTITIES that [meets] MEET the requirements specified FOR THE
 27 APPLICABLE TAX CREDIT under [subsection (c)(1) and (2) of] this section and on
 28 personal property owned by [that] business [entity] ENTITIES that [meets] MEET
 29 the requirements specified under [subsection (d) of] this section.

30 (2) If a property tax credit OR ENHANCED PROPERTY TAX CREDIT is
 31 granted under [paragraph (1) of this subsection] THIS SECTION, a business entity
 32 that meets the requirements FOR THE PROPERTY TAX CREDIT OR ENHANCED
 33 PROPERTY TAX CREDIT UNDER [specified under subsection (c)(3) of] this section AND
 34 OBTAINS CERTIFICATION FROM THE COUNTY OR MUNICIPAL CORPORATION may
 35 claim a State tax credit against the individual or corporate income tax, insurance
 36 premiums tax, financial institution franchise tax, or public service company franchise
 37 tax as provided under [subsection (f)] SUBSECTIONS (C)(3) AND (D)(4) of this section.

38 [(c) (1) To qualify for a tax credit under this section, a business entity shall:

1 (i) construct or expand by at least 5,000 square feet the premises
2 on which it conducts its business, through purchasing or constructing new premises
3 or by leasing new premises; and

4 (ii) employ at least 25 individuals in new permanent full-time
5 positions in the new or expanded premises.

6 (2)] (3) A tax credit may not be granted under this section if:

7 (i) the business entity [has] OR ANY OF ITS AFFILIATES HAVE
8 moved [its] THEIR operations from one [political subdivision] COUNTY in the State
9 to THE NEW OR EXPANDED PREMISES IN another; OR

10 (ii) the new or expanded premises has otherwise been granted a tax
11 credit or exemption under this article for the taxable year[; or

12 (iii) the business entity has been certified for a tax credit under
13 Article 83A, § 5-1102 of the Code].

14 [(3)] (4) [In addition to the requirements under paragraphs (1) and (2)
15 of this subsection, to] TO qualify for a tax credit under this section, the new or
16 expanded premises must be located in a priority funding area as designated in Title 5,
17 Subtitle 7B of the State Finance and Procurement Article.

18 [(d)] (5) To qualify for a property tax credit under this section against
19 property tax imposed on personal property a business entity shall certify that the
20 personal property is located on the new or expanded premises that qualify for a
21 PROPERTY tax credit OR ENHANCED PROPERTY TAX CREDIT under [subsection (c) of]
22 this section.

23 (6) TO QUALIFY FOR A TAX CREDIT UNDER THIS SECTION, BEFORE IT
24 OBTAINS THE NEW OR EXPANDED PREMISES OR HIRES EMPLOYEES TO FILL THE
25 NEW PERMANENT FULL-TIME POSITIONS AT THE NEW OR EXPANDED PREMISES, A
26 BUSINESS ENTITY SHALL PROVIDE WRITTEN NOTIFICATION TO THE COUNTY OR
27 MUNICIPAL CORPORATION IN WHICH THE NEW OR EXPANDED PREMISES ARE
28 LOCATED:

29 (I) THAT IT INTENDS TO CLAIM THE PROPERTY TAX CREDIT OR
30 ENHANCED PROPERTY TAX CREDIT;

31 (II) IF IT INTENDS TO CLAIM THE ENHANCED PROPERTY TAX
32 CREDIT, HOW IT EXPECTS TO MEET THE REQUIREMENTS TO QUALIFY FOR THE
33 ENHANCED PROPERTY TAX CREDIT; AND

34 (III) WHEN IT EXPECTS TO OBTAIN THE NEW OR EXPANDED
35 PREMISES AND HIRE THE REQUIRED NUMBER OF EMPLOYEES IN THE NEW
36 PERMANENT FULL-TIME POSITIONS.

37 (7) IF A BUSINESS ENTITY MEETS THE REQUIREMENTS FOR A TAX
38 CREDIT UNDER THIS SECTION, THE COUNTY OR MUNICIPAL CORPORATION SHALL

1 CERTIFY TO THE DEPARTMENT AND THE DEPARTMENT OF BUSINESS AND
2 ECONOMIC DEVELOPMENT THAT THE BUSINESS ENTITY HAS MET THE
3 REQUIREMENTS FOR THE TAX CREDIT.

4 (C) (1) TO QUALIFY FOR A PROPERTY TAX CREDIT UNDER THIS
5 SUBSECTION, A BUSINESS ENTITY SHALL:

6 (I) OBTAIN AT LEAST 5,000 SQUARE FEET OF NEW OR EXPANDED
7 PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES, CONSTRUCTING NEW
8 PREMISES, OR LEASING NEWLY CONSTRUCTED PREMISES; AND

9 (II) EMPLOY AT LEAST 25 INDIVIDUALS IN NEW PERMANENT
10 FULL-TIME POSITIONS DURING A 24-MONTH PERIOD, DURING WHICH PERIOD THE
11 BUSINESS ENTITY MUST ALSO OBTAIN AND OCCUPY THE NEW OR EXPANDED
12 PREMISES.

13 [(e) (1)](2) [The governing body of] IF A BUSINESS ENTITY MEETS THE
14 REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION AND SUBSECTION (B) OF
15 THIS SECTION AND OF ANY APPLICABLE LOCAL LAW, the county or municipal
16 corporation shall compute the amount of the property tax credit granted under THIS
17 subsection [(b)(1) of this section] for new or expanded premises and the personal
18 property located on those premises that may be claimed against the county or
19 municipal corporation property taxes that would otherwise be due to equal a
20 percentage of the amount of property tax imposed on the [assessed value]
21 ASSESSMENT of the new or expanded premises, as follows:

- 22 (i) 52% for the 1st and 2nd taxable years;
- 23 (ii) 39% in the 3rd and 4th taxable years;
- 24 (iii) 26% in the 5th and 6th taxable years; and
- 25 (iv) 0% for each taxable year thereafter.

26 [(2) The county or municipal corporation shall notify the Department that
27 a business entity has been approved for the property tax credit and the assessed value
28 of the new or expanded premises.

29 (f) (1) (3) On receipt of [notification] CERTIFICATION under subsection
30 [(e)(2)] (B)(7) of this section, THAT A BUSINESS ENTITY MEETS THE REQUIREMENTS
31 FOR A PROPERTY TAX CREDIT UNDER THIS SUBSECTION, the Department shall
32 compute and certify to the Comptroller the amount of the State tax credit authorized
33 under THIS subsection [(b)(2) of this section] that may be claimed against the
34 individual or corporate income tax, insurance premiums tax, financial institution
35 franchise tax, or public service company franchise tax that would otherwise be due to
36 equal a percentage of the amount of property tax imposed on the [assessed value]
37 ASSESSMENT of the new or expanded premises, as follows:

- 38 (i) 28% in the 1st and 2nd taxable years;

- 1 (ii) 21% in the 3rd and 4th taxable years;
2 (iii) 14% in the 5th and 6th taxable years; and
3 (iv) 0% for each taxable year thereafter.

4 (D)(1) FOR A BUSINESS ENTITY TO QUALIFY FOR AN ENHANCED PROPERTY TAX
5 CREDIT UNDER THIS SUBSECTION, THE BUSINESS ENTITY, ALONG WITH ITS
6 AFFILIATES, SHALL:

7 (I) 1. OBTAIN AT LEAST 300,000 SQUARE FEET OR NEW OR
8 EXPANDED PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES,
9 CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR
10 LEASING NEWLY CONSTRUCTED PREMISES;

11 2. CONTINUE TO EMPLOY AT LEAST 2,000 INDIVIDUALS IN
12 EXISTING PERMANENT FULL-TIME POSITIONS IN THE STATE PAYING AT LEAST 150%
13 OF THE FEDERAL MINIMUM WAGE DURING EACH YEAR IN WHICH THE CREDIT IS
14 CLAIMED; AND

15 3. EMPLOY AT LEAST 500 INDIVIDUALS IN NEW PERMANENT
16 FULL-TIME POSITIONS PAYING AT LEAST 150% OF THE FEDERAL MINIMUM WAGE
17 AND LOCATED IN THE NEW OR EXPANDED PREMISES, AND, IF APPLICABLE, IN
18 NEWLY RENOVATED PREMISES ADJOINING THE NEW OR EXPANDED PREMISES,
19 DURING EACH YEAR IN WHICH THE CREDIT IS CLAIMED; OR

20 (II) 1. OBTAIN AT LEAST 300,000 SQUARE FEET OF NEW OR
21 EXPANDED PREMISES BY PURCHASING NEWLY CONSTRUCTED PREMISES,
22 CONSTRUCTING NEW PREMISES, CAUSING NEW PREMISES TO BE CONSTRUCTED, OR
23 LEASING NEWLY CONSTRUCTED PREMISES; AND

24 2. EMPLOY AT LEAST 1,000 INDIVIDUALS IN NEW
25 PERMANENT FULL-TIME POSITIONS PAYING AT LEAST 150% OF THE FEDERAL
26 MINIMUM WAGE AND LOCATED IN THE NEW OR EXPANDED PREMISES AND, IF
27 APPLICABLE, IN NEWLY RENOVATED PREMISES ADJOINING THE NEW OR EXPANDED
28 PREMISES, DURING EACH YEAR IN WHICH THE CREDIT IS CLAIMED.

29 (2) FOR A BUSINESS ENTITY TO QUALIFY FOR AN ENHANCED PROPERTY
30 TAX CREDIT UNDER THIS SUBSECTION, THE BUSINESS ENTITY, ALONG WITH ITS
31 AFFILIATES, SHALL BE PRIMARILY ENGAGED IN ONE OR MORE OF THE FOLLOWING
32 AT THE QUALIFYING PREMISES:

- 33 (I) MANUFACTURING OR MINING;
34 (II) TRANSPORTATION OR COMMUNICATIONS;
35 (III) AGRICULTURE, FORESTRY, OR FISHING;
36 (IV) RESEARCH, DEVELOPMENT, OR TESTING;

1 (V) BIOTECHNOLOGY;

2 (VI) COMPUTER PROGRAMMING, DATA PROCESSING, OR OTHER
3 COMPUTER-RELATED SERVICES;

4 (VII) CENTRAL FINANCIAL, REAL ESTATE, OR INSURANCE SERVICES;

5 (VIII) THE OPERATION OF CENTRAL ADMINISTRATIVE OFFICES OR A
6 COMPANY HEADQUARTERS;

7 (IX) A PUBLIC UTILITY;

8 (X) WAREHOUSING; OR

9 (XI) BUSINESS SERVICES.

10 (3) TO QUALIFY FOR THE ENHANCED PROPERTY TAX CREDIT UNDER
11 THIS SUBSECTION, A BUSINESS ENTITY SHALL:

12 (I) WITHIN A 6-YEAR PERIOD, EMPLOY INDIVIDUALS IN THE
13 NUMBER OF NEW PERMANENT FULL-TIME POSITIONS REQUIRED UNDER
14 PARAGRAPH (1) OF THIS SUBSECTION;

15 (II) DURING THE 6-YEAR HIRING PERIOD, OBTAIN AND OCCUPY
16 THE NEW OR EXPANDED PREMISES; AND

17 (III) DURING THE 6-YEAR HIRING PERIOD, COMPLY WITH ALL
18 OTHER REQUIREMENTS FOR THE CREDITS DESCRIBED IN THIS SUBSECTION AND IN
19 ANY APPLICABLE LOCAL LAW.

20 (4) (I) IF A BUSINESS ENTITY MEETS THE REQUIREMENTS OF THIS
21 SUBSECTION AND SUBSECTION (B) OF THIS SECTION AND OF ANY APPLICABLE
22 LOCAL LAW, FOR EACH OF THE FIRST 12 TAXABLE YEARS AFTER IT QUALIFIES FOR
23 THE CREDIT, THE BUSINESS ENTITY MAY CLAIM A PROPERTY TAX CREDIT AGAINST
24 THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAXES THAT WOULD
25 OTHERWISE BE DUE.

26 (II) THE COUNTY OR MUNICIPAL CORPORATION SHALL COMPUTE
27 THE AMOUNT OF THE PROPERTY TAX CREDIT GRANTED TO EQUAL 58.5% OF THE
28 AMOUNT OF PROPERTY TAX IMPOSED ON THE INCREASE IN ASSESSMENT OF:

29 1. THE NEW OR EXPANDED PREMISES;

30 2. NEWLY RENOVATED REAL PROPERTY IMPROVEMENTS
31 ADJOINING THE NEW OR EXPANDED PREMISES, IF THE RENOVATIONS ARE
32 SUBSTANTIAL, AS DEFINED IN LEGISLATION ENACTED BY THE COUNTY OR
33 MUNICIPAL CORPORATION TO GRANT THE CREDITS UNDER THIS SUBSECTION; AND

34 3. THE PERSONAL PROPERTY LOCATED ON THE PREMISES
35 DESCRIBED IN ITEMS 1 AND 2 OF THIS SUBPARAGRAPH.

1 (5) ON RECEIPT OF CERTIFICATION UNDER SUBSECTION (B)(7) OF THIS
2 SECTION THAT A BUSINESS ENTITY MEETS THE REQUIREMENTS FOR AN ENHANCED
3 PROPERTY TAX CREDIT UNDER THIS SUBSECTION, THE DEPARTMENT SHALL
4 COMPUTE AND CERTIFY TO THE COMPTROLLER THE AMOUNT OF THE STATE TAX
5 CREDIT AUTHORIZED UNDER THIS SUBSECTION THAT MAY BE CLAIMED AGAINST
6 THE INDIVIDUAL OR CORPORATE INCOME TAX, INSURANCE PREMIUMS TAX,
7 FINANCIAL INSTITUTION FRANCHISE TAX, OR PUBLIC SERVICE COMPANY
8 FRANCHISE TAX THAT WOULD OTHERWISE BE DUE TO EQUAL 31.5% OF THE AMOUNT
9 OF PROPERTY TAX IMPOSED ON THE ASSESSMENT OF THE NEW OR EXPANDED
10 PREMISES FOR EACH OF THE FIRST 12 TAXABLE YEARS FOR WHICH THE CREDIT IS
11 ALLOWED.

12 (6) A BUSINESS ENTITY THAT CLAIMS THE ENHANCED TAX CREDITS
13 UNDER THIS SUBSECTION MAY NOT CLAIM THE TAX CREDITS UNDER SUBSECTION
14 (C) OF THIS SECTION.

15 [(2)] (E) The same State tax credit cannot be applied more than once
16 against different taxes by the same taxpayer.

17 [(3)] (F) If the State tax credit allowed under this [subsection] SECTION
18 in any taxable year exceeds the total tax otherwise payable by the business entity for
19 that taxable year, a business entity may apply the excess as a credit for succeeding
20 taxable years until the earlier of:

21 (i) the full amount of the excess is used; or

22 (ii) the expiration of the 5th taxable year after the taxable year in
23 which the State tax credit is claimed.

24 [(4)] (G) The Maryland Insurance Commissioner shall adopt regulations
25 to provide for the computation, carryover, and recapture of the State tax credit under
26 § 6-116 of the Insurance Article.

27 [(5)] (H) The Department shall adopt regulations to provide for the
28 computation, carryover, and recapture of the State tax credit under §§ 8-217 and
29 8-414 of the Tax - General Article.

30 [(6)] (I) The Comptroller shall adopt regulations to provide for the
31 computation, carryover, and recapture of the State tax credit under § 10-704.8 of the
32 Tax - General Article.

33 [(g)] (J) The lessor of real property eligible for PROPERTY tax credits under
34 [subsection (b) of] this section shall reduce by the amount of the PROPERTY tax
35 credits computed under subsections (e) and (f) of this section the amount of taxes for
36 which the eligible business entity is contractually liable under the lease agreement.

37 [(h)] (K) The governing body of the county or municipal corporation shall
38 provide, by law, for:

1 (1) the specific requirements for eligibility for a tax credit authorized
2 under this section;

3 (2) any additional limitations on eligibility for the credit;

4 [(3) a provision requiring recapture of the property and State tax credits
5 earned, if, during the 3 taxable years succeeding any year in which a credit was
6 earned, the business entity fails to satisfy the applicable thresholds to qualify for a
7 property tax credit required under subsection (c) of this section;

8 (4)] (3) the information to be supplied by the business entity to a county
9 or municipal corporation and the Comptroller to verify that the business entity is not
10 subject to [item (3) of this] subsection (L) OF THIS SECTION; and

11 [(5)] (4) any other provision appropriate to implement the credit.

12 (L) ALL CREDITS CLAIMED UNDER THIS SECTION FOR A TAXABLE YEAR
13 SHALL BE RECAPTURED IF, DURING THE 3 TAXABLE YEARS SUCCEEDING THE
14 TAXABLE YEAR IN WHICH A CREDIT WAS CLAIMED:

15 (1) THE EMPLOYMENT LEVEL OR SQUARE FOOTAGE OF A BUSINESS
16 ENTITY AT THE PREMISES FALLS BELOW THE APPLICABLE THRESHOLDS REQUIRED
17 TO QUALIFY FOR THE PROPERTY TAX CREDIT UNDER SUBSECTION (C) OF THIS
18 SECTION; OR

19 (2) FOR THE ENHANCED PROPERTY TAX CREDIT, THE EMPLOYMENT
20 LEVEL OR SQUARE FOOTAGE OF A BUSINESS ENTITY, TOGETHER WITH ITS
21 AFFILIATES, AT THE PREMISES FALLS BELOW THE APPLICABLE THRESHOLDS
22 REQUIRED TO QUALIFY FOR THE ENHANCED PROPERTY TAX CREDIT UNDER
23 SUBSECTION (D) OF THIS SECTION.

24 (M) ON OCTOBER 1 OF EACH YEAR, EACH COUNTY AND MUNICIPAL
25 CORPORATION THAT HAS GRANTED TAX CREDITS UNDER THIS SECTION SHALL
26 REPORT TO THE DEPARTMENT, THE DEPARTMENT OF BUSINESS AND ECONOMIC
27 DEVELOPMENT, AND THE COMPTROLLER:

28 (1) THE AMOUNT OF EACH CREDIT GRANTED FOR THAT YEAR; AND

29 (2) WHETHER THE BUSINESS ENTITY IS IN COMPLIANCE WITH THE
30 REQUIREMENTS FOR THE TAX CREDIT.

31 (N) (1) AFTER A BUSINESS ENTITY HAS COMPLIED WITH ALL THE
32 REQUIREMENTS PROVIDED IN THIS SECTION AND IN ANY APPLICABLE LOCAL LAW
33 FOR A PARTICULAR TAX CREDIT, THE BUSINESS ENTITY SHALL BE ENTITLED TO
34 CLAIM THE CREDITS FOR THE TERM PROVIDED IN THIS SECTION.

35 (2) NO ABROGATION OF THIS LAW OR LAW HEREINAFTER ENACTED
36 THAT ELIMINATES OR REDUCES THE TAX CREDITS AVAILABLE UNDER THIS SECTION
37 SHALL APPLY TO ANY BUSINESS ENTITY OR AFFILIATE OF A BUSINESS ENTITY THAT

1 QUALIFIED FOR THE TAX CREDITS BEFORE THE EFFECTIVE DATE OF SUCH LAW OR
2 ABROGATION.

3 **Chapter 623 of the Acts of 1997, as Amended by Chapter 623 of the Acts of**
4 **1998**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
6 applicable to all taxable years beginning after December 31, 1996 [but before
7 January 1, 2008; provided, however, that the tax credits under § 9-230 of the Tax -
8 Property Article, as enacted by Section 1 of this Act, shall be allowed for property and
9 business entities that meet the criteria established in § 9-230(c) of the Tax - Property
10 Article on or after October 1, 1997 but before January 1, 2003; and provided further
11 that any excess State tax credits under § 9-230(f)(1) of the Tax - Property Article may
12 be carried forward and, subject to the limitations under § 9-230(f)(3) of the Tax -
13 Property Article, may be applied as a credit for taxable years beginning on or after
14 January 1, 2008].

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 1997. [Subject to the provisions of Section 2 of this Act, this Act shall
17 remain in effect for a period of 5 years and 3 months and, at the end of December 31,
18 2002, with no further action required by the General Assembly, this Act shall be
19 abrogated and of no further force and effect].

20 **Chapter 624 of the Acts of 1997, as amended by Chapter 623 of the Acts of**
21 **1998**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
23 applicable to all taxable years beginning after December 31, 1996 [but before
24 January 1, 2008; provided, however, that the tax credits under § 9-230 of the Tax -
25 Property Article, as enacted by Section 1 of this Act, shall be allowed for property and
26 business entitles that meet the criteria established in § 9-230(c) of the Tax - Property
27 Article on or after October 1, 1997 but before January 1, 2003; and provided further
28 that any excess State tax credits under § 9-230(f)(1) of the Tax - Property Article may
29 be carried forward and, subject to the limitations under § 9-230(f)(3) of the Tax -
30 Property Article, may be applied as a credit for taxable years beginning on or after
31 January 1, 2008].

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 1997. [Subject to the provisions of Section 2 of this Act, this Act shall
34 remain in effect for a period of 5 years and 3 months and, at the end of December 31,
35 2002, with no further action required by the General Assembly, this Act shall be
36 abrogated and of no further force and effect.]

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
38 effect July 1, 1999 and shall be applicable to all taxable years beginning after
39 December 31, 1998.