

# HOUSE BILL 1259

Q3

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CF SB 715

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By: **Delegates Proctor, Vallario, Anderson, Aumann, Bartlett, Bates, Beidle, Bohanan, Boteler, Burns, Conaway, Conway, Davis, DeBoy, Donoghue, Doory, Eckardt, Elmore, Frank, Frush, Gaines, George, Haddaway, Hammen, Haynes, Heller, Holmes, Hubbard, Ivey, Jameson, Jennings, Kach, King, Kipke, Krebs, Krysiak, Levi, Malone, Mathias, McConkey, McHale, Minnick, Myers, O'Donnell, Robinson, Shank, Shewell, Sophocleus, Sossi, Stocksdales, Stukes, Stull, Tarrant, V. Turner, Valderrama, Vaughn, Walker, and Wood**

Introduced and read first time: February 13, 2009

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Building Opportunities for All Students and Teachers (BOAST) in Maryland**  
3 **Tax Credit**

4 FOR the purpose of allowing a credit against the State income tax for contributions  
5 made to an eligible educational scholarship organization or an eligible  
6 innovative educational organization; requiring the State Department of  
7 Education to administer the tax credit; requiring an entity to submit an  
8 application to be an eligible educational scholarship organization by a certain  
9 date each year; requiring an entity to submit an application by a certain date  
10 each year or qualify as a certain State-aided educational institution to be an  
11 eligible innovative educational organization; requiring an eligible educational  
12 scholarship organization or an eligible innovative educational organization to  
13 meet certain qualifications; requiring a business entity to submit a certain  
14 application within a certain time period and to make a contribution to an  
15 eligible educational scholarship organization or an eligible innovative  
16 educational organization and to provide certain notice within a certain time  
17 period; requiring the Department to adopt certain regulations; requiring the  
18 Department to approve certain applications within a certain time period and in  
19 a certain manner; requiring the Department to rescind certain tax credit  
20 certificates if certain notice is not provided within a certain time period;  
21 providing limits on the amount of certain tax credits and the aggregate amount  
22 of tax credits that may be approved by the Department in a calendar year;  
23 establishing the Building Opportunities for All Students and Teachers Reserve  
24 Fund; authorizing the Governor to include an appropriation to the Fund in the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



annual budget bill; requiring the Comptroller to transfer certain amounts from the Fund to the General Fund under certain circumstances; providing that certain unused tax credits may not be carried forward; requiring the Department to publish and update a certain list in a certain manner each year and to submit a certain report by a certain date each year; requiring a certain addition modification under the Maryland income tax if a certain tax credit is claimed; defining certain terms; providing for the application of this Act; and generally relating to a State income tax credit for contributions made to an eligible educational scholarship organization or an eligible innovative educational organization.

BY repealing and reenacting, without amendments,  
Article – Tax – General  
Section 10–205(a) and 10–306(a)  
Annotated Code of Maryland  
(2004 Replacement Volume and 2008 Supplement)

BY adding to  
Article – Tax – General  
Section 10–205(k), 10–306(g), and 10–728  
Annotated Code of Maryland  
(2004 Replacement Volume and 2008 Supplement)

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

**Article – Tax – General**

10–205.

(a) In addition to the modification under § 10–204 of this subtitle, the amounts under this section are added to the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

**(K) THE ADDITION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT OF A CREDIT CLAIMED UNDER § 10–728 OF THIS TITLE FOR A CONTRIBUTION MADE TO AN ELIGIBLE EDUCATIONAL SCHOLARSHIP ORGANIZATION OR AN ELIGIBLE INNOVATIVE EDUCATIONAL ORGANIZATION.**

10–306.

(a) In addition to the modification under § 10–305 of this subtitle, the amounts under this section are added to the federal taxable income of a corporation to determine Maryland modified income.

**(G) THE ADDITION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT OF A CREDIT CLAIMED UNDER § 10–728 OF THIS TITLE FOR A**

1 CONTRIBUTION MADE TO AN ELIGIBLE EDUCATIONAL SCHOLARSHIP  
2 ORGANIZATION OR AN ELIGIBLE INNOVATIVE EDUCATIONAL ORGANIZATION.

3 10-728.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
5 MEANINGS INDICATED.

6 (2) "BUSINESS ENTITY" MEANS:

7 (I) A PERSON CONDUCTING OR OPERATING A TRADE OR  
8 BUSINESS IN MARYLAND; OR

9 (II) AN ORGANIZATION OPERATING IN MARYLAND THAT IS  
10 EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE  
11 CODE.

12 (3) "CONTRIBUTION" MEANS A MONETARY DONATION.

13 (4) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF  
14 EDUCATION.

15 (5) "ELIGIBLE EDUCATIONAL SCHOLARSHIP ORGANIZATION"  
16 MEANS AN ENTITY THAT:

17 (I) IS EXEMPT FROM FEDERAL TAXATION UNDER §  
18 501(C)(3) OF THE INTERNAL REVENUE CODE;

19 (II) PROVIDES TUITION SCHOLARSHIPS TO:

20 1. STUDENTS ATTENDING ELIGIBLE NONPUBLIC  
21 SCHOOLS IN THE STATE; AND

22 2. TEACHERS AT ELIGIBLE NONPUBLIC SCHOOLS IN  
23 THE STATE FOR THE PURPOSE OF ASSISTING IN THE COST OF GRADUATE-LEVEL  
24 COURSE WORK OR CONTINUING PROFESSIONAL DEVELOPMENT PROGRAMS TO  
25 MEET OR RETAIN STATE CERTIFICATION OR CERTIFICATION BY THE NATIONAL  
26 BOARD FOR PROFESSIONAL TEACHING STANDARDS; AND

27 (III) MEETS THE REQUIREMENTS OF SUBSECTION (C)(1) OF  
28 THIS SECTION.

29 (6) "ELIGIBLE INNOVATIVE EDUCATIONAL ORGANIZATION"  
30 MEANS AN ENTITY THAT:

1 (I) IS EXEMPT FROM FEDERAL TAXATION UNDER §  
2 501(C)(3) OF THE INTERNAL REVENUE CODE;

3 (II) PROVIDES GRANTS, SERVICES, OR PROGRAMS FOR:

4 1. PUBLIC SCHOOLS TO SUPPORT INNOVATIVE  
5 EDUCATIONAL PROGRAMS THAT ARE NOT PART OF THE REGULAR ACADEMIC  
6 PROGRAM OF A PUBLIC SCHOOL BUT THAT ENRICH THE CURRICULUM OR  
7 ACADEMIC PROGRAM OF A PUBLIC SCHOOL IN ORDER TO ACHIEVE THE GOALS  
8 OF THE BRIDGE TO EXCELLENCE IN PUBLIC SCHOOLS ACT OF 2002; OR

9 2. TEACHERS EMPLOYED BY PUBLIC SCHOOLS IN  
10 THE STATE FOR THE PURPOSE OF MEETING OR RETAINING STATE  
11 CERTIFICATION OR CERTIFICATION BY THE NATIONAL BOARD FOR  
12 PROFESSIONAL TEACHING STANDARDS; AND

13 (III) MEETS THE REQUIREMENTS OF SUBSECTION (C)(2) OF  
14 THIS SECTION.

15 (7) "ELIGIBLE NONPUBLIC SCHOOL" MEANS A KINDERGARTEN,  
16 ELEMENTARY, OR SECONDARY SCHOOL THAT:

17 (I) HOLDS A CERTIFICATE OF APPROVAL FROM OR IS  
18 REGISTERED WITH THE STATE BOARD OF EDUCATION;

19 (II) DOES NOT CHARGE TUITION THAT IS GREATER THAN  
20 THE STATEWIDE AVERAGE PER PUPIL EXPENDITURE BY THE LOCAL EDUCATION  
21 AGENCIES CALCULATED BY THE DEPARTMENT WITH EXCEPTIONS FOR SPECIAL  
22 EDUCATION STUDENTS DETERMINED BY THE DEPARTMENT TO BE  
23 APPROPRIATE; AND

24 (III) COMPLIES WITH TITLE VI OF THE CIVIL RIGHTS ACT  
25 OF 1964, AS AMENDED.

26 (B) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, A  
27 BUSINESS ENTITY MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX IN AN  
28 AMOUNT EQUAL TO 75% OF A CONTRIBUTION MADE TO AN ELIGIBLE  
29 EDUCATIONAL SCHOLARSHIP ORGANIZATION OR AN ELIGIBLE INNOVATIVE  
30 EDUCATIONAL ORGANIZATION.

31 (2) A CREDIT CLAIMED BY A BUSINESS ENTITY UNDER THIS  
32 SECTION MAY NOT EXCEED \$200,000 ANNUALLY.

33 (C) (1) TO QUALIFY AS AN ELIGIBLE EDUCATIONAL SCHOLARSHIP  
34 ORGANIZATION, AN ENTITY SHALL:

1 (I) APPLY TO THE DEPARTMENT ON OR BEFORE  
2 DECEMBER 1 OF EACH YEAR;

3 (II) PROVIDE TUITION SCHOLARSHIPS TO STUDENTS  
4 ATTENDING ELIGIBLE NONPUBLIC SCHOOLS OR TEACHERS WORKING AT  
5 ELIGIBLE NONPUBLIC SCHOOLS;

6 (III) CONTRIBUTE OR IRREVOCABLY ENCUMBER:

7 1. AT LEAST 85% OF ANNUAL CASH RECEIPTS  
8 RECEIVED AS THE RESULT OF CONTRIBUTIONS APPROVED FOR TAX CREDITS  
9 UNDER THIS SECTION TOWARD TUITION SCHOLARSHIPS FOR STUDENTS OR  
10 TEACHERS AT ELIGIBLE NONPUBLIC SCHOOLS AS PROVIDED UNDER THIS  
11 SECTION; AND

12 2. NO MORE THAN 25% OF ANNUAL CASH RECEIPTS  
13 RECEIVED AS THE RESULT OF CONTRIBUTIONS APPROVED FOR TAX CREDITS  
14 UNDER THIS SECTION FOR GRANTS TO TEACHERS EMPLOYED AT ELIGIBLE  
15 NONPUBLIC SCHOOLS UNDER THIS SECTION;

16 (IV) PROVIDE TUITION SCHOLARSHIPS TO AT LEAST FOUR  
17 DIFFERENT ELIGIBLE NONPUBLIC SCHOOLS IN EACH CALENDAR YEAR;

18 (V) PROVIDE SCHOLARSHIPS ON A PRIORITY BASIS FIRST  
19 TO STUDENT APPLICANTS WHO ARE ELIGIBLE FOR FREE AND REDUCED PRICE  
20 MEALS BASED ON ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE UNITED  
21 STATES DEPARTMENT OF AGRICULTURE AND THEN TO OTHER STUDENT  
22 APPLICANTS BASED ON FINANCIAL NEED;

23 (VI) SUBMIT TO THE DEPARTMENT THE APPLICATION AND  
24 REVIEW PROCESS FOR APPROVAL OF TUITION SCHOLARSHIPS; AND

25 (VII) ON OR BEFORE JANUARY 1 OF EACH YEAR, SUBMIT  
26 VERIFICATION TO THE DEPARTMENT THAT ALL REQUIREMENTS FOR  
27 ELIGIBILITY UNDER THIS PARAGRAPH HAVE BEEN MET IN THE PRIOR  
28 CALENDAR YEAR.

29 (2) TO QUALIFY AS AN ELIGIBLE INNOVATIVE EDUCATIONAL  
30 ORGANIZATION, AN ENTITY SHALL:

31 (I) 1. APPLY TO THE DEPARTMENT ON OR BEFORE  
32 DECEMBER 1 OF EACH YEAR; OR

1                   **2. QUALIFY AS A STATE-AIDED EDUCATIONAL**  
2 **INSTITUTION UNDER § 5-501 OF THE EDUCATION ARTICLE;**

3                   **(II) PROVIDE GRANTS, SERVICES, OR PROGRAMS FOR:**

4                   **1. PUBLIC SCHOOLS TO SUPPORT INNOVATIVE**  
5 **EDUCATIONAL PROGRAMS THAT ARE NOT PART OF THE REGULAR ACADEMIC**  
6 **PROGRAM OF A PUBLIC SCHOOL BUT THAT ENRICH THE CURRICULUM OR**  
7 **ACADEMIC PROGRAM OF A PUBLIC SCHOOL IN ORDER TO ACHIEVE THE GOALS**  
8 **OF THE BRIDGE TO EXCELLENCE IN PUBLIC SCHOOLS ACT OF 2002; OR**

9                   **2. TEACHERS EMPLOYED BY PUBLIC SCHOOLS IN**  
10 **THE STATE FOR THE PURPOSE OF MEETING OR RETAINING STATE**  
11 **CERTIFICATION OR CERTIFICATION BY THE NATIONAL BOARD FOR**  
12 **PROFESSIONAL TEACHING STANDARDS;**

13                   **(III) CONTRIBUTE OR IRREVOCABLY ENCUMBER:**

14                   **1. AT LEAST 85% OF ANNUAL CASH RECEIPTS**  
15 **RECEIVED AS THE RESULT OF CONTRIBUTIONS APPROVED FOR TAX CREDITS**  
16 **UNDER THIS SECTION FOR GRANTS, SERVICES, OR PROGRAMS FOR PUBLIC**  
17 **SCHOOLS AND TEACHERS EMPLOYED AT PUBLIC SCHOOLS UNDER THIS**  
18 **SECTION; AND**

19                   **2. NO MORE THAN 25% OF ANNUAL CASH RECEIPTS**  
20 **RECEIVED AS THE RESULT OF CONTRIBUTIONS APPROVED FOR TAX CREDITS**  
21 **UNDER THIS SECTION FOR GRANTS, SERVICES, OR PROGRAMS FOR TEACHERS**  
22 **EMPLOYED AT PUBLIC SCHOOLS UNDER THIS SECTION;**

23                   **(IV) SUBMIT TO THE DEPARTMENT THE APPLICATION AND**  
24 **REVIEW PROCESS FOR APPROVAL OF GRANTS, SERVICES, OR PROGRAMS; AND**

25                   **(V) ON OR BEFORE JANUARY 1 OF EACH YEAR, SUBMIT**  
26 **VERIFICATION TO THE DEPARTMENT THAT ALL REQUIREMENTS FOR**  
27 **ELIGIBILITY UNDER THIS PARAGRAPH HAVE BEEN MET FOR THE PRIOR**  
28 **CALENDAR YEAR.**

29                   **(D) AT LEAST 45 DAYS PRIOR TO MAKING A CONTRIBUTION TO AN**  
30 **ELIGIBLE EDUCATIONAL SCHOLARSHIP ORGANIZATION OR AN ELIGIBLE**  
31 **INNOVATIVE EDUCATIONAL ORGANIZATION, A BUSINESS ENTITY SHALL APPLY**  
32 **TO THE DEPARTMENT FOR AN INITIAL CREDIT CERTIFICATE.**

33                   **(E) THE DEPARTMENT SHALL:**

34                   **(1) ADOPT REGULATIONS TO IMPLEMENT THIS SECTION;**

1           (2)    APPROVE ALL APPLICATIONS FOR TAX CREDITS UNDER THIS  
2   SECTION ON A FIRST-COME, FIRST-SERVED BASIS;

3           (3)    WITHIN 60 DAYS AFTER RECEIPT, APPROVE OR REJECT AN  
4   ENTITY'S APPLICATION TO BECOME AN ELIGIBLE EDUCATIONAL SCHOLARSHIP  
5   ORGANIZATION OR AN ELIGIBLE INNOVATIVE EDUCATIONAL ORGANIZATION;

6           (4)    WITHIN 45 DAYS AFTER RECEIVING AN APPLICATION, ISSUE  
7   AN INITIAL TAX CREDIT CERTIFICATE AS PROVIDED UNDER THIS SECTION  
8   STATING THE MAXIMUM AMOUNT OF THE TAX CREDIT FOR WHICH A BUSINESS  
9   ENTITY IS ELIGIBLE OR PROVIDE NOTICE OF REJECTION OF THE APPLICATION  
10  THAT CONTAINS AN EXPLANATION OF THE REASON FOR REJECTION;

11          (5)    WITHIN 45 DAYS AFTER RECEIVING NOTICE OF A  
12  CONTRIBUTION MADE TO AN ELIGIBLE EDUCATIONAL SCHOLARSHIP  
13  ORGANIZATION OR AN ELIGIBLE INNOVATIVE EDUCATIONAL ORGANIZATION,  
14  ISSUE A FINAL CREDIT CERTIFICATE AS PROVIDED UNDER THIS SECTION; AND

15          (6)    PUBLISH AN ANNUAL LIST OF ALL ELIGIBLE EDUCATIONAL  
16  SCHOLARSHIP ORGANIZATIONS OR ELIGIBLE INNOVATIVE EDUCATIONAL  
17  ORGANIZATIONS APPROVED BY THE DEPARTMENT.

18          (F)    (1)   AFTER THE DEPARTMENT HAS ISSUED AN INITIAL CREDIT  
19  CERTIFICATE UNDER THIS SECTION, THE BUSINESS ENTITY SHALL HAVE 90  
20  DAYS TO MAKE A CONTRIBUTION TO AN ELIGIBLE EDUCATIONAL SCHOLARSHIP  
21  ORGANIZATION OR AN ELIGIBLE INNOVATIVE EDUCATIONAL ORGANIZATION  
22  UNDER THIS SECTION.

23          (2)    WITHIN 60 DAYS AFTER MAKING A CONTRIBUTION TO AN  
24  ELIGIBLE EDUCATIONAL SCHOLARSHIP ORGANIZATION OR AN ELIGIBLE  
25  INNOVATIVE EDUCATIONAL ORGANIZATION, A BUSINESS ENTITY SHALL  
26  PROVIDE NOTICE TO THE DEPARTMENT OF THE CONTRIBUTION AND THE  
27  AMOUNT OF THE CONTRIBUTION.

28          (3)    IF A BUSINESS ENTITY FAILS TO MAKE A CONTRIBUTION TO  
29  AN ELIGIBLE EDUCATIONAL SCHOLARSHIP ORGANIZATION OR AN ELIGIBLE  
30  INNOVATIVE EDUCATIONAL ORGANIZATION WITHIN 90 DAYS AFTER RECEIVING  
31  AN INITIAL CREDIT CERTIFICATE, THE DEPARTMENT SHALL RESCIND THE  
32  INITIAL CREDIT CERTIFICATE.

33          (G)    (1)   IN THIS SUBSECTION, "RESERVE FUND" MEANS THE  
34  BUILDING OPPORTUNITIES FOR ALL STUDENTS AND TEACHERS RESERVE  
35  FUND ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

1           (2) (I) THERE IS A BUILDING OPPORTUNITIES FOR ALL  
2 STUDENTS AND TEACHERS RESERVE FUND WHICH IS A SPECIAL CONTINUING,  
3 NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE  
4 AND PROCUREMENT ARTICLE.

5           (II) THE MONEY IN THE RESERVE FUND SHALL BE  
6 INVESTED AND REINVESTED BY THE STATE TREASURER, AND INTEREST AND  
7 EARNINGS SHALL BE CREDITED TO THE GENERAL FUND.

8           (3) (I) EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS  
9 SUBSECTION, THE DEPARTMENT MAY NOT ISSUE INITIAL TAX CREDIT  
10 CERTIFICATES FOR CREDIT AMOUNTS IN THE AGGREGATE TOTALING MORE  
11 THAN THE AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL  
12 YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.

13           (II) IF THE AGGREGATE CREDIT AMOUNTS UNDER INITIAL  
14 TAX CREDIT CERTIFICATES ISSUED IN A FISCAL YEAR TOTAL LESS THAN THE  
15 AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR, ANY  
16 EXCESS AMOUNT SHALL REMAIN IN THE RESERVE FUND AND MAY BE ISSUED  
17 UNDER INITIAL TAX CREDIT CERTIFICATES FOR THE NEXT YEAR.

18           (III) FOR ANY FISCAL YEAR, IF FUNDS ARE TRANSFERRED  
19 FROM THE RESERVE FUND UNDER THE AUTHORITY OF ANY PROVISION OF LAW  
20 OTHER THAN UNDER PARAGRAPH (6) OF THIS SUBSECTION, THE MAXIMUM  
21 CREDIT AMOUNTS IN THE AGGREGATE FOR WHICH THE DEPARTMENT MAY  
22 ISSUE INITIAL TAX CREDIT CERTIFICATES SHALL BE REDUCED BY THE AMOUNT  
23 TRANSFERRED.

24           (4) FOR EACH FISCAL YEAR, THE GOVERNOR MAY INCLUDE IN  
25 THE BUDGET BILL AN APPROPRIATION TO THE RESERVE FUND.

26           (5) NOTWITHSTANDING THE PROVISIONS OF § 7-213 OF THE  
27 STATE FINANCE AND PROCUREMENT ARTICLE, THE GOVERNOR MAY NOT  
28 REDUCE AN APPROPRIATION TO THE RESERVE FUND IN THE STATE BUDGET AS  
29 APPROVED BY THE GENERAL ASSEMBLY.

30           (6) (I) EXCEPT AS PROVIDED IN THIS PARAGRAPH, MONEY  
31 APPROPRIATED IN THE RESERVE FUND SHALL REMAIN IN THE RESERVE FUND.

32           (II) 1. WITHIN 15 DAYS AFTER THE END OF EACH  
33 CALENDAR QUARTER, THE DEPARTMENT SHALL NOTIFY THE COMPTROLLER AS  
34 TO EACH FINAL CREDIT CERTIFICATE ISSUED DURING THE QUARTER OF:

35           A. THE MAXIMUM CREDIT AMOUNT STATED IN THE  
36 INITIAL CREDIT CERTIFICATE; AND



**B. THE FINAL CERTIFIED CREDIT AMOUNT.**

**2. ON NOTIFICATION THAT A FINAL CREDIT HAS BEEN ISSUED, THE COMPTROLLER SHALL TRANSFER AN AMOUNT EQUAL TO THE CREDIT AMOUNT STATED IN THE INITIAL CREDIT CERTIFICATE FROM THE RESERVE FUND TO THE GENERAL FUND.**

**(7) EXCEPT AS PROVIDED IN PARAGRAPH (8) OF THIS SUBSECTION, THE MAXIMUM TOTAL AMOUNT OF TAX CREDITS THAT THE DEPARTMENT MAY ISSUE IN INITIAL CREDIT CERTIFICATES MAY NOT EXCEED THE TOTAL AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY.**

**(8) IF AN INITIAL CREDIT CERTIFICATE HAS BEEN RESCINDED BY THE DEPARTMENT, THE DEPARTMENT MAY APPROVE ADDITIONAL INITIAL CREDIT CERTIFICATES FOR OTHER BUSINESS ENTITIES THAT MAY NOT EXCEED THE AMOUNT OF TAX CREDITS APPROVED IN THE INITIAL CREDIT CERTIFICATES THAT WERE RESCINDED.**

**(9) IN EACH CALENDAR YEAR, THE DEPARTMENT MAY NOT APPROVE INITIAL CREDIT CERTIFICATES THAT:**

**(I) EXCEED 60% OF THE TOTAL AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY FOR CONTRIBUTIONS TO ELIGIBLE EDUCATIONAL SCHOLARSHIP ORGANIZATIONS; OR**

**(II) EXCEED 40% OF THE TOTAL AMOUNT APPROPRIATED TO THE RESERVE FUND FOR THAT FISCAL YEAR IN THE STATE BUDGET AS APPROVED BY THE GENERAL ASSEMBLY FOR CONTRIBUTIONS TO ELIGIBLE INNOVATIVE EDUCATIONAL ORGANIZATIONS.**

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

**(I) (1) ON OR BEFORE JANUARY 10 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE CREDITS APPROVED UNDER THIS SECTION.**

**(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE FOR EACH BUSINESS ENTITY APPROVED TO RECEIVE A FINAL CREDIT CERTIFICATE IN THE PRIOR CALENDAR YEAR:**

- 1                   **(I)     THE NAME AND ADDRESS OF THE BUSINESS ENTITY;**
- 2                   **(II)    THE NAME AND ADDRESS OF THE ELIGIBLE**  
3 **EDUCATIONAL SCHOLARSHIP ORGANIZATION OR THE ELIGIBLE INNOVATIVE**  
4 **EDUCATIONAL ORGANIZATION RECEIVING THE CONTRIBUTION; AND**
- 5                   **(III) THE AMOUNT OF THE APPROVED FINAL CREDIT**  
6 **CERTIFICATE.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 July 1, 2009, and shall be applicable to all taxable years beginning after December 31,  
9 2009.