

SB0709/479930/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 709

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Dyson” and substitute “Senators Dyson, Colburn, and Getty”; in line 5, strike “corporation that receives a certain tax credit certificate” and substitute “pass-through entity”; in line 7, after the second comma insert “or”; in line 8, strike “, or a certain land trust”; in line 9, after “circumstances;” insert “providing that a grantor of an easement may transfer a certain tax credit by obtaining a certain certificate;”; in lines 9 and 11, in each instance, strike “Department” and substitute “Maryland Environmental Trust”; in line 11, strike “credits” and substitute “credit certificates”; in lines 17 and 18, strike “and the Department jointly” and substitute “, in consultation with the Maryland Environmental Trust,”; and in line 21, after “programs;” insert “requiring the Maryland Environmental Trust to direct outreach to obtain donated easements in a certain manner; requiring the Maryland Environmental Trust to report to the General Assembly on or before a certain date;”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 9 through 15, inclusive; after line 15, insert:

“(3) “MEMBER” MEANS:

(I) A SHAREHOLDER OF AN S CORPORATION;

(II) A GENERAL OR LIMITED PARTNER OF A PARTNERSHIP, LIMITED PARTNERSHIP, OR LIMITED LIABILITY PARTNERSHIP;

(III) A MEMBER OF A LIMITED LIABILITY COMPANY; OR

(Over)

(IV) A BENEFICIARY OF A BUSINESS TRUST OR STATUTORY TRUST.

(4) "PASS-THROUGH ENTITY" MEANS:

(I) AN S CORPORATION;

(II) A PARTNERSHIP;

(III) A LIMITED LIABILITY COMPANY THAT IS NOT TAXED AS A CORPORATION UNDER THIS TITLE; OR

(IV) A BUSINESS TRUST OR STATUTORY TRUST THAT IS NOT TAXED AS A CORPORATION UNDER THIS TITLE.;

in line 19, after the second comma insert "OR"; in line 20, strike ", OR A LAND TRUST"; in line 24, strike the colon; in line 25, strike "1."; and strike beginning with the semicolon in line 25 down through "DONATIONS" in line 27.

On page 2 in line 30, and on page 3 in line 5, in each instance, strike "OR A COUNTY AGENCY".

AMENDMENT NO. 3

On page 2, strike beginning with "CORPORATION" in line 16 down through "DEPARTMENT" in line 17 and substitute "MEMBER OF A PASS-THROUGH ENTITY".

On page 3, in line 1, after "(1)" insert "THE GRANTOR OF AN EASEMENT MAY TRANSFER THE CREDIT UNDER THIS SECTION TO A TAXPAYER BY TRANSFERRING A TAX CREDIT CERTIFICATE ISSUED UNDER THIS SUBSECTION.

(2)”;

in lines 3, 13, and 15, in each instance, strike “DEPARTMENT” and substitute “MARYLAND ENVIRONMENTAL TRUST”; in lines 6, 12, 13, and 15, strike “(2)”, “(3)”, “(1)”, and “(4)”, respectively, and substitute “(3)”, “(4)”, “(2)”, and “(5)”, respectively; in line 6, strike “THE” and substitute “IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, THE”; in line 9, strike “TAXPAYER OR GRANTOR FOR THE CONVEYANCE” and substitute “HOLDER OF THE CERTIFICATE”; in the same line, strike “AND”; in line 10, after “(II)” insert “STATE THE MAXIMUM AMOUNT OF TAX CREDIT THAT MAY BE CLAIMED BY THE HOLDER OF THE CERTIFICATE IN A SINGLE TAXABLE YEAR;”

(III)”;

in line 11, after “CLAIMED” insert “; AND”

(IV) STATE THE LAST TAXABLE YEAR FOR WHICH THE CREDIT MAY BE CLAIMED”;

in line 14, strike “\$2,000,000 FOR ANY CALENDAR YEAR” and substitute “AN AMOUNT THAT WOULD ALLOW MORE THAN \$250,000 IN CREDITS TO BE CLAIMED IN A SINGLE TAXABLE YEAR”; in line 19, strike “IN A TAX CREDIT CERTIFICATE ISSUED”; and strike beginning with “OR” in line 32 down through “ENTITY” in line 33.

AMENDMENT NO. 4

On page 4, in line 1, strike “IF THE” and substitute “FOR SPOUSES FILING A JOINT RETURN, A SURVIVING SPOUSE OR HEAD OF HOUSEHOLD AS DEFINED IN § 2 OF THE INTERNAL REVENUE CODE, OR A PASS-THROUGH ENTITY WITH MORE”

(Over)

THAN ONE MEMBER"; and strike beginning with "CORPORATION" in line 1 down through "ENTITIES" in line 2.

AMENDMENT NO. 5

On page 4, in line 9, strike "donation" and substitute "CONVEYANCE"; in line 18, after "UNDER" insert "SUBSECTION (C) OF"; in line 19, after "TO" insert ":

(I);

in the same line, strike "OR A CORPORATION THAT"; in the same line, after "TAXPAYER" insert "; OR

(II) A PASS-THROUGH ENTITY THAT HAS AT LEAST ONE MEMBER WHO IS A TAXPAYER";

in lines 24 and 25, strike ", THE DEPARTMENT,"; and in line 29, strike "AND THE DEPARTMENT JOINTLY" and substitute ", IN CONSULTATION WITH THE MARYLAND ENVIRONMENTAL TRUST,".

AMENDMENT NO. 6

On page 5, in line 6, after the comma insert "That, for purposes of the tax credits transferred under this Act, the Maryland Environmental Trust shall:

(1) use best efforts to direct its outreach to obtain donated easements in those areas targeted for preservation by the State, including targeted ecological areas in GreenPrint and AgPrint and properties of historic significance; and

(2) on or before December 1, 2016, in consultation with the Department of Natural Resources, report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on the effectiveness of transferred tax credits in encouraging the conveyance of easements.

SECTION 4. AND BE IT FURTHER ENACTED.”.