

SENATE BILL 305

C8, Q3, Q1

8lr0135
CF 8lr0136

By: **The President (By Request – Administration) and Senators Bates, Cassilly, Eckardt, Edwards, Hershey, Jennings, Klausmeier, Mathias, Middleton, Ready, Reilly, Salling, Serafini, and Simonaire**

Introduced and read first time: January 22, 2018

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **More Jobs for Marylanders Act 2.0**

3 FOR the purpose of altering the definition of “qualified distressed county” by altering
4 certain income levels in the definition and renaming it to be “Tier I county”; altering
5 the scope of eligible projects for which a business entity may apply to enroll in the
6 More Jobs for Marylanders Program; altering the types of businesses authorized to
7 receive certain credits and benefits under the Program; authorizing a certain county
8 to select certain activities for eligibility for the Program; authorizing the Department
9 of Commerce to require certain verification of certain information; altering the
10 circumstances under which a business entity may receive certain benefits under the
11 Program; requiring the Department to consider certain definitions in certain
12 determinations; imposing a maximum amount that a certain business may receive
13 as a credit against the State income tax under the Program; altering the date after
14 which the Program may not provide a certain certificate of eligibility for Program
15 benefits; altering the total credit amounts for which the Department may issue
16 certain initial credit certificates for each fiscal year; requiring the Department to
17 reserve a certain percentage of the More Jobs for Marylanders Tax Credit Reserve
18 Fund for certain income tax credits; requiring the Department to reserve a certain
19 percentage of the More Jobs for Marylanders Sales and Use Tax Refund Reserve
20 Fund for refunds for certain business entities; altering the total refund amounts for
21 which the Department may issue certain sales and use tax refunds for each fiscal
22 year; requiring the publisher of the Annotated Code of Maryland, in consultation
23 with and subject to the approval of the Department of Legislative Services, to correct
24 any cross–references or terminology rendered incorrect by this Act and to describe
25 any corrections made in an editor’s note following the section affected; altering
26 certain definitions; defining certain terms; making conforming changes; and
27 generally relating to the More Jobs for Marylanders Program.

28 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Economic Development
 2 Section 1–101(a) and (b) and 6–802
 3 Annotated Code of Maryland
 4 (2008 Replacement Volume and 2017 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Economic Development
 7 Section 1–101(e), 6–801, 6–803(a), 6–804, and 6–805(b)
 8 Annotated Code of Maryland
 9 (2008 Replacement Volume and 2017 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – Tax – General
 12 Section 10–741(b) and (d) and 11–411(d)
 13 Annotated Code of Maryland
 14 (2016 Replacement Volume and 2017 Supplement)

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

17 **Article – Economic Development**

18 1–101.

19 (a) In this division the following words have the meanings indicated.

20 (b) “County” means a county of the State or Baltimore City.

21 (e) (1) **“Qualified distressed” “TIER I county”** means a county with:

22 (i) an average rate of unemployment for the most recent 24–month
 23 period for which data are available that exceeds 150% of the average rate of unemployment
 24 for the State during that period;

25 (ii) an average rate of unemployment for the most recent 24–month
 26 period for which data are available that exceeds the average rate of unemployment in the
 27 State by at least 2 percentage points; or

28 (iii) **[an average per capita personal] A MEDIAN HOUSEHOLD**
 29 **income for the most recent 24–month period for which data are available that is equal to or**
 30 **less than [67%] 75% of the [average per capita personal] MEDIAN HOUSEHOLD** income
 31 **for the State during that period.**

32 (2) **“Qualified distressed” “TIER I county”** includes a county that:

33 (i) no longer meets either criterion stated in paragraph (1) of this
 34 subsection; but

1 (ii) has met at least one of the criteria at some time during the
2 preceding 24-month period.

3 6–801.

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

5 (b) “Benefit year” means a taxable year in which a qualified business entity
6 claims a program benefit established under § 6–805 of this subtitle.

7 (c) [(1)] “Business entity” means a person conducting or operating a trade or
8 business [that is primarily engaged in activities that, in accordance with the North
9 American Industrial Classification System (NAICS), United States Manual, United States
10 Office of Management and Budget, 2012 Edition, would be included in Sector 31, 32, or 33.

11 (2) “Business entity” does not include a refiner, as defined in § 10–101 of
12 the Business Regulation Article].

13 **(D) “DESIGNATED BUSINESS ENTITY” MEANS A BUSINESS ENTITY**
14 **PRIMARYLY ENGAGED IN AT LEAST ONE QUALIFYING ACTIVITY THAT HAS BEEN**
15 **SELECTED BY A TIER I COUNTY FOR ELIGIBILITY FOR THE PROGRAM.**

16 [(d)] **(E) “Eligible project” means a [facility operated by a business entity in a**
17 **Tier I county or Tier II county] PROJECT CERTIFIED AS ELIGIBLE FOR THE BENEFITS**
18 **UNDER THIS SUBTITLE IN ACCORDANCE WITH § 6–804 OF THIS SUBTITLE.**

19 [(e)] **(F) “Existing business entity” means a business entity that is located in the**
20 **State at the time it notifies the Department under § 6–803(c) of this subtitle.**

21 **(G) (1) “MANUFACTURING BUSINESS ENTITY” MEANS A BUSINESS ENTITY**
22 **PRIMARYLY ENGAGED IN ACTIVITIES IN THE STATE OR OUT OF THE STATE THAT, IN**
23 **ACCORDANCE WITH THE NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM**
24 **(NAICS), UNITED STATES MANUAL, UNITED STATES OFFICE OF MANAGEMENT**
25 **AND BUDGET, 2012 EDITION, WOULD BE INCLUDED IN SECTOR 31, 32, OR 33.**

26 **(2) “MANUFACTURING BUSINESS ENTITY” DOES NOT INCLUDE A**
27 **REFINER AS DEFINED IN § 10–101 OF THE BUSINESS REGULATION ARTICLE.**

28 [(f)] **(H) “New business entity” means a business entity that is not located in the**
29 **State at the time it notifies the Department under § 6–803(b) of this subtitle.**

30 [(g)] **(I) “Program” means the More Jobs for Marylanders Program established**
31 **under this subtitle.**

1 **(J) “QUALIFIED ACTIVITY” MEANS:**

2 **(1) MINING;**

3 **(2) TRANSPORTATION SERVICES;**

4 **(3) COMMUNICATIONS SERVICES;**

5 **(4) AGRICULTURE, FORESTRY, OR FISHING;**

6 **(5) RESEARCH, DEVELOPMENT, OR TESTING;**

7 **(6) BIOTECHNOLOGY-RELATED ACTIVITIES;**

8 **(7) COMPUTER PROGRAMMING, INFORMATION TECHNOLOGY, OR**
9 **OTHER COMPUTER-RELATED SERVICES;**

10 **(8) CENTRAL SERVICES FOR A BUSINESS ENTITY ENGAGED IN**
11 **FINANCIAL SERVICES, REAL ESTATE SERVICES, OR INSURANCE SERVICES;**

12 **(9) THE OPERATION OF CENTRAL ADMINISTRATIVE OFFICES;**

13 **(10) THE OPERATION OF A COMPANY HEADQUARTERS OTHER THAN**
14 **THE HEADQUARTERS OF A PROFESSIONAL SPORTS ORGANIZATION;**

15 **(11) WAREHOUSING; OR**

16 **(12) BUSINESS SERVICES.**

17 **[(h)] (K) “Qualified business entity” means a new business entity or an existing**
18 **business entity operating an eligible project under this subtitle.**

19 **[(i)] (L) (1) “Qualified position” means a position that:**

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

21 (ii) pays at least 120% of the State minimum wage;

22 (iii) is located in a facility;

23 (iv) is newly created at a single facility in the State; and

24 (v) is filled.

1 (2) “Qualified position” does not include a position that is:

2 (i) created when an employment function is shifted from an existing
3 facility of a business entity in the State to another facility of the same business entity if the
4 position is not a net new job in the State;

5 (ii) created through a change in ownership of a trade or business;

6 (iii) created through a consolidation, merger, or restructuring of a
7 business entity if the position is not a net new job in the State;

8 (iv) created when an employment function is contractually shifted
9 from an existing business entity to another business entity in the State if the position is
10 not a net new job in the State; or

11 (v) filled for a period of less than 12 months.

12 [(j) “Tier I county” means:

13 (1) a qualified distressed county, as defined in § 1–101 of this article; or

14 (2) a county designated by the Department that is not a county described
15 in paragraph (1) of this subsection, not to exceed 3 counties.

16 [(k)] (M) “Tier II county” means a county that is not a **TIER I** county [described
17 in subsection (j) of this section].

18 6–802.

19 There is a More Jobs for Marylanders Program in the Department.

20 6–803.

21 (a) A business entity may apply to the Department to enroll an eligible project in
22 the Program if [the eligible project]:

23 (1) (I) **THE ELIGIBLE PROJECT** is in a Tier I county;

24 (II) **THE ELIGIBLE PROJECT IS A PROJECT OPERATED BY A**
25 **MANUFACTURING BUSINESS ENTITY OR A DESIGNATED BUSINESS ENTITY;** and

26 (III) the business entity intends to create at least five qualified
27 positions at the project location; or

28 (2) (I) **THE ELIGIBLE PROJECT** is in a Tier II county;

1 **(II) THE ELIGIBLE PROJECT IS A PROJECT OPERATED BY A**
2 **MANUFACTURING BUSINESS ENTITY; and**

3 **(III) the business entity intends to create at least 10 qualified**
4 **positions at the project location.**

5 6–804.

6 **(A) (1) (I) THIS PARAGRAPH APPLIES TO A BUSINESS ENTITY THAT IS**
7 **RECEIVING AN ENTERPRISE ZONE INCOME TAX CREDIT UNDER § 10–702 OF THE**
8 **TAX – GENERAL ARTICLE.**

9 **(II) A BUSINESS ENTITY MAY NOT SIMULTANEOUSLY RECEIVE**
10 **BENEFITS UNDER THE PROGRAM.**

11 **(2) (I) THIS PARAGRAPH APPLIES TO A BUSINESS ENTITY OTHER**
12 **THAN A MANUFACTURING BUSINESS ENTITY.**

13 **(II) TO BE ELIGIBLE FOR THE TAX BENEFITS UNDER THIS**
14 **SUBTITLE, A BUSINESS ENTITY OTHER THAN A MANUFACTURING BUSINESS ENTITY**
15 **SHALL ESTABLISH OR EXPAND IN A TIER I COUNTY A BUSINESS FACILITY THAT IS**
16 **PRIMARILY ENGAGED IN A QUALIFIED ACTIVITY THAT HAS BEEN SELECTED BY THE**
17 **TIER I COUNTY FOR ELIGIBILITY FOR THE PROGRAM.**

18 **(III) A TIER I COUNTY MAY SELECT UP TO THREE QUALIFIED**
19 **ACTIVITIES FOR ELIGIBILITY FOR THE PROGRAM.**

20 **(IV) THE DEPARTMENT MAY REQUIRE VERIFICATION OF ANY**
21 **INFORMATION REGARDING WHETHER A BUSINESS ENTITY IS ENGAGED IN A**
22 **QUALIFIED ACTIVITY BY THE DEPARTMENT OF LABOR, LICENSING, AND**
23 **REGULATION.**

24 **(3) (I) THIS PARAGRAPH APPLIES TO A BUSINESS ENTITY**
25 **ESTABLISHING OR EXPANDING A BUSINESS FACILITY IN A TIER I COUNTY.**

26 **(II) A BUSINESS ENTITY IS NOT ELIGIBLE FOR THE TAX**
27 **BENEFITS UNDER THIS SUBTITLE IF THE BUSINESS IS PRIMARILY ENGAGED IN:**

- 28 1. **A RETAIL OPERATION;**
- 29 2. **THE PERFORMANCE OF PERSONAL SERVICES; OR**
- 30 3. **HEALTH CARE SERVICES.**

1 **(4) IN DETERMINING THE TYPE OF ACTIVITY A BUSINESS FACILITY IS**
2 **ENGAGED IN UNDER PARAGRAPHS (2) OR (3) OF THIS SUBSECTION, THE**
3 **DEPARTMENT SHALL CONSIDER THE DEFINITIONS SET FORTH IN THE NORTH**
4 **AMERICAN INDUSTRY CLASSIFICATION SYSTEM.**

5 **[(a)] (B)** The Program benefits authorized under this section may be claimed by
6 a qualified business entity **THAT IS A MANUFACTURING BUSINESS ENTITY OR A**
7 **DESIGNATED BUSINESS ENTITY** for up to 10 consecutive benefit years.

8 **[(b)] (C) (1)** On enrollment in the Program[:

9 **(1)],** a new business entity [in a Tier I county] is eligible for[:] **THE**
10 **BENEFITS DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION IF IT:**

11 **(I) LOCATES IN A TIER I COUNTY;**

12 **(II) IS A MANUFACTURING BUSINESS ENTITY OR A DESIGNATED**
13 **BUSINESS ENTITY; AND**

14 **(III) CREATES AT LEAST FIVE QUALIFIED POSITIONS.**

15 **(2) A NEW BUSINESS ENTITY THAT SATISFIES THE CONDITIONS**
16 **UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ELIGIBLE FOR:**

17 (i) a credit against the State income tax, established under §
18 10–741(b) of the Tax – General Article;

19 (ii) a credit against the State property tax, established under §
20 9–110 of the Tax – Property Article;

21 (iii) a refund of sales and use tax paid during the immediately
22 preceding taxable year, as provided under § 11–411 of the Tax – General Article; and

23 (iv) a waiver of fees charged by the State Department of Assessments
24 and Taxation, established under § 1–203.1 of the Corporations and Associations Article[;
25 and

26 (2) except as provided in subsection (c) of this section, an existing business
27 entity that operates an eligible project is eligible for a credit against the State income tax,
28 established under § 10–741(b) of the Tax – General Article.

29 (c) The income tax credit established under § 10–741(b) of the Tax – General
30 Article is not available to an existing business entity if the entity moves its facility to
31 another county in the State on or after June 1, 2017].

1 **(D) (1) ON ENROLLMENT IN THE PROGRAM, A BUSINESS ENTITY IS**
2 **ELIGIBLE FOR THE BENEFITS DESCRIBED UNDER PARAGRAPH (2) OF THIS**
3 **SUBSECTION IF IT IS:**

4 **(I) A NEW BUSINESS ENTITY OR AN EXISTING BUSINESS ENTITY**
5 **THAT:**

- 6 1. **LOCATES IN A TIER II COUNTY;**
- 7 2. **IS A MANUFACTURING BUSINESS ENTITY; AND**
- 8 3. **CREATES AT LEAST 10 QUALIFIED POSITIONS; OR**

9 **(II) AN EXISTING BUSINESS ENTITY THAT:**

- 10 1. **LOCATES OR EXPANDS IN A TIER I COUNTY;**
- 11 2. **IS A MANUFACTURING BUSINESS ENTITY OR A**
12 **DESIGNATED BUSINESS ENTITY; AND**
- 13 3. **CREATES AT LEAST FIVE QUALIFIED POSITIONS.**

14 **(2) A BUSINESS ENTITY THAT SATISFIES THE CONDITIONS UNDER**
15 **PARAGRAPH (1) OF THIS SUBSECTION IS ELIGIBLE FOR A CREDIT AGAINST THE**
16 **STATE INCOME TAX, ESTABLISHED UNDER § 10-741(B) OF THE TAX - GENERAL**
17 **ARTICLE.**

18 **(E) THE INCOME TAX CREDIT ESTABLISHED UNDER § 10-741(B) OF THE**
19 **TAX - GENERAL ARTICLE IS AVAILABLE TO AN EXISTING BUSINESS ENTITY THAT**
20 **MOVES ITS FACILITY TO ANOTHER COUNTY IN THE STATE IF:**

21 **(1) THE FACILITY IS OPERATED BY A MANUFACTURING BUSINESS**
22 **ENTITY; AND**

23 **(2) THE EXISTING BUSINESS ENTITY CREATES AT LEAST 10**
24 **ADDITIONAL QUALIFIED POSITIONS AT THE NEW LOCATION.**

25 **(F) A QUALIFIED BUSINESS ENTITY IS ELIGIBLE TO RECEIVE A MAXIMUM OF**
26 **\$11,250 PER BENEFIT YEAR AS A CREDIT AGAINST THE STATE INCOME TAX FOR**
27 **EACH QUALIFIED POSITION.**

28 **[(d)] (G) If the number of qualified positions at the eligible project decreases to**
29 **a number less than the number established in the first benefit year, the project shall be**
30 **removed from the Program and all program benefits terminate.**

1 6–805.

2 (b) The Department may not provide a qualified business entity a certificate on
3 or after June 1, [2020] **2023**.

4 **Article – Tax – General**

5 10–741.

6 (b) (1) Subject to the limitations of this section, an individual or corporation
7 that is a [new] business entity that operates an eligible project [in a Tier I county or an
8 existing business entity that operates an eligible project] may claim a credit against the
9 State income tax equal to the amount stated in the final tax credit certificate approved by
10 the Department for an eligible project.

11 (2) **(I) [The] SUBJECT TO THE LIMITATION IN SUBPARAGRAPH (II)**
12 **OF THIS PARAGRAPH, THE** amount of the credit authorized under paragraph (1) of this
13 subsection is equal to the product of:

14 [(i)] **1.** the State employer withholding amount, which is equal to
15 the highest tax rate listed in § 10–105(a) of this title; and

16 [(ii)] **2.** the total amount of wages paid for each qualified position
17 at an eligible project.

18 **(II) FOR ANY TAXABLE YEAR, THE TOTAL AMOUNT OF CREDIT A**
19 **QUALIFIED BUSINESS ENTITY MAY CLAIM UNDER THIS SECTION MAY NOT EXCEED**
20 **\$11,250 FOR EACH QUALIFIED POSITION.**

21 (3) If the tax credit allowed under this section in any taxable year exceeds
22 the total tax otherwise payable by the qualified business entity for that taxable year, the
23 qualified business entity may claim a refund in the amount of the excess.

24 (d) (1) In this subsection, “Reserve Fund” means the More Jobs for
25 Marylanders Tax Credit Reserve Fund established under paragraph (2) of this subsection.

26 (2) (i) There is a More Jobs for Marylanders Tax Credit Reserve Fund
27 that is a special continuing, nonlapsing fund that is not subject to § 7–302 of the State
28 Finance and Procurement Article.

29 (ii) The money in the Reserve Fund shall be invested and reinvested
30 by the Treasurer, and interest and earnings shall be credited to the General Fund.

31 (3) (i) Subject to the limitations of this subsection, the Department
32 shall issue an initial tax credit certificate in an amount equal to a percentage of total wages

1 paid for each qualified position at an eligible project as calculated under subsection (b)(2)
2 of this section.

3 (ii) An initial tax credit certificate issued under this subsection shall
4 state the maximum amount of tax credit for which the qualified business entity is eligible.

5 (iii) 1. Except as otherwise provided in this subparagraph, for
6 any fiscal year, the Department may not issue initial tax credit certificates for credit
7 amounts in the aggregate totaling more than ~~[\$9,000,000]~~ **\$13,000,000** in a fiscal year.

8 2. If the aggregate credit amounts under initial tax credit
9 certificates issued in a fiscal year total less than the maximum provided under
10 subparagraph 1 of this subparagraph, any excess amount shall remain in the Reserve
11 Fund and may be issued under initial tax credit certificates for the next fiscal year.

12 3. For any fiscal year, if funds are transferred from the
13 Reserve Fund under the authority of any provision of law other than under paragraph (4)
14 of this subsection, the maximum credit amounts in the aggregate for which the Department
15 may issue initial tax credit certificates shall be reduced by the amount transferred.

16 **(IV) 1. EXCEPT AS OTHERWISE PROVIDED IN THIS**
17 **SUBPARAGRAPH, FOR ANY FISCAL YEAR, THE DEPARTMENT SHALL RESERVE 50%**
18 **OF THE FUNDS IN THE RESERVE FUND FOR INITIAL CREDITS FOR BUSINESS**
19 **ENTITIES THAT ARE MANUFACTURING BUSINESS ENTITIES.**

20 **2. IF THE AGGREGATE CREDIT AMOUNTS UNDER INITIAL**
21 **TAX CREDIT CERTIFICATES ISSUED THROUGH THE LAST QUARTER OF A FISCAL YEAR**
22 **TOTAL LESS THAN THE AMOUNT RESERVED UNDER SUBSUBPARAGRAPH 1 OF THIS**
23 **SUBPARAGRAPH, THE DEPARTMENT MAY USE THE REMAINDER OF THOSE**
24 **RESERVED FUNDS TO ISSUE TAX CREDIT CERTIFICATES TO BUSINESS ENTITIES**
25 **THAT ARE NOT MANUFACTURING BUSINESS ENTITIES.**

26 **[(iv)] (V)** For fiscal year 2019 and each fiscal year thereafter, the
27 Governor shall include in the annual budget bill an appropriation to the Reserve Fund in
28 an amount that is no less than the amount the Department reports is necessary under
29 subsection (e) of this section to:

30 1. maintain the current level of manufacturing activity in the
31 State; and

32 2. attract new manufacturing activity to the State.

33 **[(v)] (VI)** Notwithstanding the provisions of § 7–213 of the State
34 Finance and Procurement Article, the Governor may not reduce an appropriation to the
35 Reserve Fund in the State budget as approved by the General Assembly.

1 [(vi)] (VII) Based on an amount equal to a percentage of the total
2 actual wages paid for each qualified position at an eligible project as calculated under
3 subsection (b)(2) of this section, the Department shall issue a final tax credit certificate to
4 the qualified business entity.

5 (4) (i) Except as provided in this paragraph, money appropriated to the
6 Reserve Fund shall remain in the Fund.

7 (ii) 1. Within 15 days after the end of each calendar quarter, the
8 Department shall notify the Comptroller as to each final credit certificate issued during the
9 quarter:

10 A. the maximum credit amount stated in the initial tax credit
11 certificate for the qualified business entity; and

12 B. the final certified credit amount for the qualified business
13 entity.

14 2. On notification that a final credit amount has been
15 certified, the Comptroller shall transfer an amount equal to the credit amount stated in the
16 initial tax credit certificate for the qualified business entity from the Reserve Fund to the
17 General Fund.

18 11-411.

19 (d) (1) There is a More Jobs for Marylanders Sales and Use Tax Refund
20 Reserve Fund that is a special continuing, nonlapsing fund that is not subject to § 7-302 of
21 the State Finance and Procurement Article.

22 (2) The money in the Reserve Fund shall be invested and reinvested by the
23 State Treasurer, and interest and earnings shall be credited to the General Fund.

24 (3) (I) [The] **SUBJECT TO THE LIMITATIONS IN SUBPARAGRAPH (II)**
25 **OF THIS PARAGRAPH, THE** Department shall issue a refund in an amount equal to the
26 amount claimed by the qualified business entity under subsection (c) of this section.

27 (II) 1. **EXCEPT AS OTHERWISE PROVIDED IN THIS**
28 **SUBPARAGRAPH, FOR ANY FISCAL YEAR, THE DEPARTMENT SHALL RESERVE 50%**
29 **OF THE MONEY IN THE RESERVE FUND FOR REFUNDS FOR BUSINESS ENTITIES THAT**
30 **ARE MANUFACTURING BUSINESS ENTITIES.**

31 2. **IF THE AGGREGATE REFUND AMOUNTS ISSUED**
32 **THROUGH THE LAST QUARTER OF A FISCAL YEAR TOTAL LESS THAN THE AMOUNT**
33 **RESERVED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE**
34 **DEPARTMENT MAY USE THE REMAINDER OF THOSE RESERVED FUNDS TO ISSUE**
35 **REFUNDS TO BUSINESS ENTITIES THAT ARE NOT MANUFACTURING BUSINESS**

1 ENTITIES.

2 (4) (i) Except as otherwise provided in this subparagraph, for any fiscal
3 year, the Department may not issue sales and use tax refunds in amounts in the aggregate
4 totaling more than ~~[\$1,000,000]~~ **\$2,000,000** in a fiscal year.

5 (ii) if the aggregate amount of sales and use tax refunds issued in a
6 fiscal year totals less than the maximum provided under subparagraph (i) of this
7 paragraph, any excess amount shall be transferred to the More Jobs for Marylanders Tax
8 Credit Reserve Fund established under § 10–741 of this article.

9 (iii) For any fiscal year, if funds are transferred from the Reserve
10 Fund under authority of any provision of law, the maximum amounts in the aggregate for
11 which the Department may issue sales and use tax refunds shall be reduced by the amount
12 transferred.

13 (5) For fiscal year 2019 and each fiscal year thereafter, the Governor shall
14 include in the annual budget bill an appropriation to the Reserve Fund.

15 (6) Notwithstanding the provisions of § 7–213 of the State Finance and
16 Procurement Article, the Governor may not reduce an appropriation to the Reserve Fund
17 in the State budget as approved by the General Assembly.

18 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the
19 Annotated Code of Maryland, in consultation with and subject to the approval of the
20 Department of Legislative Services, shall correct, with no further action required by the
21 General Assembly, cross–references and terminology rendered incorrect by this Act or by
22 any other Act of the General Assembly of 2018 that affects provisions enacted by this Act.
23 The publisher shall adequately describe any correction that is made in an editor’s note
24 following the section affected.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
26 1, 2018.