

HOUSE BILL 1026

C8

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By: **Delegates Palakovich Carr and Feldmark**

Introduced and read first time: February 5, 2020

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2020

CHAPTER _____

1 AN ACT concerning

2 **Economic Development Programs – Data Collection, Tracking, and Reporting**
3 **Requirements – Alteration**

4 FOR the purpose of altering the definition of “economic development program” for purposes
5 of certain data collection, tracking, and reporting requirements of the Maryland Jobs
6 Development Act to include certain tax credit programs; requiring the Department
7 of Commerce, on or before a certain date, to make available on the Department’s
8 website in a certain format certain information relating to the recipients of economic
9 development program tax credits or financial assistance and update that information
10 annually; and generally relating to the Maryland Jobs Development Act and
11 economic development programs administered by the Department of Commerce.

12 BY repealing and reenacting, with amendments,
13 Article – Economic Development
14 Section 2.5–109
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2019 Supplement)

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

19 **Article – Economic Development**

20 2.5–109.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) In this section, “economic development program” means:

2 (1) the Economic Development Opportunities Program Account
3 established under § 7–314 of the State Finance and Procurement Article;

4 (2) the Partnership for Workforce Quality Program established under Title
5 3, Subtitle 4 of this article;

6 (3) each of the economic development and financial assistance programs
7 established under Title 5 of this article; and

8 (4) each of the tax credit programs administered by the Department,
9 including:

10 (i) the Film Production Activity Tax Credit;

11 (ii) the Job Creation Tax Credit;

12 (iii) the One Maryland Economic Development Tax Credit;

13 (iv) the Biotechnology Investment Incentive Tax Credit;

14 (v) the Research and Development Tax Credit;

15 (vi) the Security Clearance Administrative Expenses and
16 Construction and Equipment Costs Tax Credit;

17 (vii) the Cybersecurity Investment Incentive Tax Credit; [and]

18 **(VIII) THE MORE JOBS FOR MARYLANDERS TAX CREDIT;**

19 **(IX) THE PURCHASE OF CYBERSECURITY TECHNOLOGY OR**
20 **SERVICE TAX CREDIT;**

21 **(X) THE OPPORTUNITY ZONE ENHANCEMENT TAX CREDIT;**

22 **(XI) THE SMALL BUSINESS RELIEF TAX CREDIT; AND**

23 **[(viii)] (XII) the Aerospace, Electronics, or Defense Contract Tax**
24 **Credit.**

25 (b) The Department shall compile data in accordance with this section on the
26 economic development programs administered by the Department.

27 (c) On or before December 31, 2013, and each year thereafter, the Department
28 shall submit a report on the economic development programs that were administered by

1 the Department during the previous fiscal year to the Governor and, in accordance with §
2 2–1257 of the State Government Article, the General Assembly.

3 (d) (1) The report required under this section shall include the following data,
4 if applicable, on the economic development programs administered by the Department:

5 (i) the number of jobs created;

6 (ii) the number of jobs retained;

7 (iii) the estimated amount of State revenue generated;

8 (iv) the status of any special fund; and

9 (v) any additional information required by the Department through
10 regulations.

11 (2) The report required under this section shall include data in the
12 aggregate and disaggregated by:

13 (i) each economic development program; and

14 (ii) each recipient of assistance from an economic development
15 program.

16 (3) The report required under this section shall include any additional
17 information required under the law authorizing the economic development program.

18 **(E) ON OR BEFORE DECEMBER 31, 2020, IN ADDITION TO THE REPORT**
19 **REQUIRED UNDER SUBSECTION (C) OF THIS SECTION, THE DEPARTMENT SHALL**
20 **ESTABLISH, MAINTAIN, AND UPDATE ANNUALLY A PUBLICLY AVAILABLE DATABASE**
21 **ON THE DEPARTMENT’S WEBSITE THAT:**

22 **(1) PROVIDES INFORMATION THAT IS DOWNLOADABLE BY THE**
23 **PUBLIC IN A COMMON MACHINE-READABLE FORMAT; AND**

24 **(2) INCLUDES:**

25 **(I) THE NAME OF EACH BUSINESS ENTITY THAT IS A RECIPIENT**
26 **OF AN ECONOMIC DEVELOPMENT PROGRAM;**

27 **(II) THE TOTAL AMOUNT OF TAX CREDITS CERTIFIED,**
28 **FINANCIAL ASSISTANCE PAID, AND LOANS FORGIVEN OR UNCOLLECTIBLE BY THE**
29 **DEPARTMENT, REPORTED IN THE AGGREGATE FOR EACH ECONOMIC**
30 **DEVELOPMENT PROGRAM AND EACH RECIPIENT OF THE TAX CREDIT OR FINANCIAL**

1 ASSISTANCE;

2 (III) 1. FOR ANY TAX CREDIT OR FINANCIAL ASSISTANCE
3 THAT IS CERTIFIED OR PAID BY THE DEPARTMENT TO INCENTIVIZE JOB CREATION
4 OR RETENTION:

5 A. THE NUMBER OF JOBS EACH RECIPIENT OF THE
6 CREDIT OR ASSISTANCE CLAIMED IT WOULD CREATE OR RETAIN IN ITS APPLICATION
7 FOR THE CREDIT OR ASSISTANCE;

8 B. THE NUMBER OF JOBS ACTUALLY CREATED OR
9 RETAINED BY EACH RECIPIENT; AND

10 C. THE AVERAGE SALARY OF THE JOBS CREATED OR
11 RETAINED BY EACH RECIPIENT; AND

12 2. FOR ANY TAX CREDIT OR AMOUNT OF FINANCIAL
13 ASSISTANCE THAT IS CERTIFIED OR AWARDED BY THE DEPARTMENT TO
14 INCENTIVIZE ACTIVITIES OTHER THAN JOB CREATION OR RETENTION, A
15 DESCRIPTION OF HOW THE CREDIT OR ASSISTANCE BENEFITS THE STATE; AND

16 (IV) A STATEMENT INDICATING WHETHER, DURING THE
17 CURRENT REPORTING YEAR, THE DEPARTMENT REDUCED, REVOKED, OR
18 RECAPTURED A TAX CREDIT OR ANY AMOUNT OF FINANCIAL ASSISTANCE FROM A
19 RECIPIENT AND, IF APPLICABLE:

20 1. THE TOTAL AMOUNT RECOVERED AS A RESULT OF THE
21 REDUCTION, REVOCATION, OR RECAPTURE, AND ANY PENALTY ASSESSED; AND

22 2. A JUSTIFICATION FOR THE REDUCTION, REVOCATION,
23 OR RECAPTURE.

24 [(e)] (F) If a recipient of assistance from an economic development program is
25 not meeting the requirements of the economic development program, the Department shall
26 implement a process to assist the recipient in meeting the program requirements.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2020.