

~~(VII) A NEW FACILITY OR RETROFITTED FACILITY SHALL OBTAIN AND SUBMIT TO THE APPROPRIATE STATE AGENCY WITH THE TAX RETURN ON WHICH THE CREDIT IS CLAIMED THE CERTIFICATION FROM THE DEPARTMENT THAT THE ENTITY HAS MET THE REQUIREMENTS OF THIS PARAGRAPH AND IS ELIGIBLE FOR THE CREDIT.~~

~~(4) (I) ON OR BEFORE NOVEMBER 1, 2010, THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE COMMITTEE ON WAYS AND MEANS ON THE MARYLAND MINED COAL TAX CREDIT AVAILABLE UNDER PARAGRAPH (2) OF THIS SUBSECTION AND § 10-704.1 OF THIS ARTICLE.~~

~~(II) THE REPORT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE:~~

~~1. RECOMMENDATIONS AS TO WHETHER THE MARYLAND MINED COAL TAX CREDIT SHOULD BE CONTINUED, DISCONTINUED, OR ALTERED;~~

~~2. AN ANALYSIS OF THE ECONOMIC BENEFITS OF THE MARYLAND MINED COAL TAX CREDIT, INCLUDING ITS IMPACT ON EMPLOYMENT IN MARYLAND; AND~~

~~3. AN ANALYSIS OF THE ENVIRONMENTAL IMPACT OF THE MARYLAND MINED COAL TAX CREDIT, INCLUDING AN EVALUATION OF ANY AIR OR WATER QUALITY ISSUES CREATED BY THE MINING OF MARYLAND COAL.~~

10-704.1.

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

(2) "Cogenerator" means a qualifying cogenerator or qualifying small power producer as determined by the Federal Energy Regulatory Commission under the Public Utility Regulatory Policies Act of 1978.

(3) "Electricity supplier" has the meaning stated in § 1-101 of the Public Utility Companies Article.

(b) This section does not apply to:

(1) a cogenerator or electricity supplier that is subject to the public service company franchise tax; or

(2) an electricity supplier that, before July 1, 1999, was not an electric company as defined in § 1-101 of the Public Utility Companies Article as in effect on June 30, 1999, unless the electricity supplier is an affiliate of such an electric company.

(c) [A] SUBJECT TO THE LIMITATIONS IN § 8-406(B)(2) OF THIS ARTICLE, A cogenerator or electricity supplier may claim a credit against the State income tax in the amount of \$3 for each ton of Maryland-mined coal that the cogenerator or electricity supplier purchased in the taxable year.