

~~(III) THE TAX CREDIT UNDER THIS PARAGRAPH MAY BE CLAIMED ONLY FOR MARYLAND MINED COAL THAT IS CONSUMED IN THE NEW FACILITY OR THE RETROFITTED FACILITY.~~

~~(IV) TAX CREDITS ALLOWED UNDER THIS PARAGRAPH ARE NOT SUBJECT TO THE LIMITATIONS IMPOSED UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(V) A NEW FACILITY OR RETROFITTED FACILITY THAT CLAIMS A CREDIT UNDER THIS PARAGRAPH MAY NOT CLAIM A TAX CREDIT UNDER EITHER PARAGRAPH (2) OF THIS SUBSECTION OR § 10-704.1 OF THIS ARTICLE.~~

~~(VI) A NEW FACILITY OR RETROFITTED FACILITY SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT FOR CERTIFICATION AS A NEW FACILITY OR RETROFITTED FACILITY BEFORE CLAIMING THE TAX CREDIT AVAILABLE UNDER THIS PARAGRAPH.~~

~~(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.