

(II) THE TOTAL AMOUNT OF TAX OTHERWISE PAYABLE BY THE BUSINESS ENTITY FOR THE TAXABLE YEAR.

(3) ANY EXCESS CREDIT THAT WOULD BE ALLOWED BUT FOR THE LIMITS OF PARAGRAPH (2) OF THIS SUBSECTION MAY BE CARRIED OVER AND APPLIED AS A CREDIT FOR UP TO 5 TAXABLE YEARS AFTER THE TAXABLE YEAR IN WHICH THE CONTRIBUTION WAS MADE, UNTIL THE FULL AMOUNT OF THE EXCESS IS USED.

(C) DEPARTMENTAL APPROVAL.

(1) TO QUALIFY FOR A CREDIT FOR A CONTRIBUTION UNDER THIS SECTION, BEFORE MAKING A CONTRIBUTION, A BUSINESS ENTITY SHALL APPLY FOR AND RECEIVE APPROVAL OF THE CONTRIBUTION FROM THE DEPARTMENT.

(2) EACH APPLICATION FOR APPROVAL OF A CONTRIBUTION SHALL CONTAIN:

(I) THE NAME OF THE APPROVED PROJECT TO WHICH THE CONTRIBUTION WILL BE MADE;

(II) THE AMOUNT OF THE CONTRIBUTION; AND

(III) A CERTIFICATION BY AN INDEPENDENT AND UNRELATED THIRD PARTY AS TO THE VALUE OF ANY NONMONETARY CONTRIBUTION INCLUDED OR, FOR NEW GOODS, AN INVOICE OR RECEIPT CERTIFYING THE CONTRIBUTION'S NET COST TO THE BUSINESS ENTITY.

(3) THE DEPARTMENT MAY NOT APPROVE AN APPLICATION IF IT DETERMINES THAT:

(I) THE MAXIMUM AMOUNT OF CONTRIBUTIONS ELIGIBLE FOR A TAX CREDIT FOR THE PROJECT FOR THE FISCAL YEAR WILL BE EXCEEDED BY THE SUM OF:

1. THE AMOUNT OF THE PROPOSED CONTRIBUTION; AND

2. THE TOTAL AMOUNT OF CONTRIBUTIONS PREVIOUSLY APPROVED FOR THAT PROJECT FOR THE FISCAL YEAR; OR

(II) THE APPLICANT HAS OVERSTATED THE VALUE OF A NONMONETARY CONTRIBUTION.

(4) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE DEPARTMENT SHALL REPORT TO THE DEPARTMENT OF ASSESSMENTS AND TAXATION, THE COMPTROLLER, AND THE MARYLAND INSURANCE ADMINISTRATION THE CONTRIBUTIONS THAT THE DEPARTMENT HAS APPROVED UNDER THIS SECTION IN THE PRECEDING CALENDAR YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 83B, §§ 4-704 and 4-701(d).

In subsection (a) of this section, the former introductory phrase "[e]xcept as