

**CHAPTER 99**  
**(House Bill 664)**

AN ACT concerning

**Biotechnology Investment Incentive Act**

FOR the purpose of providing for credits against certain State taxes for certain investments in certain biotechnology companies ~~and venture capital firms~~; providing for applications to the Department of Business and Economic Development for approval of the credit and certification by the Department to investors of approved credit amounts; ~~allowing certain investors to allocate approved credits by agreement and limiting the maximum amount of credits that may be allocated to an investor; limiting to a certain amount the total amount of credits that the Department may approve for any calendar year and that the Department may approve in the aggregate; prohibiting the Department from approving credits for aggregate investment in one biotechnology company that would exceed a certain percentage of credits in a calendar year; providing for the issuance of certain initial credit certificates by the Department, subject to certain requirements and limitations; providing certain limits on the amount of credits that can be claimed; requiring the Secretary of the Department to issue final credit certificates under certain circumstances; making certain credits refundable under certain circumstances; establishing the Maryland Biotechnology Investment Tax Credit Reserve Fund; authorizing the Governor to include certain appropriations to a certain fund in the annual budget bill; requiring the Comptroller to transfer certain amounts from a certain fund to the General Fund under certain circumstances;~~ specifying the year in which certain credits may first be claimed; limiting the maximum amount of credits that may be claimed on certain State income tax returns; providing for certain procedures to claim approved credits; ~~providing that certain unused credits may be carried forward to certain taxable years; requiring certain venture capital firms to perform a certain audit each year and to make payments to the Department under certain circumstances;~~ providing for revocation or recapture of a credit under certain circumstances; requiring the Department to make a certain report by a certain date each year; requiring the Department of Business and Economic Development and the State Comptroller jointly to adopt certain regulations; defining certain terms; providing for the application of this Act; and generally relating to credits against certain State taxes based on certain investments in certain biotechnology companies ~~and venture capital firms~~.

BY adding to

Article - Tax - General

Section 10-725

Annotated Code of Maryland

(2004 Replacement Volume)

BY adding to