

~~(II) WHO WAS PREVIOUSLY EMPLOYED IN THE SAME JOB FUNCTION IN MARYLAND BY A RELATED PARTY;~~

~~(III) WHOSE JOB FUNCTION WAS PREVIOUSLY PERFORMED AT A DIFFERENT LOCATION IN MARYLAND BY AN EMPLOYEE OF THE BUSINESS ENTITY OR A RELATED PARTY; OR~~

~~(IV) WHOSE JOB FUNCTION PREVIOUSLY QUALIFIED FOR A CREDIT UNDER THIS SECTION AT A DIFFERENT MAJOR BUSINESS FACILITY OF THE BUSINESS ENTITY OR A RELATED PARTY.~~

~~(E) (1) FOR ANY OF THE 5 2 TAXABLE YEARS SUCCEEDING THE TAXABLE YEAR IN WHICH THE MAJOR BUSINESS FACILITY COMMENCED OR EXPANDED OPERATIONS, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE AVERAGE NUMBER OF QUALIFIED FULL-TIME EMPLOYEES AT A MAJOR BUSINESS FACILITY FOR WHICH THE CREDIT UNDER THIS SECTION HAS BEEN EARNED FALLS MORE THAN 5% BELOW 100 THE AVERAGE NUMBER OF QUALIFIED POSITIONS CREATED DURING THE CREDIT YEAR ON WHICH THE CREDIT WAS COMPUTED, ALL CREDITS EARNED WITH RESPECT TO THE MAJOR BUSINESS FACILITY SHALL BE RECAPTURED.~~

~~(2) FOR A BUSINESS ENTITY THAT QUALIFIED FOR THE CREDIT BASED ON THE CREATION OF NEW JOBS WITH AN AGGREGATE PAYROLL GREATER THAN THE THRESHOLD PAYROLL AS DETERMINED BY THE DEPARTMENT, FOR ANY OF THE 5 2 TAXABLE YEARS SUCCEEDING THE TAXABLE YEAR IN WHICH THE MAJOR BUSINESS FACILITY COMMENCED OR EXPANDED OPERATIONS, IF THE AVERAGE PAYROLL FOR QUALIFIED FULL-TIME EMPLOYEES AT THE MAJOR BUSINESS FACILITY FOR WHICH THE CREDIT WAS EARNED FALLS MORE THAN 5% BELOW THE THRESHOLD PAYROLL ON WHICH THE CREDIT WAS BASED, ALL CREDITS EARNED WITH RESPECT TO THE MAJOR BUSINESS FACILITY SHALL BE RECAPTURED.~~

~~(F) (1) IN ORDER TO RECEIVE CERTIFICATION THAT A BUSINESS ENTITY IS ELIGIBLE TO RECEIVE THE TAX CREDIT PROVIDED UNDER THIS SUBTITLE, A BUSINESS ENTITY SHALL SUBMIT THE FOLLOWING TO THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT:~~

~~(i) THE EFFECTIVE DATE OF THE START-UP OR EXPANSION;~~

~~(ii) THE NUMBER OF FULL-TIME EMPLOYEES PRIOR TO THE START-UP OR EXPANSION AND THE PAYROLL OF THE EXISTING EMPLOYEES;~~

~~(iii) THE NUMBER OF QUALIFIED POSITIONS CREATED, QUALIFIED FULL-TIME EMPLOYEES HIRED, AND THE PAYROLL OF THOSE EMPLOYEES; AND~~

~~(iv) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES BY REGULATION.~~

~~(2) THE DEPARTMENT MAY REQUIRE ANY INFORMATION REQUIRED UNDER THIS SUBSECTION TO BE VERIFIED BY AN INDEPENDENT AUDITOR SELECTED BY THE BUSINESS ENTITY.~~