

amount of taxes that the qualified business entity is required to withhold for the taxable year from the wages of qualified employees under § 10-908 of the Tax - General Article.

(c) (4) (i) Subject to the limitation under subparagraph (ii) of this paragraph AND SUBJECT TO SUBSECTION (H) OF THIS SECTION, for any taxable year after the 4th taxable year following the taxable year in which the qualified business entity locates in a qualified distressed county but before the 15th taxable year following the taxable year in which the qualified business entity locates in a qualified distressed county, the qualified business entity may claim a refund in the amount, if any, by which the qualified business entity's eligible start-up costs exceed the cumulative amount used as a tax credit under this subsection for the taxable year and all prior taxable years.

(ii) For any taxable year, the total amount claimed as a refund as provided in this paragraph may not exceed the amount of taxes that the qualified business entity is required to withhold for the taxable year from the wages of qualified employees under § 10-908 of the Tax - General Article.

(H) IF THE AVERAGE PAY FOR PAY FOR THE MAJORITY OF THE QUALIFIED POSITIONS CREATED AS A RESULT OF THE ESTABLISHMENT OR EXPANSION OF A BUSINESS FACILITY IS AT LEAST 250% OF THE FEDERAL MINIMUM WAGE, THE PROVISIONS OF SUBSECTIONS (B)(5) AND (C)(4) OF THIS SECTION SHALL APPLY BEGINNING WITH THE TAXABLE YEAR AFTER THE 2ND TAXABLE YEAR FOLLOWING THE TAXABLE YEAR IN WHICH THE QUALIFIED BUSINESS ENTITY LOCATES IN A QUALIFIED DISTRESSED COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2002 and shall be applicable to any business entity that first notifies the Department of Business and Economic Development of its intent to seek certification for the tax credit under Article 83A, § 5-1501 of the Code on or after July 1, 2002.

Approved May 6, 2002.

CHAPTER 386

(House Bill 763)

AN ACT concerning

**Maryland-National Capital Park and Planning Commission - Part-Time
Planning Board Members - Salaries**

PG/MC 108-02

FOR the purpose of altering the manner of establishing salaries for part-time members of the Montgomery County planning board and the Prince George's County planning board; authorizing the Montgomery County Council and the Prince George's County Council to establish the salaries for certain members of the planning boards serving in their respective counties subject to certain