

Effective until 5/13/2014

59-7-615 Removal of tax credit from tax form and prohibition on claiming or carrying forward a tax credit -- Conditions for removal and prohibition on claiming or carrying forward a tax credit -- Commission reporting requirements.

- (1) As used in this section:
 - (a) "Tax credit" means a nonrefundable tax credit listed on a tax return.
 - (b) "Tax return" means:
 - (i) a corporate return as defined in Section 59-7-101 filed in accordance with this chapter; or
 - (ii) a tax return filed in accordance with Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay Corporate Franchise or Income Tax Act.
- (2) Beginning two taxable years after the requirements of Subsection (3) are met:
 - (a) the commission shall remove a tax credit from each tax return on which the tax credit appears; and
 - (b) a person filing a tax return may not claim or carry forward the tax credit.
- (3) The commission shall remove a tax credit from a tax return and a person filing a tax return may not claim or carry forward a tax credit as provided in Subsection (2) if:
 - (a) the total amount of the tax credit claimed or carried forward by all persons filing tax returns is less than \$10,000 per year for three consecutive taxable years beginning on or after January 1, 2002; and
 - (b) less than 10 persons per year for the three consecutive taxable years described in Subsection (3)(a), file a tax return claiming or carrying forward the tax credit.
- (4) The commission shall, on or before the November interim meeting of the year after the taxable year in which the requirements of Subsection (3) are met:
 - (a) report to the Revenue and Taxation Interim Committee that in accordance with this section:
 - (i) the commission is required to remove a tax credit from each tax return on which the tax credit appears; and
 - (ii) a person filing a tax return may not claim or carry forward the tax credit; and
 - (b) notify each state agency required by statute to assist in the administration of the tax credit that in accordance with this section:
 - (i) the commission is required to remove a tax credit from each tax return on which the tax credit appears; and
 - (ii) a person filing a tax return may not claim or carry forward the tax credit.