

1 **UTAH ENERGY INFRASTRUCTURE AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4

5 LONG TITLE

6 **General Description:**

7 This bill repeals the Utah Energy Infrastructure Authority and modifies provisions
8 related to the Utah Energy Infrastructure Board.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ defines terms;
- 12 ▶ repeals provisions related to the Utah Energy Infrastructure Authority;
- 13 ▶ moves the Utah Energy Infrastructure Board under the Office of Energy
14 Development;
- 15 ▶ clarifies the duties of the Utah Energy Infrastructure Board regarding the evaluation
16 of an application for a tax credit under the High Cost Infrastructure Development
17 Tax Credit Act; and
- 18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **63E-1-102**, as last amended by Laws of Utah 2018, Chapter 393

26 **79-6-602**, as renumbered and amended by Laws of Utah 2021, Chapter 280

27 **79-6-603**, as renumbered and amended by Laws of Utah 2021, Chapter 280

28 **79-6-604**, as renumbered and amended by Laws of Utah 2021, Chapter 280

29 ENACTS:

30 **79-6-903**, Utah Code Annotated 1953

31 RENUMBERS AND AMENDS:

32 **79-6-901**, (Renumbered from 63H-2-102, as last amended by Laws of Utah 2021,

33 Chapter 280)
 34 **79-6-902**, (Renumbered from 63H-2-202, as last amended by Laws of Utah 2021,
 35 Chapter 280)

36 REPEALS:

- 37 **63H-2-101**, as last amended by Laws of Utah 2012, Chapter 37
- 38 **63H-2-201**, as last amended by Laws of Utah 2012, Chapter 37
- 39 **63H-2-203**, as enacted by Laws of Utah 2009, Chapter 378
- 40 **63H-2-204**, as last amended by Laws of Utah 2021, Chapter 282
- 41 **63H-2-301**, as last amended by Laws of Utah 2012, Chapter 37
- 42 **63H-2-302**, as last amended by Laws of Utah 2012, Chapter 37
- 43 **63H-2-401**, as last amended by Laws of Utah 2014, Chapter 301
- 44 **63H-2-402**, as last amended by Laws of Utah 2012, Chapter 37
- 45 **63H-2-403**, as enacted by Laws of Utah 2009, Chapter 378
- 46 **63H-2-404**, as last amended by Laws of Utah 2012, Chapter 37
- 47 **63H-2-501**, as enacted by Laws of Utah 2009, Chapter 378
- 48 **63H-2-502**, as last amended by Laws of Utah 2021, Chapters 84 and 345
- 49 **63H-2-503**, as enacted by Laws of Utah 2009, Chapter 378
- 50 **63H-2-504**, as last amended by Laws of Utah 2021, Chapter 345

52 *Be it enacted by the Legislature of the state of Utah:*

53 Section 1. Section **63E-1-102** is amended to read:

54 **63E-1-102. Definitions -- List of independent entities.**

55 As used in this title:

56 (1) "Authorizing statute" means the statute creating an entity as an independent entity.

57 (2) "Committee" means the Retirement and Independent Entities Committee created by

58 Section 63E-1-201.

59 (3) "Independent corporation" means a corporation incorporated in accordance with
 60 Chapter 2, Independent Corporations Act.

61 (4) (a) "Independent entity" means an entity having a public purpose relating to the
 62 state or its citizens that is individually created by the state or is given by the state the right to
 63 exist and conduct its affairs as an:

- 64 (i) independent state agency; or
65 (ii) independent corporation.
66 (b) "Independent entity" includes the:
67 (i) Utah Beef Council, created by Section 4-21-103;
68 (ii) Utah Dairy Commission created by Section 4-22-103;
69 (iii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;
70 (iv) Utah State Railroad Museum Authority created by Section 63H-5-102;
71 (v) Utah Housing Corporation created by Section 63H-8-201;
72 (vi) Utah State Fair Corporation created by Section 63H-6-103;
73 (vii) Utah State Retirement Office created by Section 49-11-201;
74 (viii) School and Institutional Trust Lands Administration created by Section
75 53C-1-201;
76 (ix) School and Institutional Trust Fund Office created by Section 53D-1-201;
77 (x) Utah Communications Authority created by Section 63H-7a-201;
78 [~~(xi) Utah Energy Infrastructure Authority created by Section 63H-2-201;~~]
79 [~~(xii)~~ (xi) Utah Capital Investment Corporation created by Section 63N-6-301; and
80 [~~(xiii)~~ (xii) Military Installation Development Authority created by Section
81 63H-1-201.
82 (c) Notwithstanding this Subsection (4), "independent entity" does not include:
83 (i) the Public Service Commission of Utah created by Section 54-1-1;
84 (ii) an institution within the state system of higher education;
85 (iii) a city, county, or town;
86 (iv) a local school district;
87 (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local
88 Districts; or
89 (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.
90 (5) "Independent state agency" means an entity that is created by the state, but is
91 independent of the governor's direct supervisory control.
92 (6) "Money held in trust" means money maintained for the benefit of:
93 (a) one or more private individuals, including public employees;
94 (b) one or more public or private entities; or

95 (c) the owners of a quasi-public corporation.

96 (7) "Public corporation" means an artificial person, public in ownership, individually
97 created by the state as a body politic and corporate for the administration of a public purpose
98 relating to the state or its citizens.

99 (8) "Quasi-public corporation" means an artificial person, private in ownership,
100 individually created as a corporation by the state, which has accepted from the state the grant of
101 a franchise or contract involving the performance of a public purpose relating to the state or its
102 citizens.

103 Section 2. Section **79-6-602** is amended to read:

104 **79-6-602. Definitions.**

105 As used in this part:

106 (1) "Applicant" means a person that conducts business in the state and that applies for a
107 tax credit under this part.

108 (2) "Energy delivery project" means a project that is designed to:

109 (a) increase the capacity for the delivery of energy to a user of energy inside or outside
110 the state; or

111 (b) increase the capability of an existing energy delivery system or related facility to
112 deliver energy to a user of energy inside or outside the state.

113 [~~(2)~~] (3) "Fuel standard compliance project" means a project designed to retrofit a fuel
114 refinery in order to make the refinery capable of producing fuel that complies with the United
115 States Environmental Protection Agency's Tier 3 gasoline sulfur standard described in 40
116 C.F.R. Sec. 79.54.

117 [~~(3)~~] (4) "High cost infrastructure project" means a project, including an energy
118 delivery project or a fuel standard compliance project:

119 (a) (i) that expands or creates new industrial, mining, manufacturing, or agriculture
120 activity in the state, not including a retail business;

121 (ii) that involves new investment of at least \$50,000,000 in an existing industrial,
122 mining, manufacturing, or agriculture entity, by the entity; or

123 (iii) for the construction of a plant or other facility, including a fueling station, for the
124 storage, production, or distribution of hydrogen fuel used for transportation, electricity
125 generation, or industrial use;

126 (b) that requires or is directly facilitated by infrastructure construction; and
127 (c) for which the cost of infrastructure construction to the entity creating the project is
128 greater than:

129 (i) 10% of the total cost of the project; or
130 (ii) \$10,000,000.

131 ~~[(4)]~~ (5) "Infrastructure" means:

132 (a) an energy delivery project ~~[as defined in Section 63H-2-102];~~

133 (b) a railroad as defined in Section 54-2-1;

134 (c) a fuel standard compliance project;

135 (d) a road improvement project;

136 (e) a water self-supply project;

137 (f) a water removal system project;

138 (g) a solution-mined subsurface salt cavern; or

139 (h) a project that is designed to:

140 (i) increase the capacity for water delivery to a water user in the state; or

141 (ii) increase the capability of an existing water delivery system or related facility to
142 deliver water to a water user in the state.

143 ~~[(5)]~~ (6) (a) "Infrastructure cost-burdened entity" means an applicant that enters into an
144 agreement with the office that qualifies the applicant to receive a tax credit as provided in this
145 part.

146 (b) "Infrastructure cost-burdened entity" includes a pass-through entity taxpayer, as
147 defined in Section 59-10-1402, of a person described in Subsection ~~[(5)]~~ (6)(a).

148 ~~[(6)]~~ (7) "Infrastructure-related revenue" means an amount of tax revenue, for an entity
149 creating a high cost infrastructure project, in a taxable year, that is directly attributable to a high
150 cost infrastructure project, under:

151 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;

152 (b) Title 59, Chapter 10, Individual Income Tax Act; and

153 (c) Title 59, Chapter 12, Sales and Use Tax Act.

154 ~~[(7)]~~ (8) "Office" means the Office of Energy Development created in Section
155 79-6-401.

156 ~~[(8)]~~ (9) "Tax credit" means a tax credit under Section 59-7-619 or 59-10-1034.

157 ~~[(9)]~~ (10) "Tax credit certificate" means a certificate issued by the office to an
158 infrastructure cost-burdened entity that:

- 159 (a) lists the name of the infrastructure cost-burdened entity;
160 (b) lists the infrastructure cost-burdened entity's taxpayer identification number;
161 (c) lists, for a taxable year, the amount of the tax credit authorized for the infrastructure
162 cost-burdened entity under this part; and
163 (d) includes other information as determined by the office.

164 Section 3. Section **79-6-603** is amended to read:

165 **79-6-603. Tax credit -- Amount -- Eligibility -- Reporting.**

166 (1) Before the office enters into an agreement described in Subsection (3) with an
167 applicant regarding a project, the office, in consultation with the Utah Energy Infrastructure
168 [~~Authority~~] Board created in Section ~~[63H-2-202]~~ 79-6-902, and other state agencies as
169 necessary, shall, in accordance with the procedures described in Section 79-6-604, certify:

- 170 (a) that the project meets the definition of a high cost infrastructure project under this
171 part;
172 (b) that the high cost infrastructure project will generate infrastructure-related revenue;
173 (c) the economic life of the high cost infrastructure project; and
174 (d) that the applicant has received a certificate of existence from the Division of
175 Corporations and Commercial Code.

176 (2) (a) Before the office enters into an agreement described in Subsection (3) with an
177 applicant regarding a project, the Utah Energy Infrastructure [~~Authority~~] Board shall evaluate
178 the project's net benefit to the state, ~~[based on whether the project]~~ including:

179 (i) ~~whether the project~~ is likely to increase the property tax revenue for the municipality
180 or county where the project will be located;

181 (ii) whether the project would contribute to the economy of the state and the
182 municipality or county where the project will be located;

183 ~~[(ii)]~~ (iii) whether the project would provide new infrastructure for an area where the
184 type of infrastructure the project would create is underdeveloped;

185 (iv) whether the project is supported by a business case for providing the revenue
186 necessary to finance the construction and operation of the project;

187 ~~[(iii)]~~ (v) whether the project would have a positive environmental impact on the state;

188 (vi) whether the project promotes responsible energy development;
189 ~~(iv)~~ (vii) whether the project would upgrade or improve an existing entity in order to
190 ensure the entity's continued operation and economic viability; ~~and~~
191 ~~(v)~~ (viii) whether the project is less likely to be completed without a tax credit issued
192 to the applicant under this part[-]; and
193 (ix) other relevant factors that the board specifies in the board's evaluation.
194 (b) Before the office enters into an agreement described in Subsection (3) with an
195 applicant regarding an energy delivery project, in addition to the criteria described in
196 Subsection (2)(a) the Utah Energy Infrastructure Board shall determine that the project:
197 (i) is strategically situated to maximize connections to an energy source project located
198 in the state that is:
199 (A) existing;
200 (B) under construction;
201 (C) planned; or
202 (D) foreseeable;
203 (ii) is supported by a project plan related to:
204 (A) engineering;
205 (B) environmental issues;
206 (C) energy production;
207 (D) load or other capacity; and
208 (E) any other issue related to the building and operation of energy delivery
209 infrastructure; and
210 (iii) complies with the regulations of the following regarding the building of energy
211 delivery infrastructure:
212 (A) the Federal Energy Regulatory Commission;
213 (B) the North American Electric Reliability Council; and
214 (C) the Public Service Commission of Utah.
215 ~~(b)~~ (c) The Utah Energy Infrastructure [Authority] Board may recommend that the
216 office deny an applicant a tax credit if [the applicant's project does not], as determined by the
217 Utah Energy Infrastructure [Authority] Board[-];
218 (i) the project does not sufficiently benefit the state based on the criteria described in

219 Subsection (2)(a)[~~;~~]; or

220 (ii) for an energy delivery project, the project does not satisfy the conditions described
221 in Subsection (2)(b).

222 (3) Subject to the procedures described in Section 79-6-604, if an applicant meets the
223 requirements of Subsection (1) to receive a tax credit, and the applicant's project receives a
224 favorable recommendation from the Utah Energy Infrastructure [Authority] Board under
225 Subsection (2), the office shall enter into an agreement with the applicant to authorize the tax
226 credit in accordance with this part.

227 (4) The office shall grant a tax credit to an infrastructure cost-burdened entity, for a
228 high cost infrastructure project, under an agreement described in Subsection (3):

229 (a) for the lesser of:

230 (i) the economic life of the high cost infrastructure project;

231 (ii) 20 years; or

232 (iii) a time period, the first taxable year of which is the taxable year when the
233 construction of the high cost infrastructure project begins and the last taxable year of which is
234 the taxable year in which the infrastructure cost-burdened entity has recovered, through the tax
235 credit, an amount equal to:

236 (A) 50% of the cost of the infrastructure construction associated with the high cost
237 infrastructure project; or

238 (B) if the high cost infrastructure project is a fuel standard compliance project, 30% of
239 the cost of the infrastructure construction associated with the high cost infrastructure project.

240 (b) except as provided in Subsections (4)(a) and (d), in a total amount equal to 30% of
241 the high cost infrastructure project's total infrastructure-related revenue over the time period
242 described in Subsection (4)(a);

243 (c) for a taxable year, in an amount that does not exceed the high cost infrastructure
244 project's infrastructure-related revenue during that taxable year; and

245 (d) if the high cost infrastructure project is a fuel standard compliance project, in a total
246 amount that is:

247 (i) determined by the Utah Energy Infrastructure [Authority] Board, based on:

248 (A) the applicant's likelihood of completing the high cost infrastructure project without
249 a tax credit; and

250 (B) how soon the applicant plans to complete the high cost infrastructure project; and
251 (ii) equal to or less than 30% of the high cost infrastructure project's total
252 infrastructure-related revenue over the time period described in Subsection (4)(a).

253 (5) An infrastructure cost-burdened entity shall, for each taxable year:

254 (a) file a report with the office showing the high cost infrastructure project's
255 infrastructure-related revenue during the taxable year;

256 (b) subject to Subsection (7), file a report with the office that is prepared by an
257 independent certified public accountant that verifies the infrastructure-related revenue
258 described in Subsection (5)(a); and

259 (c) provide the office with information required by the office to certify the economic
260 life of the high cost infrastructure project.

261 (6) An infrastructure cost-burdened entity shall retain records supporting a claim for a
262 tax credit for the same period of time during which a person is required to keep books and
263 records under Section 59-1-1406.

264 (7) An infrastructure cost-burdened entity for which a report is prepared under
265 Subsection (5)(b) shall pay the costs of preparing the report.

266 (8) The office shall certify, for each taxable year, the infrastructure-related revenue
267 generated by an infrastructure cost-burdened entity.

268 Section 4. Section **79-6-604** is amended to read:

269 **79-6-604. Tax credit -- Application procedure.**

270 (1) An applicant shall provide the office with:

271 (a) an application for a tax credit certificate;

272 (b) documentation that the applicant meets the requirements described in Subsection
273 79-6-603(1), to the satisfaction of the office, for the taxable year for which the applicant seeks
274 to claim a tax credit; and

275 (c) documentation that expressly directs and authorizes the State Tax Commission to
276 disclose to the office the applicant's returns and other information concerning the applicant that
277 would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal
278 Revenue Code.

279 (2) (a) The office shall, for an applicant, submit the documentation described in
280 Subsection (1)(c) to the State Tax Commission.

281 (b) Upon receipt of the documentation described in Subsection (1)(c), the State Tax
282 Commission shall provide the office with the documentation described in Subsection (1)(c).

283 (3) If, after the office reviews the documentation from the State Tax Commission
284 under Subsection (2)(b) and the information the applicant submits to the office under Section
285 79-6-603, the office, in consultation with the Utah Energy Infrastructure [~~Authority~~] Board
286 created in Section [~~63H-2-202~~] 79-6-902, determines that the applicant is not eligible for the
287 tax credit under Section 79-6-603, or that the applicant's documentation is inadequate, the
288 office shall:

289 (a) deny the tax credit; or

290 (b) inform the applicant that the documentation supporting the applicant's claim for a
291 tax credit was inadequate and request that the applicant supplement the applicant's
292 documentation.

293 (4) Except as provided in Subsection (5), if, after the office reviews the documentation
294 described in Subsection (2)(b) and the information described in Subsection 79-6-603(6), the
295 office, in consultation with the Utah Energy Infrastructure [~~Authority~~] Board created in Section
296 [~~63H-2-202~~] 79-6-902, determines that the documentation supporting an applicant's claim for a
297 tax credit adequately demonstrates that the applicant is eligible for the tax credit under Section
298 79-6-603, the office shall, on the basis of the documentation:

299 (a) enter, with the applicant, into the agreement described in Subsection 79-6-603(3);

300 (b) issue a tax credit certificate to the applicant; and

301 (c) provide a duplicate copy of the tax credit certificate described in Subsection (4)(b)
302 to the State Tax Commission.

303 (5) The office may deny an applicant a tax credit based on the recommendation of the
304 Utah Energy Infrastructure [~~Authority~~] Board, as provided in Subsection 79-6-603(2).

305 (6) An infrastructure cost-burdened entity may not claim a tax credit under Section
306 59-7-619 or 59-10-1034 unless the infrastructure cost-burdened entity receives a tax credit
307 certificate from the office.

308 (7) An infrastructure cost-burdened entity that claims a tax credit shall retain the tax
309 credit certificate in accordance with Subsection 79-6-603(7).

310 (8) Except for the information that is necessary for the office to disclose in order to
311 make the report described in Section 79-6-605, the office shall treat a document an applicant or

312 infrastructure cost-burdened entity provides to the office as a protected record under Section
313 63G-2-305.

314 Section 5. Section **79-6-901**, which is renumbered from Section 63H-2-102

315 **Part 9. Utah Energy Infrastructure Board Act**

316 is renumbered and amended to read:

317 ~~[63H-2-102].~~ **79-6-901. Definitions.**

318 As used in this [chapter] part:

319 [(1) "Agency" is as defined in Section 17C-1-102.]

320 [(2) "Assessment area" is as defined in Section 11-42-102.]

321 [(3) "Assessment bonds" is as defined in Section 11-42-102.]

322 [(4) "Authority" means the Utah Energy Infrastructure Authority created in Section
323 63H-2-201.]

324 [(5) "Authority bond" means a bond issued by the authority in accordance with Part 4,
325 Bonding.]

326 (1) "Application" means an application for a tax credit under Title 79, Chapter 6, Part
327 6, High Cost Infrastructure Development Tax Credit Act.

328 [(6)] (2) "Board" means the [board] Utah Energy Infrastructure Board created [under]
329 in Section [63H-2-202] 79-6-902.

330 [(7) "Community" means the county, city, or town in which is located a qualifying
331 energy delivery project financed by an authority bond.]

332 [(8)] (3) "Electric interlocal entity" [has the same meaning as] means the same as that
333 term is defined in Section 11-13-103.

334 [(9)] (4) "Energy advisor" means the energy advisor appointed under Section 79-6-201.

335 [(10) "Energy delivery project" means a project that is designed to:]

336 [(a) increase the capacity for the delivery of energy to a user of energy inside or outside
337 the state; or]

338 [(b) increase the capability of an existing energy delivery system or related facility to
339 deliver energy to a user of energy inside or outside the state.]

340 [(11) "Independent state agency" is as defined in Section 63E-1-102.]

341 [(12) "Project area" is as defined in Section 17C-1-102.]

342 [(13) "Public entity" means:]

343 ~~[(a) the United States or an agency of the United States;]~~
 344 ~~[(b) the state or an agency of the state;]~~
 345 ~~[(c) a political subdivision of the state or an agency of a political subdivision of the~~
 346 ~~state;]~~
 347 ~~[(d) another state or an agency of that state; or]~~
 348 ~~[(e) a political subdivision of another state or an agency of that political subdivision.]~~
 349 ~~[(14) "Qualifying energy delivery project" means a project approved by the board in~~
 350 ~~accordance with Part 3, Qualifying Energy Delivery Projects.]~~

351 ~~[(15) "Record" means information that is:]~~
 352 ~~[(a) inscribed on a tangible medium; or]~~
 353 ~~[(b) (i) stored in an electronic or other medium; and]~~
 354 ~~[(ii) retrievable in perceivable form.]~~
 355 ~~[(16) "Tax increment bond" is as defined in Section 11-27-2.]~~

356 (5) "Fuel standard compliance project" means the same as that term is defined in
 357 Section 79-6-602.

358 (6) "Office" means the Office of Energy Development created in Section 79-6-401.

359 (7) "Tax credit" means the same as that term is defined in Section 79-6-602.

360 Section 6. Section **79-6-902**, which is renumbered from Section 63H-2-202 is
 361 renumbered and amended to read:

362 **[63H-2-202].** **79-6-902. Utah Energy Infrastructure Board.**

363 (1) There is created within the office the Utah Energy Infrastructure [Authority] Board
 364 that consists of nine members as follows:

365 (a) members appointed by the governor:

366 (i) the energy advisor or the director of the Office of Energy Development, who shall
 367 serve as chair of the board;

368 (ii) one member from the Governor's Office of Economic Opportunity;

369 (iii) one member from a public utility or electric interlocal entity that operates electric
 370 transmission facilities within the state;

371 (iv) two members representing the economic development interests of rural
 372 communities as follows:

373 (A) one member currently serving as county commissioner of a county of the third,

374 fourth, fifth, or sixth class, as described in Section 17-50-501; and

375 (B) one member of a rural community with work experience in the energy industry;

376 (v) two members of the general public with relevant industry or community
377 experience; and

378 (vi) one member of the general public who has experience with public finance and
379 bonding; and

380 (b) the director of the School and Institutional Trust Lands Administration created in
381 Section 53C-1-201.

382 (2) (a) The term of an appointed board member is four years.

383 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
384 or reappointment, adjust the length of terms to ensure that the terms of board members are
385 staggered so that approximately half of the board is appointed every two years.

386 (c) The governor may remove a member of the board for cause.

387 (d) The governor shall fill a vacancy in the board in the same manner under this section
388 as the appointment of the member whose vacancy is being filled.

389 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term
390 of the member whose vacancy the individual is filling.

391 (f) A board member shall serve until a successor is appointed and qualified.

392 (3) (a) Five members of the board constitute a quorum for conducting board business.

393 (b) A majority vote of the quorum present is required for an action to be taken by the
394 board.

395 (4) [~~(a) Except as provided in Subsections (4)(b) and (4)(c), the~~] The board shall meet
396 [~~once each month, on a day determined by the board,~~] as needed to review an application
397 [~~referred to the board by the Office of Energy Development under Title 79, Chapter 6, Part 6,~~
398 ~~High Cost Infrastructure Development Tax Credit Act~~].

399 [~~(b) Subject to Subsection (4)(c), the board may cancel the board's meeting for a given~~
400 ~~month if there are no applications described in Subsection (4)(a) pending board approval.~~]

401 [~~(c) The board shall meet no less frequently than once each quarter, on a day~~
402 ~~determined by the board.~~]

403 (5) A member may not receive compensation or benefits for the member's service, but
404 may receive per diem and travel expenses in accordance with:

405 (a) Section 63A-3-106;
 406 (b) Section 63A-3-107; and
 407 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
 408 63A-3-107.

409 Section 7. Section **79-6-903** is enacted to read:

410 **79-6-903. Powers and duties of the board -- Oversight -- Staff support.**

411 (1) Subject to the provisions of this part and in accordance with Title 79, Chapter 6,
 412 Part 6, High Cost Infrastructure Development Tax Credit Act, the board shall:

413 (a) evaluate each application using the criteria described in Subsections 79-6-603(1)
 414 and (2);

415 (b) make recommendations to the office regarding each application; and

416 (c) for an application related to a fuel standard compliance project, determine the
 417 amount of the authorized tax credit using the criteria described in Subsection 79-6-603(4).

418 (2) The office shall:

419 (a) oversee the board's performance;

420 (b) provide the board office space, furnishings, and supplies; and

421 (c) provide the board staff support.

422 (3) With the consent of the attorney general, the office may retain legal counsel to
 423 advise the board on matters relating to the board's operations.

424 Section 8. **Repealer.**

425 This bill repeals:

426 Section **63H-2-101, Title.**

427 Section **63H-2-201, Creation of Utah Energy Infrastructure Authority.**

428 Section **63H-2-203, Powers of the board and authority -- Officers.**

429 Section **63H-2-204, Dissolution of authority.**

430 Section **63H-2-301, Prioritization of energy delivery projects.**

431 Section **63H-2-302, Approval of qualifying energy delivery project.**

432 Section **63H-2-401, Resolution authorizing issuance of authority bond --**

433 **Characteristics of bond.**

434 Section **63H-2-402, Sources from which an authority bond may be made payable --**

435 **Authority powers regarding authority bond.**

- 436 Section **63H-2-403, Purchaser of an authority bond.**
- 437 Section **63H-2-404, Obligee rights -- Board may confer other rights.**
- 438 Section **63H-2-501, Fiscal year.**
- 439 Section **63H-2-502, Annual authority budget -- Auditor forms -- Requirement to**
- 440 **file form.**
- 441 Section **63H-2-503, Audits.**
- 442 Section **63H-2-504, Relation to other state statutes.**