

SB0043S01 compared with SB0043

{Omitted text} shows text that was in SB0043 but was omitted in SB0043S01

inserted text shows text that was not in SB0043 but was inserted into SB0043S01

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1 **Income Tax Credit Review Amendments**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Daniel McCay**

. House Sponsor: Steve Eliason

2

3 **LONG TITLE**

8 **Committee Note:**

5 The Revenue and Taxation Interim Committee recommended this bill.

6 Legislative Vote: 12 voting for 0 voting against 6 absent

7 **General Description:**

8 This bill modifies the process for income tax credit review.

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ extends the income tax credit review cycle from three years to five years;
- 12 ▶ provides a process for the Office of the Legislative Auditor General to audit the income tax credits; and
- 14 ▶ makes technical changes.

15 **Money Appropriated in this Bill:**

16 None

17 None

20 AMENDS:

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- 21 **59-7-159** , as last amended by Laws of Utah 2022, Chapters 264, 274 , as last amended by Laws of
Utah 2022, Chapters 264, 274
- 22 **59-7-614.2** , as last amended by Laws of Utah 2022, Chapter 200 , as last amended by Laws of Utah
2022, Chapter 200
- 23 **59-7-614.5** , as last amended by Laws of Utah 2021, Chapter 282 , as last amended by Laws of Utah
2021, Chapter 282
- 24 **59-7-614.7** , as last amended by Laws of Utah 2023, Chapter 482 , as last amended by Laws of Utah
2023, Chapter 482
- 25 **59-7-614.10** , as last amended by Laws of Utah 2021, Chapter 282 , as last amended by Laws
of Utah 2021, Chapter 282
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- 25 ~~{59-7-614.10 , as last amended by Laws of Utah 2021, Chapter 282 , as last amended by
Laws of Utah 2021, Chapter 282}~~
- 26 **59-7-619** , as last amended by Laws of Utah 2023, Chapter 473 , as last amended by Laws of Utah
2023, Chapter 473
- 27 **59-10-137** , as last amended by Laws of Utah 2023, Chapter 460 , as last amended by Laws of Utah
2023, Chapter 460
- 28 **59-10-1025** , as last amended by Laws of Utah 2019, Chapter 465 , as last amended by Laws of
Utah 2019, Chapter 465
- 29 **59-10-1029** , as last amended by Laws of Utah 2023, Chapter 482 , as last amended by Laws of
Utah 2023, Chapter 482
- 30 **59-10-1034** , as last amended by Laws of Utah 2021, Chapters 64, 280 and last amended by
Coordination Clause, Laws of Utah 2021, Chapter 280 , as last amended by Laws of Utah 2021,
Chapters 64, 280 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 280
- 32 **59-10-1037** , as last amended by Laws of Utah 2021, Chapter 282 , as last amended by Laws
of Utah 2021, Chapter 282
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- 32 ~~{59-10-1037 , as last amended by Laws of Utah 2021, Chapter 282 , as last amended by Laws
of Utah 2021, Chapter 282}~~
- 33 **59-10-1107** , as last amended by Laws of Utah 2021, Chapter 282 , as last amended by Laws of
Utah 2021, Chapter 282
- 34 **59-10-1108** , as last amended by Laws of Utah 2021, Chapter 282 , as last amended by Laws of
Utah 2021, Chapter 282

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35 ENACTS:

36 **36-12-15.4** , Utah Code Annotated 1953 , Utah Code Annotated 1953

37

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

39 Section 1. Section **1** is enacted to read:

40 **36-12-15.4. Income tax credit audits.**

41 (1) As used in this section:

42 (a) "Committee" means the Revenue and Taxation Interim Committee.

43 (b) "Income tax credit" means a state tax credit described in Title 59, Chapter 7, Corporate Franchise and Income Taxes, or Title 59, Chapter 10, Individual Income Tax Act.

46 (c) "Office" means the Office of the Legislative Auditor General.

47 (2) In addition to other audits performed by the office, the office shall conduct, in accordance with this section and under the direction of the Legislative Audit Subcommittee, a comprehensive performance audit of the income tax credits.

50 (3)

. (a) On or before August 31 of each year, the committee may refer a list of income tax credits to the office that the committee recommends for audit.

52 (b) The list may include an order in which the committee prefers the office to conduct the income tax credit audit.

54 (4) If the committee does not refer a list of income tax credits, the office shall select which income tax credits to audit, considering the income tax credit's usage in terms of dollars and vulnerability to error or fraud.

57 Section 2. Section **59-7-159** is amended to read:

58 **59-7-159. Review of credits allowed under this chapter.**

59 (1) As used in this section, "committee" means the Revenue and Taxation Interim Committee.

61 (2)

. ~~[(a) The committee shall review the tax credits described in this chapter as provided in Subsection (3) and make recommendations concerning whether the tax credits should be continued, modified, or repealed.]~~

64 (a) The committee shall review each tax credit described in this chapter once every five years to determine whether to continue, modify, or repeal the tax credit.

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- 66 (b) In conducting the review required under Subsection (2)(a), the committee shall:
- 67 (i) schedule time on ~~[at least one]~~ a committee agenda to conduct the review as needed;
- 68 (ii) invite state agencies, individuals, and organizations concerned with ~~[the]~~ a tax credit under review
to provide oral or written testimony;
- 70 (iii)
- . (A) invite the Governor's Office of Economic Opportunity to present a summary and analysis of the
information for each tax credit regarding which the Governor's Office of Economic Opportunity is
required to make a report under this chapter; and
- 74 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and analysis of the
information for each tax credit regarding which the Office of the Legislative Fiscal Analyst is
required to make a report under this chapter;
- 77 (iv) ~~[ensure that the committee's recommendations described in this section include an evaluation
of]~~ evaluate:
- 79 (A) the cost of the tax credit to the state;
- 80 (B) the purpose and effectiveness of the tax credit; and
- 81 (C) the extent to which the state benefits from the tax credit; and
- 82 (v) undertake other review efforts as determined by the committee chairs or as otherwise required by
law.
- 84 ~~[(3)~~
- . ~~(a) On or before November 30, 2017, and every three years after 2017, the committee shall conduct the
review required under Subsection (2) of the tax credits allowed under the following sections:]~~
- 87 ~~[(i) Section 59-7-601;]~~
- 88 ~~[(ii) Section 59-7-607;]~~
- 89 ~~[(iii) Section 59-7-612;]~~
- 90 ~~[(iv) Section 59-7-614.1; and]~~
- 91 ~~[(v) Section 59-7-614.5.]~~
- 92 ~~[(b) On or before November 30, 2018, and every three years after 2018, the committee shall conduct the
review required under Subsection (2) of the tax credits allowed under the following sections:]~~
- 95 ~~[(i) Section 59-7-609;]~~
- 96 ~~[(ii) Section 59-7-614.2;]~~
- 97 ~~[(iii) Section 59-7-614.10; and]~~

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- 98 ~~[(iv) Section 59-7-619.]~~
- 99 ~~[(e) On or before November 30, 2019, and every three years after 2019, the committee shall conduct the~~
~~review required under Subsection (2) of the tax credits allowed under the following sections:]~~
- 102 ~~[(i) Section 59-7-610;]~~
- 103 ~~[(ii) Section 59-7-614; and]~~
- 104 ~~[(iii) Section 59-7-614.7.]~~
- 105 ~~[(d)~~
- . ~~(i) In addition to the reviews described in this Subsection (3), the committee shall conduct a review of a~~
~~tax credit described in this chapter that is enacted on or after January 1, 2017.]~~
- 108 ~~[(ii) The committee shall complete a review described in this Subsection (3)(d) three years after the~~
~~effective date of the tax credit and every three years after the initial review date.]~~
- 111 Section 3. Section **59-7-614.2** is amended to read:
- 112 **59-7-614.2. Refundable economic development tax credit.**
- 113 (1) As used in this section:
- 114 (a) "Business entity" means a taxpayer that meets the definition of "business entity" as defined in
Section 63N-2-103.
- 116 (b) "Incremental job" means the same as that term is defined in Section 63N-1a-102.
- 117 (c) "New state revenue" means the same as that term is defined in Section 63N-1a-102.
- 118 (d) "Office" means the Governor's Office of Economic Opportunity.
- 119 (2) Subject to the other provisions of this section, a business entity may claim a refundable tax credit for
economic development.
- 121 (3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit
certificate that the office issues to the business entity for the taxable year.
- 123 (4)
- . (a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the commission
shall make a refund to a business entity that claims a tax credit under this section if the amount of
the tax credit exceeds the business entity's tax liability for a taxable year.
- 127 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission
may make rules providing procedures for making a refund to a business entity as required by
Subsection (4)(a).
- 130 (5)

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- . [(a) In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]
- 134 [(b) Except as provided in Subsection (5)(c), for purposes of the study required by this Subsection (5),]
- 136 (a) To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide the following information, if available to the office, to the Revenue and Taxation Interim Committee by electronic means:
- 139 (i) the amount of tax credit that the office grants to each business entity for each calendar year;
- 141 (ii) the criteria that the office uses in granting a tax credit;
- 142 (iii) the new state revenue generated by the business entity for the calendar year;
- 143 (iv) estimates for each of the next three calendar years of the following:
- 144 (A) the amount of tax credits that the office will grant;
- 145 (B) the amount of new state revenue that will be generated; and
- 146 (C) the number of new incremental jobs within the state that will be generated;
- 147 (v) the information contained in the office's latest report under Section 63N-2-106; and
- 149 (vi) any other information that the Revenue and Taxation Interim Committee requests.
- 150 [(e)] (b)
- . [(i)] In providing the information described in Subsection [(5)(b)] (5)(a), the office shall redact information that identifies a recipient of a tax credit under this section.
- 152 [(ii)] (c) If, notwithstanding the redactions made under Subsection [(5)(e)(i)] (5)(b), reporting the information described in Subsection [(5)(b)] (5)(a) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection [(5)(b)] (5)(a) in the aggregate for all business entities that receive the tax credit under this section.
- 158 [(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]
- 160 [(i) the cost of the tax credit to the state;]
- 161 [(ii) the purpose and effectiveness of the tax credit; and]
- 162 [(iii) the extent to which the state benefits from the tax credit.]
- 164 Section 4. Section **59-7-614.5** is amended to read:
- 165 **59-7-614.5. Refundable motion picture tax credit.**

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- 165 (1) As used in this section:
- 166 (a) "Motion picture company" means a taxpayer that meets the definition of a motion picture company
under Section 63N-8-102.
- 168 (b) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.
- 170 (c) "State-approved production" means the same as that term is defined in Section 63N-8-102.
- 172 (2) [~~For a taxable year beginning on or after January 1, 2009, a~~] A motion picture company may claim a
refundable tax credit for a state-approved production.
- 174 (3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit
certificate that the office issues to a motion picture company under Section 63N-8-103 for the
taxable year.
- 177 (4)
- . (a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the commission
shall make a refund to a motion picture company that claims a tax credit under this section if the
amount of the tax credit exceeds the motion picture company's tax liability for a taxable year.
- 181 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission
may make rules providing procedures for making a refund to a motion picture company as required
by Subsection (4)(a).
- 184 (5)
- . [~~(a) In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study
the tax credit allowed by this section and make recommendations concerning whether the tax credit
should be continued, modified, or repealed.]~~
- 188 [~~(b)~~] (a)
- . (i) [~~Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection
(5), the~~] To assist the Revenue and Taxation Interim Committee with the review required by Section
59-7-159, the office shall provide the following information, if available to the office, to the Office
of the Legislative Fiscal Analyst by electronic means:
- 193 (A) the amount of tax credit that the office grants to each motion picture company for each calendar
year;
- 195 (B) estimates of the amount of tax credit that the office will grant for each of the next three calendar
years;
- 197 (C) the criteria that the office uses in granting the tax credit;

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- 198 (D) the dollars left in the state, as defined in Section 63N-8-102, by each motion picture company
for each calendar year;
- 200 (E) the information contained in the office's latest report under Section 63N-1a-306; and
- 202 (F) any other information that the Office of the Legislative Fiscal Analyst requests.
- 203 [(ii)]
- 204 [(A)] (ii) In providing the information described in Subsection [(5)(b)(i)] (5)(a)(i), the office shall redact
information that identifies a recipient of a tax credit under this section.
- 207 [(B)] (iii) If, notwithstanding the redactions made under Subsection [(5)(b)(ii)(A)] (5)(a)(ii), reporting
the information described in Subsection [(5)(b)(i)] (5)(a)(i) might disclose the identity of a recipient
of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to
provide the information described in Subsection [(5)(b)(i)] (5)(a)(i) in the aggregate for all motion
picture companies that receive the tax credit under this section.
- 213 [(e)] (b) [~~As part of the study required by this Subsection (5), the~~] The Office of the Legislative Fiscal
Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the
information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection
[(5)(b)] (5)(a).
- 217 [(d) ~~The Revenue and Taxation Interim Committee shall ensure that the recommendations described in
Subsection (5)(a) include an evaluation of:~~]
- 219 [(i) ~~the cost of the tax credit to the state;~~]
- 220 [(ii) ~~the effectiveness of the tax credit; and~~]
- 221 [(iii) ~~the extent to which the state benefits from the tax credit.~~]
- 223 Section 5. Section **59-7-614.7** is amended to read:
- 224 **59-7-614.7. Nonrefundable alternative energy development tax credit.**
- 224 (1) As used in this section:
- 225 (a) "Alternative energy entity" means the same as that term is defined in Section 79-6-502.
- 227 (b) "Alternative energy project" means the same as that term is defined in Section 79-6-502.
- 229 (c) "Office" means the Office of Energy Development created in Section 79-6-401.
- 230 (2) Subject to the other provisions of this section, an alternative energy entity may claim a
nonrefundable tax credit for alternative energy development as provided in this section.
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- (3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under Title 79, Chapter 6, Part 5, Alternative Energy Development Tax Credit Act, to the alternative energy entity for the taxable year.
- 235 (4) An alternative energy entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:
- 237 (a) the alternative energy entity is allowed to claim a tax credit under this section for a taxable year; and
- 239 (b) the amount of the tax credit exceeds the alternative energy entity's tax liability under this chapter for that taxable year.
- 241 (5)
- . [~~(a) In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.~~]
- 245 [~~(b)~~] (a)
- . (i) [~~Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5), the~~] To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:
- 250 (A) the amount of tax credit that the office grants to each alternative energy entity for each taxable year;
- 252 (B) the new state revenues generated by each alternative energy project;
- 253 (C) the information contained in the office's latest report under Section 79-6-505; and
- 255 (D) any other information that the Office of the Legislative Fiscal Analyst requests.
- 257 [~~(ii)~~]
- 258 [~~(A)~~] (ii) In providing the information described in Subsection [~~(5)(b)(i)~~] (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.
- 261 [~~(B)~~] (iii) If, notwithstanding the redactions made under Subsection [~~(5)(b)(ii)(A)~~] (5)(a)(ii), reporting the information described in Subsection [~~(5)(b)(i)~~] (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection [~~(5)(b)(i)~~] (5)(a)(i) in the aggregate for all alternative energy entities that receive the tax credit under this section.

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~~[(e)] (b) [As part of the study required by this Subsection (5), the] The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection ~~[(5)(b)] (5)(a).~~~~

271 ~~[(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]~~

273 ~~[(i) the cost of the tax credit to the state;]~~

274 ~~[(ii) the purpose and effectiveness of the tax credit; and]~~

275 ~~[(iii) the extent to which the state benefits from the tax credit.]~~

276 (6) A taxpayer may not claim or carry forward a tax credit described in Subsection (2) in a taxable year during which the taxpayer claims or carries forward a tax credit under Section 59-7-614.

280 Section 6. Section 59-7-614.10 is amended to read:

281 **59-7-614.10. Nonrefundable enterprise zone tax credit.**

282 (1) As used in this section:

283 (a) "Business entity" means a corporation that meets the definition of "business entity" as that term is defined in Section 63N-2-202.

285 (b) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.

287 (2) Subject to the provisions of this section, a business entity may claim a nonrefundable enterprise zone tax credit as described in Section 63N-2-213.

289 (3) The enterprise zone tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to the business entity for the taxable year.

292 (4) A business entity may carry forward a tax credit under this section for a period that does not exceed the next three taxable years, if the amount of the tax credit exceeds the business entity's tax liability under this chapter for that taxable year.

295 (5)

~~[(a) In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~

299 ~~[(b)] (a)~~

~~[(i)]~~

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~~[(i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5)]~~ To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide by electronic means the following information for each calendar year to the Office of the Legislative Fiscal Analyst:

- 304 (A) the amount of tax credits provided in each development zone;
- 305 (B) the number of new full-time employee positions reported to obtain tax credits in each development zone;
- 307 (C) the amount of tax credits awarded for rehabilitating a building in each development zone;
- 309 (D) the amount of tax credits awarded for investing in a plant, equipment, or other depreciable property in each development zone;
- 311 (E) the information related to the tax credit contained in the office's latest report under Section 63N-1a-301; and
- 313 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

314 (ii)

~~[(A)]~~ In providing the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

317 ~~[(B)]~~ (iii) If, notwithstanding the redactions made under Subsection ~~[(5)(b)(ii)(A)]~~ (5)(a)(ii), reporting the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) in the aggregate for all development zones that receive the tax credit under this section.

323 ~~[(e)]~~ (b) ~~[As part of the study required by this Subsection (5), the]~~ The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection ~~[(5)(b)]~~ (5)(a).

327 ~~[(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]~~

329 ~~[(i) the cost of the tax credit to the state;]~~

330 ~~[(ii) the purpose and effectiveness of the tax credit; and]~~

331 ~~[(iii) the extent to which the state benefits from the tax credit.]~~

279 ~~{Section 6. Section 59-7-614.10 is amended to read: }~~

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- 280 **59-7-614.10. Nonrefundable enterprise zone tax credit.**
- 281 (1) As used in this section:
- 282 (a) "Business entity" means a corporation that meets the definition of "business entity" as that term is
defined in Section 63N-2-202.
- 284 (b) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.
- 286 (2) Subject to the provisions of this section, a business entity may claim a nonrefundable enterprise
zone tax credit as described in Section 63N-2-213.
- 288 (3) The enterprise zone tax credit under this section is the amount listed as the tax credit amount on the
tax credit certificate that the office issues to the business entity for the taxable year.
- 291 (4) A business entity may carry forward a tax credit under this section for a period that does not exceed
the next three taxable years, if the amount of the tax credit exceeds the business entity's tax liability
under this chapter for that taxable year.
- 294 (5) A business entity may not claim or carry forward a tax credit under this part for a taxable year
during which the business entity has claimed the targeted business income tax credit under Section
59-7-624.
- 297 (6)
- . [~~(a) In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study
the tax credit allowed by this section and make recommendations concerning whether the tax credit
should be continued, modified, or repealed.]~~
- 301 [~~(b)~~] (a)
- . (i) [~~Except as provided in Subsection (6)(b)(ii), for purposes of the study required by this Subsection
(6);~~] To assist the Revenue and Taxation Interim Committee with the review required by Section
59-7-159, the office shall provide by electronic means the following information for each calendar
year to the Office of the Legislative Fiscal Analyst:
- 306 (A) the amount of tax credits provided in each development zone;
- 307 (B) the number of new full-time employee positions reported to obtain tax credits in each
development zone;
- 309 (C) the amount of tax credits awarded for rehabilitating a building in each development zone;
- 311 (D) the amount of tax credits awarded for investing in a plant, equipment, or other depreciable
property in each development zone;
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(E) the information related to the tax credit contained in the office's latest report under Section 63N-1a-301; and

315 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

316 (ii)

. [(A)] In providing the information described in Subsection [(6)(b)(i)] (6)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

319 [(B)] (iii) If, notwithstanding the redactions made under Subsection [(6)(b)(ii)(A)] (6)(a)(ii), reporting the information described in Subsection [(6)(b)(i)] (6)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection [(6)(b)(i)] (6)(a)(i) in the aggregate for all development zones that receive the tax credit under this section.

325 [(e)] (b) [As part of the study required by this Subsection (6), the] The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection [(6)(b)] (6)(a).

329 [(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (6)(a) include an evaluation of:]

331 [(i) the cost of the tax credit to the state;]

332 [(ii) the purpose and effectiveness of the tax credit; and]

333 [(iii) the extent to which the state benefits from the tax credit.]

332 Section 7. Section **59-7-619** is amended to read:

333 **59-7-619. Nonrefundable high cost infrastructure development tax credit.**

336 (1) As used in this section:

337 (a) "High cost infrastructure project" means the same as that term is defined in Section 79-6-602.

339 (b) "Infrastructure cost-burdened entity" means the same as that term is defined in Section 79-6-602.

341 (c) "Infrastructure-related revenue" means the same as that term is defined in Section 79-6-602.

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

344 (2) Subject to the other provisions of this section, a corporation that is an infrastructure cost-burdened entity may claim a nonrefundable tax credit for development of a high cost infrastructure project as provided in this section.

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- (3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under Title 79, Chapter 6, Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure cost-burdened entity for the taxable year.
- 351 (4) An infrastructure cost-burdened entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:
- 353 (a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this section for a taxable year; and
- 355 (b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax liability under this chapter for that taxable year.
- 357 (5)
- . (a) ~~[In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~
- 361 ~~[(b)~~
- . ~~(i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5),~~
- 363 ~~]~~
- (i) To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst:
- 366 (A) the amount of tax credit that the office grants to each infrastructure cost-burdened entity for each taxable year;
- 368 (B) the infrastructure-related revenue generated by each high cost infrastructure project;
- 370 (C) the information contained in the office's latest report under Section 79-6-605; and
- 372 (D) any other information that the Office of the Legislative Fiscal Analyst requests.
- 374 ~~[(ii)~~
- 375 ~~[(A)]~~ (ii) In providing the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.
- 378 ~~[(B)]~~ (iii) If, notwithstanding the redactions made under Subsection ~~[(5)(b)(ii)(A)]~~ (5)(a)(ii), reporting the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee

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to provide the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) in the aggregate for all infrastructure cost-burdened entities that receive the tax credit under this section.

384 ~~[(e)]~~ (b) ~~[As part of the study required by this Subsection (5), the]~~ The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection ~~[(5)(b)]~~ (5)(a).

388 ~~[(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]~~

390 ~~[(i) the cost of the tax credit to the state;]~~

391 ~~[(ii) the purpose and effectiveness of the tax credit; and]~~

392 ~~[(iii) the extent to which the state benefits from the tax credit.]~~

393 (6) Notwithstanding Section 59-7-903, the commission may not remove the tax credit described in this section from the tax return for a taxable year beginning before January 1, 2027.

394 Section 8. Section **59-10-137** is amended to read:

395 **59-10-137. Review of credits allowed under this chapter.**

398 (1) As used in this section, "committee" means the Revenue and Taxation Interim Committee.

400 (2)

. ~~[(a) The committee shall review the tax credits described in this chapter as provided in Subsection (3) and make recommendations concerning whether the tax credits should be continued, modified, or repealed.]~~

403 (a) The committee shall review each tax credit described in this chapter once every five years to determine whether to continue, modify, or repeal the tax credit.

405 (b) In conducting the review required under Subsection (2)(a), the committee shall:

406 (i) schedule time on ~~[at least one]~~ a committee agenda to conduct the review as needed;

407 (ii) invite state agencies, individuals, and organizations concerned with ~~[the]~~ a tax credit under review to provide oral or written testimony;

409 (iii)

. (A) invite the Governor's Office of Economic Opportunity to present a summary and analysis of the information for each tax credit regarding which the Governor's Office of Economic Opportunity is required to make a report under this chapter; and

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- (B) invite the Office of the Legislative Fiscal Analyst to present a summary and analysis of the information for each tax credit regarding which the Office of the Legislative Fiscal Analyst is required to make a report under this chapter;
- 416 (iv) ~~[ensure that the committee's recommendations described in this section include an evaluation~~
of] evaluate:
- 418 (A) the cost of the tax credit to the state;
- 419 (B) the purpose and effectiveness of the tax credit; and
- 420 (C) the extent to which the state benefits from the tax credit; and
- 421 (v) undertake other review efforts as determined by the committee chairs or as otherwise required by law.
- 423 [(3)
- . (a) ~~On or before November 30, 2017, and every three years after 2017, the committee shall conduct the review required under Subsection (2) of the tax credits allowed under the following sections:]~~
- 426 [(i) Section 59-10-1004;]
- 427 [(ii) Section 59-10-1010;]
- 428 [(iii) Section 59-10-1015;]
- 429 [(iv) Section 59-10-1025;]
- 430 [(v) Section 59-10-1027;]
- 431 [(vi) Section 59-10-1031;]
- 432 [(vii) Section 59-10-1032;]
- 433 [(viii) Section 59-10-1035;]
- 434 [(ix) Section 59-10-1105; and]
- 435 [(x) Section 59-10-1108.]
- 436 [(b) ~~On or before November 30, 2018, and every three years after 2018, the committee shall conduct the review required under Subsection (2) of the tax credits allowed under the following sections:]~~
- 439 [(i) Section 59-10-1005;]
- 440 [(ii) Section 59-10-1006;]
- 441 [(iii) Section 59-10-1012;]
- 442 [(iv) Section 59-10-1022;]
- 443 [(v) Section 59-10-1023;]
- 444 [(vi) Section 59-10-1028;]

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- 445 [~~(vii) Section 59-10-1034;~~]
446 [~~(viii) Section 59-10-1037; and~~]
447 [~~(ix) Section 59-10-1107.~~]
448 [(e) ~~On or before November 30, 2019, and every three years after 2019, the committee shall conduct the~~
review required under Subsection (2) of the tax credits allowed under the following sections:]
- 451 [(i) ~~Section 59-10-1007;~~]
452 [(ii) ~~Section 59-10-1014;~~]
453 [(iii) ~~Section 59-10-1017;~~]
454 [(iv) ~~Section 59-10-1018;~~]
455 [(v) ~~Section 59-10-1019;~~]
456 [(vi) ~~Section 59-10-1024;~~]
457 [(vii) ~~Section 59-10-1029;~~]
458 [(viii) ~~Section 59-10-1036;~~]
459 [(ix) ~~Section 59-10-1106; and~~]
460 [(x) ~~Section 59-10-1111.~~]
461 [~~(d)~~]
- . (i) ~~In addition to the reviews described in this Subsection (3), the committee shall conduct a review of a~~
tax credit described in this chapter that is enacted on or after January 1, 2017.]
- 464 [(ii) ~~The committee shall complete a review described in this Subsection (3)(d) three years after the~~
effective date of the tax credit and every three years after the initial review date.]
- 465 Section 9. Section **59-10-1025** is amended to read:
- 466 **59-10-1025. Nonrefundable tax credit for investment in certain life science establishments.**
- 470 (1) As used in this section:
- 471 (a) "Commercial domicile" means the principal place from which the trade or business of a Utah small
business corporation is directed or managed.
- 473 (b) "Eligible claimant, estate, or trust" means the same as that term is defined in Section 63N-2-802.
- 475 (c) "Life science establishment" means an establishment primarily engaged in the development or
manufacture of products in one or more of the following categories:
- 477 (i) biotechnologies;
478 (ii) medical devices;
479 (iii) medical diagnostics; and

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- 480 (iv) pharmaceuticals.
- 481 (d) "Office" means the Governor's Office of Economic Opportunity.
- 482 (e) "Pass-through entity" means the same as that term is defined in Section 59-10-1402.
- 483 (f) "Pass-through entity taxpayer" means the same as that term is defined in Section 59-10-1402.
- 485 (g) "Qualifying ownership interest" means an ownership interest that is:
- 486 (i)
- . (A) common stock;
- 487 (B) preferred stock; or
- 488 (C) an ownership interest in a pass-through entity;
- 489 (ii) originally issued to:
- 490 (A) an eligible claimant, estate, or trust; or
- 491 (B) a pass-through entity if the eligible claimant, estate, or trust that claims a tax credit under this section was a pass-through entity taxpayer of the pass-through entity on the day on which the qualifying ownership interest was issued and remains a pass-through entity taxpayer of the pass-through entity until the last day of the taxable year for which the eligible claimant, estate, or trust claims a tax credit under this section; and
- 497 (iii) issued:
- 498 (A) by a Utah small business corporation;
- 499 (B) on or after January 1, 2011; and
- 500 (C) for money or other property, except for stock or securities.
- 501 (h)
- . (i) Except as provided in Subsection (1)(h)(ii), "Utah small business corporation" means the same as that term is defined in Section 59-10-1022.
- 503 (ii) For purposes of this section, a corporation under Section 1244(c)(3)(A), Internal Revenue Code, is considered to include a pass-through entity.
- 505 (2) Subject to the other provisions of this section, [~~for a taxable year beginning on or after January 1, 2011,~~]an eligible claimant, estate, or trust that holds a tax credit certificate issued to the eligible claimant, estate, or trust in accordance with Section 63N-2-808 for that taxable year may claim a nonrefundable tax credit in an amount up to 35% of the purchase price of a qualifying ownership interest in a Utah small business corporation by the claimant, estate, or trust if:

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- (a) the qualifying ownership interest is issued by a Utah small business corporation that is a life science establishment;
- 513 (b) the qualifying ownership interest in the Utah small business corporation is purchased for at least \$25,000;
- 515 (c) the eligible claimant, estate, or trust owned less than 30% of the qualifying ownership interest of the Utah small business corporation at the time of the purchase of the qualifying ownership interest; and
- 518 (d) on each day of the taxable year in which the purchase of the qualifying ownership interest was made, the Utah small business corporation described in Subsection (2)(a) has at least 50% of its employees in the state.
- 521 (3) Subject to Subsection (4), the tax credit under Subsection (2):
- 522 (a) may only be claimed by an eligible claimant, estate, or trust:
- 523 (i) for a taxable year for which the eligible claimant, estate, or trust holds a tax credit certificate issued in accordance with Section 63N-2-808; and
- 525 (ii) subject to obtaining a tax credit certificate for each taxable year as required by Subsection (3)(a)(i), for a period of three taxable years as follows:
- 527 (A) the tax credit in the taxable year in which the purchase of the qualifying ownership interest was made may not exceed 10% of the purchase price of the qualifying ownership interest;
- 530 (B) the tax credit in the taxable year after the taxable year described in Subsection (3)(a)(ii)(A) may not exceed 10% of the purchase price of the qualifying ownership interest; and
- 533 (C) the tax credit in the taxable year two years after the taxable year described in Subsection (3)(a)(ii)(A) may not exceed 15% of the purchase price of the qualifying ownership interest; and
- 536 (b) may not exceed the lesser of:
- 537 (i) the amount listed on the tax credit certificate issued in accordance with Section 63N-2-808; or
- 539 (ii) \$350,000 in a taxable year.
- 540 (4) An eligible claimant, estate, or trust may not claim a tax credit under this section for a taxable year if the eligible claimant, estate, or trust:
- 542 (a) has sold any of the qualifying ownership interest during the taxable year; or
- 543 (b) does not hold a tax credit certificate for that taxable year that is issued to the eligible claimant, estate, or trust by the office in accordance with Section 63N-2-808.
- 545 (5) If a Utah small business corporation in which an eligible claimant, estate, or trust purchases a qualifying ownership interest fails, dissolves, or otherwise goes out of business, the eligible

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claimant, estate, or trust may not claim both the tax credit provided in this section and a capital loss on the qualifying ownership interest.

549 (6) If an eligible claimant is a pass-through entity taxpayer that files a return under Chapter 7, Corporate Franchise and Income Taxes, the eligible claimant may claim the tax credit under this section on the return filed under Chapter 7, Corporate Franchise and Income Taxes.

553 (7) A claimant, estate, or trust may not carry forward or carry back a tax credit under this section.

555 (8)

. [~~(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.~~]

559 [~~(b)~~] (a) [Except as provided in Subsection (8)(c), for purposes of the study required by this Subsection (8)]

561 (i) To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:

565 [(i)] (A) the amount of tax credit that the office grants to each eligible business entity for each taxable year;

567 [(ii)] (B) the amount of eligible new state tax revenues generated by each eligible product or project;

569 [(iii)] (C) estimates for each of the next three calendar years of the following:

570 [(A)] (I) the amount of tax credit that the office will grant;

571 [(B)] (II) the amount of eligible new state tax revenues that will be generated; and

573 [(C)] (III) the number of new incremental jobs within the state that will be generated; and

575 [(iv)] (D) any other information that the Office of the Legislative Fiscal Analyst requests.

586 [(e)]

577 [(i)] (ii) In providing the information described in Subsection [~~(8)(b)~~] (8)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

580 [(ii)] (iii) If, notwithstanding the redactions made under Subsection [~~(8)(c)(i)~~] (8)(a)(ii), reporting the information described in Subsection [~~(8)(b)~~] (8)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection [~~(8)(b)~~] (8)(a)(i) in the aggregate for all entities that receive the tax credit under this section.

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- 587 ~~[(d)]~~ (b) ~~[As part of the study required by this Subsection (8), the]~~ The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection ~~[(8)(b)]~~ (8)(a).
- 591 ~~[(e) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (8)(a) include an evaluation of:]~~
- 593 ~~[(i) the cost of the tax credit under this section;]~~
- 594 ~~[(ii) the purpose and effectiveness of the tax credit; and]~~
- 595 ~~[(iii) the extent to which the state benefits from the tax credit.]~~
- 596 Section 10. Section **59-10-1029** is amended to read:
- 597 **59-10-1029. Nonrefundable alternative energy development tax credit.**
- 598 (1) As used in this section:
- 599 (a) "Alternative energy entity" means the same as that term is defined in Section 79-6-502.
- 601 (b) "Alternative energy project" means the same as that term is defined in Section 79-6-502.
- 603 (c) "Office" means the Office of Energy Development created in Section 79-6-401.
- 604 (2) Subject to the other provisions of this section, an alternative energy entity may claim a nonrefundable tax credit for alternative energy development as provided in this section.
- 606 (3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under Title 79, Chapter 6, Part 5, Alternative Energy Development Tax Credit Act, to the alternative energy entity for the taxable year.
- 609 (4) An alternative energy entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:
- 611 (a) the alternative energy entity is allowed to claim a tax credit under this section for a taxable year; and
- 613 (b) the amount of the tax credit exceeds the alternative energy entity's tax liability under this chapter for that taxable year.
- 615 (5)
- . ~~[(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~
- 619 ~~[(b)]~~ (a)
- .

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- (i) ~~[Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5)]~~ To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:
- 624 (A) the amount of tax credit that the office grants to each alternative energy entity for each taxable year;
- 626 (B) the new state revenues generated by each alternative energy project;
- 627 (C) the information contained in the office's latest report under Section 79-6-505; and
- 629 (D) any other information that the Office of the Legislative Fiscal Analyst requests.
- 631 (ii)
- . (A) In providing the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.
- 634 (B) If, notwithstanding the redactions made under Subsection ~~[(5)(b)(ii)(A)]~~ (5)(a)(ii)(A), reporting the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) in the aggregate for all alternative energy entities that receive the tax credit under this section.
- 640 ~~[(e)]~~ (b) ~~[As part of the study required by this Subsection (5), the]~~ The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection ~~[(5)(b)]~~ (5)(a).
- 644 ~~[(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]~~
- 646 ~~[(i) the cost of the tax credit to the state;]~~
- 647 ~~[(ii) the purpose and effectiveness of the tax credit; and]~~
- 648 ~~[(iii) the extent to which the state benefits from the tax credit.]~~
- 649 (6) A claimant, estate, or trust may not claim or carry forward a tax credit described in Subsection (2) in a taxable year during which the taxpayer claims or carries forward a tax credit under Section 59-10-1106.
- 650 Section 11. Section **59-10-1034** is amended to read:
- 651 **59-10-1034. Nonrefundable high cost infrastructure development tax credit.**

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- 654 (1) As used in this section:
- 655 (a) "High cost infrastructure project" means the same as that term is defined in Section 79-6-602.
- 657 (b) "Infrastructure cost-burdened entity" means the same as that term is defined in Section 79-6-602.
- 659 (c) "Infrastructure-related revenue" means the same as that term is defined in Section 79-6-602.
- 661 (d) "Office" means the Office of Energy Development created in Section 79-6-401.
- 662 (2) Subject to the other provisions of this section, a claimant, estate, or trust that is an infrastructure cost-burdened entity may claim a nonrefundable tax credit for development of a high cost infrastructure project as provided in this section.
- 665 (3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under Title 79, Chapter 6, Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure cost-burdened entity for the taxable year.
- 669 (4) An infrastructure cost-burdened entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:
- 671 (a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this section for a taxable year; and
- 673 (b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax liability under this chapter for that taxable year.
- 675 (5)
- . [~~(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.~~]
- 679 [~~(b)~~] (a)
- . (i) [~~Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5)] To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst:~~
- 684 (A) the amount of tax credit that the office grants to each infrastructure cost-burdened entity for each taxable year;
- 686 (B) the infrastructure-related revenue generated by each high cost infrastructure project;
- 688 (C) the information contained in the office's latest report under Section 79-6-605; and
- 690 (D) any other information that the Office of the Legislative Fiscal Analyst requests.

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- 692 (ii)
- . [(A)] In providing the information described in Subsection [(5)(b)(i)] (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.
- 695 [(B)] (iii) If, notwithstanding the redactions made under Subsection [(5)(b)(ii)(A)] (5)(a)(ii), reporting the information described in Subsection [(5)(b)(i)] (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection [(5)(b)(i)] (5)(a)(i) in the aggregate for all infrastructure cost-burdened entities that receive the tax credit under this section.
- 701 [(e)] (b) [~~As part of the study required by this Subsection (5), the~~] The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection [(5)(b)] (5)(a).
- 705 [~~The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:~~]
- 707 [(i) ~~the cost of the tax credit to the state;~~]
- 708 [(ii) ~~the purpose and effectiveness of the tax credit; and~~]
- 709 [(iii) ~~the extent to which the state benefits from the tax credit.~~]
- 708 Section 12. Section 59-10-1037 is amended to read:
- 709 **59-10-1037. Nonrefundable enterprise zone tax credit.**
- 710 (1) As used in this section:
- 711 (a) "Business entity" means a claimant, estate, or trust that meets the definition of "business entity" as that term is defined in Section 63N-2-202.
- 713 (b) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.
- 715 (2) Subject to the provisions of this section, a business entity may claim a nonrefundable enterprise zone tax credit as described in Section 63N-2-213.
- 717 (3) The enterprise zone tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to the business entity for the taxable year.
- 720 (4) A business entity may carry forward a tax credit under this section for a period that does not exceed the next three taxable years, if the amount of the tax credit exceeds the business entity's tax liability under this chapter for that taxable year.
- 723 (5)

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- . [(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]
- 727 [(b)] (a)
- . (i) [Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5)] To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide by electronic means the following information, if available to the office, for each calendar year to the Office of the Legislative Fiscal Analyst:
- 732 (A) the amount of tax credits provided in each development zone;
- 733 (B) the number of new full-time employee positions reported to obtain tax credits in each development zone;
- 735 (C) the amount of tax credits awarded for rehabilitating a building in each development zone;
- 737 (D) the amount of tax credits awarded for investing in a plant, equipment, or other depreciable property in each development zone;
- 739 (E) the information related to the tax credit contained in the office's latest report under Section 63N-1a-306; and
- 741 (F) other information that the Office of the Legislative Fiscal Analyst requests.
- 742 (ii)
- . [(A)] In providing the information described in Subsection [(5)(b)(i)] (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.
- 745 [(B)] (iii) If, notwithstanding the redactions made under Subsection [(5)(b)(ii)(A)] (5)(a)(ii), reporting the information described in Subsection [(5)(b)(i)] (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection [(5)(b)(i)] (5)(a)(i) in the aggregate for all development zones that receive the tax credit under this section.
- 751 [(e)] (b) [~~As part of the study required by this Subsection (5), the~~] The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection [(5)(b)] (5)(a).
- 755 [(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]

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- 757 ~~[(i) the cost of the tax credit to the state;]~~
758 ~~[(ii) the purpose and effectiveness of the tax credit; and]~~
759 ~~[(iii) the extent to which the state benefits from the tax credit.]~~
- 710 ~~{Section 12. Section 59-10-1037 is amended to read: }~~
711 **59-10-1037. Nonrefundable enterprise zone tax credit.**
- 712 (1) As used in this section:
- 713 (a) "Business entity" means a claimant, estate, or trust that meets the definition of "business entity" as that term is defined in Section 63N-2-202.
- 715 (b) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.
- 717 (2) Subject to the provisions of this section, a business entity may claim a nonrefundable enterprise zone tax credit as described in Section 63N-2-213.
- 719 (3) The enterprise zone tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to the business entity for the taxable year.
- 722 (4) A business entity may carry forward a tax credit under this section for a period that does not exceed the next three taxable years, if the amount of the tax credit exceeds the business entity's tax liability under this chapter for that taxable year.
- 725 (5) A business entity may not claim or carry forward a tax credit under this part for a taxable year during which the business entity has claimed the targeted business income tax credit under Section 59-10-1112.
- 728 (6)
- ~~[(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~
- 732 ~~[(b)]~~ (a)
- ~~[(i) Except as provided in Subsection (6)(b)(ii), for purposes of the study required by this Subsection (6)]~~ To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide by electronic means the following information, if available to the office, for each calendar year to the Office of the Legislative Fiscal Analyst:
- 737 (A) the amount of tax credits provided in each development zone;
- 738 (B) the number of new full-time employee positions reported to obtain tax credits in each development zone;

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- 740 (C) the amount of tax credits awarded for rehabilitating a building in each development zone;
- 742 (D) the amount of tax credits awarded for investing in a plant, equipment, or other depreciable property in each development zone;
- 744 (E) the information related to the tax credit contained in the office's latest report under Section 63N-1a-306; and
- 746 (F) other information that the Office of the Legislative Fiscal Analyst requests.
- 747 (ii)
- . [(A)] In providing the information described in Subsection [(6)(b)(i)] (6)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.
- 750 [(B)] (iii) If, notwithstanding the redactions made under Subsection [(6)(b)(ii)(A)] (6)(a)(ii), reporting the information described in Subsection [(6)(b)(i)] (6)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection [(6)(b)(i)] (6)(a)(i) in the aggregate for all development zones that receive the tax credit under this section.
- 756 [(e)] (b) [As part of the study required by this Subsection (6), the] The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection [(6)(b)] (6)(a).
- 760 [(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (6)(a) include an evaluation of:]
- 762 [(i) the cost of the tax credit to the state;]
- 763 [(ii) the purpose and effectiveness of the tax credit; and]
- 764 [(iii) the extent to which the state benefits from the tax credit.]
- 760 Section 13. Section **59-10-1107** is amended to read:
- 761 **59-10-1107. Refundable economic development tax credit.**
- 767 (1) As used in this section:
- 768 (a) "Business entity" means a claimant, estate, or trust that meets the definition of "business entity" as defined in Section 63N-2-103.
- 770 (b) "Incremental job" means the same as that term is defined in Section 63N-1a-102.
- 771 (c) "New state revenue" means the same as that term is defined in Section 63N-1a-102.
- 772 (d) "Office" means the Governor's Office of Economic Opportunity.

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- 773 (2) Subject to the other provisions of this section, a business entity may claim a refundable tax credit for economic development.
- 775 (3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to the business entity for the taxable year.
- 777 (4)
- . (a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the commission shall make a refund to a business entity that claims a tax credit under this section if the amount of the tax credit exceeds the business entity's tax liability for a taxable year.
- 781 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules providing procedures for making a refund to a business entity as required by Subsection (4)(a).
- 784 (5)
- . [~~(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.~~]
- 788 [~~(b)~~] (a) [~~Except as provided in Subsection (5)(c), for purposes of the study required by this Subsection (5),~~] To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Revenue and Taxation Interim Committee by electronic means:
- 793 (i) the amount of tax credit the office grants to each taxpayer for each calendar year;
- 794 (ii) the criteria the office uses in granting a tax credit;
- 795 (iii) the new state revenue generated by each taxpayer for each calendar year;
- 796 (iv) estimates for each of the next three calendar years of the following:
- 797 (A) the amount of tax credits that the office will grant;
- 798 (B) the amount of new state revenue that will be generated; and
- 799 (C) the number of new incremental jobs within the state that will be generated;
- 800 (v) the information contained in the office's latest report under Section 63N-2-106; and
- 802 (vi) any other information that the Revenue and Taxation Interim Committee requests.
- 803 [~~(e)~~] (b)
- . [(i)] In providing the information described in Subsection [~~(5)(b)~~] (5)(a), the office shall redact information that identifies a recipient of a tax credit under this section.

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- 805 [(ii)] (c) If, notwithstanding the redactions made under Subsection [(5)(e)(i)] (5)(b), reporting the
information described in Subsection [(5)(b)] (5)(a) might disclose the identity of a recipient of a tax
credit, the office may file a request with the Revenue and Taxation Interim Committee to provide
the information described in Subsection [(5)(b)] (5)(a) in the aggregate for all taxpayers that receive
the tax credit under this section.
- 811 [~~(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in
Subsection (5)(a) include an evaluation of:~~]
- 813 [(i) the cost of the tax credit to the state;]
- 814 [(ii) the purpose and effectiveness of the tax credit; and]
- 815 [(iii) the extent to which the state benefits from the tax credit.]
- 812 Section 14. Section **59-10-1108** is amended to read:
- 813 **59-10-1108. Refundable motion picture tax credit.**
- 818 (1) As used in this section:
- 819 (a) "Motion picture company" means a claimant, estate, or trust that meets the definition of a motion
picture company under Section 63N-8-102.
- 821 (b) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.
- 823 (c) "State-approved production" means the same as that term is defined in Section 63N-8-102.
- 825 (2) [~~For a taxable year beginning on or after January 1, 2009, a~~] A motion picture company may claim a
refundable tax credit for a state-approved production.
- 827 (3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit
certificate that the office issues to a motion picture company under Section 63N-8-103 for the
taxable year.
- 830 (4)
- . (a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the commission
shall make a refund to a motion picture company that claims a tax credit under this section if the
amount of the tax credit exceeds the motion picture company's tax liability for the taxable year.
- 834 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission
may make rules providing procedures for making a refund to a motion picture company as required
by Subsection (4)(a).
- 837 (5)
- .

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~~[(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~

841 ~~[(b)]~~ (a)

~~[(i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5)]~~ To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:

846 (A) the amount of tax credit the office grants to each taxpayer for each calendar year;

848 (B) estimates of the amount of tax credit that the office will grant for each of the next three calendar years;

850 (C) the criteria the office uses in granting a tax credit;

851 (D) the dollars left in the state, as defined in Section 63N-8-102, by each motion picture company for each calendar year;

853 (E) the information contained in the office's latest report under Section 63N-8-105; and

855 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

856 (ii)

~~[(A)]~~ In providing the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

859 ~~[(B)]~~ (iii) If, notwithstanding the redactions made under Subsection ~~[(5)(b)(ii)(A)]~~ (5)(a)(ii), reporting the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) in the aggregate for all taxpayers that receive the tax credit under this section.

865 ~~[(e)]~~ (b) ~~[As part of the study required by this Subsection (5), the]~~ The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection ~~[(5)(b)]~~ (5)(a).

869 ~~[(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]~~

871 (i) the cost of the tax credit to the state;

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872 [~~(ii) the effectiveness of the tax credit; and~~]

873 [~~(iii) the extent to which the state benefits from the tax credit.~~]

870 Section 15. **Effective date.**

This bill takes effect on May 7, 2025.

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