

**Lincoln Fillmore** proposes the following substitute bill:

## Income Tax Rate Modifications

## 2026 GENERAL SESSION

## STATE OF UTAH

## **Chief Sponsor: Lincoln Fillmore**

## House Sponsor:

## LONG TITLE

### **General Description:**

This bill modifies the income tax rates.

## Highlighted Provisions:

This bill:

- defines terms;
- provides for a reduction of the income tax rate when the actual state revenue exceeds the forecast revenue;
  - provides a formula and process for calculating a reduction of the income tax rate;
  - requires the State Tax Commission to publish the income tax rate annually;
  - changes the mineral production tax withholding rate; and
  - makes technical and conforming changes.

## **Money Appropriated in this Bill:**

None

## Other Special Clauses:

This bill provides a special effective date.

## Utah Code Sections Affected:

## AMENDS:

**59-1-101**, as last amended by Laws of Utah 2009, Chapter 212

**59-6-102**, as last amended by Laws of Utah 2008, Chapter 255

**59-7-104**, as last amended by Laws of Utah 2025, Chapter 407

**59-7-201**, as last amended by Laws of Utah 2025, Chapter 407

**59-7-610**, as last amended by Laws of Utah 2021, Chapter 367

**59-7-701**, as last amended by Laws of Utah 2016, Chapters 87, 135 and 222

**59-7-802**, as last amended by Laws of Utah 1995, Chapter 311

**59-10-104**, as last amended by Laws of Utah 2025, Chapter 407

29       **59-10-116**, as last amended by Laws of Utah 2022, Chapter 252  
30       **59-10-201**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9  
31       **59-10-205**, as last amended by Laws of Utah 2008, Chapter 389  
32       **59-10-1007**, as last amended by Laws of Utah 2021, Chapter 367  
33       **59-10-1017**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9  
34       **59-10-1022**, as last amended by Laws of Utah 2021, Chapter 367  
35       **59-10-1023**, as last amended by Laws of Utah 2021, Chapter 367  
36       **59-10-1028**, as last amended by Laws of Utah 2021, Chapter 367  
37       **59-10-1035**, as last amended by Laws of Utah 2021, Chapter 367  
38       **59-10-1036**, as last amended by Laws of Utah 2021, Chapter 367  
39       **59-10-1042**, as last amended by Laws of Utah 2025, Chapter 182  
40       **59-10-1043**, as last amended by Laws of Utah 2022, Chapter 258  
41       **59-10-1403.2**, as last amended by Laws of Utah 2023, Chapter 470  
42       **59-10-1403.3**, as last amended by Laws of Utah 2021, Chapter 367  
43       **63I-1-259**, as last amended by Laws of Utah 2025, Chapter 270

44 ENACTS:

45       **59-1-1901**, Utah Code Annotated 1953  
46       **59-1-1902**, Utah Code Annotated 1953

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

49       Section 1. Section **59-1-101** is amended to read:

50       **59-1-101 . Definitions.**

51       As used in this title:

52       (1) "Commission" and "tax commission" mean the State Tax Commission.  
53       (2) "Deficiency" [is as] means the same as that term is defined in Section 59-1-1402.  
54       (3) Income tax rate means:  
55           (a) for a taxable year beginning on or after January 1, 2027, and beginning before  
56              January 1, 2028, 4.5%;  
57           (b) for a taxable year beginning on or after January 1, 2028, and beginning before  
58              January 1, 2038, the rate calculated and published in accordance with Section  
59              59-1-1902; and  
60           (c) for a taxable year beginning on or after January 1, 2038, the rate that is in effect for  
61              the immediately preceding taxable year.

62       Section 2. Section **59-1-1901** is enacted to read:



97                   Withholding:

98                   (e) income tax imposed under Chapter 7, Corporate Franchise and Income Taxes, and  
99                   Chapter 10, Individual Income Tax Act;  
100                   (f) premiums tax imposed under Chapter 9, Taxation of Admitted Insurers;  
101                   (g) state sales and use tax imposed under Chapter 12, Sales and Use Tax Act;  
102                   (h) taxes imposed under Chapter 13, Motor and Special Fuel Tax Act;  
103                   (i) taxes imposed on cigarettes and tobacco under Chapter 14, Cigarette and Tobacco  
104                   Tax and Licensing Act;  
105                   (j) beer tax imposed under Chapter 15, Beer Tax;  
106                   (k) mineral lease funds described in Chapter 21, Mineral Lease Funds;  
107                   (l) multi-channel video or audio service tax imposed under Section 59-26-103; and  
108                   (m) other payments to the General Fund, Income Tax Fund, or Transportation Fund,  
109                   including fees, surcharges, penalties, interest, lapsing funds, rebates, and settlements.

110                   (5) "Unrestricted revenue" means revenue that is not statutorily dedicated or earmarked for  
111                   a particular use.

112                   Section 3. Section **59-1-1902** is enacted to read:

113                   **59-1-1902 . Calculation of income tax rate.**

114                   (1) cl

115                   (a) On or after July 1 and before October 1 of each year between 2027 and 2036, the  
116                   consensus entities shall determine whether the actual state revenue for the previous  
117                   fiscal year exceeds the forecast revenue for the previous fiscal year.

118                   (b)(i) If the consensus entities determine that the actual state revenue for the previous  
119                   fiscal year exceeds the forecast revenue for the previous fiscal year, the consensus  
120                   entities shall calculate the amount that is equal to one-half of the difference  
121                   between actual state revenue for the previous fiscal year and forecast revenue for  
122                   the previous fiscal year.

123                   (ii) Subject to Subsection (1)(b)(iii), the income tax rate decreases by .01 percentage  
124                   points for each cost per .01 percentage points in the amount calculated in  
125                   accordance with Subsection (1)(b)(i).

126                   (iii) The income tax rate decreases only in intervals of .01 percentage points.

127                   (c) If the consensus entities determine that the actual state revenue for the previous fiscal  
128                   year does not exceed the forecast revenue for the previous fiscal year, the income tax  
129                   rate for the taxable year beginning on or after the next January 1 remains the same as  
130                   the income tax rate for the current taxable year.

131 (2) On or before November 1, the commission shall publish the income tax rate for the  
132 taxable year beginning on or after the next January 1.

133 Section 4. Section **59-6-102** is amended to read:

134 **59-6-102 . Producer's obligation to deduct and withhold payments -- Amount --**

135 **Exempt payments -- Credit against tax.**

136 [(1) Except as provided in Subsection (2), each producer shall deduct and withhold from  
137 each payment being made to any person in respect to production of minerals in this state,  
138 but not including that to which the producer is entitled, an amount equal to 5% of the  
139 amount which would have otherwise been payable to the person entitled to the payment.]

140 (1) Except as provided in Subsection (2), each producer shall deduct and withhold from  
141 each payment being made to any person in respect to production of minerals in this state,  
142 but not including the payment to which the producer is entitled, an amount equal to the  
143 income tax rate multiplied by the amount payable to the person entitled to the payment.

144 (2) The obligation to deduct and withhold from payments as provided in Subsection (1)  
145 does not apply to those payments [which] that are payable to:  
146 (a) the United States, this state, or an agency or political subdivision of the United States  
147 or this state;  
148 (b) an organization that is exempt from the taxes imposed by Chapter 7, Corporate  
149 Franchise and Income Taxes, in accordance with Subsection 59-7-102(1)(a);  
150 (c) an Indian or Indian tribe if the amounts accruing are subject to the supervision of the  
151 United States or an agency of the United States; or  
152 (d) a business entity that files an exemption certificate in accordance with Section  
153 59-6-102.1.

154 (3) A claimant, estate, or trust that files a tax return with the commission may claim a  
155 refundable tax credit against the tax reflected on the tax return for the amount withheld  
156 by the producer under Subsection (1).

157 Section 5. Section **59-7-104** is amended to read:

158 **59-7-104 . Tax -- Minimum tax.**

159 (1) Each domestic and foreign corporation, except a corporation that is exempt under  
160 Section 59-7-102, shall pay an annual tax to the state based on the corporation's Utah  
161 taxable income for the taxable year for the privilege of exercising the corporation's  
162 corporate franchise or for the privilege of doing business in the state.

163 (2) The tax imposed by Subsection (1) is the amount equal to the income tax rate multiplied  
164 by a corporation's Utah taxable income.

165 [~~(2) The tax shall be 4.5% of a corporation's Utah taxable income.~~]

166 (3) The minimum tax a corporation shall pay under this chapter is \$100.

167       Section 6. Section **59-7-201** is amended to read:

168       **59-7-201 . Tax -- Minimum tax.**

169 (1) There is imposed upon each corporation, except a corporation that is exempt under  
170       Section 59-7-102, a tax upon the corporation's Utah taxable income for the taxable year  
171       that is derived from sources within this state other than income for any period that the  
172       corporation is required to include in the corporation's tax base under Section 59-7-104.

173 [~~(2) The tax imposed by Subsection (1) shall be 4.5% of a corporation's Utah taxable  
174       income.~~]

175 (2) The tax imposed by Subsection (1) is the amount equal to the income tax rate multiplied  
176       by a corporation's Utah taxable income.

177 (3) In no case shall the tax be less than \$100.

178       Section 7. Section **59-7-610** is amended to read:

179       **59-7-610 . Recycling market development zones tax credits.**

180 (1) Subject to other provisions of this section, a taxpayer that is a business operating in a  
181       recycling market development zone as defined in Section 19-13-102 may claim the  
182       following nonrefundable tax credits:

183 (a) a tax credit equal to the product of the [~~percentage listed in Subsection 59-7-104(2)~~]  
184       income tax rate and the purchase price paid for machinery and equipment used  
185       directly in:

186       (i) commercial composting; or  
187       (ii) manufacturing facilities or plant units that:

188               (A) manufacture, process, compound, or produce recycled items of tangible  
189               personal property for sale; or  
190               (B) reduce or reuse postconsumer waste material; and

191 (b) a tax credit equal to the lesser of:

192       (i) 20% of net expenditures to third parties for rent, wages, supplies, tools, test  
193               inventory, and utilities made by the taxpayer for establishing and operating  
194               recycling or composting technology in the state; and  
195       (ii) \$2,000.

196 (2)(a) To claim a tax credit described in Subsection (1), the taxpayer shall receive from  
197       the Department of Environmental Quality a written certification, on a form [~~approved~~  
198       by] the commission approves, that includes:

199 (i) a statement that the taxpayer is operating a business within the boundaries of a  
200 recycling market development zone;

201 (ii) for a claim of the tax credit described in Subsection (1)(a):  
202 (A) the type of the machinery and equipment that the taxpayer purchased;  
203 (B) the date that the taxpayer purchased the machinery and equipment;  
204 (C) the purchase price for the machinery and equipment;  
205 (D) the total purchase price for all machinery and equipment for which the  
206 taxpayer is claiming a tax credit;

207 (E) a statement that the machinery and equipment are integral to the composting  
208 or recycling process; and

209 (F) the amount of the taxpayer's tax credit; and

210 (iii) for a claim of the tax credit described in Subsection (1)(b):  
211 (A) the type of net expenditure that the taxpayer made to a third party;  
212 (B) the date that the taxpayer made the payment to a third party;  
213 (C) the amount that the taxpayer paid to each third party;  
214 (D) the total amount that the taxpayer paid to all third parties;  
215 (E) a statement that the net expenditures support the establishment and operation  
216 of recycling or composting technology in the state; and  
217 (F) the amount of the taxpayer's tax credit.

218 (b)(i) The Department of Environmental Quality shall provide a taxpayer seeking to  
219 claim a tax credit under Subsection (1) with a copy of the written certification.

220 (ii) The taxpayer shall retain a copy of the written certification for the same period of  
221 time that a person is required to keep books and records under Section 59-1-1406.

222 (c) The Department of Environmental Quality shall submit to the commission an  
223 electronic list that includes:  
224 (i) the name and identifying information of each taxpayer to which the Department of  
225 Environmental Quality issues a written certification; and  
226 (ii) for each taxpayer, the amount of each tax credit listed on the written certification.

227 (3) A taxpayer may not claim a tax credit under Subsection (1)(a), Subsection (1)(b), or  
228 both that exceeds 40% of the taxpayer's state income tax liability as the tax liability is  
229 calculated:  
230 (a) for the taxable year in which the taxpayer made the purchases or payments;  
231 (b) before any other tax credits the taxpayer may claim for the taxable year; and  
232 (c) before the taxpayer claims a tax credit authorized by this section.

233 (4) The commission shall make rules governing what information a taxpayer shall file with  
234 the commission to verify the entitlement to and amount of a tax credit.  
235 (5) Except as provided in Subsections (6) [through (8)] and (7), a taxpayer may carry  
236 forward, to the next three taxable years, the amount of a tax credit described in  
237 Subsection (1)(a) that the taxpayer does not use for the taxable year.  
238 (6) A taxpayer may not claim or carry forward a tax credit described in Subsection (1)(a) in  
239 a taxable year during which the taxpayer claims or carries forward a tax credit under  
240 Section 63N-2-213.  
241 (7) A taxpayer may not claim a tax credit described in Subsection (1)(b) in a taxable year  
242 during which the taxpayer claims or carries forward a tax credit under Section 63N-2-213.

243 Section 8. Section **59-7-701** is amended to read:

244 **59-7-701 . Taxation of S corporations.**

245 (1) Except as provided in Section 59-7-102 and subject to the other provisions of this part,  
246 beginning on July 1, 1994, and ending on the last day of the taxable year that begins on  
247 or after January 1, 2012, but begins on or before December 31, 2012, an S corporation is  
248 subject to taxation in the same manner as that S corporation is taxed under Subchapter S  
249 - Tax Treatment of S Corporations and Their Shareholders, Sec. 1361 et seq., Internal  
250 Revenue Code.  
251 (2) An S corporation is taxed at the income tax rate [provided in Section 59-7-104].  
252 (3) The business income and nonbusiness income of an S corporation is subject to Part 3,  
253 Allocation and Apportionment of Income - Utah UDITPA Provisions.  
254 (4) An S corporation having income derived from or connected with Utah sources shall  
255 make a return in accordance with Sections 59-10-507 and 59-10-514.  
256 (5) An S corporation shall make payments of estimated tax as required by Section 59-7-504.  
257 (6) An S corporation is subject to Chapter 10, Part 14, Pass-Through Entities and  
258 Pass-Through Entity Taxpayers Act.  
259 (7) A pass-through entity taxpayer as defined in Section 59-10-1402 of an S corporation is  
260 subject to Chapter 10, Part 14, Pass-Through Entities and Pass-Through Entity  
261 Taxpayers Act.  
262 (8) Provisions under this chapter governing the following apply to an S corporation:  
263 (a) an assessment;  
264 (b) a penalty;  
265 (c) a refund; or  
266 (d) a record required for an S corporation.

267       Section 9. Section **59-7-802** is amended to read:

268       **59-7-802 . Taxation of unrelated business income.**

269       (1) An organization [which] that is exempt from taxation as provided in Subsection  
270       59-7-102(1) or Section 59-10-126 shall be subject to the tax imposed by this part on [its]  
271       the organization's Utah unrelated business income.

272       (2) Utah unrelated business income shall be taxed at the income tax rate [provided in  
273       Section 59-7-104] except that the minimum tax does not apply to organizations subject  
274       to the tax under this part.

275       Section 10. Section **59-10-104** is amended to read:

276       **59-10-104 . Tax basis -- Tax rate -- Exemption.**

277       (1) A tax is imposed on the state taxable income of a resident individual as provided in this  
278       section.

279       (2) For purposes of Subsection (1), for a taxable year, the tax is an amount equal to the  
280       product of:

281           (a) the resident individual's state taxable income for that taxable year; and

282           (b) the income tax rate.

283           [(b) 4.5%.]

284       (3) This section does not apply to a resident individual exempt from taxation under Section  
285       59-10-104.1.

286       Section 11. Section **59-10-116** is amended to read:

287       **59-10-116 . Tax on nonresident individual -- Calculation -- Exemption.**

288       (1) Except as provided in Subsection (2), a tax is imposed on a nonresident individual in an  
289       amount equal to the product of[the]:

290           (a) the nonresident individual's state taxable income; and

291           (b) [perecentage listed in Subsektion 59-10-104(2).] the income tax rate.

292       (2) This section does not apply to a nonresident individual:

293           (a) exempt from taxation under Section 59-10-104.1; or

294           (b) whose only state source income is wages that are excluded in accordance with  
295           Section 59-10-117.5.

296       Section 12. Section **59-10-201** is amended to read:

297       **59-10-201 . Taxation of resident trusts and estates.**

298       (1) Except as provided in Subsection (2), a tax [determined in aecordance with the rate  
299       prescribed by Subsektion 59-10-104(2)(b)] is imposed for each taxable year on [the state  
300       taxable income of] each resident estate or trust in the amount equal to the income tax

301       rate multiplied by the resident estate's or trust's state taxable income.

302       (2) The following are not subject to a tax imposed by this part:

303           (a) a resident estate or trust that is not required to file a federal income tax return for  
304                estates and trusts for the taxable year; or

305           (b) a resident trust taxed as a corporation.

306       (3) A resident estate or trust shall be allowed the credit provided in Section 59-10-1003,  
307           relating to an income tax imposed by another state, except that the limitation shall be  
308           computed by reference to the taxable income of the estate or trust.

309       (4) The property of the Utah Educational Savings Plan established in Title 53H, Chapter 10,  
310           Utah Education Savings, and the Utah Educational Savings Plan's income from  
311           operations and investments are exempt from all taxation by the state under this chapter.

312           Section 59-10-205 is amended to read:

313       **59-10-205 . Tax on nonresident estate or trust.**

314       (1) Except as provided in Subsection (2), a tax is imposed on a nonresident estate or trust in  
315           an amount equal to the product of:

316           (a) the nonresident estate's or trust's state taxable income as determined under Section  
317                59-10-204; and

318           (b) the [percentage listed in Subsection 59-10-104(2)] income tax rate.

319       (2) The following are not subject to a tax imposed by this part:

320           (a) a nonresident estate or trust that is not required to file a federal income tax return for  
321                estates and trusts for the taxable year; or

322           (b) a nonresident trust taxed as a corporation.

323           Section 14. Section 59-10-1007 is amended to read:

324       **59-10-1007 . Recycling market development zones tax credits.**

325       (1) Subject to other provisions of this section, a claimant, estate, or trust in a recycling  
326           market development zone as defined in Section 19-13-102 may claim the following  
327           nonrefundable tax credits:

328           (a) a tax credit equal to the product of the [percentage listed in Subsection 59-10-104(2)]  
329                income tax rate and the purchase price paid for machinery and equipment used  
330                directly in:

331                (i) commercial composting; or

332                (ii) manufacturing facilities or plant units that:

333                   (A) manufacture, process, compound, or produce recycled items of tangible  
334                        personal property for sale; or

335 (B) reduce or reuse postconsumer waste material; and

336 (b) a tax credit equal to the lesser of:

337 (i) 20% of net expenditures to third parties for rent, wages, supplies, tools, test

338 inventory, and utilities made by the claimant, estate, or trust for establishing and

339 operating recycling or composting technology in the state; and

340 (ii) \$2,000.

341 (2)(a) To claim a tax credit described in Subsection (1), the claimant, estate, or trust

342 shall receive from the Department of Environmental Quality a written certification,

343 on a form [approved by] the commission approves, that includes:

344 (i) a statement that the claimant, estate, or trust is operating within the boundaries of

345 a recycling market development zone;

346 (ii) for a claim of the tax credit described in Subsection (1)(a):

347 (A) the type of the machinery and equipment that the claimant, estate, or trust

348 purchased;

349 (B) the date that the claimant, estate, or trust purchased the machinery and

350 equipment;

351 (C) the purchase price for the machinery and equipment;

352 (D) the total purchase price for all machinery and equipment for which the

353 claimant, estate, or trust is claiming a tax credit;

354 (E) the amount of the claimant's, estate's, or trust's tax credit; and

355 (F) a statement that the machinery and equipment are integral to the composting

356 or recycling process; and

357 (iii) for a claim of the tax credit described in Subsection (1)(b):

358 (A) the type of net expenditure that the claimant, estate, or trust made to a third

359 party;

360 (B) the date that the claimant, estate, or trust made the payment to a third party;

361 (C) the amount that the claimant, estate, or trust paid to each third party;

362 (D) the total amount that the claimant, estate, or trust paid to all third parties;

363 (E) a statement that the net expenditures support the establishment and operation

364 of recycling or composting technology in the state; and

365 (F) the amount of the claimant's, estate's, or trust's tax credit.

366 (b)(i) The Department of Environmental Quality shall provide a claimant, estate, or

367 trust seeking to claim a tax credit under Subsection (1) with a copy of the written

368 certification.

- (ii) The claimant, estate, or trust shall retain a copy of the written certification for the same period of time that a person is required to keep books and records under Section 59-1-1406.
- (c) The Department of Environmental Quality shall submit to the commission an electronic list that includes:
  - (i) the name and identifying information of each claimant, estate, or trust to which the Department of Environmental Quality issues a written certification; and
  - (ii) for each claimant, estate, or trust, the amount of each tax credit listed on the written certification.
- (3) A claimant, estate, or trust may not claim a tax credit under Subsection (1)(a), Subsection (1)(b), or both that exceeds 40% of the claimant's, estate's, or trust's state income tax liability as the tax liability is calculated:
  - (a) for the taxable year in which the claimant, estate, or trust made the purchases or payments;
  - (b) before any other tax credits the claimant, estate, or trust may claim for the taxable year; and
  - (c) before the claimant, estate, or trust claims a tax credit authorized by this section.
- (4) The commission shall make rules governing what information a claimant, estate, or trust shall file with the commission to verify the entitlement to and amount of a tax credit.
- (5) Except as provided in Subsections (6) [through (8)] and (7), a claimant, estate, or trust may carry forward, to the next three taxable years, the amount of a tax credit described in Subsection (1)(a) that the claimant, estate, or trust does not use for the taxable year.
- (6) A claimant, estate, or trust may not claim or carry forward a tax credit described in Subsection (1)(a) in a taxable year during which the claimant, estate, or trust claims or carries forward a tax credit under Section 63N-2-213.
- (7) A claimant, estate, or trust may not claim a tax credit described in Subsection (1)(b) in a taxable year during which the claimant, estate, or trust claims or carries forward a tax credit under Section 63N-2-213.

Section 15. Section **59-10-1017** is amended to read:

**59-10-1017 . Utah Educational Savings Plan tax credit.**

- (1) As used in this section:
  - (a) "Account owner" means the same as that term is defined in Section 53H-10-101.
  - (b) "Grantor trust" means the same as that term is defined in Section 53H-10-201.
  - (c) "Higher education costs" means the same as that term is defined in Section

403 53H-10-201.

404 (d) "Maximum amount of a qualified investment for the taxable year" means, for a  
405 taxable year, the product of the [percentage listed in Subsection 59-10-104(2)] income  
406 tax rate and:

407 (i) subject to Subsection (1)(d)(iii), for a claimant, estate, or trust that is an account  
408 owner, if that claimant, estate, or trust is other than husband and wife account  
409 owners who file a single return jointly, the maximum amount of a qualified  
410 investment:  
411 (A) listed in Subsection 53H-10-205(1)(e)(ii); and  
412 (B) increased or kept for that taxable year in accordance with Subsections  
413 53H-10-205(1)(f) and (g);

414 (ii) subject to Subsection (1)(d)(iii), for claimants who are husband and wife account  
415 owners who file a single return jointly, the maximum amount of a qualified  
416 investment:  
417 (A) listed in Subsection 53H-10-205(1)(e)(iii); and  
418 (B) increased or kept for that taxable year in accordance with Subsections  
419 53H-10-205(1)(f) and (g); or

420 (iii) for a grantor trust:  
421 (A) if the owner of the grantor trust has a single filing status or head of household  
422 filing status as defined in Section 59-10-1018, the amount described in  
423 Subsection (1)(d)(i); or  
424 (B) if the owner of the grantor trust has a joint filing status as defined in Section  
425 59-10-1018, the amount described in Subsection (1)(d)(ii).

426 (e) "Owner of the grantor trust" means the same as that term is defined in Section  
427 53H-10-201.

428 (f) "Qualified investment" means the same as that term is defined in Section 53H-10-201.

429 (2) Except as provided in Section 59-10-1002.2 and subject to the other provisions of this  
430 section, a claimant, estate, or trust that is an account owner may claim a nonrefundable  
431 tax credit equal to the product of:  
432 (a) the amount of a qualified investment made:  
433 (i) during the taxable year; and  
434 (ii) into an account owned by the claimant, estate, or trust; and  
435 [(b) the percentage listed in Subsection 59-10-104(2).]  
436 (b) the income tax rate.

437 (3) A claimant, estate, or trust, or a person other than the claimant, estate, or trust, may  
438 make a qualified investment described in Subsection (2).

439 (4) A claimant, estate, or trust that is an account owner may not claim a tax credit under this  
440 section with respect to any portion of a qualified investment described in Subsection (2)  
441 that a claimant, estate, trust, or person described in Subsection (3) deducts on a federal  
442 income tax return.

443 (5) A tax credit under this section may not exceed the maximum amount of a qualified  
444 investment for the taxable year.

445 (6) A claimant, estate, or trust that is an account owner may not carry forward or carry back  
446 the tax credit under this section.

447 Section 16. Section **59-10-1022** is amended to read:

448 **59-10-1022 . Nonrefundable tax credit for capital gain transactions.**

449 (1) As used in this section:

450 (a)[(i)] "Capital gain transaction" means a transaction that results in a:  
451 [ (A) (i) short-term capital gain; or  
452 [ (B) (ii) long-term capital gain.  
453 [ (ii) ~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
454 the commission may by rule define the term "transaction."~~ ]  
455 (b) "Commercial domicile" means the principal place from which the trade or business  
456 of a Utah small business corporation is directed or managed.  
457 (c) "Long-term capital gain" ~~[is as]~~ means the same as that term is defined in Section  
458 1222, Internal Revenue Code.  
459 (d) "Qualifying stock" means stock that is:  
460 (i)(A) common; or  
461 (B) preferred;  
462 (ii) ~~[as defined by the commission by rule made in accordance with Title 63G,  
463 Chapter 3, Utah Administrative Rulemaking Act, ]~~ originally issued to:  
464 (A) a claimant, estate, or trust; or  
465 (B) a partnership if the claimant, estate, or trust that claims a tax credit under this  
466 section:  
467 (I) was a partner on the day on which the stock was issued; and  
468 (II) remains a partner until the last day of the taxable year for which the  
469 claimant, estate, or trust claims a tax credit under this section; and  
470 (iii) issued:

471 (A) by a Utah small business corporation;

472 (B) on or after January 1, 2008; and

473 (C) for[:] money or other property, except for stock or securities.

474 [({I}) money; or]

475 [({II}) other property, except for stock or securities.] ]

476 (e) "Short-term capital gain" [is-as] means the same as that term is defined in Section

477 1222, Internal Revenue Code.

478 (f)(i) "Utah small business corporation" means a corporation that:

479 (A) except as provided in Subsection (1)(f)(ii), is a small business corporation as

480 defined in Section 1244(c)(3), Internal Revenue Code;

481 (B) except as provided in Subsection (1)(f)(iii), meets the requirements of Section

482 1244(c)(1)(C), Internal Revenue Code; and

483 (C) has [its] the corporation's commercial domicile in this state.

484 (ii) The dollar amount listed in Section 1244(c)(3)(A), Internal Revenue Code, is

485 considered to be \$2,500,000.

486 (iii) The phrase "the date the loss on such stock was sustained" in Sections

487 1244(c)(1)(C) and 1244(c)(2), Internal Revenue Code, is considered to be "the last

488 day of the taxable year for which the claimant, estate, or trust claims a tax credit

489 under this section."

490 (2) [For taxable years beginning on or after January 1, 2008, a] A claimant, estate, or trust

491 that meets the requirements of Subsection (3) may claim a nonrefundable tax credit

492 equal to the product of:

493 (a) the total amount of the claimant's, estate's, or trust's short-term capital gain or

494 long-term capital gain on a capital gain transaction that occurs on or after January 1,

495 2008; and

496 (b) the income tax rate.

497 [({b}) the percentage listed in Subsection 59-10-104(2).] ]

498 (3) For purposes of Subsection (2), a claimant, estate, or trust may claim the nonrefundable

499 tax credit allowed by Subsection (2) if:

500 (a) 70% or more of the gross proceeds of the capital gain transaction are expended:

501 (i) to purchase qualifying stock in a Utah small business corporation; and

502 (ii) within a 12-month period after the day on which the capital gain transaction

503 occurs; and

504 (b) [prior to] before the purchase of the qualifying stock described in Subsection (3)(a)(i),

505                   the claimant, estate, or trust did not have an ownership interest in the Utah small  
506                   business corporation that issued the qualifying stock.

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

509                   (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
510                   commission may make rules:

511                   (a) defining the [term] terms:

512                    (i) "gross proceeds";

513                    (ii) "transaction"; or

514                    (iii) "originally issued"; and

515                   (b) [prescribing] providing the circumstances under which a claimant, estate, or trust has  
516                   an ownership interest in a Utah small business corporation.

517                   Section 17. Section **59-10-1023** is amended to read:

518                   **59-10-1023 . Nonrefundable tax credit for amounts paid under a health benefit**

519                   **plan.**

520                   (1) As used in this section:

521                   (a) "Claimant with dependents" means a claimant:

522                    (i) regardless of the claimant's filing status for purposes of filing a federal individual  
523                    income tax return for the taxable year; and

524                    (ii) who claims one or more dependents under Section 151, Internal Revenue Code,  
525                    as allowed on the claimant's federal individual income tax return for the taxable  
526                    year.

527                   (b) "Eligible insured individual" means:

528                    (i) the claimant who is insured under a health benefit plan;

529                    (ii) the spouse of the claimant described in Subsection (1)(b)(i) if:

530                      (A) the claimant files a single return jointly under this chapter with the claimant's  
531                      spouse for the taxable year; and

532                      (B) the spouse is insured under the health benefit plan described in Subsection  
533                      (1)(b)(i); or

534                    (iii) a dependent of the claimant described in Subsection (1)(b)(i) if:

535                      (A) the claimant claims the dependent under Section 151, Internal Revenue Code,  
536                      as allowed on the claimant's federal individual income tax return for the  
537                      taxable year; and

538                      (B) the dependent is insured under the health benefit plan described in Subsection

539 (1)(b)(i).

540 (c) "Excluded expenses" means an amount a claimant pays for insurance offered under a  
541 health benefit plan for a taxable year if:  
542 (i) the claimant claims a tax credit for that amount under Section 35, Internal  
543 Revenue Code:  
544 (A) on the claimant's federal individual income tax return for the taxable year; and  
545 (B) with respect to an eligible insured individual;  
546 (ii) the claimant deducts that amount under Section 162 or 213, Internal Revenue  
547 Code:  
548 (A) on the claimant's federal individual income tax return for the taxable year; and  
549 (B) with respect to an eligible insured individual; or  
550 (iii) the claimant excludes that amount from gross income under Section 106 or 125,  
551 Internal Revenue Code, with respect to an eligible insured individual.

552 (d)(i) "Health benefit plan" [is as] means the same as that term is defined in Section  
553 31A-1-301.  
554 (ii) "Health benefit plan" does not include equivalent self-insurance as defined by the  
555 Insurance Department by rule made in accordance with Title 63G, Chapter 3, Utah  
556 Administrative Rulemaking Act.

557 (e) "Joint claimant with no dependents" means [a husband and wife] spouses who:  
558 (i) file a single return jointly under this chapter for the taxable year; and  
559 (ii) do not claim a dependent under Section 151, Internal Revenue Code, on the [  
560 husband's and wife's] spouses' federal individual income tax return for the taxable  
561 year.

562 (f) "Single claimant with no dependents" means:  
563 (i) a single individual who:  
564 (A) files a single federal individual income tax return for the taxable year; and  
565 (B) does not claim a dependent under Section 151, Internal Revenue Code, on the  
566 single individual's federal individual income tax return for the taxable year;  
567 (ii) a head of household:  
568 (A) as defined in Section 2(b), Internal Revenue Code, who files a single federal  
569 individual income tax return for the taxable year; and  
570 (B) who does not claim a dependent under Section 151, Internal Revenue Code,  
571 on the head of household's federal individual income tax return for the taxable  
572 year; or

573 (iii) a married individual who:

574 (A) does not file a single federal individual income tax return jointly with that  
575 married individual's spouse for the taxable year; and  
576 (B) does not claim a dependent under Section 151, Internal Revenue Code, on that  
577 married individual's federal individual income tax return for the taxable year.

578 (2) Subject to Subsection (3), and except as provided in Subsection (4), [for taxable years  
579 beginning on or after January 1, 2009,] a claimant may claim a nonrefundable tax credit  
580 equal to the product of:

581 (a) the difference between:

582 (i) the total amount the claimant pays during the taxable year for:  
583 (A) insurance offered under a health benefit plan; and  
584 (B) an eligible insured individual; and  
585 (ii) excluded expenses; and  
586 (b) the income tax rate.

587 [(b) the percentage listed in Subsection 59-10-104(2).]

588 (3) The maximum amount of a tax credit described in Subsection (2) a claimant may claim  
589 on a return for a taxable year is:

590 (a) for a single claimant with no dependents, \$300;  
591 (b) for a joint claimant with no dependents, \$600; or  
592 (c) for a claimant with dependents, \$900.

593 (4) A claimant may not claim a tax credit under this section if the claimant is eligible to  
594 participate in insurance offered under a health benefit plan maintained and funded in  
595 whole or in part by:

596 (a) the claimant's employer; or  
597 (b) another person's employer.

598 (5) A claimant may not carry forward or carry back a tax credit under this section.

599 Section 18. Section **59-10-1028** is amended to read:

600 **59-10-1028 . Nonrefundable tax credit for capital gain transactions on the  
601 exchange of one form of legal tender for another form of legal tender.**

602 (1) As used in this section:

603 (a) "Capital gain transaction" means a transaction that results in a:  
604 (i) short-term capital gain; or  
605 (ii) long-term capital gain.

606 (b) "Long-term capital gain" [is as] means the same as that term is defined in Section

## 1222, Internal Revenue Code.

- (c) "Long-term capital loss" [is as] means the same as that term is defined in Section 1222, Internal Revenue Code.
- (d) "Net capital gain" means the amount by which the sum of long-term capital gains and short-term capital gains on a claimant's, estate's, or trust's transactions from exchanges made for a taxable year of one form of legal tender for another form of legal tender exceeds the sum of long-term capital losses and short-term capital losses on those transactions for that taxable year.
- [{e) "Short-term capital loss" is as defined in Section 1222, Internal Revenue Code.]
- [{f) (e) "Short-term capital gain" [is as] means the same as that term is defined in Section 1222, Internal Revenue Code.
- (f) "Short-term capital loss" means the same as that term is defined in Section 1222, Internal Revenue Code.

(2) Except as provided in Section 59-10-1002.2, [for taxable years beginning on or after January 1, 2012,] a claimant, estate, or trust may claim a nonrefundable tax credit equal to the product of:

- (a) to the extent a net capital gain is included in taxable income, the amount of the claimant's, estate's, or trust's net capital gain on capital gain transactions from exchanges made on or after January 1, 2012, for a taxable year, of one form of legal tender for another form of legal tender; and

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

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to implement this section.

Section 19. Section **59-10-1035** is amended to read:

**59-10-1035 . Nonrefundable tax credit for contribution to state Achieving a**

## **Better Life Experience Program account.**

(1) As used in this section:

- (a) "Account" means an account in a qualified ABLE program where the designated beneficiary of the account is a resident of this state.
- (b) "Contributor" means a claimant, estate, or trust that:
  - (i) makes a contribution to an account; and

- (ii) receives a statement from the qualified ABLE program itemizing the contribution.
- (c) "Designated beneficiary" means the same as that term is defined in 26 U.S.C. Sec. 529A.
- (d) "Qualified ABLE program" means the same as that term is defined in Section 35A-12-102.

(2) A contributor to an account may claim a nonrefundable tax credit as provided in this section.

(3) Subject to the other provisions of this section, the tax credit is equal to the product of:

- [~~(a) the percentage listed in Subsection 59-10-104(2); and~~]
- (a) the income tax rate; and
- (b) the total amount of contributions:
  - (i) the contributor makes for the taxable year; and
  - (ii) for which the contributor receives a statement from the qualified ABLE program itemizing the contributions.

(4) A contributor may not claim a tax credit under this section:

- (a) for an amount of excess contribution to an account that is returned to the contributor; or
- (b) with respect to an amount the contributor deducts on a federal income tax return.

(5) A contributor may not carry forward or carry back a tax credit under this section[~~may not be carried forward or carried back~~].

Section 20. Section **59-10-1036** is amended to read:

**59-10-1036 . Nonrefundable tax credit for military survivor benefits.**

(1) As used in this section:

- (a) "Dependent child" means the same as that term is defined in 10 U.S.C. Sec. 1447.
- (b) "Reserve components" means the same as that term is described in 10 U.S.C. Sec. 10101.
- (c) "Surviving spouse" means the same as that term is defined in 10 U.S.C. Sec. 1447.
- (d) "Survivor benefits" means the amount paid by the federal government in accordance with 10 U.S.C. Secs. 1447 through 1455.

(2) A surviving spouse or a dependent child may claim a nonrefundable tax credit for survivor benefits if the benefits are paid due to:

- (a) the death of a member of the armed forces or reserve components while on active duty; or
- (b) the death of a member of the reserve components that results from a

675 service-connected cause while performing inactive duty training.

676 (3) The tax credit described in Subsection (2) is equal to the product of:

677 (a) the amount of survivor benefits that the surviving spouse or dependent child received  
678 during the taxable year; and

679 (b) the income tax rate.

680 [(b) the percentage listed in Subsection 59-10-104(2).]

681 (4) [The tax credit described in Subsection (2):] A surviving spouse or a dependent child  
682 may not carry forward or carry back a tax credit under this section.

683 [(a) may not be carried forward or carried back; and]

684 [(b) applies to a taxable year beginning on or after January 1, 2017.]

685 Section 21. Section **59-10-1042** is amended to read:

686 **59-10-1042 . Nonrefundable tax credit for social security benefits.**

687 (1) As used in this section:

688 (a) "Head of household filing status" means the same as that term is defined in Section  
689 59-10-1018.

690 (b) "Joint filing status" means the same as that term is defined in Section 59-10-1018.

691 (c) "Married filing separately status" means a married individual who:

692 (i) does not file a single federal individual income tax return jointly with that married  
693 individual's spouse for the taxable year; and

694 (ii) files a single federal individual income tax return for the taxable year.

695 (d) "Modified adjusted gross income" means the sum of the following for a claimant or,  
696 if the claimant's return under this chapter is allowed a joint filing status, the claimant  
697 and the claimant's spouse:

698 (i) adjusted gross income for the taxable year for which a tax credit is claimed under  
699 this section;

700 (ii) any interest income that is not included in adjusted gross income for the taxable  
701 year described in Subsection (1)(d)(i); and

702 (iii) any addition to adjusted gross income required by Section 59-10-114 for the  
703 taxable year described in Subsection (1)(d)(i).

704 (e) "Single filing status" means a single individual who files a single federal individual  
705 income tax return for the taxable year.

706 (f) "Social security benefit" means an amount received by a claimant as a monthly  
707 benefit in accordance with the Social Security Act, 42 U.S.C. Sec. 401 et seq.

708 (2) Except as provided in Section 59-10-1002.2 and Subsections (3) and (4), each claimant

709 on a return that receives a social security benefit may claim a nonrefundable tax credit  
710 against taxes otherwise due under this part equal to the product of:

711 [(a) the percentage listed in Subsektion 59-10-104(2); and]

712 (a) the income tax rate; and

713 (b) the claimant's social security benefit that is included in the claimant's state taxable  
714 income for the taxable year.

715 (3) A claimant may not:

716 (a) carry forward or carry back the amount of a tax credit under this section that exceeds  
717 the claimant's tax liability for the taxable year; or

718 (b) claim a tax credit under this section for a taxable year if a tax credit under Section  
719 59-10-1019 is claimed on the claimant's return for the same taxable year.

720 (4) The tax credit allowed by Subsection (2) claimed on a return filed under this part [shall  
721 be] is reduced by \$.025 for each dollar by which modified adjusted gross income for  
722 purposes of the return exceeds:

723 (a) for a return filed under this chapter that is allowed a married filing separately status,  
724 \$45,000;

725 (b) for a return filed under this chapter that is allowed a single filing status, \$54,000;

726 (c) for a return filed under this chapter that is allowed a head of household filing status,  
727 \$90,000; or

728 (d) for a return filed under this chapter that is allowed a joint filing status, \$90,000.

729 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
730 commission may make rules governing the calculation and method for claiming the tax  
731 credit described in this section.

732 Section 22. Section **59-10-1043** is amended to read:

733 **59-10-1043 . Nonrefundable tax credit for military retirement.**

734 (1) As used in this section:

735 (a)(i) "Military retirement pay" means retirement pay, including survivor benefits,  
736 that relates to service in the armed forces or the reserve components, as described  
737 in 10 U.S.C. Sec. 10101.

738 (ii) "Military retirement pay" does not include:

739 (A) [Social Security] social security income;

740 (B) 401(k) or IRA distributions; or

741 (C) income from other sources.

742 (b) "Survivor benefits" means the retired pay portion of the benefits described in 10

743                   U.S.C. Secs. 1447 through 1455.

744                   (2) Except as provided in Section 59-10-1002.2, a claimant who receives military  
745                   retirement pay may claim a nonrefundable tax credit against taxes equal to the product  
746                   of:  
747                   [(a) the percentage listed in Subsection 59-10-104(2); and]  
748                   (a) the income tax rate; and  
749                   (b) the amount of military retirement pay that is included in adjusted gross income on  
750                   the claimant's federal income tax return for the taxable year.

751                   (3) A claimant may not:  
752                   (a) carry forward or carry back the amount of a tax credit that exceeds the claimant's tax  
753                   liability for the taxable year; or  
754                   (b) claim a tax credit under this section for a taxable year if a tax credit under Section  
755                   59-10-1019 is claimed on the claimant's return for the same taxable year.

756                   Section 23. Section **59-10-1403.2** is amended to read:

757                   **59-10-1403.2 . Pass-through entity payment or withholding of tax on behalf of a**  
758                   **pass-through entity taxpayer -- Exceptions to payment or withholding requirement --**  
759                   **Procedures and requirements -- Failure to pay or withhold a tax on behalf of a**  
760                   **pass-through entity taxpayer.**

761                   (1)(a) Except as provided in Subsections (1)(b) and (2), for a taxable year, a  
762                   pass-through entity shall pay or withhold a tax:  
763                   (i) on:  
764                       (A) the business income of the pass-through entity; and  
765                       (B) the nonbusiness income of the pass-through entity derived from or connected  
766                       with Utah sources; and  
767                   (ii) on behalf of a pass-through entity taxpayer.  
768                   (b) A pass-through entity is not required to pay or withhold a tax under Subsection (1)(a):  
769                   (i) on behalf of a final pass-through entity taxpayer who is a resident individual;  
770                   (ii) if the pass-through entity is an organization exempt from taxation under  
771                   Subsection 59-7-102(1)(a);  
772                   (iii) if the pass-through entity:  
773                       (A) is a plan under Section 401, 408, or 457, Internal Revenue Code; and  
774                       (B) is not required to file a return under Chapter 7, Corporate Franchise and  
775                       Income Taxes, or this chapter;  
776                   (iv) if the pass-through entity is a publicly traded partnership;

777 (A) as defined in Section 7704(b), Internal Revenue Code;

778 (B) that is classified as a partnership for federal income tax purposes; and

779 (C) that files an annual information return reporting the following with respect to

780 each partner of the publicly traded partnership with income derived from or

781 connected with Utah sources that exceeds \$500 in a taxable year:

782 (I) the partner's name;

783 (II) the partner's address;

784 (III) the partner's taxpayer identification number; and

785 (IV) other information required by the commission; or

786 (v) on behalf of a final pass-through entity taxpayer that is a nonresident individual if

787 the pass-through entity pays the tax described in Subsection (2).

788 (2)(a) For each taxable year that begins on or after January 1, 2022, but begins on or

789 before December 31, 2025, a pass-through entity that is not a disregarded

790 pass-through entity may elect to pay a tax in an amount equal to the product of:

791 ~~(i) the percentage listed in Subsection 59-10-104(2); and]~~

792 (i) the income tax rate; and

793 (ii) voluntary taxable income.

794 (b) A pass-through entity that elects to pay the tax in accordance with Subsection (2)(a)

795 shall notify any final pass-through entity taxpayer of that election.

796 (c) A pass-through entity that pays a tax described in Subsection (2)(a) shall provide to

797 each final pass-through entity taxpayer a statement that states:

798 (i) the amount of tax paid under Subsection (2)(a) on the income attributed to the

799 final pass-through entity taxpayer; and

800 (ii) the amount of tax paid to another state by the pass-through entity on income:

801 (A) attributed to the final pass-through entity taxpayer; and

802 (B) that the commission determines is substantially similar to the tax under

803 Subsection (2)(a).

804 (d) A payment of the tax described in Subsection (2)(a) on or before the last day of the

805 taxable year:

806 (i) is an irrevocable election to be subject to the tax for the taxable year; and

807 (ii) may not be refunded.

808 (3)(a) Subject to Subsection (3)(b), the tax a pass-through entity shall pay or withhold on

809 behalf of a pass-through entity taxpayer for a taxable year is an amount:

810 (i) determined by the commission by rule made in accordance with Title 63G,

811 Chapter 3, Utah Administrative Rulemaking Act; and

812 (ii) that the commission estimates will be sufficient to pay the tax liability of the  
813 pass-through entity taxpayer under this chapter with respect to the income  
814 described in Subsection (1)(a)(i) or (2)(a)(ii) of that pass-through entity for the  
815 taxable year.

816 (b) The rules the commission makes in accordance with Subsection (3)(a):

817 (i) except as provided in Subsection (3)(c):

818 (A) shall:

819 (I) for a pass-through entity except for a pass-through entity that is an S  
820 corporation, take into account items of income, gain, loss, deduction, and  
821 credit as analyzed on the schedule for reporting partners' distributive share  
822 items as part of the federal income tax return for the pass-through entity; or  
823 (II) for a pass-through entity that is an S corporation, take into account items of  
824 income, gain, loss, deduction, and credit as reconciled on the schedule for  
825 reporting shareholders' pro rata share items as part of the federal income tax  
826 return for the pass-through entity; and

827 (B) notwithstanding Subsection (3)(b)(ii)(D), take into account the refundable tax  
828 credit provided in Section 59-6-102; and

829 (ii) may not take into account the following items if taking those items into account  
830 does not result in an accurate estimate of a pass-through entity taxpayer's tax  
831 liability under this chapter for the taxable year:

832 (A) a capital loss;

833 (B) a passive loss;

834 (C) another item of deduction or loss if that item of deduction or loss is generally  
835 subject to significant reduction or limitation in calculating:

836 (I) for a pass-through entity taxpayer that is classified as a C corporation for  
837 federal income tax purposes, unadjusted income as defined in Section  
838 59-7-101;

839 (II) for a pass-through entity that is classified as an individual, partnership, or S  
840 corporation for federal income tax purposes, adjusted gross income; or

841 (III) for a pass-through entity that is classified as an estate or a trust for federal  
842 income tax purposes, unadjusted income as defined in Section 59-10-103; or

843 (D) a tax credit allowed against a tax imposed under:

844 (I) Chapter 7, Corporate Franchise and Income Taxes; or

845 (II) this chapter.

846 (c) The rules the commission makes in accordance with Subsection (3)(a) may establish  
847 a method for taking into account items of income, gain, loss, deduction, or credit of a  
848 pass-through entity if:

849 (i) for a pass-through entity except for a pass-through entity that is an S corporation,  
850 the pass-through entity does not analyze the items of income, gain, loss,  
851 deduction, or credit on the schedule for reporting partners' distributive share items  
852 as part of the federal income tax return for the pass-through entity; or  
853 (ii) for a pass-through entity that is an S corporation, the pass-through entity does not  
854 reconcile the items of income, gain, loss, deduction, or credit on the schedule for  
855 reporting shareholders' pro rata share items as part of the federal income tax return  
856 for the pass-through entity.

857 (4)(a) Except as provided in Subsection (4)(b), a pass-through entity shall remit to the  
858 commission the tax the pass-through entity pays or withholds on behalf of a  
859 pass-through entity taxpayer under this section:

860 (i) on or before the due date of the pass-through entity's return, not including  
861 extensions; and

862 (ii) on a form [provided by] the commission provides.

863 (b) A pass-through entity shall remit the tax described in Subsection (2) on or before the  
864 last day of the pass-through entity's taxable year.

865 (c) The commission shall consider only the amount of tax remitted as provided in  
866 Subsection (4)(b), on or before the last day of the pass-through entity's taxable year  
867 as a payment described in Subsection (2).

868 (d) Except as provided in Subsection (1)(b), a pass-through entity that files an amended  
869 return under this part shall pay or withhold tax on any increase in the income  
870 described in Subsection (1)(a)(i) on behalf of the pass-through entity taxpayer and  
871 remit that tax to the commission.

872 (5) A pass-through entity shall provide a statement to a pass-through entity taxpayer on  
873 behalf of whom the pass-through entity pays or withholds a tax under this section  
874 showing the amount of tax the pass-through entity pays or withholds under this section  
875 for the taxable year on behalf of the pass-through entity taxpayer.

876 (6) Notwithstanding Section 59-1-401 or 59-1-402, the commission may not collect an  
877 amount under this section for a taxable year from a pass-through entity and shall waive  
878 any penalty and interest on that amount if:

879 (a) the pass-through entity fails to pay or withhold the tax on the amount as required by  
880 this section on behalf of the pass-through entity taxpayer;  
881 (b) the pass-through entity taxpayer:  
882 (i) files a return on or before the due date for filing the pass-through entity's return,  
883 including extensions; and  
884 (ii) on or before the due date including extensions described in Subsection (6)(b)(i),  
885 pays the tax on the amount for the taxable year:  
886 (A) if the pass-through entity taxpayer is classified as a C corporation for federal  
887 income tax purposes, under Chapter 7, Corporate Franchise and Income Taxes;  
888 or  
889 (B) if the pass-through entity taxpayer is classified as an estate, individual,  
890 partnership, S corporation, or a trust for federal income tax purposes, under this  
891 chapter; and  
892 (c) the pass-through entity applies to the commission.

893 (7) Notwithstanding Section 59-1-401 or 59-1-402, the commission may not collect an  
894 amount under this section for a taxable year from a pass-through entity that is a trust and  
895 shall waive any penalty and interest on that amount if:  
896 (a) the pass-through entity fails to pay or withhold the tax on the amount as required by  
897 this section on behalf of a dependent beneficiary;  
898 (b) the pass-through entity applies to the commission; and  
899 (c)(i) the dependent beneficiary complies with the requirements of Subsection (6)(b);  
900 or  
901 (ii)(A) the dependent beneficiary's adjusted gross income for the taxable year does  
902 not exceed the basic standard deduction for the dependent beneficiary, as  
903 calculated under Section 63, Internal Revenue Code, for that taxable year; and  
904 (B) the trustee of the trust retains a statement of dependent beneficiary income on  
905 behalf of the dependent beneficiary.

906 (8) If a pass-through entity would have otherwise qualified for a waiver of a penalty and  
907 interest under Subsection (7), except that the trustee of a trust has not applied to the  
908 commission as required by Subsection (7)(b) or retained the statement of dependent  
909 beneficiary income required by Subsection (7)(c)(ii)(B), it is a rebuttable presumption in  
910 an audit that the pass-through entity would have otherwise qualified for the waiver of the  
911 penalty and interest under Subsection (7).

912 Section 24. Section **59-10-1403.3** is amended to read:

913           **59-10-1403.3 . Refund of amounts paid or withheld for a pass-through entity.**

914           (1) As used in this section[{:} ,

915           [(a) "Committee" means the Revenue and Taxation Interim Committee.]

916           [(b) "Qualifying] "qualifying excess withholding" means an amount that:

917           [(i)] (a) is paid or withheld:

918           [(A)] (i) by a pass-through entity that has a different taxable year than the  
919           pass-through entity that requests a refund under this section; and

920           [(B)] (ii) on behalf of the pass-through entity that requests the refund, if the  
921           pass-through entity that requests the refund also is a pass-through entity taxpayer;  
922           and

923           [(ii)] (b) is equal to the difference between:

924           [(A)] (i) the amount paid or withheld for the taxable year on behalf of the  
925           pass-through entity that requests the refund; and

926           [(B)] (ii) the product of the [percentage listed in Subsection 59-10-104(2)] income  
927           tax rate and the income, described in Subsection 59-10-1403.2(1)(a)(i), of the  
928           pass-through entity that requests the refund.

929           (2) [For a taxable year ending on or after July 1, 2017, a] A pass-through entity may claim a  
930           refund of qualifying excess withholding, if the amount of the qualifying excess  
931           withholding is equal to or greater than \$250,000.

932           (3) A pass-through entity that requests a refund of qualifying excess withholding under this  
933           section shall:

934           (a) apply to the commission for a refund on or, subject to Subsection (4), after the day  
935           on which the pass-through entity files the pass-through entity's income tax return; and

936           (b) provide any information that the commission may require to determine that the  
937           pass-through entity is eligible to receive the refund.

938           (4) A pass-through entity shall claim a refund of qualifying excess withholding under this  
939           section within 30 days after the earlier of the day on which:

940           (a) the pass-through entity files an income tax return; or

941           (b) the pass-through entity's income tax return is due, including any extension of due  
942           date authorized in statute.

943           (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
944           commission may make rules establishing the information that a pass-through entity shall  
945           provide to the commission to obtain a refund of qualifying excess withholding under this  
946           section.

947 [({6})(a) On or before November 30, 2018, the committee shall review the \$250,000  
948 threshold described in Subsection (2) for the purpose of assessing whether the  
949 threshold amount should be maintained, increased, or decreased.]  
950 [({b}) To assist the committee in conducting the review described in Subsection (6)(a), the  
951 commission shall provide the committee with:  
952 [({i}) the total number of refund requests made under this section;]  
953 [({ii}) the total costs of any refunds issued under this section;]  
954 [({iii}) the costs of any audits conducted on refund requests made under this section;  
955 and]  
956 [({iv}) an estimation of:  
957 [({A}) the number of refund requests the commission expects to receive if the  
958 Legislature increases the threshold;]  
959 [({B}) the number of refund requests the commission expects to receive if the  
960 Legislature decreases the threshold; and]  
961 [({C}) the costs of any audits the commission would conduct if the Legislature  
962 increases or decreases the threshold.]

963 Section 25. Section **63I-1-259** is amended to read:

964 **63I-1-259 . Repeal dates: Title 59.**

965 (1) Subsection 59-1-403(4)(aa), regarding a requirement for the State Tax Commission to  
966 inform the Department of Workforce Services whether an individual claimed a federal  
967 earned income tax credit, is repealed July 1, 2029.

968 (2) Subsection 59-1-101(3)(a), regarding the tax rate for a taxable year beginning on or  
969 after January 1, 2027, and before January 1, 2028, is repealed July 1, 2038.

970 (3) Subsection 59-1-101(3)(b), regarding the tax rate for a taxable year beginning on or  
971 after January 1, 2028, and before January 1, 2038, is repealed July 1, 2038.

972 (4) Title 59, Chapter 1, Part 19, Income Tax Rate, is repealed July 1, 2038.

973 [({2})] (5) Section 59-2-1603, Allocation of money in the Property Tax Valuation Fund -- Use  
974 of funds, is repealed July 1, 2030.

975 [({3})] (6) Section 59-5-304, Tax credit for mining exploration, is repealed July 1, 2037.

976 [({4})] (7) Section 59-7-618.1, Tax credit related to alternative fuel heavy duty vehicles, is  
977 repealed July 1, 2029.

978 [({5})] (8) Section 59-9-102.5, Offset for occupational health and safety related donations, is  
979 repealed December 31, 2030.

980 [({6})] (9) Section 59-10-1033.1, Tax credit related to alternative fuel heavy duty vehicles, is

981                   repealed July 1, 2029.

982        [~~(7)~~] (10) Subsection 59-28-103(5), regarding a tax rate on certain transactions that take  
983                   place within a county of the first class, is repealed July 1, 2047.

984                   **Section 26. Effective Date.**

985        (1) Except as provided in Subsection (2), this bill takes effect for a taxable year beginning  
986                   on or after January 1, 2027.

987        (2) The actions affecting the following sections take effect on January 1, 2027:

988                   (a) Section 59-1-101;

989                   (b) Section 59-1-1901;

990                   (c) Section 59-1-1902; and

991                   (d) Section 63I-1-259.