

Part 11

Refundable Tax Credit Act

59-10-1101 Title.

This part is known as the "Refundable Tax Credit Act."

Enacted by Chapter 223, 2006 General Session

59-10-1102 Definitions.

As used in this part:

- (1)
 - (a) Except as provided in Subsection (1)(b) or Subsection 59-10-1103(1)(a), "claimant" means a resident or nonresident person.
 - (b) "Claimant" does not include an estate or trust.
- (2) Except as provided in Subsection 59-10-1103(1)(a), "estate" means a nonresident estate or a resident estate.
- (3) "Refundable tax credit" or "tax credit" means a tax credit that a claimant, estate, or trust may claim:
 - (a) as provided by statute; and
 - (b) regardless of whether the claimant, estate, or trust has a tax liability under this chapter for a taxable year.
- (4) Except as provided in Subsection 59-10-1103(1)(a), "trust" means a nonresident trust or a resident trust.

Enacted by Chapter 223, 2006 General Session

59-10-1102.1 Apportionment of tax credit.

A nonresident individual or a part-year resident individual who claims a tax credit in accordance with Section 59-10-1114 may claim only an apportioned amount of the tax credit equal to the product of:

- (1) the state income tax percentage for the nonresident individual or the state income tax percentage for the part-year resident individual; and
- (2) the amount of the tax credit that the nonresident individual or the part-year resident individual would have been allowed to claim but for the apportionment requirement of this section.

Enacted by Chapter 460, 2023 General Session

59-10-1103 Tax credit for pass-through entity taxpayer.

- (1) As used in this section:
 - (a) "Pass-through entity" means the same as that term is defined in Section 59-10-1402.
 - (b) "Pass-through entity taxpayer" means the same as that term is defined in Section 59-10-1402.
- (2) A pass-through entity taxpayer may claim a refundable tax credit against the tax otherwise due under this chapter if that pass-through entity taxpayer is a:
 - (a) claimant;
 - (b) estate; or
 - (c) trust.

- (3) The tax credit described in Subsection (2) is equal to the amount paid or withheld by the pass-through entity on behalf of the pass-through entity taxpayer described in Subsection (2) in accordance with Section 59-10-1403.2, other than a tax described in Subsection 59-10-1403.2(2).
- (4) A pass-through entity taxpayer may not claim a tax credit under this section for an amount for which the pass-through entity taxpayer claims a tax credit under Section 59-7-614.4.

Amended by Chapter 238, 2022 General Session

59-10-1105 Tax credit for hand tools used in farming operations -- Procedures for refund -- Transfers from General Fund to Income Tax Fund -- Rulemaking authority.

- (1) For a taxable year beginning on or after January 1, 2004, a claimant, estate, or trust may claim a refundable tax credit:
 - (a) as provided in this section;
 - (b) against taxes otherwise due under this chapter; and
 - (c) in an amount equal to the amount of tax the claimant, estate, or trust pays:
 - (i) on a purchase of a hand tool:
 - (A) if the purchase is made on or after July 1, 2004;
 - (B) if the hand tool is used or consumed primarily and directly in a farming operation in the state; and
 - (C) if the unit purchase price of the hand tool is more than \$250; and
 - (ii) under Chapter 12, Sales and Use Tax Act, on the purchase described in Subsection (1)(c)(i).
- (2) A claimant, estate, or trust:
 - (a) shall retain the following to establish the amount of tax the claimant, estate, or trust paid under Chapter 12, Sales and Use Tax Act, on the purchase described in Subsection (1)(c)(i):
 - (i) a receipt;
 - (ii) an invoice; or
 - (iii) a document similar to a document described in Subsection (2)(a)(i) or (ii); and
 - (b) may not carry forward or carry back a tax credit under this section.
- (3)
 - (a) In accordance with any rules prescribed by the commission under Subsection (3)(b):
 - (i) the commission shall make a refund to a claimant, estate, or trust that claims a tax credit under this section if the amount of the tax credit exceeds the claimant's, estate's, or trust's tax liability under this chapter; and
 - (ii) the Division of Finance shall transfer at least annually from the General Fund into the Income Tax Fund an amount equal to the aggregate amount of all tax credits claimed under this section.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules providing procedures for making:
 - (i) a refund to a claimant, estate, or trust as required by Subsection (3)(a)(i); or
 - (ii) transfers from the General Fund into the Income Tax Fund as required by Subsection (3)(a)(ii).

Amended by Chapter 456, 2022 General Session

59-10-1106 Refundable clean energy systems tax credits -- Definitions -- Certification -- Rulemaking authority.

(1) As used in this section:

- (a) "Active solar system" means the same as that term is defined in Section 59-10-1014.
- (b) "Biomass system" means the same as that term is defined in Section 59-10-1014.
- (c) "Commercial energy system" means the same as that term is defined in Section 59-7-614.
- (d) "Commercial enterprise" means the same as that term is defined in Section 59-7-614.
- (e) "Commercial unit" means the same as that term is defined in Section 59-7-614.
- (f) "Direct use geothermal system" means the same as that term is defined in Section 59-10-1014.
- (g) "Geothermal electricity" means the same as that term is defined in Section 59-10-1014.
- (h) "Geothermal energy" means the same as that term is defined in Section 59-10-1014.
- (i) "Geothermal heat pump system" means the same as that term is defined in Section 59-10-1014.
- (j) "Hydroenergy system" means the same as that term is defined in Section 59-10-1014.
- (k) "Hydrogen production system" means the same as that term is defined in Section 59-7-614.
- (l) "Office" means the Office of Energy Development created in Section 79-6-401.
- (m) "Passive solar system" means the same as that term is defined in Section 59-10-1014.
- (n) "Principal recovery portion" means the same as that term is defined in Section 59-10-1014.
- (o) "Wind system" means the same as that term is defined in Section 59-10-1014.

(2) A claimant, estate, or trust may claim an energy system tax credit as provided in this section against a tax due under this chapter for a taxable year.

(3)

(a) Subject to the other provisions of this Subsection (3), a claimant, estate, or trust may claim a refundable tax credit under this Subsection (3) with respect to a commercial energy system if:

- (i) the commercial energy system does not use:
 - (A) wind, geothermal electricity, solar, or biomass equipment capable of producing a total of 660 or more kilowatts of electricity; or
 - (B) solar equipment capable of producing 2,000 or more kilowatts of electricity;

- (ii) the claimant, estate, or trust purchases or participates in the financing of the commercial energy system;

(iii)

- (A) the commercial energy system supplies all or part of the energy required by commercial units owned or used by the claimant, estate, or trust; or

- (B) the claimant, estate, or trust sells all or part of the energy produced by the commercial energy system as a commercial enterprise;

- (iv) the claimant, estate, or trust has not claimed and will not claim a tax credit under Subsection (6) for hydrogen production using electricity for which the claimant, estate, or trust claims a tax credit under this Subsection (3); and

- (v) the claimant, estate, or trust obtains a written certification from the office in accordance with Subsection (7).

(b)

- (i) Subject to Subsections (3)(b)(ii) through (iv), the tax credit is equal to 10% of the reasonable costs of the commercial energy system.

- (ii) A tax credit under this Subsection (3) may include installation costs.

- (iii) A claimant, estate, or trust is eligible to claim a tax credit under this Subsection (3) for the taxable year in which the commercial energy system is completed and placed in service.

- (iv) The total amount of tax credit a claimant, estate, or trust may claim under this Subsection (3) may not exceed \$50,000 per commercial unit.

(c)

- (i) Subject to Subsections (3)(c)(ii) and (iii), a claimant, estate, or trust that is a lessee of a commercial energy system installed on a commercial unit may claim a tax credit under this Subsection (3) if the claimant, estate, or trust confirms that the lessor irrevocably elects not to claim the tax credit.
 - (ii) A claimant, estate, or trust described in Subsection (3)(c)(i) may claim as a tax credit under this Subsection (3) only the principal recovery portion of the lease payments.
 - (iii) A claimant, estate, or trust described in Subsection (3)(c)(i) may claim a tax credit under this Subsection (3) for a period that does not exceed seven taxable years after the day on which the lease begins, as stated in the lease agreement.
- (4)
- (a) Subject to the other provisions of this Subsection (4), a claimant, estate, or trust may claim a refundable tax credit under this Subsection (4) with respect to a commercial energy system if:
 - (i) the commercial energy system uses wind, geothermal electricity, or biomass equipment capable of producing a total of 660 or more kilowatts of electricity;
 - (ii)
 - (A) the commercial energy system supplies all or part of the energy required by commercial units owned or used by the claimant, estate, or trust; or
 - (B) the claimant, estate, or trust sells all or part of the energy produced by the commercial energy system as a commercial enterprise;
 - (iii) the claimant, estate, or trust has not claimed and will not claim a tax credit under Subsection (6) for hydrogen production using electricity for which the claimant, estate, or trust claims a tax credit under this Subsection (4); and
 - (iv) the claimant, estate, or trust obtains a written certification from the office in accordance with Subsection (7).
 - (b)
 - (i) Subject to Subsection (4)(b)(ii), a tax credit under this Subsection (4) is equal to the product of:
 - (A) 0.35 cents; and
 - (B) the kilowatt hours of electricity produced and used or sold during the taxable year.
 - (ii) A claimant, estate, or trust is eligible to claim a tax credit under this Subsection (4) for production occurring during a period of 48 months beginning with the month in which the commercial energy system is placed in commercial service.
 - (c) A claimant, estate, or trust that is a lessee of a commercial energy system installed on a commercial unit may claim a tax credit under this Subsection (4) if the claimant, estate, or trust confirms that the lessor irrevocably elects not to claim the tax credit.
- (5)
- (a) Subject to the other provisions of this Subsection (5), a claimant, estate, or trust may claim a refundable tax credit as provided in this Subsection (5) if:
 - (i) the claimant, estate, or trust owns a commercial energy system that uses solar equipment capable of producing a total of 660 or more kilowatts of electricity;
 - (ii)
 - (A) the commercial energy system supplies all or part of the energy required by commercial units owned or used by the claimant, estate, or trust; or
 - (B) the claimant, estate, or trust sells all or part of the energy produced by the commercial energy system as a commercial enterprise;
 - (iii) the claimant, estate, or trust does not claim a tax credit under Subsection (3);

- (iv) the claimant, estate, or trust has not claimed and will not claim a tax credit under Subsection (6) for hydrogen production using electricity for which a taxpayer claims a tax credit under this Subsection (5); and
 - (v) the claimant, estate, or trust obtains a written certification from the office in accordance with Subsection (7).
- (b)
- (i) Subject to Subsection (5)(b)(ii), a tax credit under this Subsection (5) is equal to the product of:
 - (A) 0.35 cents; and
 - (B) the kilowatt hours of electricity produced and used or sold during the taxable year.
 - (ii) A claimant, estate, or trust is eligible to claim a tax credit under this Subsection (5) for production occurring during a period of 48 months beginning with the month in which the commercial energy system is placed in commercial service.
- (c) A claimant, estate, or trust that is a lessee of a commercial energy system installed on a commercial unit may claim a tax credit under this Subsection (5) if the claimant, estate, or trust confirms that the lessor irrevocably elects not to claim the tax credit.
- (6)
- (a) A claimant, estate, or trust may claim a refundable tax credit as provided in this Subsection (6) if:
 - (i) the claimant, estate, or trust owns a hydrogen production system;
 - (ii) the hydrogen production system is completed and placed in service on or after January 1, 2022;
 - (iii) the claimant, estate, or trust sells as a commercial enterprise, or supplies for the claimant's, estate's, or trust's own use in commercial units, the hydrogen produced from the hydrogen production system;
 - (iv) the claimant, estate, or trust has not claimed and will not claim a tax credit under Subsection (3), (4), or (5) for electricity used to meet the requirements of this Subsection (6); and
 - (v) the claimant, estate, or trust obtains a written certification from the office in accordance with Subsection (7).
 - (b)
 - (i) Subject to Subsections (6)(b)(ii) and (iii), a tax credit under this Subsection (6) is equal to the product of:
 - (A) \$0.12; and
 - (B) the number of kilograms of hydrogen produced during the taxable year.
 - (ii) A claimant, estate, or trust may not receive a tax credit under this Subsection (6) for more than 5,600 metric tons of hydrogen per taxable year.
 - (iii) A claimant, estate, or trust is eligible to claim a tax credit under this Subsection (6) for production occurring during a period of 48 months beginning with the month in which the hydrogen production system is placed in commercial service.
- (7)
- (a) Before a claimant, estate, or trust may claim a tax credit under this section, the claimant, estate, or trust shall obtain a written certification from the office.
 - (b) The office shall issue a claimant, estate, or trust a written certification if the office determines that:
 - (i) the claimant, estate, or trust meets the requirements of this section to receive a tax credit; and

- (ii) the commercial energy system or the hydrogen production system with respect to which the claimant, estate, or trust seeks to claim a tax credit:
 - (A) has been completely installed;
 - (B) is a viable system for saving or producing energy from clean resources; and
 - (C) is safe, reliable, efficient, and technically feasible to ensure that the commercial energy system or the hydrogen production system uses the state's clean and nonrenewable resources in an appropriate and economic manner.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules:
 - (i) for determining whether a commercial energy system or a hydrogen production system meets the requirements of Subsection (7)(b)(ii); and
 - (ii) for purposes of a tax credit under Subsection (3), establishing the reasonable costs of a commercial energy system, as an amount per unit of energy production.
- (d) A claimant, estate, or trust that obtains a written certification from the office shall retain the certification for the same time period a person is required to keep books and records under Section 59-1-1406.
- (e) The office 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 office issues a written certification; and
 - (ii) for each claimant, estate, or trust:
 - (A) the amount of the tax credit listed on the written certification; and
 - (B) the date the commercial energy system or the hydrogen production system was installed.
- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to address the certification of a tax credit under this section.
- (9) A tax credit under this section is in addition to any tax credits provided under the laws or rules and regulations of the United States.
- (10) A purchaser of one or more solar units that claims a tax credit under Section 59-10-1024 for the purchase of the one or more solar units may not claim a tax credit under this section for that purchase.
- (11) A claimant, estate, or trust may not claim or carry forward a tax credit described in this section in a taxable year during which the claimant, estate, or trust claims or carries forward a tax credit under Section 59-10-1029.

Amended by Chapter 53, 2024 General Session

59-10-1107 Refundable economic development tax credit.

- (1) As used in this section:
 - (a) "Business entity" means a claimant, estate, or trust that meets the definition of "business entity" as defined in Section 63N-2-103.
 - (b) "Incremental job" means the same as that term is defined in Section 63N-1a-102.
 - (c) "New state revenue" means the same as that term is defined in Section 63N-1a-102.
 - (d) "Office" means the Governor's Office of Economic Opportunity.
- (2) Subject to the other provisions of this section, a business entity may claim a refundable tax credit for economic development.
- (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.
- (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.
 - (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).
- (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.
 - (b) Except as provided in Subsection (5)(c), for purposes of the study required by this Subsection (5), the office shall provide the following information, if available to the office, to the Revenue and Taxation Interim Committee by electronic means:
 - (i) the amount of tax credit the office grants to each taxpayer for each calendar year;
 - (ii) the criteria the office uses in granting a tax credit;
 - (iii) the new state revenue generated by each taxpayer for each calendar year;
 - (iv) estimates for each of the next three calendar years of the following:
 - (A) the amount of tax credits that the office will grant;
 - (B) the amount of new state revenue that will be generated; and
 - (C) the number of new incremental jobs within the state that will be generated;
 - (v) the information contained in the office's latest report under Section 63N-2-106; and
 - (vi) any other information that the Revenue and Taxation Interim Committee requests.
 - (c)
 - (i) In providing the information described in Subsection (5)(b), the office shall redact information that identifies a recipient of a tax credit under this section.
 - (ii) If, notwithstanding the redactions made under Subsection (5)(c)(i), reporting the information described in Subsection (5)(b) 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) in the aggregate for all taxpayers that receive the tax credit under this section.
 - (d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:
 - (i) the cost of the tax credit to the state;
 - (ii) the purpose and effectiveness of the tax credit; and
 - (iii) the extent to which the state benefits from the tax credit.

Amended by Chapter 282, 2021 General Session

59-10-1108 Refundable motion picture tax credit.

- (1) As used in this section:
 - (a) "Motion picture company" means a claimant, estate, or trust that meets the definition of a motion picture company under Section 63N-8-102.
 - (b) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.
 - (c) "State-approved production" means the same as that term is defined in Section 63N-8-102.
- (2) For a taxable year beginning on or after January 1, 2009, a motion picture company may claim a refundable tax credit for a state-approved production.

- (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.
- (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.
 - (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).
- (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.
 - (b)
 - (i) Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5), the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:
 - (A) the amount of tax credit the office grants to each taxpayer for each calendar year;
 - (B) estimates of the amount of tax credit that the office will grant for each of the next three calendar years;
 - (C) the criteria the office uses in granting a tax credit;
 - (D) the dollars left in the state, as defined in Section 63N-8-102, by each motion picture company for each calendar year;
 - (E) the information contained in the office's latest report under Section 63N-8-105; and
 - (F) any other information that the Office of the Legislative Fiscal Analyst requests.
 - (ii)
 - (A) In providing the information described in Subsection (5)(b)(i), the office shall redact information that identifies a recipient of a tax credit under this section.
 - (B) If, notwithstanding the redactions made under Subsection (5)(b)(ii)(A), reporting the information described in Subsection (5)(b)(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) in the aggregate for all taxpayers that receive the tax credit under this section.
 - (c) As part of the study required by this Subsection (5), 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).
 - (d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:
 - (i) the cost of the tax credit to the state;
 - (ii) the effectiveness of the tax credit; and
 - (iii) the extent to which the state benefits from the tax credit.

Amended by Chapter 282, 2021 General Session

59-10-1111 Refundable tax credit for psychiatrists, psychiatric mental health nurse practitioners, and volunteer retired psychiatrists.

- (1) As used in this section:
 - (a) "Psychiatric mental health nurse practitioner" means the same as that term is defined in Section 58-1-111.
 - (b) "Psychiatrist" means the same as that term is defined in Section 58-1-111.
 - (c) "Tax credit certificate" means a certificate issued by the Division of Professional Licensing under Section 58-1-111 certifying that the claimant is entitled to a tax credit under this section.
 - (d) "Volunteer retired psychiatrist" means the same as that term is defined in Section 58-1-111.
- (2) A claimant who is a psychiatrist or a psychiatric mental health nurse practitioner and who submits a tax credit certificate issued by the Division of Professional Licensing under Subsection 58-1-111(3), may claim a refundable tax credit:
 - (a) as provided in this section; and
 - (b) in the amount of \$10,000.
- (3) A claimant who is a psychiatrist or a psychiatric mental health nurse practitioner and who submits a tax credit certificate under Subsection 58-1-111(4) may claim a refundable tax credit:
 - (a) as provided in this section; and
 - (b) in the amount of \$10,000.
- (4) A claimant who is a volunteer retired psychiatrist and who submits a tax credit certificate under Subsection 58-1-111(5) may claim a refundable tax credit:
 - (a) as provided in this section; and
 - (b) in the amount of \$10,000.
- (5) A claimant may claim a tax credit under Subsections (2) through (4) for no more than 10 taxable years for each tax credit.
- (6)
 - (a) In accordance with any rules prescribed by the commission under Subsection (6)(b), the commission shall make a refund to a claimant who claims a tax credit under this section if the amount of the tax credit exceeds the claimant's tax liability for the taxable year.
 - (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 claimant as required by Subsection (6)(a).

Amended by Chapter 415, 2022 General Session

59-10-1112 Targeted business income tax credit.

- (1) As used in this section, "business applicant" means the same as that term is defined in Section 63N-2-302.
- (2) For a taxable year that begins before January 1, 2023, a business applicant that is certified and issued a targeted business income tax eligibility certificate by the Governor's Office of Economic Opportunity under Section 63N-2-304 may claim a refundable tax credit in the amount specified on the targeted business income tax eligibility certificate.
- (3) For a taxable year for which a business applicant claims a targeted business income tax credit under this section, the business applicant may not claim or carry forward a tax credit under Section 59-7-610, Section 59-10-1007, or Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

Amended by Chapter 264, 2022 General Session

59-10-1113 Refundable tax credit for nonrenewable hydrogen production system.

(1) As used in this section:

- (a) "Commercial enterprise" means the same as that term is defined in Section 59-7-626.
- (b) "Commercial unit" means the same as that term is defined in Section 59-7-626.
- (c) "Hydrogen production system" means the same as that term is defined in Section 59-7-626.
- (d) "Office" means the Office of Energy Development created in Section 79-6-401.

(2)

- (a) A claimant, estate, or trust may claim a refundable credit under this section if:
 - (i) the claimant, estate, or trust owns a hydrogen production system;
 - (ii) the hydrogen production system is completed and placed in service on or after January 1, 2022;
 - (iii) the claimant, estate, or trust sells as a commercial enterprise, or supplies for the claimant's, estate's, or trust's own use in commercial units, the hydrogen produced from the hydrogen production system;
 - (iv) the claimant, estate, or trust has not claimed and will not claim a tax credit under Section 59-10-1106 for electricity used to meet the requirements of this section; and
 - (v) the taxpayer obtains a written certification from the office in accordance with Subsection (3).

(b)

- (i) Subject to Subsections (2)(b)(ii) and (iii), a tax credit under this section is equal to the product of:
 - (A) \$0.12; and
 - (B) the number of kilograms of hydrogen produced during the taxable year.
- (ii) A claimant, estate, or trust may not receive a tax credit under this section for more than 5,600 metric tons of hydrogen per taxable year.
- (iii) A claimant, estate, or trust is eligible to claim a tax credit under this section for production occurring during a period of 48 months beginning with the month in which the hydrogen production system is placed in commercial service.

(3)

- (a) Before a claimant, estate, or trust may claim a tax credit under this section, the claimant, estate, or trust shall obtain a written certification from the office.
- (b) The office shall issue a claimant, estate, or trust a written certification if the office determines that:
 - (i) the claimant, estate, or trust meets the requirements of this section to receive a tax credit; and
 - (ii) the hydrogen production system with respect to which the claimant, estate, or trust seeks to claim a tax credit:
 - (A) has been completely installed; and
 - (B) is safe, reliable, efficient, and technically feasible to ensure that the hydrogen production system uses the state's nonrenewable energy resources in an appropriate and economic manner.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules for determining whether a hydrogen production system meets the requirements of Subsection (3)(b)(ii).
- (d) A claimant, estate, or trust that obtains a written certification from the office shall retain the certification for the same time period a person is required to keep books and records under Section 59-1-1406.
- (e) The office 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 office issues a written certification; and

- (ii) for each claimant, estate, or trust:
 - (A) the amount of the tax credit listed on the written certification; and
 - (B) the date the hydrogen production system was installed.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules to address the certification of a tax credit under this section.
- (5) A tax credit under this section is in addition to any tax credits provided under the laws or rules and regulations of the United States.

Amended by Chapter 274, 2022 General Session

59-10-1114 Refundable adoption expense tax credit.

- (1) As used in this section:
 - (a) "Adoption expense" means the same as that term is defined in Section 59-10-1046.
 - (b) "Domestic adoption" means the same as that term is defined in Section 59-10-1046.
 - (c) "Qualifying child" means the same as that term is defined in Section 59-10-1046.
 - (d) "Qualifying claimant" means a claimant:
 - (i) whose adjusted gross income is:
 - (A) for a claimant who files a federal income tax return jointly with the claimant's spouse, less than \$55,000; and
 - (B) for a claimant who files a federal income tax return other than jointly, less than \$27,500;
 - (ii) who did not, and if the claimant is married, whose spouse did not, receive state or federal assistance during the taxable year in which the adoption is finalized; and
 - (iii) who applies for and receives a certification described in Section 35A-1-111 from the Department of Workforce Services.
 - (e) "State or federal assistance" means the same as that term is defined in Section 59-10-1046.
- (2)
 - (a) Subject to Section 59-10-1102.1 and other provisions of this Subsection (2), a qualifying claimant is eligible to claim a refundable tax credit equal to the lesser of:
 - (i) \$3,500; or
 - (ii) the amount of the qualifying claimant's adoption expenses.
 - (b) A qualifying claimant who claims the tax credit described in Subsection (2)(a) shall claim the tax credit for the taxable year in which the adoption is finalized.
- (3) A qualifying claimant may not claim a credit under this section to the extent that the qualifying claimant claims a federal tax credit under 26 U.S.C. Sec. 23 for the same adoption expense.
- (4) A qualifying claimant who is married may claim a tax credit under this section only if the qualifying claimant and the qualifying claimant's spouse file a joint federal income tax return.

Enacted by Chapter 460, 2023 General Session