

Effective 7/17/2016

59-10-1034 Nonrefundable high cost infrastructure development tax credit.

- (1) As used in this section:
 - (a) "High cost infrastructure project" means the same as that term is defined in Section 63M-4-602.
 - (b) "Infrastructure cost-burdened entity" means the same as that term is defined in Section 63M-4-602.
 - (c) "Infrastructure-related revenue" means the same as that term is defined in Section 63M-4-602.
 - (d) "Office" means the Office of Energy Development created in Section 63M-4-401.
- (2) Subject to the other provisions of this section, a claimant, estate, or trust that is an infrastructure cost-burdened entity may claim a nonrefundable tax credit for development of a high cost infrastructure project as provided in this section.
- (3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under Title 63M, Chapter 4, Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure cost-burdened entity for the taxable year.
- (4) An infrastructure cost-burdened entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:
 - (a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this section for a taxable year; and
 - (b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax liability under this chapter for that taxable year.
- (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allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.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:
 - (A) the amount of tax credit that the office grants to each infrastructure cost-burdened entity for each taxable year;
 - (B) the infrastructure-related revenue generated by each high cost infrastructure project;
 - (C) the information contained in the office's latest report under Section 63M-4-505; and
 - (D) 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 infrastructure cost-burdened entities 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 purpose and effectiveness of the tax credit; and
 - (iii) the extent to which the state benefits from the tax credit.

Amended by Chapter 1, 2016 Special Session 3