

**Effective 7/17/2016**

**59-9-107 Nonrefundable small business jobs credit.**

- (1) As used in this section:
  - (a) "Credit allowance date" means the same as that term is defined in Section 63N-2-602.
  - (b) "Office" means the Governor's Office of Economic Development created in Section 63N-1-201.
  - (c) "Tax credit certificate" means the same as that term is defined in Section 63N-2-602.
- (2) An entity may claim a nonrefundable tax credit against a tax liability under this chapter in accordance with this section if the entity is issued a tax credit certificate by the office under Subsection 63N-2-603(11). The office shall issue a tax credit certificate to an entity that is allocated tax credits under Subsection 63N-2-603(11)(e).
- (3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate issued to the entity for the calendar year.
- (4) An entity may carry forward a tax credit under this section for seven years if:
  - (a) the entity is allowed to claim a tax credit under this section for a calendar year; and
  - (b) the amount of the tax credit exceeds the entity's tax liability under this chapter for that calendar year.
- (5) An entity required to pay a retaliatory tax levied under this chapter for a reason other than claiming the tax credit may claim the tax credit after the retaliatory tax amount is calculated, and the tax credit may be used to offset retaliatory tax liability.
- (6) Notwithstanding the other provisions of this section, this section does not apply to an admitted insurer to the extent that the admitted insurer writes workers' compensation insurance in this state and has premiums taxed under Subsection 59-9-101(2).
- (7)
  - (a) On or before November 30, 2018, and every three years after 2018, the Revenue and Taxation Interim Committee shall review the tax credit provided by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.
  - (b) In conducting the review required by Subsection (7)(a), the Revenue and Taxation Interim Committee shall:
    - (i) schedule time on at least one committee agenda to conduct the review;
    - (ii) invite state agencies, individuals, and organizations concerned with the tax credit under review to provide testimony;
    - (iii) ensure that the recommendations described in this section include an evaluation of:
      - (A) the cost of the tax credit to the state;
      - (B) the purpose and effectiveness of the tax credit; and
      - (C) the extent to which the state benefits from the tax credit; and
    - (iv) undertake other review efforts as determined by the chairs of the Revenue and Taxation Interim Committee.

Amended by Chapter 1, 2016 Special Session 3