

Effective 1/1/2024

Effective until 1/1/2024

79-6-602 Definitions.

As used in this part:

- (1) "Applicant" means a person that conducts business in the state and that applies for a tax credit under this part.
- (2) "Energy delivery project" means a project that is designed to:
 - (a) increase the capacity for the delivery of energy to a user of energy inside or outside the state; or
 - (b) increase the capability of an existing energy delivery system or related facility to deliver energy to a user of energy inside or outside the state.
- (3) "Fuel standard compliance project" means a project designed to retrofit a fuel refinery in order to make the refinery capable of producing fuel that complies with the United States Environmental Protection Agency's Tier 3 gasoline sulfur standard described in 40 C.F.R. Sec. 79.54.
- (4) "High cost infrastructure project" means a project, including an energy delivery project or a fuel standard compliance project:
 - (a)
 - (i) that expands or creates new industrial, mining, manufacturing, or agriculture activity in the state, not including a retail business;
 - (ii) that involves new investment of at least \$50,000,000 in an existing industrial, mining, manufacturing, or agriculture entity, by the entity; or
 - (iii) for the construction of a plant or other facility for the storage or production of fuel used for transportation, electricity generation, or industrial use;
 - (b) that requires or is directly facilitated by infrastructure construction; and
 - (c) for which the cost of infrastructure construction to the entity creating the project is greater than:
 - (i) 10% of the total cost of the project; or
 - (ii) \$10,000,000.
- (5) "Infrastructure" means:
 - (a) an energy delivery project;
 - (b) a railroad as defined in Section 54-2-1;
 - (c) a fuel standard compliance project;
 - (d) a road improvement project;
 - (e) a water self-supply project;
 - (f) a water removal system project;
 - (g) a solution-mined subsurface salt cavern;
 - (h) a project that is designed to:
 - (i) increase the capacity for water delivery to a water user in the state; or
 - (ii) increase the capability of an existing water delivery system or related facility to deliver water to a water user in the state; or
 - (i) an underground mine infrastructure project.
- (6)
 - (a) "Infrastructure cost-burdened entity" means an applicant that enters into an agreement with the office that qualifies the applicant to receive a tax credit as provided in this part.
 - (b) "Infrastructure cost-burdened entity" includes a pass-through entity taxpayer, as defined in Section 59-10-1402, of a person described in Subsection (6)(a).

- (7) "Infrastructure-related revenue" means an amount of tax revenue, for an entity creating a high cost infrastructure project, in a taxable year, that is directly attributable to a high cost infrastructure project, under:
- (a) Title 59, Chapter 5, Part 1, Oil and Gas Severance Tax;
 - (b) Title 59, Chapter 5, Part 2, Mining Severance Tax;
 - (c) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
 - (d) Title 59, Chapter 10, Individual Income Tax Act; and
 - (e) Title 59, Chapter 12, Sales and Use Tax Act.
- (8) "Office" means the Office of Energy Development created in Section 79-6-401.
- (9) "Tax credit" means a tax credit under Section 59-7-619 or 59-10-1034.
- (10) "Tax credit certificate" means a certificate issued by the office to an infrastructure cost-burdened entity that:
- (a) lists the name of the infrastructure cost-burdened entity;
 - (b) lists the infrastructure cost-burdened entity's taxpayer identification number;
 - (c) lists, for a taxable year, the amount of the tax credit authorized for the infrastructure cost-burdened entity under this part; and
 - (d) includes other information as determined by the office.
- (11)
- (a) "Underground mine infrastructure project" means a project that:
 - (i) is designed to create permanent underground infrastructure to facilitate underground mining operations; and
 - (ii) services multiple levels or areas of an underground mine or multiple underground mines.
 - (b) "Underground mine infrastructure project" includes:
 - (i) an underground access or a haulage road, entry, ramp, or decline;
 - (ii) a vertical or incline mine shaft;
 - (iii) a ventilation shaft or an air course; or
 - (iv) a conveyor or a truck haulageway.