

- 2599 (a) did not exist within the state before:
- 2600 (i) the alternative energy entity entered into an agreement with the office in accordance
- 2601 with Section 63M-1-3103; and
- 2602 (ii) the alternative energy manufacturing project began;
- 2603 (b) is not shifted from one location in the state to another location in the state; and
- 2604 (c) is established to the satisfaction of the office, including by amounts paid or
- 2605 withheld by the alternative energy entity under Title 59, Chapter 10, Individual Income Tax
- 2606 Act.
- 2607 (5) "New state revenues" means an increased amount of tax revenues generated as a
- 2608 result of an alternative energy manufacturing project by an alternative energy entity or a new
- 2609 incremental job within the state under the following:
- 2610 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
- 2611 (b) Title 59, Chapter 10, Individual Income Tax Act; and
- 2612 (c) Title 59, Chapter 12, Sales and Use Tax Act.
- 2613 (6) "Office" means the Governor's Office of Economic Development.
- 2614 (7) "Tax credit" means a tax credit under Section 59-7-614.8 or 59-10-1030.
- 2615 (8) "Tax credit applicant" means an alternative energy entity that applies to the office
- 2616 to receive a tax credit certificate under this part.
- 2617 (9) "Tax credit certificate" means a certificate issued by the office that:
- 2618 (a) lists the name of the tax credit certificate recipient;
- 2619 (b) lists ~~§~~→ **the** ←~~§~~ tax credit certificate recipient's taxpayer identification number;
- 2620 (c) lists the amount of the tax credit certificate recipient's tax credits authorized under
- 2621 this part for a taxable year; and
- 2622 (d) includes other information as determined by the office.
- 2623 (10) "Tax credit certificate recipient" means an alternative energy entity that receives a
- 2624 tax credit certificate for a tax credit in accordance with this part.
- 2625 Section 12. Section **63M-1-3103** is enacted to read:
- 2626 **63M-1-3103. Tax credits.**
- 2627 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 2628 the office, with advice from the board, shall make rules establishing standards an alternative
- 2629 energy entity shall meet to qualify for a tax credit.

2816 (2) If an alternative energy entity meets the requirements of this part to receive a tax
 2817 credit, the office shall enter into an agreement with the alternative energy entity to authorize the
 2818 tax credit in accordance with Subsection (3).

2819 (3) (a) Subject to Subsection (3) ~~H→~~ [(c)] (b) ~~←H~~ , if the office expects that the time
 2819a from the
 2820 commencement of construction until the end of the economic life of the alternative energy
 2821 project is ~~H→~~ [less than 50 years] 20 years or more ←H :

2822 (i) the office shall grant a tax credit for the lesser of:

2823 (A) the economic life of the alternative energy project; or

2824 (B) 20 years; and

2825 (ii) the tax credit is equal to 75% of new state revenues generated by the alternative
 2826 energy project.

2827 ~~H→ [(b) Subject to Subsection (3)(c), if the office expects that the time from the~~
 2828 ~~commencement of construction until the end of the economic life of the alternative energy~~
 2829 ~~project is 50 years or more:~~

2830 ~~—— (i) the office shall grant a tax credit for the lesser of:~~

2831 ~~—— (A) the economic life of the alternative energy project; or~~

2832 ~~—— (B) ~~S→~~ [30] 25 ←S years; and~~

2833 ~~—— (ii) the tax credit is equal to 75% of new state revenues generated by the alternative~~
 2834 ~~energy project.]~~

2835 [(c)] (b) ←H For a taxable year, a tax credit under this section may not exceed the new state
 2836 revenues generated by an alternative energy project during that taxable year.

2837 (4) An alternative energy entity that seeks to receive a tax credit or has entered into an
 2838 agreement described in Subsection (2) with the office shall:

2839 (a) annually file a report with the office showing the new state revenues generated by
 2840 the alternative energy project during the taxable year for which the alternative energy entity
 2841 seeks to receive a tax credit under Section ~~S→~~ [59-7-614.6] 59-7-614.7 ←S or 59-10-1029;

2842 (b) subject to Subsection (5), annually file a report with the office prepared by an
 2843 independent certified public accountant verifying the new state revenue described in
 2844 Subsection (4)(a);

2845 (c) subject to Subsection (5), file a report with the office at least every four years
 2846 prepared by an independent auditor auditing the new state revenue described in Subsection