

Senator Curtis S. Bramble proposes the following substitute bill:

OPPORTUNITY ZONE ENHANCEMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: Curtis S. Bramble

6	Cosponsors:	Sandra Hollins	Douglas V. Sagers
7	Cheryl K. Acton	Eric K. Hutchings	Rex P. Shipp
8	Kyle R. Andersen	Karen Kwan	Lawanna Shurtliff
9	Patrice M. Arent	Carol Spackman Moss	Andrew Stoddard
10	Stewart E. Barlow	Merrill F. Nelson	Christine F. Watkins
11	Brady Brammer	Derrin R. Owens	Elizabeth Weight
12	Jennifer Dailey-Provost	Stephanie Pitcher	Mark A. Wheatley
13	Susan Duckworth	Marie H. Poulson	



LONG TITLE

General Description:

This bill modifies provisions related to economic development.

Highlighted Provisions:

This bill:

- ▶ defines terms, including "opportunity zone";
- ▶ modifies provisions related to the administration of certain programs within the Division of Air Quality;
- ▶ modifies provisions related to the Olene Walker Housing Loan Fund;
- ▶ modifies provisions related to the Utah low-income housing tax credit;



- 25 ▶ creates a tax credit for eligible construction costs for a parking structure in an
- 26 opportunity zone;
- 27 ▶ describes the requirements for a business entity to receive, and for the Governor's
- 28 Office of Economic Development to issue, a tax credit certificate for eligible
- 29 construction costs in an opportunity zone; and
- 30 ▶ makes technical changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides retrospective operation.

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **19-2-102**, as last amended by Laws of Utah 2015, Chapter 154
- 38 **19-2-107**, as last amended by Laws of Utah 2018, Chapter 281
- 39 **35A-8-501**, as last amended by Laws of Utah 2017, Chapter 279
- 40 **35A-8-507**, as last amended by Laws of Utah 2016, Chapter 131
- 41 **35A-8-510**, as enacted by Laws of Utah 2017, Chapter 279
- 42 **59-7-607**, as last amended by Laws of Utah 2017, Chapter 279
- 43 **59-10-1010**, as last amended by Laws of Utah 2017, Chapter 279
- 44 **63I-1-259**, as last amended by Laws of Utah 2019, Chapters 29 and 479
- 45 **63I-1-263**, as last amended by Laws of Utah 2019, Chapters 89, 246, 311, 414, 468,
- 46 469, 482 and last amended by Coordination Clause, Laws of Utah 2019, Chapter
- 47 246

48 ENACTS:

- 49 **59-7-625**, Utah Code Annotated 1953
- 50 **59-10-1041**, Utah Code Annotated 1953
- 51 **63N-2-901**, Utah Code Annotated 1953
- 52 **63N-2-902**, Utah Code Annotated 1953
- 53 **63N-2-903**, Utah Code Annotated 1953



55 *Be it enacted by the Legislature of the state of Utah:*

56 Section 1. Section **19-2-102** is amended to read:

57 **19-2-102. Definitions.**

58 As used in this chapter:

59 (1) "Air pollutant" means a substance that qualifies as an air pollutant as defined in 42
60 U.S.C. Sec. 7602.

61 (2) "Air pollutant source" means private and public sources of emissions of air
62 pollutants.

63 (3) "Air pollution" means the presence of an air pollutant in the ambient air in the
64 quantities, for a duration, and under the conditions and circumstances that are injurious to
65 human health or welfare, animal or plant life, or property, or would unreasonably interfere with
66 the enjoyment of life or use of property, as determined by the rules adopted by the board.

67 (4) "Ambient air" means that portion of the atmosphere, external to buildings, to which
68 the general public has access.

69 (5) "Asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite
70 (crocidolite), cummingtonite-grunerite, anthophyllite, actinolite-tremolite, and libby
71 amphibole.

72 (6) "Asbestos-containing material" means a material containing more than 1%
73 asbestos, as determined using the method adopted in 40 C.F.R. Part 61, Subpart M, National
74 Emission Standard for Asbestos.

75 (7) "Asbestos inspection" means an activity undertaken to determine the presence or
76 location, or to assess the condition of, asbestos-containing material or suspected
77 asbestos-containing material, whether by visual or physical examination, or by taking samples
78 of the material.

79 (8) "Board" means the Air Quality Board.

80 (9) "Clean school bus" means the same as that term is defined in 42 U.S.C. Sec. 16091.

81 (10) "Director" means the director of the Division of Air Quality.

82 (11) "Division" means the Division of Air Quality created in Section [19-1-105](#).

83 (12) "Friable asbestos-containing material" means a material containing more than 1%
84 asbestos, as determined using the method adopted in 40 C.F.R. Part 61, Subpart M, National
85 Emission Standard for Asbestos, that hand pressure can crumble, pulverize, or reduce to
86 powder when dry.

87 (13) "Indirect source" means a facility, building, structure, or installation which attracts
88 or may attract mobile source activity that results in emissions of a pollutant for which there is a
89 national standard.

90 (14) "Opportunity zone" means an area that has been designated as a qualified
91 opportunity zone in the state under Section 1400Z-1, Internal Revenue Code.

92 Section 2. Section **19-2-107** is amended to read:

93 **19-2-107. Director -- Appointment -- Powers.**

94 (1) The executive director shall appoint the director. The director shall serve under the
95 administrative direction of the executive director.

96 (2) (a) The director shall:

97 (i) prepare and develop comprehensive plans for the prevention, abatement, and control
98 of air pollution in Utah;

99 (ii) advise, consult, and cooperate with other agencies of the state, the federal
100 government, other states and interstate agencies, and affected groups, political subdivisions,
101 and industries in furtherance of the purposes of this chapter;

102 (iii) review plans, specifications, or other data relative to air pollution control
103 equipment or any part of the air pollution control equipment;

104 (iv) under the direction of the executive director, represent the state in all matters
105 relating to interstate air pollution, including interstate compacts and similar agreements;

106 (v) secure necessary scientific, technical, administrative, and operational services,
107 including laboratory facilities, by contract or otherwise;

108 (vi) encourage voluntary cooperation by persons and affected groups to achieve the
109 purposes of this chapter;

110 (vii) encourage local units of government to handle air pollution within their respective
111 jurisdictions on a cooperative basis and provide technical and consulting assistance to them;

112 (viii) determine by means of field studies and sampling the degree of air contamination
113 and air pollution in all parts of the state;

114 (ix) monitor the effects of the emission of air pollutants from motor vehicles on the
115 quality of the outdoor atmosphere in all parts of Utah and take appropriate responsive action;

116 (x) collect and disseminate information relating to air contamination and air pollution
117 and conduct educational and training programs relating to air contamination and air pollution;

- 118 (xi) assess and collect noncompliance penalties as required in Section 120 of the
- 119 federal Clean Air Act, 42 U.S.C. Section 7420;
- 120 (xii) comply with the requirements of federal air pollution laws;
- 121 (xiii) subject to the provisions of this chapter, enforce rules through the issuance of
- 122 orders, including:
 - 123 (A) prohibiting or abating discharges of wastes affecting ambient air;
 - 124 (B) requiring the construction of new control facilities or any parts of new control
 - 125 facilities or the modification, extension, or alteration of existing control facilities or any parts
 - 126 of new control facilities; or
 - 127 (C) adopting other remedial measures to prevent, control, or abate air pollution; and
 - 128 (xiv) as authorized by the board and subject to the provisions of this chapter, act as
 - 129 executive secretary of the board under the direction of the chairman of the board.
- 130 (b) The director may:
 - 131 (i) employ full-time, temporary, part-time, and contract employees necessary to carry
 - 132 out this chapter;
 - 133 (ii) subject to the provisions of this chapter, authorize an employee or representative of
 - 134 the department to enter at reasonable times and upon reasonable notice in or upon public or
 - 135 private property for the purposes of inspecting and investigating conditions and plant records
 - 136 concerning possible air pollution;
 - 137 (iii) encourage, participate in, or conduct studies, investigations, research, and
 - 138 demonstrations relating to air pollution and its causes, effects, prevention, abatement, and
 - 139 control, as advisable and necessary for the discharge of duties assigned under this chapter,
 - 140 including the establishment of inventories of pollution sources;
 - 141 (iv) collect and disseminate information relating to air pollution and the prevention,
 - 142 control, and abatement of it;
 - 143 (v) cooperate with studies and research relating to air pollution and its control,
 - 144 abatement, and prevention;
 - 145 (vi) subject to Subsection (3), upon request, consult concerning the following with a
 - 146 person proposing to construct, install, or otherwise acquire an air pollutant source in Utah:
 - 147 (A) the efficacy of proposed air pollution control equipment for the source; or
 - 148 (B) the air pollution problem that may be related to the source;

149 (vii) accept, receive, and administer grants or other funds or gifts from public and
150 private agencies, including the federal government, for the purpose of carrying out any of the
151 functions of this chapter;

152 (viii) subject to Subsection 19-2-104(3)(b)(i), settle or compromise a civil action
153 initiated by the division to compel compliance with this chapter or the rules made under this
154 chapter; [or]

155 (ix) subject to the provisions of this chapter, exercise all incidental powers necessary to
156 carry out the purposes of this chapter, including certification to state or federal authorities for
157 tax purposes that air pollution control equipment has been certified in conformity with Title 19,
158 Chapter 12, Pollution Control Act[-]; or

159 (x) in the administration of a program providing an incentive to a private entity for the
160 installation of electric vehicle supply equipment, prioritize the applications of private entities
161 that are installing electric vehicle supply equipment in an opportunity zone.

162 (3) A consultation described in Subsection (2)(b)(vi) does not relieve a person from the
163 requirements of this chapter, the rules adopted under this chapter, or any other provision of
164 law.

165 Section 3. Section 35A-8-501 is amended to read:

166 **35A-8-501. Definitions.**

167 As used in this part:

168 (1) "Affordable housing" means housing occupied or reserved for occupancy by
169 households whose incomes are at or below certain income requirements at rental rates
170 affordable to such households.

171 (2) "Board" means the Housing Board created by this part.

172 (3) "Fund" means the Olene Walker Housing Loan Fund created by this part.

173 (4) (a) "Housing sponsor" means a person who constructs, develops, rehabilitates,
174 purchases, or owns a housing development that is or will be subject to legally enforceable
175 restrictive covenants that require the housing development to provide, at least in part,
176 affordable housing.

177 (b) "Housing sponsor" may include:

178 (i) a local public body;

179 (ii) a nonprofit, limited profit, or for profit corporation;

- 180 (iii) a limited partnership;
 - 181 (iv) a limited liability company;
 - 182 (v) a joint venture;
 - 183 (vi) a subsidiary of the Utah Housing Corporation;
 - 184 (vii) a cooperative;
 - 185 (viii) a mutual housing organization;
 - 186 (ix) a local government;
 - 187 (x) a local housing authority;
 - 188 (xi) a regional or statewide nonprofit housing or assistance organization; or
 - 189 (xii) any other entity that helps provide affordable housing.
- 190 (5) "Opportunity zone" means an area that has been designated as a qualified
191 opportunity zone in the state under Section 1400Z-1, Internal Revenue Code.

192 [~~5~~] (6) "Rural" means a county in the state other than Utah, Salt Lake, Davis, or
193 Weber.

194 Section 4. Section **35A-8-507** is amended to read:

195 **35A-8-507. Application process and priorities.**

196 (1) (a) In each calendar year that money is available from the fund for distribution by
197 the executive director under the direction of the board, the executive director shall, at least
198 once in that year, announce a grant and loan application period by sending notice to interested
199 persons.

200 (b) The executive director shall accept applications that are received in a timely
201 manner.

202 (2) The executive director shall give priority to applications for projects and activities
203 in the following order:

204 (a) first, to applications for projects and activities intended to minimize homelessness;

205 (b) second, to applications for projects and activities that use existing privately owned
206 housing stock, including privately owned housing stock purchased by a nonprofit public
207 development authority; and

208 (c) third, to all other applications.

209 (3) Within each level of priority described in Subsection (2), the executive director
210 shall give preference to applications that demonstrate the following:

- 211 (a) a high degree of leverage with other sources of financing;
- 212 (b) high recipient contributions to total project costs, including allied contributions
- 213 from other sources such as professional, craft, and trade services and lender interest rate
- 214 subsidies;
- 215 (c) high local government project contributions in the form of infrastructure
- 216 improvements, or other assistance;
- 217 (d) projects that encourage ownership, management, and other project-related
- 218 responsibility opportunities;
- 219 (e) projects that demonstrate a strong probability of serving the original target group or
- 220 income level for a period of at least 15 years;
- 221 (f) projects where the applicant has demonstrated the ability, stability, and resources to
- 222 complete the project;
- 223 (g) projects that appear to serve the greatest need;
- 224 (h) projects that provide housing for persons and families with the lowest income;
- 225 (i) projects that promote economic development benefits;
- 226 (j) projects that align with a local government plan to address housing and homeless
- 227 services; ~~and~~
- 228 (k) projects that would mitigate or correct existing health, safety, or welfare
- 229 problems[-]; and
- 230 (l) projects undertaken within the boundaries of an opportunity zone.

231 (4) The executive director may give consideration to projects that increase the supply

232 of accessible housing.

233 Section 5. Section **35A-8-510** is amended to read:

234 **35A-8-510. Housing loan fund board approval.**

- 235 (1) The board shall review the project applications described in Subsection
- 236 **35A-8-509(5)**.
- 237 (2) The board may approve a project that meets the requirements of Subsections
- 238 **35A-8-509(4)** and (5) to receive funds from the Economic Revitalization and Investment Fund.
- 239 (3) The board shall give preference to projects:
- 240 (a) that include significant additional or matching funds from an individual, private
- 241 organization, or local government entity;

242 (b) that include significant contributions by the applicant to total project costs,
243 including contributions secured by the applicant from other sources such as professional, craft,
244 and trade services and lender interest rate subsidies;

245 (c) with significant local government contributions in the form of infrastructure,
246 improvements, or other assistance;

247 (d) where the applicant has demonstrated the ability, stability, and resources to
248 complete the project;

249 (e) that will serve the greatest need;

250 (f) that promote economic development benefits;

251 (g) that allow integration into a local government housing plan;

252 (h) that would mitigate or correct existing health, safety, or welfare concerns; ~~or~~

253 (i) that remedy a gap in the supply of and demand for affordable housing~~[-];~~ or

254 (j) that are undertaken within the boundaries of an opportunity zone.

255 Section 6. Section **59-7-607** is amended to read:

256 **59-7-607. Utah low-income housing tax credit.**

257 (1) As used in this section:

258 (a) "Allocation certificate" means a certificate in a form prescribed by the commission
259 and issued by the Utah Housing Corporation to a housing sponsor that specifies the aggregate
260 amount of the tax credit awarded under this section to a qualified development and includes:

261 (i) the aggregate annual amount of the tax credit awarded that may be claimed by one
262 or more qualified taxpayers that have been issued a special low-income housing tax credit
263 certificate; and

264 (ii) the credit period over which the tax credit may be claimed by one or more qualified
265 taxpayers that have been issued a special low-income housing tax credit certificate.

266 (b) "Building" means a qualified low-income building as defined in Section 42(c),
267 Internal Revenue Code.

268 (c) "Credit period" means the "credit period" as defined in Section 42(f)(1), Internal
269 Revenue Code.

270 (d) (i) "Designated reporter" means, as selected by a housing sponsor, the housing
271 sponsor itself or one of the housing sponsor's direct or indirect partners, members, or
272 shareholders that will provide information to the Utah Housing Corporation regarding the

273 assignment of tax credits under this section.

274 (ii) Before the Utah Housing Corporation may issue an allocation certificate to a
275 housing sponsor, a housing sponsor shall provide the identity of the housing sponsor's
276 designated reporter to the Utah Housing Corporation.

277 (iii) Before the Utah Housing Corporation may issue a special low-income housing tax
278 credit certificate to a qualified taxpayer, a designated reporter shall provide the information
279 described in Subsection (6) to the Utah Housing Corporation.

280 (e) "Federal low-income housing tax credit" means the federal tax credit described in
281 Section 42, Internal Revenue Code.

282 (f) "Housing sponsor" means an entity that owns a qualified development.

283 (g) "Opportunity zone" means an area that has been designated as a qualified
284 opportunity zone in the state under Section 1400Z-1, Internal Revenue Code.

285 [~~(g)~~] (h) "Qualified allocation plan" means a qualified allocation plan adopted by the
286 Utah Housing Corporation in accordance with Section 42(m), Internal Revenue Code.

287 [~~(h)~~] (i) "Qualified development" means a "qualified low-income housing project":

288 (i) as defined in Section 42(g)(1), Internal Revenue Code; and

289 (ii) that is located in the state.

290 [~~(i)~~] (j) (i) "Qualified taxpayer" means a person that:

291 (A) owns a direct or indirect interest in a qualified development; and

292 (B) meets the requirements to claim a tax credit under this section.

293 (ii) If a housing sponsor is a partnership, limited liability company, or S corporation, a
294 "qualified taxpayer" may include any partner, member, or shareholder of the housing sponsor
295 as determined by the governing documents of the housing sponsor.

296 [~~(j)~~] (k) (i) "Special low-income housing tax credit certificate" means a certificate:

297 (A) in a form prescribed by the commission;

298 (B) that the Utah Housing Corporation issues to a qualified taxpayer for a taxable year
299 in accordance with this section; and

300 (C) that specifies the amount of the tax credit a qualified taxpayer may claim under this
301 section.

302 (ii) The Utah Housing Corporation may only issue one or more special low-income
303 housing tax credit certificates if the aggregate specified amount on all special low-income

304 housing tax credit certificates issued in relation to a qualified development does not exceed the
305 aggregate amount of tax credit awarded to the qualified development and issued to a housing
306 sponsor in an allocation certificate.

307 (2) (a) For taxable years beginning on or after January 1, 1995, a qualified taxpayer
308 who has been issued a special low-income housing tax credit certificate by the Utah Housing
309 Corporation may claim a nonrefundable tax credit against taxes otherwise due under this
310 chapter or Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to Pay
311 Corporate Franchise or Income Tax Act.

312 (b) The tax credit shall be in an amount equal to the tax credit amount specified on the
313 special low-income housing tax credit certificate that the Utah Housing Corporation issues to a
314 qualified taxpayer under this section.

315 (c) (i) For a calendar year beginning on or before December 31, 2016, the aggregate
316 annual tax credit that the Utah Housing Corporation may allocate for the credit period
317 described in Section 42(f), Internal Revenue Code, pursuant to this section and Section
318 59-10-1010 is an amount equal to the product of:

319 (A) 12.5 cents; and

320 (B) the population of Utah.

321 (ii) For a calendar year beginning on or after January 1, 2017, the aggregate annual tax
322 credit that the Utah Housing Corporation may allocate for the credit period described in
323 Section 42(f), Internal Revenue Code, pursuant to this section and Section 59-10-1010 is an
324 amount equal to the product of:

325 (A) 34.5 cents; and

326 (B) the population of Utah.

327 (iii) For purposes of this section, the population of Utah shall be determined in
328 accordance with Section 146(j), Internal Revenue Code.

329 (3) (a) The Utah Housing Corporation shall determine criteria and procedures for
330 allocating the tax credit under this section and Section 59-10-1010 and incorporate the criteria
331 and procedures into the Utah Housing Corporation's qualified allocation plan.

332 (b) The Utah Housing Corporation shall create the criteria under Subsection (3)(a)
333 based on:

334 (i) the number of affordable housing units to be created in Utah for low and moderate

335 income persons in a qualified development;

336 (ii) the level of area median income being served by a qualified development;

337 (iii) the need for the tax credit for the economic feasibility of a qualified development;

338 [~~and~~]

339 (iv) the extended period for which a qualified development commits to remain as
340 affordable housing~~[-]; and~~

341 (v) if the qualified development is being undertaken within the boundaries of an
342 opportunity zone.

343 (4) Any housing sponsor may apply to the Utah Housing Corporation for a tax credit
344 allocation under this section.

345 (5) (a) The Utah Housing Corporation shall determine the amount of the tax credit to
346 allocate to a qualified development in accordance with the qualified allocation plan of the Utah
347 Housing Corporation.

348 (b) (i) The Utah Housing Corporation shall issue an allocation certificate to a housing
349 sponsor as evidence of the allocation.

350 (ii) The allocation certificate under Subsection (5)(b)(i) shall specify the amount of the
351 tax credit allocated to a qualified development as determined by the Utah Housing Corporation.

352 (c) The amount of the tax credit specified in an allocation certificate may not exceed
353 100% of the federal low-income housing tax credit awarded to a qualified development.

354 (6) Before the Utah Housing Corporation may issue a special low-income housing tax
355 credit certificate, a designated reporter shall provide to the Utah Housing Corporation in a form
356 prescribed by the Utah Housing Corporation:

357 (a) a list of each qualified taxpayer that has been assigned a portion of the tax credit
358 awarded in an allocation certificate;

359 (b) for each qualified taxpayer described in Subsection (6)(a), the amount of tax credit
360 that has been assigned; and

361 (c) an aggregate list of the tax credit amount assigned related to a qualified
362 development demonstrating that the aggregate annual amount of the tax credits assigned does
363 not exceed the aggregate annual tax credit awarded in the allocation certificate.

364 (7) The Utah Housing Corporation shall provide a special low-income housing tax
365 credit certificate to a qualified taxpayer if:

366 (a) a designated reporter has provided the information regarding the qualified taxpayer
367 as described in Subsection (6); and

368 (b) the Utah Housing Corporation has verified that the aggregate tax credit amount
369 assigned with respect to a qualified development does not exceed the total tax credit awarded
370 in the allocation certificate.

371 (8) (a) All elections made by a housing sponsor pursuant to Section 42, Internal
372 Revenue Code, shall apply to this section.

373 (b) (i) If a qualified development is required to recapture a portion of any federal
374 low-income housing tax credit, then each qualified taxpayer shall also be required to recapture
375 a portion of any state tax credits authorized by this section.

376 (ii) The state recapture amount shall be equal to the percentage of the state tax credit
377 that equals the proportion the federal recapture amount bears to the original federal low-income
378 housing tax credit amount subject to recapture.

379 (iii) The designated reporter shall identify each qualified taxpayer that is required to
380 recapture a portion of any state tax credit as described in this Subsection (8)(b).

381 (9) (a) Any tax credits returned to the Utah Housing Corporation in any year may be
382 reallocated within the same time period as provided in Section 42, Internal Revenue Code.

383 (b) Tax credits that are unallocated by the Utah Housing Corporation in any year may
384 be carried over for allocation in subsequent years.

385 (10) (a) If a tax credit is not claimed by a qualified taxpayer in the year in which it is
386 earned because the tax credit is more than the tax owed by the qualified taxpayer, the tax credit
387 may be carried back three years or may be carried forward five years as a credit against the tax.

388 (b) Carryover tax credits under Subsection (10)(a) shall be applied against the tax:

389 (i) before the application of the tax credits earned in the current year; and

390 (ii) on a first-earned first-used basis.

391 (11) Any tax credit taken in this section may be subject to an annual audit by the
392 commission.

393 (12) The Utah Housing Corporation shall annually provide an electronic report to the
394 Revenue and Taxation Interim Committee which shall include at least:

395 (a) the purpose and effectiveness of the tax credits; and

396 (b) the benefits of the tax credits to the state.

397 (13) The commission may, in consultation with the Utah Housing Corporation, make
398 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to
399 implement this section.

400 Section 7. Section **59-7-625** is enacted to read:

401 **59-7-625. Nonrefundable tax credit for eligible construction costs in an**
402 **opportunity zone.**

403 (1) As used in this section:

404 (a) "Business entity" means a taxpayer that receives a tax credit certificate in
405 accordance with Section [63N-2-903](#).

406 (b) "Eligible construction costs" means the same as that term is defined in Section
407 [63N-2-902](#).

408 (c) "Eligible parking structure" means the same as that term is defined in Section
409 [63N-2-902](#).

410 (d) "Opportunity zone" means the same as that term is defined in Section [63N-2-902](#).

411 (2) A business entity may claim a nonrefundable tax credit for eligible construction
412 costs for an eligible parking structure in an opportunity zone in an amount equal to the amount
413 stated on the tax credit certificate issued in accordance with Section [63N-2-903](#).

414 (3) (a) A business entity may carry forward the amount of the tax credit that exceeds
415 the business entity's tax liability for a period of three years.

416 (b) A business entity may not carry back the amount of the tax credit that exceeds the
417 business entity's tax liability.

418 Section 8. Section **59-10-1010** is amended to read:

419 **59-10-1010. Utah low-income housing tax credit.**

420 (1) As used in this section:

421 (a) "Allocation certificate" means a certificate in a form prescribed by the commission
422 and issued by the Utah Housing Corporation to a housing sponsor that specifies the aggregate
423 amount of the tax credit awarded under this section to a qualified development and includes:

424 (i) the aggregate annual amount of the tax credit awarded that may be claimed by one
425 or more qualified taxpayers that have been issued a special low-income housing tax credit
426 certificate; and

427 (ii) the credit period over which the tax credit may be claimed by one or more qualified

428 taxpayers that have been issued a special low-income housing tax credit certificate.

429 (b) "Building" means a qualified low-income building as defined in Section 42(c),
430 Internal Revenue Code.

431 (c) "Credit period" means the "credit period" as defined in Section 42(f)(1), Internal
432 Revenue Code.

433 (d) (i) "Designated reporter" means, as selected by a housing sponsor, the housing
434 sponsor itself or one of the housing sponsor's direct or indirect partners, members, or
435 shareholders that will provide information to the Utah Housing Corporation regarding the
436 assignment of tax credits under this section.

437 (ii) Before the Utah Housing Corporation may issue an allocation certificate to a
438 housing sponsor, a housing sponsor shall provide the identity of the housing sponsor's
439 designated reporter to the Utah Housing Corporation.

440 (iii) Before the Utah Housing Corporation may issue a special low-income housing tax
441 credit certificate to a qualified taxpayer, a designated reporter shall provide the information
442 described in Subsection (6) to the Utah Housing Corporation.

443 (e) "Federal low-income housing credit" means the federal low-income housing credit
444 described in Section 42, Internal Revenue Code.

445 (f) "Housing sponsor" means an entity that owns a qualified development.

446 (g) "Opportunity zone" means an area that has been designated as a qualified
447 opportunity zone in the state under Section 1400Z-1, Internal Revenue Code.

448 [~~g~~] (h) "Qualified allocation plan" means a qualified allocation plan adopted by the
449 Utah Housing Corporation in accordance with Section 42(m), Internal Revenue Code.

450 [~~h~~] (i) "Qualified development" means a "qualified low-income housing project":

451 (i) as defined in Section 42(g)(1), Internal Revenue Code; and

452 (ii) that is located in the state.

453 [~~i~~] (j) (i) "Qualified taxpayer" means a claimant, estate, or trust that:

454 (A) owns a direct or indirect interest in a qualified development; and

455 (B) meets the requirements to claim a tax credit under this section.

456 (ii) If a housing sponsor is a partnership, limited liability company, or S corporation, a
457 "qualified taxpayer" may include any partner, member, or shareholder of the housing sponsor
458 as determined by the governing documents of the housing sponsor.

459 [(j)] (k) (i) "Special low-income housing tax credit certificate" means a certificate:

460 (A) in a form prescribed by the commission;

461 (B) that the Utah Housing Corporation issues to a qualified taxpayer for a taxable year
462 in accordance with this section; and

463 (C) that specifies the amount of the tax credit a qualified taxpayer may claim under this
464 section.

465 (ii) The Utah Housing Corporation may only issue one or more special low-income
466 housing tax credit certificates if the aggregate specified amount on all special low-income
467 housing tax credit certificates issued in relation to a qualified development does not exceed the
468 aggregate amount of tax credit awarded to a qualified development and issued to a housing
469 sponsor in an allocation certificate.

470 (2) (a) For taxable years beginning on or after January 1, 1995, a qualified taxpayer
471 who has been issued a special low-income housing tax credit certificate by the Utah Housing
472 Corporation may claim a nonrefundable tax credit against taxes otherwise due under this
473 chapter.

474 (b) The tax credit shall be in an amount equal to the tax credit amount specified on the
475 special low-income housing tax credit certificate that the Utah Housing Corporation issues to a
476 qualified taxpayer under this section.

477 (c) (i) For a calendar year beginning on or before December 31, 2016, the aggregate
478 annual tax credit that the Utah Housing Corporation may allocate for the credit period
479 described in Section 42(f), Internal Revenue Code, pursuant to this section and Section
480 59-7-607 is an amount equal to the product of:

481 (A) 12.5 cents; and

482 (B) the population of Utah.

483 (ii) For a calendar year beginning on or after January 1, 2017, the aggregate annual tax
484 credit that the Utah Housing Corporation may allocate for the credit period described in
485 Section 42(f), Internal Revenue Code, pursuant to this section and Section 59-7-607 is an
486 amount equal to the product of:

487 (A) 34.5 cents; and

488 (B) the population of Utah.

489 (iii) For purposes of this section, the population of Utah shall be determined in

490 accordance with Section 146(j), Internal Revenue Code.

491 (3) (a) The Utah Housing Corporation shall determine criteria and procedures for
492 allocating the tax credit under this section and Section 59-7-607 and incorporate the criteria
493 and procedures into the Utah Housing Corporation's qualified allocation plan.

494 (b) The Utah Housing Corporation shall create the criteria under Subsection (3)(a)
495 based on:

496 (i) the number of affordable housing units to be created in Utah for low and moderate
497 income persons in a qualified development;

498 (ii) the level of area median income being served by a qualified development;

499 (iii) the need for the tax credit for the economic feasibility of a qualified development;

500 [~~and~~]

501 (iv) the extended period for which a qualified development commits to remain as
502 affordable housing[~~;~~]; and

503 (v) if the qualified development is being undertaken within the boundaries of an
504 opportunity zone.

505 (4) Any housing sponsor may apply to the Utah Housing Corporation for a tax credit
506 allocation under this section.

507 (5) (a) The Utah Housing Corporation shall determine the amount of the tax credit to
508 allocate to a qualified development in accordance with the qualified allocation plan of the Utah
509 Housing Corporation.

510 (b) (i) The Utah Housing Corporation shall issue an allocation certificate to a housing
511 sponsor as evidence of the allocation.

512 (ii) The allocation certificate under Subsection (5)(b)(i) shall specify the amount of the
513 tax credit allocated to a qualified development as determined by the Utah Housing Corporation.

514 (c) The amount of the tax credit specified in an allocation certificate may not exceed
515 100% of the federal low-income housing credit awarded to a qualified development.

516 (6) Before the Utah Housing Corporation may issue a special low-income housing tax
517 credit certificate, a designated reporter shall provide to the Utah Housing Corporation in a form
518 prescribed by the Utah Housing Corporation:

519 (a) a list of each qualified taxpayer that has been assigned a portion of the tax credit
520 awarded in an allocation certificate;

521 (b) for each qualified taxpayer described in Subsection (6)(a), the amount of tax credit
522 that has been assigned; and

523 (c) an aggregate list of the tax credit amount assigned related to a qualified
524 development demonstrating that the aggregate annual amount of the tax credits assigned does
525 not exceed the aggregate annual tax credit awarded in the allocation certificate.

526 (7) The Utah Housing Corporation shall provide a special low-income housing tax
527 credit certificate to a qualified taxpayer if:

528 (a) a designated reporter has provided the information regarding the qualified taxpayer
529 as described in Subsection (6); and

530 (b) the Utah Housing Corporation has verified that the aggregate tax credit amount
531 assigned with respect to a qualified development does not exceed the total tax credit awarded
532 in the allocation certificate.

533 (8) (a) All elections made by a housing sponsor pursuant to Section 42, Internal
534 Revenue Code, shall apply to this section.

535 (b) (i) If a qualified taxpayer is required to recapture a portion of any federal
536 low-income housing credit, the qualified taxpayer shall also be required to recapture a portion
537 of any state tax credits authorized by this section.

538 (ii) The state recapture amount shall be equal to the percentage of the state tax credit
539 that equals the proportion the federal recapture amount bears to the original federal low-income
540 housing credit amount subject to recapture.

541 (iii) The designated reporter shall identify each qualified taxpayer that is required to
542 recapture a portion of any state tax credits as described in this Subsection (8)(b).

543 (9) (a) Any tax credits returned to the Utah Housing Corporation in any year may be
544 reallocated within the same time period as provided in Section 42, Internal Revenue Code.

545 (b) Tax credits that are unallocated by the Utah Housing Corporation in any year may
546 be carried over for allocation in subsequent years.

547 (10) (a) If a tax credit is not claimed by a qualified taxpayer in the year in which it is
548 earned because the tax credit is more than the tax owed by the qualified taxpayer, the tax credit
549 may be carried back three years or may be carried forward five years as a credit against the tax.

550 (b) Carryover tax credits under Subsection (10)(a) shall be applied against the tax:

551 (i) before the application of the tax credits earned in the current year; and

552 (ii) on a first-earned first-used basis.

553 (11) Any tax credit taken in this section may be subject to an annual audit by the
554 commission.

555 (12) The Utah Housing Corporation shall annually provide an electronic report to the
556 Revenue and Taxation Interim Committee which shall include at least:

557 (a) the purpose and effectiveness of the tax credits; and

558 (b) the benefits of the tax credits to the state.

559 (13) The commission may, in consultation with the Utah Housing Corporation,
560 promulgate rules to implement this section.

561 Section 9. Section **59-10-1041** is enacted to read:

562 **59-10-1041. Nonrefundable tax credit for eligible construction costs in an**
563 **opportunity zone.**

564 (1) As used in this section:

565 (a) "Business entity" means a claimant, estate, or trust that receives a tax credit
566 certificate in accordance with Section [63N-2-903](#).

567 (b) "Eligible construction costs" means the same as that term is defined in Section
568 [63N-2-902](#).

569 (c) "Eligible parking structure" means the same as that term is defined in Section
570 [63N-2-902](#).

571 (d) "Opportunity zone" means the same as that term is defined in Section [63N-2-902](#).

572 (2) A business entity may claim a nonrefundable tax credit for eligible construction
573 costs for an eligible parking structure in an opportunity zone in an amount equal to the amount
574 stated on the tax credit certificate issued in accordance with Section [63N-2-903](#).

575 (3) (a) A business entity may carry forward the amount of the tax credit that exceeds
576 the business entity's tax liability for a period of three years.

577 (b) A business entity may not carry back the amount of the tax credit that exceeds the
578 business entity's tax liability.

579 Section 10. Section **63I-1-259** is amended to read:

580 **63I-1-259. Repeal dates, Title 59.**

581 (1) Section [59-1-213.1](#) is repealed on May 9, 2024.

582 (2) Section [59-1-213.2](#) is repealed on May 9, 2024.

- 583 (3) Subsection [59-1-405\(1\)\(g\)](#) is repealed on May 9, 2024.
- 584 (4) Subsection [59-1-405\(2\)\(b\)](#) is repealed on May 9, 2024.
- 585 (5) Section [59-7-618](#) is repealed July 1, 2020.
- 586 (6) Section [59-7-625](#) is repealed January 1, 2026.
- 587 [~~(6)~~] (7) Section [59-9-102.5](#) is repealed December 31, 2020.
- 588 [~~(7)~~] (8) Section [59-10-1033](#) is repealed July 1, 2020.
- 589 (9) Section [59-10-1041](#) is repealed January 1, 2026.
- 590 [~~(8)~~] (10) Subsection [59-12-2219\(13\)](#), which addresses new revenue supplanting
- 591 existing allocations, is repealed on June 30, 2020.
- 592 [~~(9)~~] (11) Title 59, Chapter 28, State Transient Room Tax Act, is repealed on January
- 593 1, 2023.
- 594 Section 11. Section **63I-1-263** is amended to read:
- 595 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 596 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 597 (a) Subsection [63A-1-201\(1\)](#) is repealed;
- 598 (b) Subsection [63A-1-202\(2\)\(c\)](#), the language that states "using criteria established by
- 599 the board" is repealed;
- 600 (c) Section [63A-1-203](#) is repealed;
- 601 (d) Subsections [63A-1-204\(1\)](#) and (2), the language that states "After consultation with
- 602 the board, and" is repealed; and
- 603 (e) Subsection [63A-1-204\(1\)\(b\)](#), the language that states "using the standards provided
- 604 in Subsection [63A-1-203\(3\)\(c\)](#)" is repealed.
- 605 (2) Subsection [63A-5-228\(2\)\(h\)](#), relating to prioritizing and allocating capital
- 606 improvement funding, is repealed on July 1, 2024.
- 607 (3) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1, 2023.
- 608 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 609 1, 2028.
- 610 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 611 2025.
- 612 (6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
- 613 2020.

- 614 (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
615 repealed July 1, 2021.
- 616 (8) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,
617 2023.
- 618 (9) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
619 2025.
- 620 (10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
621 2020.
- 622 (11) In relation to the State Fair Corporation Board of Directors, on January 1, 2025:
623 (a) Subsection 63H-6-104(2)(c), related to a Senate appointment, is repealed;
624 (b) Subsection 63H-6-104(2)(d), related to a House appointment, is repealed;
625 (c) in Subsection 63H-6-104(2)(e), the language that states ", of whom only one may
626 be a legislator, in accordance with Subsection (3)(e)," is repealed;
627 (d) Subsection 63H-6-104(3)(a)(i) is amended to read:
628 "(3)(a)(i) Except as provided in Subsection (3)(a)(ii), a board member appointed under
629 Subsection (2)(e) or (f) shall serve a term that expires on the December 1 four years after the
630 year that the board member was appointed.";
- 631 (e) in Subsections 63H-6-104(3)(a)(ii), (c)(ii), and (d), the language that states "the
632 president of the Senate, the speaker of the House, the governor," is repealed and replaced with
633 "the governor"; and
- 634 (f) Subsection 63H-6-104(3)(e), related to limits on the number of legislators, is
635 repealed.
- 636 (12) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 637 (13) Section 63M-7-212 is repealed on December 31, 2019.
- 638 (14) On July 1, 2025:
- 639 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource
640 Development Coordinating Committee," is repealed;
- 641 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed
642 sites for the transplant of species to local government officials having jurisdiction over areas
643 that may be affected by a transplant.";
- 644 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development

645 Coordinating Committee" is repealed;

646 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development
647 Coordinating Committee created in Section 63J-4-501 and" is repealed;

648 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development
649 Coordinating Committee and" is repealed;

650 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered
651 accordingly;

652 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

653 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the
654 word "and" is inserted immediately after the semicolon;

655 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

656 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;
657 and

658 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are
659 renumbered accordingly.

660 (15) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is repealed
661 July 1, 2026.

662 (16) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage
663 Commission, is repealed July 1, 2023.

664 (17) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed
665 July 1, 2022.

666 (18) (a) Subsection 63J-1-602.1(53), relating to the Utah Statewide Radio System
667 Restricted Account, is repealed July 1, 2022.

668 (b) When repealing Subsection 63J-1-602.1(53), the Office of Legislative Research and
669 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
670 necessary changes to subsection numbering and cross references.

671 (19) Subsection 63J-1-602.2(23), related to the Utah Seismic Safety Commission, is
672 repealed January 1, 2025.

673 (20) Subsection 63J-4-708(1), in relation to the Talent Ready Utah Board, on January
674 1, 2023, is amended to read:

675 "(1) On or before October 1, the board shall provide an annual written report to the

676 Social Services Appropriations Subcommittee and the Economic Development and Workforce
677 Services Interim Committee."

678 (21) In relation to the Utah Substance Use and Mental Health Advisory Council, on
679 January 1, 2023:

680 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
681 repealed;

682 (b) Section 63M-7-305, the language that states "council" is replaced with
683 "commission";

684 (c) Subsection 63M-7-305(1) is repealed and replaced with:

685 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

686 (d) Subsection 63M-7-305(2) is repealed and replaced with:

687 "(2) The commission shall:

688 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
689 Drug-Related Offenses Reform Act; and

690 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in
691 Subsections 77-18-1(5)(b)(iii) and (iv).".

692 (22) The Crime Victim Reparations and Assistance Board, created in Section
693 63M-7-504, is repealed July 1, 2027.

694 (23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

695 (24) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed
696 on January 1, 2023.

697 (25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

698 (26) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is
699 repealed January 1, 2021.

700 (b) Subject to Subsection (26)(c), Sections 59-7-610 and 59-10-1007 regarding tax
701 credits for certain persons in recycling market development zones, are repealed for taxable
702 years beginning on or after January 1, 2021.

703 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

704 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or
705 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

706 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if

707 the expenditure is made on or after January 1, 2021.

708 (d) Notwithstanding Subsections (26)(b) and (c), a person may carry forward a tax
709 credit in accordance with Section 59-7-610 or 59-10-1007 if:

710 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

711 (ii) (A) for the purchase price of machinery or equipment described in Section
712 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,
713 2020; or

714 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the
715 expenditure is made on or before December 31, 2020.

716 (27) Section 63N-2-512 is repealed on July 1, 2021.

717 (28) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
718 January 1, 2021.

719 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
720 calendar years beginning on or after January 1, 2021.

721 (c) Notwithstanding Subsection (28)(b), an entity may carry forward a tax credit in
722 accordance with Section 59-9-107 if:

723 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
724 31, 2020; and

725 (ii) the qualified equity investment that is the basis of the tax credit is certified under
726 Section 63N-2-603 on or before December 31, 2023.

727 (29) Title 63N, Chapter 2, Part 9, Opportunity Zone Incentive Act, is repealed January
728 1, 2026.

729 [~~(29)~~] (30) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1,
730 2023.

731 [~~(30)~~] (31) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
732 repealed July 1, 2023.

733 [~~(31)~~] (32) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
734 Program, is repealed January 1, 2023.

735 [~~(32)~~] (33) In relation to the Pete Suazo Utah Athletic Commission, on January 1,
736 2021:

737 (a) Subsection 63N-10-201(2)(a) is amended to read:

738 (2) (a) The governor shall appoint five commission members with the advice and
739 consent of the Senate.";

740 (b) Subsection 63N-10-201(2)(b), related to legislative appointments, is repealed;

741 (c) in Subsection 63N-10-201(3)(a), the language that states ", president, or speaker,
742 respectively," is repealed; and

743 (d) Subsection 63N-10-201(3)(d) is amended to read:

744 "(d) The governor may remove a commission member for any reason and replace the
745 commission member in accordance with this section."

746 [~~33~~] (34) In relation to the Talent Ready Utah Board, on January 1, 2023:

747 (a) Subsection 9-22-102(16) is repealed;

748 (b) in Subsection 9-22-114(2), the language that states "Talent Ready Utah," is
749 repealed; and

750 (c) in Subsection 9-22-114(5), the language that states "representatives of Talent Ready
751 Utah," is repealed.

752 [~~34~~] (35) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed
753 January 1, 2023.

754 Section 12. Section 63N-2-901 is enacted to read:

755 **Part 9. Opportunity Zone Incentive Act**

756 **63N-2-901. Title.**

757 This part is known as the "Opportunity Zone Incentive Act."

758 Section 13. Section 63N-2-902 is enacted to read:

759 **63N-2-902. Definitions.**

760 As used in this part:

761 (1) "Business entity" means a sole proprietorship, partnership, association, joint
762 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
763 a business.

764 (2) (a) "Eligible construction costs" means the documented costs of the physical
765 construction of an eligible parking structure.

766 (b) "Eligible construction costs" do not include:

767 (i) planning;

768 (ii) engineering or legal work;

769 (iii) permitting; or
770 (iv) acquisition of land.
771 (3) "Eligible parking structure" means a newly built parking lot or parking structure
772 that:
773 (a) is located within a county of the first class;
774 (b) is located within an opportunity zone;
775 (c) is located within a community development project area under Title 17C, Chapter
776 4, Community Development, or a community reinvestment project area under Title 17C,
777 Chapter 5, Community Reinvestment;
778 (d) is located within 1,320 feet of a transit station;
779 (e) is located within 300 feet of a state highway as designated under Title 72, Chapter
780 4, Designation of State Highways Act;
781 (f) contains at least 50 parking spaces; and
782 (g) is available to members of the public entering or exiting public transit service at a
783 transit station.
784 (4) "Opportunity zone" means an area that has been designated as a qualified
785 opportunity zone in the state under Section 1400Z-1, Internal Revenue Code.
786 (5) "Qualified application" means an application for a tax credit certificate that meets
787 the requirements of Section 63N-2-903.
788 (6) "Tax credit" means a tax credit described in:
789 (a) Section 59-7-625, for a business entity that files an income tax return under Title
790 59, Chapter 7, Corporate Franchise and Income Taxes; or
791 (b) Section 59-10-1041, for a business entity that files an income tax return under Title
792 59, Chapter 10, Individual Income Tax Act.
793 (7) "Transit station" means a facility, station, or terminal leased or operated by or on
794 behalf of a public transit district where members of the public enter or exit public transit
795 service on a train or bus.
796 Section 14. Section 63N-2-903 is enacted to read:
797 **63N-2-903. Tax credit for eligible construction costs in an opportunity zone.**
798 (1) A business entity that seeks to claim a tax credit under this part shall apply to the
799 office for a tax credit certificate on a form provided by the office.

800 (2) The business entity shall include in the application the following information for
801 the year for which the business entity seeks to claim a tax credit:

802 (a) proof of the eligible construction costs paid or incurred for an eligible parking
803 structure;

804 (b) a letter of support from the municipality where the eligible parking structure is
805 located; and

806 (c) responses to questions developed by the office regarding the benefits that the
807 business entity and members of the public receive from the availability of the tax credit.

808 (3) The office shall issue a tax credit certificate to a business entity that the office
809 determines:

810 (a) submitted one of the first three qualifying applications for an eligible parking
811 structure received by the office on or after July 1, 2020;

812 (b) paid or incurred eligible construction costs for an eligible parking structure;

813 (c) met all post performance requirements as required by the office; and

814 (d) completed a qualified application.

815 (4) The tax credit certificate shall state the amount of the business entity's tax credit,
816 which is equal to 25% of the eligible construction costs paid or incurred for an eligible parking
817 structure.

818 (5) The office shall submit to the State Tax Commission an electronic list that
819 includes:

820 (a) the name and identifying information of each business entity to which the office
821 issues a tax credit certificate; and

822 (b) for each business entity, the amount of the tax credit stated on the tax credit
823 certificate.

824 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
825 in accordance with the provisions of this part, the office shall make rules describing the:

826 (a) form and content of an application for a tax credit under this part;

827 (b) documentation requirements for a business entity to receive a tax credit certificate
828 under this part; and

829 (c) administration of the requirements of this part, including relevant timelines,
830 deadlines, and post performance requirements that a business entity shall comply with to

831 qualify for a tax credit certificate under this part.

832 (7) The office shall include in the annual report described in Section [63N-1-301](#):

833 (a) a description of the effectiveness of the tax credit;

834 (b) the total amount of all tax credits issued during the year; and

835 (c) the number of business entities to which the department issued a tax credit

836 certificate.

837 Section 15. **Retrospective operation.**

838 The following have retrospective operation for a taxable year beginning on or after

839 January 1, 2020:

840 (1) Section [59-7-625](#);

841 (2) Section [59-10-1041](#);

842 (3) Section [63N-2-901](#);

843 (4) Section [63N-2-902](#); and

844 (5) Section [63N-2-903](#).