

1 **UTAH ENERGY INFRASTRUCTURE AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carl R. Albrecht**

5 Senate Sponsor: Wayne A. Harper

7 **LONG TITLE**

8 **General Description:**

9 This bill repeals the Utah Energy Infrastructure Authority and modifies provisions
10 related to the Utah Energy Infrastructure Board.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ repeals provisions related to the Utah Energy Infrastructure Authority;
- 15 ▶ moves the Utah Energy Infrastructure Board under the Office of Energy

16 Development;

- 17 ▶ clarifies the duties of the Utah Energy Infrastructure Board regarding the evaluation
18 of an application for a tax credit under the High Cost Infrastructure Development

19 Tax Credit Act; and

- 20 ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **63E-1-102**, as last amended by Laws of Utah 2018, Chapter 393

28 **79-6-602**, as renumbered and amended by Laws of Utah 2021, Chapter 280

29 **79-6-603**, as renumbered and amended by Laws of Utah 2021, Chapter 280

30 **79-6-604**, as renumbered and amended by Laws of Utah 2021, Chapter 280

31 ENACTS:

32 **79-6-903**, Utah Code Annotated 1953

33 RENUMBERS AND AMENDS:

34 **79-6-901**, (Renumbered from 63H-2-102, as last amended by Laws of Utah 2021,
35 Chapter 280)

36 **79-6-902**, (Renumbered from 63H-2-202, as last amended by Laws of Utah 2021,
37 Chapter 280)

38 REPEALS:

39 **63H-2-101**, as last amended by Laws of Utah 2012, Chapter 37

40 **63H-2-201**, as last amended by Laws of Utah 2012, Chapter 37

41 **63H-2-203**, as enacted by Laws of Utah 2009, Chapter 378

42 **63H-2-204**, as last amended by Laws of Utah 2021, Chapter 282

43 **63H-2-301**, as last amended by Laws of Utah 2012, Chapter 37

44 **63H-2-302**, as last amended by Laws of Utah 2012, Chapter 37

45 **63H-2-401**, as last amended by Laws of Utah 2014, Chapter 301

46 **63H-2-402**, as last amended by Laws of Utah 2012, Chapter 37

47 **63H-2-403**, as enacted by Laws of Utah 2009, Chapter 378

48 **63H-2-404**, as last amended by Laws of Utah 2012, Chapter 37

49 **63H-2-501**, as enacted by Laws of Utah 2009, Chapter 378

50 **63H-2-502**, as last amended by Laws of Utah 2021, Chapters 84 and 345

51 **63H-2-503**, as enacted by Laws of Utah 2009, Chapter 378

52 **63H-2-504**, as last amended by Laws of Utah 2021, Chapter 345

53

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

55 Section 1. Section **63E-1-102** is amended to read:

56 **63E-1-102. Definitions -- List of independent entities.**

57 As used in this title:

58 (1) "Authorizing statute" means the statute creating an entity as an independent entity.

59 (2) "Committee" means the Retirement and Independent Entities Committee created by
60 Section 63E-1-201.

61 (3) "Independent corporation" means a corporation incorporated in accordance with
62 Chapter 2, Independent Corporations Act.

63 (4) (a) "Independent entity" means an entity having a public purpose relating to the
64 state or its citizens that is individually created by the state or is given by the state the right to
65 exist and conduct its affairs as an:

66 (i) independent state agency; or

67 (ii) independent corporation.

68 (b) "Independent entity" includes the:

69 (i) Utah Beef Council, created by Section 4-21-103;

70 (ii) Utah Dairy Commission created by Section 4-22-103;

71 (iii) Heber Valley Historic Railroad Authority created by Section 63H-4-102;

72 (iv) Utah State Railroad Museum Authority created by Section 63H-5-102;

73 (v) Utah Housing Corporation created by Section 63H-8-201;

74 (vi) Utah State Fair Corporation created by Section 63H-6-103;

75 (vii) Utah State Retirement Office created by Section 49-11-201;

76 (viii) School and Institutional Trust Lands Administration created by Section

77 53C-1-201;

78 (ix) School and Institutional Trust Fund Office created by Section 53D-1-201;

79 (x) Utah Communications Authority created by Section 63H-7a-201;

80 [~~(xi) Utah Energy Infrastructure Authority created by Section 63H-2-201;~~]

81 [~~(xii)~~] (xi) Utah Capital Investment Corporation created by Section 63N-6-301; and

82 [~~(xiii)~~] (xii) Military Installation Development Authority created by Section

83 63H-1-201.

84 (c) Notwithstanding this Subsection (4), "independent entity" does not include:

85 (i) the Public Service Commission of Utah created by Section 54-1-1;

- 86 (ii) an institution within the state system of higher education;
- 87 (iii) a city, county, or town;
- 88 (iv) a local school district;
- 89 (v) a local district under Title 17B, Limited Purpose Local Government Entities - Local
- 90 Districts; or

91 (vi) a special service district under Title 17D, Chapter 1, Special Service District Act.

92 (5) "Independent state agency" means an entity that is created by the state, but is
 93 independent of the governor's direct supervisory control.

94 (6) "Money held in trust" means money maintained for the benefit of:

- 95 (a) one or more private individuals, including public employees;
- 96 (b) one or more public or private entities; or
- 97 (c) the owners of a quasi-public corporation.

98 (7) "Public corporation" means an artificial person, public in ownership, individually
 99 created by the state as a body politic and corporate for the administration of a public purpose
 100 relating to the state or its citizens.

101 (8) "Quasi-public corporation" means an artificial person, private in ownership,
 102 individually created as a corporation by the state, which has accepted from the state the grant of
 103 a franchise or contract involving the performance of a public purpose relating to the state or its
 104 citizens.

105 Section 2. Section **79-6-602** is amended to read:

106 **79-6-602. Definitions.**

107 As used in this part:

108 (1) "Applicant" means a person that conducts business in the state and that applies for a
 109 tax credit under this part.

110 (2) "Energy delivery project" means a project that is designed to:

111 (a) increase the capacity for the delivery of energy to a user of energy inside or outside
 112 the state; or

113 (b) increase the capability of an existing energy delivery system or related facility to

114 deliver energy to a user of energy inside or outside the state.

115 [(2)] (3) "Fuel standard compliance project" means a project designed to retrofit a fuel
116 refinery in order to make the refinery capable of producing fuel that complies with the United
117 States Environmental Protection Agency's Tier 3 gasoline sulfur standard described in 40
118 C.F.R. Sec. 79.54.

119 [(3)] (4) "High cost infrastructure project" means a project, including an energy
120 delivery project or a fuel standard compliance project:

121 (a) (i) that expands or creates new industrial, mining, manufacturing, or agriculture
122 activity in the state, not including a retail business;

123 (ii) that involves new investment of at least \$50,000,000 in an existing industrial,
124 mining, manufacturing, or agriculture entity, by the entity; or

125 (iii) for the construction of a plant or other facility, including a fueling station, for the
126 storage, production, or distribution of hydrogen fuel used for transportation, electricity
127 generation, or industrial use;

128 (b) that requires or is directly facilitated by infrastructure construction; and

129 (c) for which the cost of infrastructure construction to the entity creating the project is
130 greater than:

131 (i) 10% of the total cost of the project; or

132 (ii) \$10,000,000.

133 [(4)] (5) "Infrastructure" means:

134 (a) an energy delivery project [~~as defined in Section 63H-2-102~~];

135 (b) a railroad as defined in Section 54-2-1;

136 (c) a fuel standard compliance project;

137 (d) a road improvement project;

138 (e) a water self-supply project;

139 (f) a water removal system project;

140 (g) a solution-mined subsurface salt cavern; or

141 (h) a project that is designed to:

- 142 (i) increase the capacity for water delivery to a water user in the state; or
- 143 (ii) increase the capability of an existing water delivery system or related facility to
- 144 deliver water to a water user in the state.

145 ~~[(5)]~~ (6) (a) "Infrastructure cost-burdened entity" means an applicant that enters into an
 146 agreement with the office that qualifies the applicant to receive a tax credit as provided in this
 147 part.

148 (b) "Infrastructure cost-burdened entity" includes a pass-through entity taxpayer, as
 149 defined in Section 59-10-1402, of a person described in Subsection ~~[(5)]~~ (6)(a).

150 ~~[(6)]~~ (7) "Infrastructure-related revenue" means an amount of tax revenue, for an entity
 151 creating a high cost infrastructure project, in a taxable year, that is directly attributable to a high
 152 cost infrastructure project, under:

- 153 (a) Title 59, Chapter 7, Corporate Franchise and Income Taxes;
- 154 (b) Title 59, Chapter 10, Individual Income Tax Act; and
- 155 (c) Title 59, Chapter 12, Sales and Use Tax Act.

156 ~~[(7)]~~ (8) "Office" means the Office of Energy Development created in Section
 157 79-6-401.

158 ~~[(8)]~~ (9) "Tax credit" means a tax credit under Section 59-7-619 or 59-10-1034.

159 ~~[(9)]~~ (10) "Tax credit certificate" means a certificate issued by the office to an
 160 infrastructure cost-burdened entity that:

- 161 (a) lists the name of the infrastructure cost-burdened entity;
- 162 (b) lists the infrastructure cost-burdened entity's taxpayer identification number;
- 163 (c) lists, for a taxable year, the amount of the tax credit authorized for the infrastructure
- 164 cost-burdened entity under this part; and
- 165 (d) includes other information as determined by the office.

166 Section 3. Section 79-6-603 is amended to read:

167 **79-6-603. Tax credit -- Amount -- Eligibility -- Reporting.**

168 (1) Before the office enters into an agreement described in Subsection (3) with an
 169 applicant regarding a project, the office, in consultation with the Utah Energy Infrastructure

170 [Authority] Board created in Section [~~63H-2-202~~] 79-6-902, and other state agencies as
171 necessary, shall, in accordance with the procedures described in Section 79-6-604, certify:

172 (a) that the project meets the definition of a high cost infrastructure project under this
173 part;

174 (b) that the high cost infrastructure project will generate infrastructure-related revenue;

175 (c) the economic life of the high cost infrastructure project; and

176 (d) that the applicant has received a certificate of existence from the Division of
177 Corporations and Commercial Code.

178 (2) (a) Before the office enters into an agreement described in Subsection (3) with an
179 applicant regarding a project, the Utah Energy Infrastructure [Authority] Board shall evaluate
180 the project's net benefit to the state, [~~based on whether the project~~] including:

181 (i) whether the project is likely to increase the property tax revenue for the municipality
182 or county where the project will be located;

183 (ii) whether the project would contribute to the economy of the state and the
184 municipality, tribe, or county where the project will be located;

185 [~~(ii)~~] (iii) whether the project would provide new infrastructure for an area where the
186 type of infrastructure the project would create is underdeveloped;

187 (iv) whether the project is supported by a business case for providing the revenue
188 necessary to finance the construction and operation of the project;

189 [~~(iii)~~] (v) whether the project would have a positive environmental impact on the state;

190 (vi) whether the project promotes responsible energy development;

191 [~~(iv)~~] (vii) whether the project would upgrade or improve an existing entity in order to
192 ensure the entity's continued operation and economic viability; [~~and~~]

193 [~~(v)~~] (viii) whether the project is less likely to be completed without a tax credit issued
194 to the applicant under this part[-]; and

195 (ix) other relevant factors that the board specifies in the board's evaluation.

196 (b) Before the office enters into an agreement described in Subsection (3) with an
197 applicant regarding an energy delivery project, in addition to the criteria described in

198 Subsection (2)(a) the Utah Energy Infrastructure Board shall determine that the project:

199 (i) is strategically situated to maximize connections to an energy source project located
200 in the state that is:

201 (A) existing;

202 (B) under construction;

203 (C) planned; or

204 (D) foreseeable;

205 (ii) is supported by a project plan related to:

206 (A) engineering;

207 (B) environmental issues;

208 (C) energy production;

209 (D) load or other capacity; and

210 (E) any other issue related to the building and operation of energy delivery
211 infrastructure; and

212 (iii) complies with the regulations of the following regarding the building of energy
213 delivery infrastructure:

214 (A) the Federal Energy Regulatory Commission;

215 (B) the North American Electric Reliability Council; and

216 (C) the Public Service Commission of Utah.

217 ~~[(b)]~~ (c) The Utah Energy Infrastructure [Authority] Board may recommend that the
218 office deny an applicant a tax credit if ~~[the applicant's project does not]~~, as determined by the
219 Utah Energy Infrastructure [Authority] Board~~[-]~~:

220 (i) the project does not sufficiently benefit the state based on the criteria described in
221 Subsection (2)(a)~~[-]~~; or

222 (ii) for an energy delivery project, the project does not satisfy the conditions described
223 in Subsection (2)(b).

224 (3) Subject to the procedures described in Section 79-6-604, if an applicant meets the
225 requirements of Subsection (1) to receive a tax credit, and the applicant's project receives a

226 favorable recommendation from the Utah Energy Infrastructure [Authority] Board under
227 Subsection (2), the office shall enter into an agreement with the applicant to authorize the tax
228 credit in accordance with this part.

229 (4) The office shall grant a tax credit to an infrastructure cost-burdened entity, for a
230 high cost infrastructure project, under an agreement described in Subsection (3):

231 (a) for the lesser of:

232 (i) the economic life of the high cost infrastructure project;

233 (ii) 20 years; or

234 (iii) a time period, the first taxable year of which is the taxable year when the
235 construction of the high cost infrastructure project begins and the last taxable year of which is
236 the taxable year in which the infrastructure cost-burdened entity has recovered, through the tax
237 credit, an amount equal to:

238 (A) 50% of the cost of the infrastructure construction associated with the high cost
239 infrastructure project; or

240 (B) if the high cost infrastructure project is a fuel standard compliance project, 30% of
241 the cost of the infrastructure construction associated with the high cost infrastructure project.

242 (b) except as provided in Subsections (4)(a) and (d), in a total amount equal to 30% of
243 the high cost infrastructure project's total infrastructure-related revenue over the time period
244 described in Subsection (4)(a);

245 (c) for a taxable year, in an amount that does not exceed the high cost infrastructure
246 project's infrastructure-related revenue during that taxable year; and

247 (d) if the high cost infrastructure project is a fuel standard compliance project, in a total
248 amount that is:

249 (i) determined by the Utah Energy Infrastructure [Authority] Board, based on:

250 (A) the applicant's likelihood of completing the high cost infrastructure project without
251 a tax credit; and

252 (B) how soon the applicant plans to complete the high cost infrastructure project; and

253 (ii) equal to or less than 30% of the high cost infrastructure project's total

254 infrastructure-related revenue over the time period described in Subsection (4)(a).

255 (5) An infrastructure cost-burdened entity shall, for each taxable year:

256 (a) file a report with the office showing the high cost infrastructure project's
257 infrastructure-related revenue during the taxable year;

258 (b) subject to Subsection (7), file a report with the office that is prepared by an
259 independent certified public accountant that verifies the infrastructure-related revenue
260 described in Subsection (5)(a); and

261 (c) provide the office with information required by the office to certify the economic
262 life of the high cost infrastructure project.

263 (6) An infrastructure cost-burdened entity shall retain records supporting a claim for a
264 tax credit for the same period of time during which a person is required to keep books and
265 records under Section 59-1-1406.

266 (7) An infrastructure cost-burdened entity for which a report is prepared under
267 Subsection (5)(b) shall pay the costs of preparing the report.

268 (8) The office shall certify, for each taxable year, the infrastructure-related revenue
269 generated by an infrastructure cost-burdened entity.

270 Section 4. Section 79-6-604 is amended to read:

271 **79-6-604. Tax credit -- Application procedure.**

272 (1) An applicant shall provide the office with:

273 (a) an application for a tax credit certificate;

274 (b) documentation that the applicant meets the requirements described in Subsection
275 79-6-603(1), to the satisfaction of the office, for the taxable year for which the applicant seeks
276 to claim a tax credit; and

277 (c) documentation that expressly directs and authorizes the State Tax Commission to
278 disclose to the office the applicant's returns and other information concerning the applicant that
279 would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal
280 Revenue Code.

281 (2) (a) The office shall, for an applicant, submit the documentation described in

282 Subsection (1)(c) to the State Tax Commission.

283 (b) Upon receipt of the documentation described in Subsection (1)(c), the State Tax
284 Commission shall provide the office with the documentation described in Subsection (1)(c).

285 (3) If, after the office reviews the documentation from the State Tax Commission
286 under Subsection (2)(b) and the information the applicant submits to the office under Section
287 79-6-603, the office, in consultation with the Utah Energy Infrastructure [Authority] Board
288 created in Section [63H-2-202] 79-6-902, determines that the applicant is not eligible for the
289 tax credit under Section 79-6-603, or that the applicant's documentation is inadequate, the
290 office shall:

291 (a) deny the tax credit; or

292 (b) inform the applicant that the documentation supporting the applicant's claim for a
293 tax credit was inadequate and request that the applicant supplement the applicant's
294 documentation.

295 (4) Except as provided in Subsection (5), if, after the office reviews the documentation
296 described in Subsection (2)(b) and the information described in Subsection 79-6-603(6), the
297 office, in consultation with the Utah Energy Infrastructure [Authority] Board created in Section
298 [63H-2-202] 79-6-902, determines that the documentation supporting an applicant's claim for a
299 tax credit adequately demonstrates that the applicant is eligible for the tax credit under Section
300 79-6-603, the office shall, on the basis of the documentation:

301 (a) enter, with the applicant, into the agreement described in Subsection 79-6-603(3);

302 (b) issue a tax credit certificate to the applicant; and

303 (c) provide a duplicate copy of the tax credit certificate described in Subsection (4)(b)
304 to the State Tax Commission.

305 (5) The office may deny an applicant a tax credit based on the recommendation of the
306 Utah Energy Infrastructure [Authority] Board, as provided in Subsection 79-6-603(2).

307 (6) An infrastructure cost-burdened entity may not claim a tax credit under Section
308 59-7-619 or 59-10-1034 unless the infrastructure cost-burdened entity receives a tax credit
309 certificate from the office.

310 (7) An infrastructure cost-burdened entity that claims a tax credit shall retain the tax
311 credit certificate in accordance with Subsection 79-6-603(7).

312 (8) Except for the information that is necessary for the office to disclose in order to
313 make the report described in Section 79-6-605, the office shall treat a document an applicant or
314 infrastructure cost-burdened entity provides to the office as a protected record under Section
315 63G-2-305.

316 Section 5. Section 79-6-901, which is renumbered from Section 63H-2-102 is
317 renumbered and amended to read:

318 **Part 9. Utah Energy Infrastructure Board Act**

319 ~~[63H-2-102].~~ **79-6-901. Definitions.**

320 As used in this [chapter] part:

321 ~~[(1) "Agency" is as defined in Section 17C-1-102.]~~

322 ~~[(2) "Assessment area" is as defined in Section 11-42-102.]~~

323 ~~[(3) "Assessment bonds" is as defined in Section 11-42-102.]~~

324 ~~[(4) "Authority" means the Utah Energy Infrastructure Authority created in Section~~
325 ~~63H-2-201.]~~

326 ~~[(5) "Authority bond" means a bond issued by the authority in accordance with Part 4,~~
327 ~~Bonding.]~~

328 (1) "Application" means an application for a tax credit under Title 79, Chapter 6, Part
329 6, High Cost Infrastructure Development Tax Credit Act.

330 ~~[(6) (2) "Board" means the [board] Utah Energy Infrastructure Board created [under]~~
331 ~~in Section [63H-2-202] 79-6-902.~~

332 ~~[(7) "Community" means the county, city, or town in which is located a qualifying~~
333 ~~energy delivery project financed by an authority bond.]~~

334 ~~[(8) (3) "Electric interlocal entity" [has the same meaning as] means the same as that~~
335 ~~term is defined in Section 11-13-103.~~

336 ~~[(9) (4) "Energy advisor" means the energy advisor appointed under Section 79-6-201.~~

337 ~~[(10) "Energy delivery project" means a project that is designed to:]~~

338 ~~[(a) increase the capacity for the delivery of energy to a user of energy inside or outside~~
339 ~~the state; or]~~

340 ~~[(b) increase the capability of an existing energy delivery system or related facility to~~
341 ~~deliver energy to a user of energy inside or outside the state.]~~

342 ~~[(11) "Independent state agency" is as defined in Section [63E-1-102](#).]~~

343 ~~[(12) "Project area" is as defined in Section [17C-1-102](#).]~~

344 ~~[(13) "Public entity" means:]~~

345 ~~[(a) the United States or an agency of the United States;]~~

346 ~~[(b) the state or an agency of the state;]~~

347 ~~[(c) a political subdivision of the state or an agency of a political subdivision of the~~
348 ~~state;]~~

349 ~~[(d) another state or an agency of that state; or]~~

350 ~~[(e) a political subdivision of another state or an agency of that political subdivision.]~~

351 ~~[(14) "Qualifying energy delivery project" means a project approved by the board in~~
352 ~~accordance with Part 3, Qualifying Energy Delivery Projects.]~~

353 ~~[(15) "Record" means information that is:]~~

354 ~~[(a) inscribed on a tangible medium; or]~~

355 ~~[(b) (i) stored in an electronic or other medium; and]~~

356 ~~[(ii) retrievable in perceivable form.]~~

357 ~~[(16) "Tax increment bond" is as defined in Section [11-27-2](#).]~~

358 (5) "Fuel standard compliance project" means the same as that term is defined in
359 Section [79-6-602](#).

360 (6) "Office" means the Office of Energy Development created in Section [79-6-401](#).

361 (7) "Tax credit" means the same as that term is defined in Section [79-6-602](#).

362 Section 6. Section **79-6-902**, which is renumbered from Section 63H-2-202 is
363 renumbered and amended to read:

364 ~~**[63H-2-202]**~~. **79-6-902. Utah Energy Infrastructure Board.**

365 (1) There is created within the office the Utah Energy Infrastructure [~~Authority~~] Board

366 that consists of nine members as follows:

367 (a) members appointed by the governor:

368 (i) the energy advisor or the director of the Office of Energy Development, who shall
369 serve as chair of the board;

370 (ii) one member from the Governor's Office of Economic Opportunity;

371 (iii) one member from a public utility or electric interlocal entity that operates electric
372 transmission facilities within the state;

373 (iv) two members representing the economic development interests of rural
374 communities as follows:

375 (A) one member currently serving as county commissioner of a county of the third,
376 fourth, fifth, or sixth class, as described in Section 17-50-501; and

377 (B) one member of a rural community with work experience in the energy industry;

378 (v) two members of the general public with relevant industry or community
379 experience; and

380 (vi) one member of the general public who has experience with public finance and
381 bonding; and

382 (b) the director of the School and Institutional Trust Lands Administration created in
383 Section 53C-1-201.

384 (2) (a) The term of an appointed board member is four years.

385 (b) Notwithstanding Subsection (2)(a), the governor shall, at the time of appointment
386 or reappointment, adjust the length of terms to ensure that the terms of board members are
387 staggered so that approximately half of the board is appointed every two years.

388 (c) The governor may remove a member of the board for cause.

389 (d) The governor shall fill a vacancy in the board in the same manner under this section
390 as the appointment of the member whose vacancy is being filled.

391 (e) An individual appointed to fill a vacancy shall serve the remaining unexpired term
392 of the member whose vacancy the individual is filling.

393 (f) A board member shall serve until a successor is appointed and qualified.

394 (3) (a) Five members of the board constitute a quorum for conducting board business.

395 (b) A majority vote of the quorum present is required for an action to be taken by the
396 board.

397 (4) [~~(a) Except as provided in Subsections (4)(b) and (4)(c), the~~] The board shall meet
398 [~~once each month, on a day determined by the board,~~] as needed to review an application
399 [~~referred to the board by the Office of Energy Development under Title 79, Chapter 6, Part 6,~~
400 ~~High Cost Infrastructure Development Tax Credit Act~~].

401 [~~(b) Subject to Subsection (4)(c), the board may cancel the board's meeting for a given~~
402 ~~month if there are no applications described in Subsection (4)(a) pending board approval.~~]

403 [~~(c) The board shall meet no less frequently than once each quarter, on a day~~
404 ~~determined by the board.~~]

405 (5) A member may not receive compensation or benefits for the member's service, but
406 may receive per diem and travel expenses in accordance with:

407 (a) Section [63A-3-106](#);

408 (b) Section [63A-3-107](#); and

409 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
410 [63A-3-107](#).

411 Section 7. Section **79-6-903** is enacted to read:

412 **79-6-903. Powers and duties of the board -- Oversight -- Staff support.**

413 (1) Subject to the provisions of this part and in accordance with Title 79, Chapter 6,
414 Part 6, High Cost Infrastructure Development Tax Credit Act, the board shall:

415 (a) evaluate each application using the criteria described in Subsections [79-6-603](#)(1)
416 and (2);

417 (b) make recommendations to the office regarding each application; and

418 (c) for an application related to a fuel standard compliance project, determine the
419 amount of the authorized tax credit using the criteria described in Subsection [79-6-603](#)(4).

420 (2) The office shall:

421 (a) oversee the board's performance;

- 422 (b) provide the board office space, furnishings, and supplies; and
- 423 (c) provide the board staff support.
- 424 (3) With the consent of the attorney general, the office may retain legal counsel to
- 425 advise the board on matters relating to the board's operations.

426 Section 8. **Repealer.**

427 This bill repeals:

428 Section **63H-2-101**, Title.

429 Section **63H-2-201**, Creation of Utah Energy Infrastructure Authority.

430 Section **63H-2-203**, Powers of the board and authority -- Officers.

431 Section **63H-2-204**, Dissolution of authority.

432 Section **63H-2-301**, Prioritization of energy delivery projects.

433 Section **63H-2-302**, Approval of qualifying energy delivery project.

434 Section **63H-2-401**, Resolution authorizing issuance of authority bond --

435 **Characteristics of bond.**

436 Section **63H-2-402**, Sources from which an authority bond may be made payable --

437 **Authority powers regarding authority bond.**

438 Section **63H-2-403**, Purchaser of an authority bond.

439 Section **63H-2-404**, Obligee rights -- Board may confer other rights.

440 Section **63H-2-501**, Fiscal year.

441 Section **63H-2-502**, Annual authority budget -- Auditor forms -- Requirement to

442 **file form.**

443 Section **63H-2-503**, Audits.

444 Section **63H-2-504**, Relation to other state statutes.