

## SB0125S01 compared with SB0125

~~{deleted text}~~ shows text that was in SB0125 but was deleted in SB0125S01.

inserted text shows text that was not in SB0125 but was inserted into SB0125S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Wayne A. Harper proposes the following substitute bill:

### HOSPITALITY EMPLOYEE ~~{TAX CREDIT}~~GRANT PROGRAM

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill enacts a ~~{refundable income tax credit}~~grant program for certain hospitality employees.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~{enacts}~~creates a one-time ~~{refundable income tax credit}~~grant program for certain hospitality employees who:
  - work a minimum number of hours for an eligible business during calendar year 2022; and
  - obtain an employer certification; and
- ▶ ~~{addresses enforcement of the provisions of this bill; and~~

## SB0125S01 compared with SB0125

~~—~~ ~~makes technical changes~~ authorizes the Governor's Office of Economic Opportunity to make rules to administer the grant program.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ This bill provides retrospective operation. }~~ None

### Utah Code Sections Affected:

AMENDS:

~~{63I-2-259}~~ 63I-2-263, as last amended by Laws of Utah 2021, First Special Session,  
Chapter ~~{370}~~ 4

ENACTS:

~~{59-10-1114}~~ 63N-1b-307.5, Utah Code Annotated 1953

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

Section 1. Section ~~{59-10-1114}~~ 63I-2-263 is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63N.

(1) Section 63A-3-111 is repealed June 30, 2021.

[(2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2021.]

[(3) (2) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology Commission is repealed July 1, 2023.]

[(4) (3) Section 63G-1-502 is repealed July 1, 2022.]

[(5) (4) The following sections regarding the World War II Memorial Commission are repealed on July 1, 2022:

(a) Section 63G-1-801;

(b) Section 63G-1-802;

(c) Section 63G-1-803; and

(d) Section 63G-1-804.

[(6) (5) Section 63H-7a-303 is repealed July 1, 2024.]

[(7) (6) Subsection 63J-1-206(3)(c), relating to coronavirus, is repealed July 1, 2021.]

[(8) (7) Sections 63M-7-213 and 63M-7-213.5 are repealed on January 1, 2023.]

## SB0125S01 compared with SB0125

~~[(9)] (8) Section 63M-7-217 is repealed on July 1, 2022.~~

~~(9) Section 63N-1b-307.5 is repealed January 1, 2024.~~

~~(10) Title 63N, Chapter 13, Part 3, Facilitating Public-private Partnerships Act, is repealed January 1, 2024.~~

~~[(11) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is repealed December 31, 2021.]~~

Section 2. Section **63N-1b-307.5** is enacted to read:

~~{59-10-1114}~~**63N-1b-307.5. { Refundable} Grants for** hospitality ~~{employee tax credit}~~**employees.**

(1) As used in this section:

(a) "Eligible hospitality business" means an entity that is classified under the following NAICS codes of the 2022 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget:

(i) NAICS Code 72241, Drinking Places (Alcoholic Beverages); or

(ii) NAICS Code 72251, Restaurants and Other Eating Places.

(b) "Eligible hospitality employee" means an individual who during calendar year 2022 works at least 1,560 hours as a food service employee for one eligible hospitality business in the state.

(c) "Employer certification" means a certificate that:

(i) an eligible hospitality business issues to an eligible hospitality employee;

(ii) certifies that:

(A) the eligible hospitality business satisfies the requirements of Subsection (1)(a); and

(B) the eligible hospitality employee satisfies the requirements of Subsection (1)(b);

(iii) includes any additional information the {commission}office requires; and

(iv) is in a form prescribed by the {commission}office.

(d) "Food service employee" means an employee of an eligible hospitality business whose primary responsibilities are:

(i) preparing food or drink;

(ii) serving food or drink; or

(iii) bussing or seating tables.

(2) {Upon request from} Subject to appropriations and the provisions of this section,

## SB0125S01 compared with SB0125

the office shall award a grant in the amount of \$1,250 to each eligible hospitality employee.

(3) To obtain a grant under this section, an eligible hospitality employee ~~{, an}~~ shall:

(a) submit an application to the office in a form prescribed by the office; and

(b) include with the application a copy of the eligible hospitality employee's employer certification.

(4) An eligible hospitality business shall:

(a) upon request, issue an employer certification to ~~{the eligible hospitality}~~ a food service employee if the eligible hospitality business determines that the food service employee is an eligible hospitality employee ~~{meets the requirements of this section}.~~

~~—— (3) A claimant who receives an employer certification:~~

~~—— (a) may, for a taxable year beginning on or after January 1, 2022, and before January 1, 2023, claim a refundable tax credit equal to \$1,250; and~~

~~(b) ~~{shall retain the employer certification for the same time period that a person is required to keep books and records under Section 59-1-406}.~~~~

~~—— (4) A claimant may not carry forward or carry back any tax credit that exceeds the claimant's income tax liability for the taxable year.~~

~~—— (5) (a) In accordance with procedures established by the commission, an ~~if the~~ eligible hospitality business ~~{that}~~ issues ~~{an}~~ one or more employer ~~{certification shall}~~ certifications, submit to the ~~{commission}~~ office:~~

~~(i) a list that includes the name and identifying information for each eligible hospitality employee to whom the eligible hospitality business ~~{issues}~~ issued an employer certification; and~~

~~(ii) a document that expressly directs and authorizes the State Tax Commission to disclose to the office the eligible small business's returns and other information that would otherwise be subject to confidentiality under ~~{this section}~~ Section 59-1-403.~~

~~(~~{b}~~5) (a) The ~~{commission}~~ office may not ~~{issue}~~ award a ~~{refund}~~ grant to an eligible hospitality employee ~~{who claims a tax credit}~~ under this section before the ~~{commission}~~ office receives the ~~{list}~~ documents described in Subsection (~~{5}~~4)(~~{a}~~b) from the eligible hospitality business that issued the eligible hospitality employee's employer certification.~~

~~(~~{6}~~ In accordance with Section 59-10-541, an eligible hospitality business is subject to~~

## SB0125S01 compared with SB0125

~~the penalties described in Section 59-1-401 if, with intent to evade a requirement of this section, the eligible hospitality business:~~

~~— (a) fails to:~~

~~— (i) provide an employer certification in accordance with Subsection (2); or~~

~~— (ii) comply with the provisions of Subsection (5)(a), if;~~ **b** **If** the eligible hospitality business ~~issues one or more employer certifications; or~~

~~— (b) provides false or fraudulent information in an employer certification or the list;~~ **fails to submit the documents** described in Subsection ~~(5)(a):~~

~~— Section 2. Section 63I-2-259 is amended to read:~~

~~— **63I-2-259. Repeal dates -- Title 59:**~~

~~— (1) In Section 59-2-926, the language that states "applicable" and "or 53F-2-301.5" is repealed July 1, 2023:~~

~~— [(2) Subsection 59-7-106(1)(w) is repealed December 31, 2021.]~~

~~— [(3) Section 59-7-620 is repealed December 31, 2021.]~~

~~— [(4) Subsection 59-10-114(2)(j) is repealed December 31, 2021.]~~

~~— (2) Section 59-10-1114 is repealed January 1, 2024.~~

~~— Section 3. **Retrospective operation:**~~

~~— This bill has retrospective operation to a taxable year beginning on or after January 1, 2022:~~

~~4)(b) by the deadline established by the office, the office shall deny the eligible hospitality employee's application.~~

**(6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules related to the process of applying for and awarding grants under this section, including deadlines for submitting an application and the documents described in Subsection (4)(b).**