

Income Tax Credit Review Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill modifies the process for income tax credit review.

Highlighted Provisions:

This bill:

- extends the income tax credit review cycle from three years to five years;
- provides a process for the Office of the Legislative Auditor General to audit the income tax credits; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

59-7-159, as last amended by Laws of Utah 2022, Chapters 264, 274

59-7-614.2, as last amended by Laws of Utah 2022, Chapter 200

59-7-614.5, as last amended by Laws of Utah 2021, Chapter 282

59-7-614.7, as last amended by Laws of Utah 2023, Chapter 482

59-7-614.10, as last amended by Laws of Utah 2021, Chapter 282

59-7-619, as last amended by Laws of Utah 2023, Chapter 473

59-10-137, as last amended by Laws of Utah 2023, Chapter 460

59-10-1025, as last amended by Laws of Utah 2019, Chapter 465

59-10-1029, as last amended by Laws of Utah 2023, Chapter 482

59-10-1034, as last amended by Laws of Utah 2021, Chapters 64, 280 and last amended by Coordination Clause, Laws of Utah 2021, Chapter 280

29 **59-10-1037**, as last amended by Laws of Utah 2021, Chapter 282

30 **59-10-1107**, as last amended by Laws of Utah 2021, Chapter 282

31 **59-10-1108**, as last amended by Laws of Utah 2021, Chapter 282

32 ENACTS:

33 **36-12-15.4**, Utah Code Annotated 1953

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

36 Section 1. Section **36-12-15.4** is enacted to read:

37 **36-12-15.4 . Income tax credit audits.**

38 (1) As used in this section:

39 (a) "Committee" means the Revenue and Taxation Interim Committee.

40 (b) "Income tax credit" means a state tax credit described in Title 59, Chapter 7,
41 Corporate Franchise and Income Taxes, or Title 59, Chapter 10, Individual Income
42 Tax Act.

43 (c) "Office" means the Office of the Legislative Auditor General.

44 (2) In addition to other audits performed by the office, the office shall conduct, in
45 accordance with this section and under the direction of the Legislative Audit
46 Subcommittee, a comprehensive performance audit of the income tax credits.

47 (3)(a) On or before August 31 of each year, the committee may refer a list of income tax
48 credits to the office that the committee recommends for audit.

49 (b) The list may include an order in which the committee prefers the office to conduct
50 the income tax credit audit.

51 (4) If the committee does not refer a list of income tax credits, the office shall select which
52 income tax credits to audit, considering the income tax credit's usage in terms of dollars
53 and vulnerability to error or fraud.

54 Section 2. Section **59-7-159** is amended to read:

55 **59-7-159 . Review of credits allowed under this chapter.**

56 (1) As used in this section, "committee" means the Revenue and Taxation Interim
57 Committee.

58 (2)~~[(a) The committee shall review the tax credits described in this chapter as provided~~
59 ~~in Subsection (3) and make recommendations concerning whether the tax credits~~
60 ~~should be continued, modified, or repealed.]~~

61 (a) The committee shall review each tax credit described in this chapter once every five
62 years to determine whether to continue, modify, or repeal the tax credit.

- (b) In conducting the review required under Subsection (2)(a), the committee shall:
- (i) schedule time on ~~[at least one]~~ a committee agenda to conduct the review as needed;
 - (ii) invite state agencies, individuals, and organizations concerned with ~~[the]~~ a tax credit under review to provide oral or written testimony;
 - (iii)(A) invite the Governor's Office of Economic Opportunity to present a summary and analysis of the information for each tax credit regarding which the Governor's Office of Economic Opportunity is required to make a report under this chapter; and
 - (B) invite the Office of the Legislative Fiscal Analyst to present a summary and analysis of the information for each tax credit regarding which the Office of the Legislative Fiscal Analyst is required to make a report under this chapter;
 - (iv) ~~[ensure that the committee's recommendations described in this section include an evaluation of]~~ evaluate:
 - (A) the cost of the tax credit to the state;
 - (B) the purpose and effectiveness of the tax credit; and
 - (C) the extent to which the state benefits from the tax credit; and
 - (v) undertake other review efforts as determined by the committee chairs or as otherwise required by law.

~~[(3)(a) On or before November 30, 2017, and every three years after 2017, the committee shall conduct the review required under Subsection (2) of the tax credits allowed under the following sections:]~~

~~[(i) Section 59-7-601;]~~

~~[(ii) Section 59-7-607;]~~

~~[(iii) Section 59-7-612;]~~

~~[(iv) Section 59-7-614.1; and]~~

~~[(v) Section 59-7-614.5.]~~

~~[(b) On or before November 30, 2018, and every three years after 2018, the committee shall conduct the review required under Subsection (2) of the tax credits allowed under the following sections:]~~

~~[(i) Section 59-7-609;]~~

~~[(ii) Section 59-7-614.2;]~~

~~[(iii) Section 59-7-614.10; and]~~

~~[(iv) Section 59-7-619.]~~

~~[(c) On or before November 30, 2019, and every three years after 2019, the committee~~

shall conduct the review required under Subsection (2) of the tax credits allowed under the following sections:]

[(i) Section 59-7-610;]

[(ii) Section 59-7-614; and]

[(iii) Section 59-7-614.7.]

[(d)(i) In addition to the reviews described in this Subsection (3), the committee shall conduct a review of a tax credit described in this chapter that is enacted on or after January 1, 2017.]

[(ii) The committee shall complete a review described in this Subsection (3)(d) three years after the effective date of the tax credit and every three years after the initial review date.]

Section 3. Section **59-7-614.2** is amended to read:

59-7-614.2 . Refundable economic development tax credit.

(1) As used in this section:

(a) "Business entity" means a taxpayer that meets the definition of "business entity" as defined in Section 63N-2-103.

(b) "Incremental job" means the same as that term is defined in Section 63N-1a-102.

(c) "New state revenue" means the same as that term is defined in Section 63N-1a-102.

(d) "Office" means the Governor's Office of Economic Opportunity.

(2) Subject to the other provisions of this section, a business entity may claim a refundable tax credit for economic development.

(3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to the business entity for the taxable year.

(4)(a) In accordance with any rules prescribed by the commission under Subsection

(4)(b), the commission shall make a refund to a business entity that claims a tax credit under this section if the amount of the tax credit exceeds the business entity's tax liability for a taxable year.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules providing procedures for making a refund to a business entity as required by Subsection (4)(a).

(5)[(a) In accordance with Section 59-7-159, the Revenue and Taxation Interim

Committee shall study the tax credit allowed by this section and make

recommendations concerning whether the tax credit should be continued, modified,

or repealed.]

~~[(b) Except as provided in Subsection (5)(c), for purposes of the study required by this Subsection (5),]~~

(a) To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide the following information, if available to the office, to the Revenue and Taxation Interim Committee by electronic means:

- (i) the amount of tax credit that the office grants to each business entity for each calendar year;
- (ii) the criteria that the office uses in granting a tax credit;
- (iii) the new state revenue generated by the business entity for the calendar year;
- (iv) estimates for each of the next three calendar years of the following:
 - (A) the amount of tax credits that the office will grant;
 - (B) the amount of new state revenue that will be generated; and
 - (C) the number of new incremental jobs within the state that will be generated;
- (v) the information contained in the office's latest report under Section 63N-2-106; and
- (vi) any other information that the Revenue and Taxation Interim Committee requests.

~~[(e)]~~ ~~(b)~~~~[(i)]~~ In providing the information described in Subsection ~~[(5)(b)]~~ (5)(a), the office shall redact information that identifies a recipient of a tax credit under this section.

~~[(ii)]~~ (c) If, notwithstanding the redactions made under Subsection ~~[(5)(e)(i)]~~ (5)(b), reporting the information described in Subsection ~~[(5)(b)]~~ (5)(a) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection ~~[(5)(b)]~~ (5)(a) in the aggregate for all business entities that receive the tax credit under this section.

~~[(d) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]~~

- ~~[(i) the cost of the tax credit to the state;]~~
- ~~[(ii) the purpose and effectiveness of the tax credit; and]~~
- ~~[(iii) the extent to which the state benefits from the tax credit.]~~

Section 4. Section **59-7-614.5** is amended to read:

59-7-614.5 . Refundable motion picture tax credit.

(1) As used in this section:

- (a) "Motion picture company" means a taxpayer that meets the definition of a motion

picture company under Section 63N-8-102.

(b) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.

(c) "State-approved production" means the same as that term is defined in Section 63N-8-102.

(2) ~~[For a taxable year beginning on or after January 1, 2009, a]~~ A motion picture company may claim a refundable tax credit for a state-approved production.

(3) The tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to a motion picture company under Section 63N-8-103 for the taxable year.

(4)(a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the commission shall make a refund to a motion picture company that claims a tax credit under this section if the amount of the tax credit exceeds the motion picture company's tax liability for a taxable year.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules providing procedures for making a refund to a motion picture company as required by Subsection (4)(a).

(5)~~[(a) In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~

~~[(b)]~~ (a)(i) [Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5), the] To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:

(A) the amount of tax credit that the office grants to each motion picture company for each calendar year;

(B) estimates of the amount of tax credit that the office will grant for each of the next three calendar years;

(C) the criteria that the office uses in granting the tax credit;

(D) the dollars left in the state, as defined in Section 63N-8-102, by each motion picture company for each calendar year;

(E) the information contained in the office's latest report under Section 63N-1a-306;

199 and

200 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

201 (ii)[(A)] In providing the information described in Subsection [(5)(b)(i)] (5)(a)(i),

202 the office shall redact information that identifies a recipient of a tax credit

203 under this section.

204 [(B)] (iii) If, notwithstanding the redactions made under Subsection [(5)(b)(ii)(A)]

205 (5)(a)(ii), reporting the information described in Subsection [(5)(b)(i)] (5)(a)(i)

206 might disclose the identity of a recipient of a tax credit, the office may file a

207 request with the Revenue and Taxation Interim Committee to provide the

208 information described in Subsection [(5)(b)(i)] (5)(a)(i) in the aggregate for all

209 motion picture companies that receive the tax credit under this section.

210 [(e)] (b) [As part of the study required by this Subsection (5), the] The Office of the

211 Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim

212 Committee a summary and analysis of the information provided to the Office of the

213 Legislative Fiscal Analyst by the office under Subsection [(5)(b)] (5)(a).

214 [(d) The Revenue and Taxation Interim Committee shall ensure that the

215 recommendations described in Subsection (5)(a) include an evaluation of:]

216 [(i) the cost of the tax credit to the state;]

217 [(ii) the effectiveness of the tax credit; and]

218 [(iii) the extent to which the state benefits from the tax credit.]

219 Section 5. Section **59-7-614.7** is amended to read:

220 **59-7-614.7 . Nonrefundable alternative energy development tax credit.**

221 (1) As used in this section:

222 (a) "Alternative energy entity" means the same as that term is defined in Section

223 79-6-502.

224 (b) "Alternative energy project" means the same as that term is defined in Section

225 79-6-502.

226 (c) "Office" means the Office of Energy Development created in Section 79-6-401.

227 (2) Subject to the other provisions of this section, an alternative energy entity may claim a
228 nonrefundable tax credit for alternative energy development as provided in this section.

229 (3) The tax credit under this section is the amount listed as the tax credit amount on a tax
230 credit certificate that the office issues under Title 79, Chapter 6, Part 5, Alternative
231 Energy Development Tax Credit Act, to the alternative energy entity for the taxable year.

232 (4) An alternative energy entity may carry forward a tax credit under this section for a

period that does not exceed the next seven taxable years if:

(a) the alternative energy entity is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the alternative energy entity's tax liability under this chapter for that taxable year.

~~(5)[(a) In accordance with Section 59-7-159, the Revenue and Taxation Interim~~

~~Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~

~~[(b)] (a)(i) [Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5), the]~~ To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:

(A) the amount of tax credit that the office grants to each alternative energy entity for each taxable year;

(B) the new state revenues generated by each alternative energy project;

(C) the information contained in the office's latest report under Section 79-6-505; and

(D) any other information that the Office of the Legislative Fiscal Analyst requests.

~~(ii)[(A)]~~ In providing the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

~~[(B)] (iii)~~ If, notwithstanding the redactions made under Subsection ~~[(5)(b)(ii)(A)]~~ (5)(a)(ii), reporting the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) in the aggregate for all alternative energy entities that receive the tax credit under this section.

~~[(e)] (b) [As part of the study required by this Subsection (5), the]~~ The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection ~~[(5)(b)]~~ (5)(a).

~~[(d) The Revenue and Taxation Interim Committee shall ensure that the
recommendations described in Subsection (5)(a) include an evaluation of:]
[(i) the cost of the tax credit to the state;]
[(ii) the purpose and effectiveness of the tax credit; and]
[(iii) the extent to which the state benefits from the tax credit.]~~

(6) A taxpayer may not claim or carry forward a tax credit described in Subsection (2) in a taxable year during which the taxpayer claims or carries forward a tax credit under Section 59-7-614.

Section 6. Section **59-7-614.10** is amended to read:

59-7-614.10 . Nonrefundable enterprise zone tax credit.

(1) As used in this section:

(a) "Business entity" means a corporation that meets the definition of "business entity" as that term is defined in Section 63N-2-202.

(b) "Office" means the Governor's Office of Economic Opportunity created in Section 63N-1a-301.

(2) Subject to the provisions of this section, a business entity may claim a nonrefundable enterprise zone tax credit as described in Section 63N-2-213.

(3) The enterprise zone tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to the business entity for the taxable year.

(4) A business entity may carry forward a tax credit under this section for a period that does not exceed the next three taxable years, if the amount of the tax credit exceeds the business entity's tax liability under this chapter for that taxable year.

~~(5)[(a) In accordance with Section 59-7-159, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~

~~[(b)] (a)(i) [Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5)] To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide by electronic means the following information for each calendar year to the Office of the Legislative Fiscal Analyst:~~

~~(A) the amount of tax credits provided in each development zone;~~

~~(B) the number of new full-time employee positions reported to obtain tax credits~~

- 301 in each development zone;
- 302 (C) the amount of tax credits awarded for rehabilitating a building in each
- 303 development zone;
- 304 (D) the amount of tax credits awarded for investing in a plant, equipment, or other
- 305 depreciable property in each development zone;
- 306 (E) the information related to the tax credit contained in the office's latest report
- 307 under Section 63N-1a-301; and
- 308 (F) any other information that the Office of the Legislative Fiscal Analyst requests.
- 309 (ii)[(A)] In providing the information described in Subsection [(5)(b)(i)] (5)(a)(i),
- 310 the office shall redact information that identifies a recipient of a tax credit
- 311 under this section.
- 312 [(B)] (iii) If, notwithstanding the redactions made under Subsection [(5)(b)(ii)(A)]
- 313 (5)(a)(ii), reporting the information described in Subsection [(5)(b)(i)] (5)(a)(i)
- 314 might disclose the identity of a recipient of a tax credit, the office may file a
- 315 request with the Revenue and Taxation Interim Committee to provide the
- 316 information described in Subsection [(5)(b)(i)] (5)(a)(i) in the aggregate for all
- 317 development zones that receive the tax credit under this section.
- 318 [(e)] (b) [As part of the study required by this Subsection (5), the] The Office of the
- 319 Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim
- 320 Committee a summary and analysis of the information provided to the Office of the
- 321 Legislative Fiscal Analyst by the office under Subsection [(5)(b)] (5)(a).
- 322 [(d) The Revenue and Taxation Interim Committee shall ensure that the
- 323 recommendations described in Subsection (5)(a) include an evaluation of:]
- 324 [(i) the cost of the tax credit to the state;]
- 325 [(ii) the purpose and effectiveness of the tax credit; and]
- 326 [(iii) the extent to which the state benefits from the tax credit.]
- 327 Section 7. Section **59-7-619** is amended to read:
- 328 **59-7-619 . Nonrefundable high cost infrastructure development tax credit.**
- 329 (1) As used in this section:
- 330 (a) "High cost infrastructure project" means the same as that term is defined in Section
- 331 79-6-602.
- 332 (b) "Infrastructure cost-burdened entity" means the same as that term is defined in
- 333 Section 79-6-602.
- 334 (c) "Infrastructure-related revenue" means the same as that term is defined in Section

79-6-602.

(d) "Office" means the Office of Energy Development created in Section 79-6-401.

(2) Subject to the other provisions of this section, a corporation that is an infrastructure cost-burdened entity may claim a nonrefundable tax credit for development of a high cost infrastructure project as provided in this section.

(3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under Title 79, Chapter 6, Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure cost-burdened entity for the taxable year.

(4) An infrastructure cost-burdened entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:

(a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax liability under this chapter for that taxable year.

~~(5)(a) In accordance with Section 59-7-159, the Revenue and Taxation Interim~~

~~Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~

~~[(b)] (a)(i) [Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5)]~~ To assist the Revenue and Taxation Interim Committee with the review required by Section 59-7-159, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst:

(A) the amount of tax credit that the office grants to each infrastructure cost-burdened entity for each taxable year;

(B) the infrastructure-related revenue generated by each high cost infrastructure project;

(C) the information contained in the office's latest report under Section 79-6-605; and

(D) any other information that the Office of the Legislative Fiscal Analyst requests.

~~(ii)(A)]~~ In providing the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit

under this section.

~~[(B)]~~ (iii) If, notwithstanding the redactions made under Subsection ~~[(5)(b)(ii)(A)]~~ (5)(a)(ii), reporting the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) in the aggregate for all infrastructure cost-burdened entities that receive the tax credit under this section.

~~[(e)]~~ (b) ~~[As part of the study required by this Subsection (5), the]~~ The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection ~~[(5)(b)]~~ (5)(a).

~~[(d)]~~ The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:

- ~~[(i)]~~ the cost of the tax credit to the state;
- ~~[(ii)]~~ the purpose and effectiveness of the tax credit; and
- ~~[(iii)]~~ the extent to which the state benefits from the tax credit.

(6) Notwithstanding Section 59-7-903, the commission may not remove the tax credit described in this section from the tax return for a taxable year beginning before January 1, 2027.

Section 8. Section **59-10-137** is amended to read:

59-10-137 . Review of credits allowed under this chapter.

(1) As used in this section, "committee" means the Revenue and Taxation Interim Committee.

~~(2)[(a) The committee shall review the tax credits described in this chapter as provided in Subsection (3) and make recommendations concerning whether the tax credits should be continued, modified, or repealed.]~~

(a) The committee shall review each tax credit described in this chapter once every five years to determine whether to continue, modify, or repeal the tax credit.

(b) In conducting the review required under Subsection (2)(a), the committee shall:

- (i) schedule time on ~~[at least one]~~ a committee agenda to conduct the review as needed;
- (ii) invite state agencies, individuals, and organizations concerned with ~~[the]~~ a tax credit under review to provide oral or written testimony;
- (iii)(A) invite the Governor's Office of Economic Opportunity to present a summary and analysis of the information for each tax credit regarding which

- 403 the Governor's Office of Economic Opportunity is required to make a report
404 under this chapter; and
- 405 (B) invite the Office of the Legislative Fiscal Analyst to present a summary and
406 analysis of the information for each tax credit regarding which the Office of the
407 Legislative Fiscal Analyst is required to make a report under this chapter;
- 408 (iv) ~~[ensure that the committee's recommendations described in this section include~~
409 ~~an evaluation of]~~ evaluate:
- 410 (A) the cost of the tax credit to the state;
- 411 (B) the purpose and effectiveness of the tax credit; and
- 412 (C) the extent to which the state benefits from the tax credit; and
- 413 (v) undertake other review efforts as determined by the committee chairs or as
414 otherwise required by law.
- 415 ~~[(3)(a) On or before November 30, 2017, and every three years after 2017, the~~
416 ~~committee shall conduct the review required under Subsection (2) of the tax credits~~
417 ~~allowed under the following sections:]~~
- 418 ~~[(i) Section 59-10-1004;]~~
419 ~~[(ii) Section 59-10-1010;]~~
420 ~~[(iii) Section 59-10-1015;]~~
421 ~~[(iv) Section 59-10-1025;]~~
422 ~~[(v) Section 59-10-1027;]~~
423 ~~[(vi) Section 59-10-1031;]~~
424 ~~[(vii) Section 59-10-1032;]~~
425 ~~[(viii) Section 59-10-1035;]~~
426 ~~[(ix) Section 59-10-1105; and]~~
427 ~~[(x) Section 59-10-1108.]~~
- 428 ~~[(b) On or before November 30, 2018, and every three years after 2018, the committee~~
429 ~~shall conduct the review required under Subsection (2) of the tax credits allowed~~
430 ~~under the following sections:]~~
- 431 ~~[(i) Section 59-10-1005;]~~
432 ~~[(ii) Section 59-10-1006;]~~
433 ~~[(iii) Section 59-10-1012;]~~
434 ~~[(iv) Section 59-10-1022;]~~
435 ~~[(v) Section 59-10-1023;]~~
436 ~~[(vi) Section 59-10-1028;]~~

- 437 ~~[(vii) Section 59-10-1034;]~~
438 ~~[(viii) Section 59-10-1037; and]~~
439 ~~[(ix) Section 59-10-1107.]~~
440 ~~[(e) On or before November 30, 2019, and every three years after 2019, the committee~~
441 ~~shall conduct the review required under Subsection (2) of the tax credits allowed~~
442 ~~under the following sections:]~~
443 ~~[(i) Section 59-10-1007;]~~
444 ~~[(ii) Section 59-10-1014;]~~
445 ~~[(iii) Section 59-10-1017;]~~
446 ~~[(iv) Section 59-10-1018;]~~
447 ~~[(v) Section 59-10-1019;]~~
448 ~~[(vi) Section 59-10-1024;]~~
449 ~~[(vii) Section 59-10-1029;]~~
450 ~~[(viii) Section 59-10-1036;]~~
451 ~~[(ix) Section 59-10-1106; and]~~
452 ~~[(x) Section 59-10-1111.]~~
453 ~~[(d)(i) In addition to the reviews described in this Subsection (3), the committee~~
454 ~~shall conduct a review of a tax credit described in this chapter that is enacted on or~~
455 ~~after January 1, 2017.]~~
456 ~~[(ii) The committee shall complete a review described in this Subsection (3)(d) three~~
457 ~~years after the effective date of the tax credit and every three years after the initial~~
458 ~~review date.]~~
459 Section 9. Section **59-10-1025** is amended to read:
460 **59-10-1025 . Nonrefundable tax credit for investment in certain life science**
461 **establishments.**
462 (1) As used in this section:
463 (a) "Commercial domicile" means the principal place from which the trade or business
464 of a Utah small business corporation is directed or managed.
465 (b) "Eligible claimant, estate, or trust" means the same as that term is defined in Section
466 63N-2-802.
467 (c) "Life science establishment" means an establishment primarily engaged in the
468 development or manufacture of products in one or more of the following categories:
469 (i) biotechnologies;
470 (ii) medical devices;

- 471 (iii) medical diagnostics; and
472 (iv) pharmaceuticals.
- 473 (d) "Office" means the Governor's Office of Economic Opportunity.
- 474 (e) "Pass-through entity" means the same as that term is defined in Section 59-10-1402.
- 475 (f) "Pass-through entity taxpayer" means the same as that term is defined in Section
476 59-10-1402.
- 477 (g) "Qualifying ownership interest" means an ownership interest that is:
- 478 (i)(A) common stock;
479 (B) preferred stock; or
480 (C) an ownership interest in a pass-through entity;
- 481 (ii) originally issued to:
- 482 (A) an eligible claimant, estate, or trust; or
483 (B) a pass-through entity if the eligible claimant, estate, or trust that claims a tax
484 credit under this section was a pass-through entity taxpayer of the pass-through
485 entity on the day on which the qualifying ownership interest was issued and
486 remains a pass-through entity taxpayer of the pass-through entity until the last
487 day of the taxable year for which the eligible claimant, estate, or trust claims a
488 tax credit under this section; and
- 489 (iii) issued:
- 490 (A) by a Utah small business corporation;
491 (B) on or after January 1, 2011; and
492 (C) for money or other property, except for stock or securities.
- 493 (h)(i) Except as provided in Subsection (1)(h)(ii), "Utah small business corporation"
494 means the same as that term is defined in Section 59-10-1022.
- 495 (ii) For purposes of this section, a corporation under Section 1244(c)(3)(A), Internal
496 Revenue Code, is considered to include a pass-through entity.
- 497 (2) Subject to the other provisions of this section, ~~[for a taxable year beginning on or after~~
498 ~~January 1, 2011,~~] an eligible claimant, estate, or trust that holds a tax credit certificate
499 issued to the eligible claimant, estate, or trust in accordance with Section 63N-2-808 for
500 that taxable year may claim a nonrefundable tax credit in an amount up to 35% of the
501 purchase price of a qualifying ownership interest in a Utah small business corporation
502 by the claimant, estate, or trust if:
- 503 (a) the qualifying ownership interest is issued by a Utah small business corporation that
504 is a life science establishment;

- 505 (b) the qualifying ownership interest in the Utah small business corporation is purchased
506 for at least \$25,000;
- 507 (c) the eligible claimant, estate, or trust owned less than 30% of the qualifying
508 ownership interest of the Utah small business corporation at the time of the purchase
509 of the qualifying ownership interest; and
- 510 (d) on each day of the taxable year in which the purchase of the qualifying ownership
511 interest was made, the Utah small business corporation described in Subsection (2)(a)
512 has at least 50% of its employees in the state.
- 513 (3) Subject to Subsection (4), the tax credit under Subsection (2):
- 514 (a) may only be claimed by an eligible claimant, estate, or trust:
- 515 (i) for a taxable year for which the eligible claimant, estate, or trust holds a tax credit
516 certificate issued in accordance with Section 63N-2-808; and
- 517 (ii) subject to obtaining a tax credit certificate for each taxable year as required by
518 Subsection (3)(a)(i), for a period of three taxable years as follows:
- 519 (A) the tax credit in the taxable year in which the purchase of the qualifying
520 ownership interest was made may not exceed 10% of the purchase price of the
521 qualifying ownership interest;
- 522 (B) the tax credit in the taxable year after the taxable year described in Subsection
523 (3)(a)(ii)(A) may not exceed 10% of the purchase price of the qualifying
524 ownership interest; and
- 525 (C) the tax credit in the taxable year two years after the taxable year described in
526 Subsection (3)(a)(ii)(A) may not exceed 15% of the purchase price of the
527 qualifying ownership interest; and
- 528 (b) may not exceed the lesser of:
- 529 (i) the amount listed on the tax credit certificate issued in accordance with Section
530 63N-2-808; or
- 531 (ii) \$350,000 in a taxable year.
- 532 (4) An eligible claimant, estate, or trust may not claim a tax credit under this section for a
533 taxable year if the eligible claimant, estate, or trust:
- 534 (a) has sold any of the qualifying ownership interest during the taxable year; or
- 535 (b) does not hold a tax credit certificate for that taxable year that is issued to the eligible
536 claimant, estate, or trust by the office in accordance with Section 63N-2-808.
- 537 (5) If a Utah small business corporation in which an eligible claimant, estate, or trust
538 purchases a qualifying ownership interest fails, dissolves, or otherwise goes out of

business, the eligible claimant, estate, or trust may not claim both the tax credit provided in this section and a capital loss on the qualifying ownership interest.

(6) If an eligible claimant is a pass-through entity taxpayer that files a return under Chapter 7, Corporate Franchise and Income Taxes, the eligible claimant may claim the tax credit under this section on the return filed under Chapter 7, Corporate Franchise and Income Taxes.

(7) A claimant, estate, or trust may not carry forward or carry back a tax credit under this section.

~~(8)(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~

~~[(b)] (a) [Except as provided in Subsection (8)(c), for purposes of the study required by this Subsection (8),]~~

(i) To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:

~~[(i)]~~ (A) the amount of tax credit that the office grants to each eligible business entity for each taxable year;

~~[(ii)]~~ (B) the amount of eligible new state tax revenues generated by each eligible product or project;

~~[(iii)]~~ (C) estimates for each of the next three calendar years of the following:

~~[(A)]~~ (I) the amount of tax credit that the office will grant;

~~[(B)]~~ (II) the amount of eligible new state tax revenues that will be generated; and

~~[(C)]~~ (III) the number of new incremental jobs within the state that will be generated; and

~~[(iv)]~~ (D) any other information that the Office of the Legislative Fiscal Analyst requests.

~~[(e)]~~ (ii)~~[(i)]~~ In providing the information described in Subsection ~~[(8)(b)]~~ (8)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

~~[(ii)]~~ (iii) If, notwithstanding the redactions made under Subsection ~~[(8)(c)(i)]~~ (8)(a)(ii),

reporting the information described in Subsection ~~[(8)(b)]~~ (8)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection ~~[(8)(b)]~~ (8)(a)(i) in the aggregate for all entities that receive the tax credit under this section.

~~[(d)]~~ (b) ~~[As part of the study required by this Subsection (8), the]~~ The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection ~~[(8)(b)]~~ (8)(a).

~~[(e) The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (8)(a) include an evaluation of:]~~
~~[(i) the cost of the tax credit under this section;~~
~~[(ii) the purpose and effectiveness of the tax credit; and]~~
~~[(iii) the extent to which the state benefits from the tax credit.]~~

Section 10. Section **59-10-1029** is amended to read:

59-10-1029 . Nonrefundable alternative energy development tax credit.

(1) As used in this section:

- (a) "Alternative energy entity" means the same as that term is defined in Section 79-6-502.
 - (b) "Alternative energy project" means the same as that term is defined in Section 79-6-502.
 - (c) "Office" means the Office of Energy Development created in Section 79-6-401.
- (2) Subject to the other provisions of this section, an alternative energy entity may claim a nonrefundable tax credit for alternative energy development as provided in this section.
- (3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under Title 79, Chapter 6, Part 5, Alternative Energy Development Tax Credit Act, to the alternative energy entity for the taxable year.
- (4) An alternative energy entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:
- (a) the alternative energy entity is allowed to claim a tax credit under this section for a taxable year; and
 - (b) the amount of the tax credit exceeds the alternative energy entity's tax liability under this chapter for that taxable year.

~~(5)[(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim~~

Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]

[(b)] (a)(i) [Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5)] To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst by electronic means:

- (A) the amount of tax credit that the office grants to each alternative energy entity for each taxable year;
- (B) the new state revenues generated by each alternative energy project;
- (C) the information contained in the office's latest report under Section 79-6-505; and
- (D) any other information that the Office of the Legislative Fiscal Analyst requests.

(ii)(A) In providing the information described in Subsection [(5)(b)(i)] (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

- (B) If, notwithstanding the redactions made under Subsection [(5)(b)(ii)(A)] (5)(a)(ii)(A), reporting the information described in Subsection [(5)(b)(i)] (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection [(5)(b)(i)] (5)(a)(i) in the aggregate for all alternative energy entities that receive the tax credit under this section.

[(e)] (b) [As part of the study required by this Subsection (5), the] The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection [(5)(b)] (5)(a).

[(d)] ~~The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]~~

- [(i) the cost of the tax credit to the state;]
- [(ii) the purpose and effectiveness of the tax credit; and]
- [(iii) the extent to which the state benefits from the tax credit.]

(6) A claimant, estate, or trust may not claim or carry forward a tax credit described in

Subsection (2) in a taxable year during which the taxpayer claims or carries forward a tax credit under Section 59-10-1106.

Section 11. Section **59-10-1034** is amended to read:

59-10-1034 . Nonrefundable high cost infrastructure development tax credit.

(1) As used in this section:

(a) "High cost infrastructure project" means the same as that term is defined in Section 79-6-602.

(b) "Infrastructure cost-burdened entity" means the same as that term is defined in Section 79-6-602.

(c) "Infrastructure-related revenue" means the same as that term is defined in Section 79-6-602.

(d) "Office" means the Office of Energy Development created in Section 79-6-401.

(2) Subject to the other provisions of this section, a claimant, estate, or trust that is an infrastructure cost-burdened entity may claim a nonrefundable tax credit for development of a high cost infrastructure project as provided in this section.

(3) The tax credit under this section is the amount listed as the tax credit amount on a tax credit certificate that the office issues under Title 79, Chapter 6, Part 6, High Cost Infrastructure Development Tax Credit Act, to the infrastructure cost-burdened entity for the taxable year.

(4) An infrastructure cost-burdened entity may carry forward a tax credit under this section for a period that does not exceed the next seven taxable years if:

(a) the infrastructure cost-burdened entity is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the infrastructure cost-burdened entity's tax liability under this chapter for that taxable year.

~~(5)[(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~

~~[(b)]~~ (a)(i) [Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5)] To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Office of the Legislative Fiscal Analyst:

- 675 (A) the amount of tax credit that the office grants to each infrastructure
676 cost-burdened entity for each taxable year;
- 677 (B) the infrastructure-related revenue generated by each high cost infrastructure
678 project;
- 679 (C) the information contained in the office's latest report under Section 79-6-605;
680 and
- 681 (D) any other information that the Office of the Legislative Fiscal Analyst
682 requests.
- 683 (ii)~~(A)~~ In providing the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i),
684 the office shall redact information that identifies a recipient of a tax credit
685 under this section.
- 686 ~~[(B)]~~ (iii) If, notwithstanding the redactions made under Subsection ~~[(5)(b)(ii)(A)]~~
687 (5)(a)(ii), reporting the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i)
688 might disclose the identity of a recipient of a tax credit, the office may file a
689 request with the Revenue and Taxation Interim Committee to provide the
690 information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) in the aggregate for all
691 infrastructure cost-burdened entities that receive the tax credit under this section.
- 692 ~~[(e)]~~ (b) ~~[As part of the study required by this Subsection (5), the]~~ The Office of the
693 Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim
694 Committee a summary and analysis of the information provided to the Office of the
695 Legislative Fiscal Analyst by the office under Subsection ~~[(5)(b)]~~ (5)(a).
- 696 ~~[(d)]~~ ~~The Revenue and Taxation Interim Committee shall ensure that the~~
697 ~~recommendations described in Subsection (5)(a) include an evaluation of:]~~
698 ~~[(i) the cost of the tax credit to the state;]~~
699 ~~[(ii) the purpose and effectiveness of the tax credit; and]~~
700 ~~[(iii) the extent to which the state benefits from the tax credit.]~~
- 701 Section 12. Section **59-10-1037** is amended to read:
- 702 **59-10-1037 . Nonrefundable enterprise zone tax credit.**
- 703 (1) As used in this section:
- 704 (a) "Business entity" means a claimant, estate, or trust that meets the definition of
705 "business entity" as that term is defined in Section 63N-2-202.
- 706 (b) "Office" means the Governor's Office of Economic Opportunity created in Section
707 63N-1a-301.
- 708 (2) Subject to the provisions of this section, a business entity may claim a nonrefundable

enterprise zone tax credit as described in Section 63N-2-213.

(3) The enterprise zone tax credit under this section is the amount listed as the tax credit amount on the tax credit certificate that the office issues to the business entity for the taxable year.

(4) A business entity may carry forward a tax credit under this section for a period that does not exceed the next three taxable years, if the amount of the tax credit exceeds the business entity's tax liability under this chapter for that taxable year.

~~(5)(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim Committee shall study the tax credit allowed by this section and make recommendations concerning whether the tax credit should be continued, modified, or repealed.]~~

~~[(b)] (a)(i) [Except as provided in Subsection (5)(b)(ii), for purposes of the study required by this Subsection (5)] To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide by electronic means the following information, if available to the office, for each calendar year to the Office of the Legislative Fiscal Analyst:~~

- ~~(A) the amount of tax credits provided in each development zone;~~
- ~~(B) the number of new full-time employee positions reported to obtain tax credits in each development zone;~~
- ~~(C) the amount of tax credits awarded for rehabilitating a building in each development zone;~~
- ~~(D) the amount of tax credits awarded for investing in a plant, equipment, or other depreciable property in each development zone;~~
- ~~(E) the information related to the tax credit contained in the office's latest report under Section 63N-1a-306; and~~
- ~~(F) other information that the Office of the Legislative Fiscal Analyst requests.~~

~~(ii)(A)] In providing the information described in Subsection [(5)(b)(i)] (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.~~

~~[(B)] (iii) If, notwithstanding the redactions made under Subsection [(5)(b)(ii)(A)] (5)(a)(ii), reporting the information described in Subsection [(5)(b)(i)] (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection [(5)(b)(i)] (5)(a)(i) in the aggregate for all~~

development zones that receive the tax credit under this section.
[~~(e)~~] ~~(b)~~ [As part of the study required by this Subsection (5), the] The Office of the
Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim
Committee a summary and analysis of the information provided to the Office of the
Legislative Fiscal Analyst by the office under Subsection [~~(5)(b)~~] (5)(a).

~~[(d) The Revenue and Taxation Interim Committee shall ensure that the
recommendations described in Subsection (5)(a) include an evaluation of:]~~

~~[(i) the cost of the tax credit to the state;]~~

~~[(ii) the purpose and effectiveness of the tax credit; and]~~

~~[(iii) the extent to which the state benefits from the tax credit.]~~

Section 13. Section **59-10-1107** is amended to read:

59-10-1107 . Refundable economic development tax credit.

(1) As used in this section:

(a) "Business entity" means a claimant, estate, or trust that meets the definition of
"business entity" as defined in Section 63N-2-103.

(b) "Incremental job" means the same as that term is defined in Section 63N-1a-102.

(c) "New state revenue" means the same as that term is defined in Section 63N-1a-102.

(d) "Office" means the Governor's Office of Economic Opportunity.

(2) Subject to the other provisions of this section, a business entity may claim a refundable
tax credit for economic development.

(3) The tax credit under this section is the amount listed as the tax credit amount on the tax
credit certificate that the office issues to the business entity for the taxable year.

(4)(a) In accordance with any rules prescribed by the commission under Subsection
(4)(b), the commission shall make a refund to a business entity that claims a tax
credit under this section if the amount of the tax credit exceeds the business entity's
tax liability for a taxable year.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
commission may make rules providing procedures for making a refund to a business
entity as required by Subsection (4)(a).

~~(5)[(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim
Committee shall study the tax credit allowed by this section and make
recommendations concerning whether the tax credit should be continued, modified,
or repealed.]~~

~~[(b)]~~ (a) [Except as provided in Subsection (5)(c), for purposes of the study required by

~~this Subsection (5).~~] To assist the Revenue and Taxation Interim Committee with the review required by Section 59-10-137, the office shall provide the following information, if available to the office, to the Revenue and Taxation Interim Committee by electronic means:

- (i) the amount of tax credit the office grants to each taxpayer for each calendar year;
- (ii) the criteria the office uses in granting a tax credit;
- (iii) the new state revenue generated by each taxpayer for each calendar year;
- (iv) estimates for each of the next three calendar years of the following:

(A) the amount of tax credits that the office will grant;

(B) the amount of new state revenue that will be generated; and

(C) the number of new incremental jobs within the state that will be generated;

- (v) the information contained in the office's latest report under Section 63N-2-106; and

- (vi) any other information that the Revenue and Taxation Interim Committee requests.

~~[(e)]~~ ~~(b)~~~~[(i)]~~ In providing the information described in Subsection ~~[(5)(b)]~~ (5)(a), the office shall redact information that identifies a recipient of a tax credit under this section.

~~[(ii)]~~ (c) If, notwithstanding the redactions made under Subsection ~~[(5)(e)(i)]~~ (5)(b), reporting the information described in Subsection ~~[(5)(b)]~~ (5)(a) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection ~~[(5)(b)]~~ (5)(a) in the aggregate for all taxpayers that receive the tax credit under this section.

~~[(d)]~~ ~~The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]~~

~~[(i) the cost of the tax credit to the state;]~~

~~[(ii) the purpose and effectiveness of the tax credit; and]~~

~~[(iii) the extent to which the state benefits from the tax credit.]~~

Section 14. Section **59-10-1108** is amended to read:

59-10-1108 . Refundable motion picture tax credit.

(1) As used in this section:

(a) "Motion picture company" means a claimant, estate, or trust that meets the definition of a motion picture company under Section 63N-8-102.

(b) "Office" means the Governor's Office of Economic Opportunity created in Section

811 63N-1a-301.

812 (c) "State-approved production" means the same as that term is defined in Section
813 63N-8-102.

814 (2) ~~[For a taxable year beginning on or after January 1, 2009, a]~~ A motion picture company
815 may claim a refundable tax credit for a state-approved production.

816 (3) The tax credit under this section is the amount listed as the tax credit amount on the tax
817 credit certificate that the office issues to a motion picture company under Section
818 63N-8-103 for the taxable year.

819 (4)(a) In accordance with any rules prescribed by the commission under Subsection
820 (4)(b), the commission shall make a refund to a motion picture company that claims a
821 tax credit under this section if the amount of the tax credit exceeds the motion picture
822 company's tax liability for the taxable year.

823 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
824 commission may make rules providing procedures for making a refund to a motion
825 picture company as required by Subsection (4)(a).

826 (5)~~[(a) In accordance with Section 59-10-137, the Revenue and Taxation Interim
827 Committee shall study the tax credit allowed by this section and make
828 recommendations concerning whether the tax credit should be continued, modified,
829 or repealed.]~~

830 ~~[(b)]~~ (a)(i) [Except as provided in Subsection (5)(b)(ii), for purposes of the study
831 required by this Subsection (5)] To assist the Revenue and Taxation Interim
832 Committee with the review required by Section 59-10-137, the office shall
833 provide the following information, if available to the office, to the Office of the
834 Legislative Fiscal Analyst by electronic means:

835 (A) the amount of tax credit the office grants to each taxpayer for each calendar
836 year;

837 (B) estimates of the amount of tax credit that the office will grant for each of the
838 next three calendar years;

839 (C) the criteria the office uses in granting a tax credit;

840 (D) the dollars left in the state, as defined in Section 63N-8-102, by each motion
841 picture company for each calendar year;

842 (E) the information contained in the office's latest report under Section 63N-8-105;
843 and

844 (F) any other information that the Office of the Legislative Fiscal Analyst requests.

(ii)~~[(A)]~~ In providing the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i), the office shall redact information that identifies a recipient of a tax credit under this section.

~~[(B)]~~ (iii) If, notwithstanding the redactions made under Subsection ~~[(5)(b)(ii)(A)]~~ (5)(a)(ii), reporting the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) might disclose the identity of a recipient of a tax credit, the office may file a request with the Revenue and Taxation Interim Committee to provide the information described in Subsection ~~[(5)(b)(i)]~~ (5)(a)(i) in the aggregate for all taxpayers that receive the tax credit under this section.

~~[(c)]~~ (b) ~~[As part of the study required by this Subsection (5), the]~~ The Office of the Legislative Fiscal Analyst shall report to the Revenue and Taxation Interim Committee a summary and analysis of the information provided to the Office of the Legislative Fiscal Analyst by the office under Subsection ~~[(5)(b)]~~ (5)(a).

~~[(d)]~~ The Revenue and Taxation Interim Committee shall ensure that the recommendations described in Subsection (5)(a) include an evaluation of:]

[(i) the cost of the tax credit to the state;]

[(ii) the effectiveness of the tax credit; and]

[(iii) the extent to which the state benefits from the tax credit.]

Section 15. Effective Date.

This bill takes effect on May 7, 2025.