

House Bills

HB 430 **Economic Development Incentives for Alternative Energy Projects**

Amends: 59-7-614.2, 59-10-1107

Enacts: 63M-1-2801, 63M-1-2802, 63M-1-2803, 63M-1-2804, 63M-1-2805, 63M-1-2806

Effective: Amendments to 59-7-614.2 and 59-10-1107 retrospective 01/01/2009.
All other changes effective 05/12/2009

1. Expands the economic development tax credit to include a business entity in a renewable energy development zone for a renewable energy project.
2. Provides for the issuance of a renewable energy development tax credit certificate by the office, with restrictions and conditions, such as specifying the maximum amount of tax credit a business entity may earn over the life of a renewable energy project.
3. Requires the business entity to submit to audits by GOED for verification of a claimed tax credit.
4. Provides for certification by the office of a business entity's eligibility for a claimed tax credit.

Senate Bills

SB 14 **Financial Incentives for Motion Picture Production**

Amends: 63M-1-1801, 63M-1-1802, 63M-1-1803, 63M-1-1805

Enacts: 59-7-614.5, 59-10-1108

Repeals and Reenacts: 63M-1-1804

Effective: 01/01/2009 (retrospective)

1. Provides for motion picture incentives in the form of cash rebate incentives for small budget productions and refundable tax credits for larger budget productions.

2. Provides for definitions related to the determination and calculation of motion picture incentives.
3. Provides for reports to the Revenue and Taxation and Workforce Services and Community and Economic Development Interim Committees and the Utah Tax Review Commission.
4. Provides that GOED may issue up to \$7,793.700 in tax credits in a fiscal year.

SB 23 **Income Taxation of Pass-Through Entities and Pass-Through Entity Taxpayers**

Amends: 59-7-101, 59-7-102, 59-7-106, 59-7-402, 59-7-701, 59-7-705, 59-7-706, 59-7-707, 59-10-103, 59-10-117, 59-10-507, 59-10-1103, 59-10-1401, 59-10-1402, 59-10-1403, 59-10-1404, 59-10-1405

Enacts: 59-7-614.4, 59-10-1403.1, 59-10-1403.2, 59-10-1404.5

Repeals: 48-2c-117, 59-7-702, 59-7-703, 59-7-704

Effective: 01/01/09 (retrospective)

1. Repeals corporate franchise and income taxes on an S corporation (i.e. the built-in gains tax) effective 1/1/13.
2. Expands withholding requirements to provide that a pass-through entity, including a general partnership, limited partnership, limited liability partnership, limited liability company, or an S corporation, is required to pay or withhold a tax on behalf of a resident or nonresident business entity or a nonresident individual.
3. Provides that a publicly traded partnership is not required to withhold for its nonresident partners but is required to send the commission information on each partner with Utah income in excess of \$500.

SB 192 **Corporation Related Amendments**

Amends: 16-6a-102; 16-6a-816; 16-6a-823; 16-6a-1008; 16-6a-1302; 16-6a-1411; 16-6a-1412; 16-6a-1413; 16-6a-1516; 16-10a-1008.5; 16-10a-1421; 16-10a-1422; 16-10a-1531; 31A-5-101; 31A-9-101; 42-2-6.6; 48-2c-203; 48-2c-1207; 48-2c-1208; 48-2c-1209; 48-2c-1401; 48-2c-1613;

Effective: OABG or 5/12/2009

1. Modifies definitions.
2. Addresses voting by boards of directors of nonprofit corporations.
3. Addresses liability of directors of nonprofit corporations.
4. Establishes the effect of conversions between corporations and nonprofit corporations,
5. Addresses authorized distributions.
6. Addresses conversions between limited liability companies and nonprofit corporations.
7. Addresses affect of administrative dissolutions of nonprofit corporations, corporations, and limited liability companies
8. Modifies signature requirement for annual reports of limited liability companies.