

Administrative Rule Meeting
Thursday, August 12, 2010 • 8:00 a.m.
Commission Hearing Room 1025 • Tax Commission Building
210 North 1950 West • Salt Lake City, Utah

Participating:

Michael J. Cragun – Commissioner
Marc B. Johnson – Commissioner
R. Bruce Johnson – Commission Chair (via phone)

Excused:

D'Arcy Dixon Pignanelli– Commissioner

Commission Staff Present:

Danielle Murphy, Commission Executive Assistant

Note: A list of others present, a copy of related materials and an audio recording of the meeting can be obtained from the Office of the Commission at 801-297-3901.

1. Commission Business

1.1 Call to Order

Commissioner Cragun called the meeting to order at 8:10 a.m. and recognized that pursuant to R861-1A-43, Commissioner Bruce Johnson is participating via phone. Commissioner Cragun also noted that Commissioner Dixon had other engagements.

1.2 Approval of Minutes

Commissioner M. Johnson moved for approval of the rule minutes of July 8, 2009. The motion passed unanimously.

2. Proposed Rule Amendments

Commissioner Cragun reported one public comment was received regarding the amendment to R884-24P-62. He also noted the authors of the comment, Randy Grimshaw and Maxwell Miller, were present to speak to the amendment. Since, R884-24P-62 was the only amendment with a comment, Commissioner Cragun elected to move that item to the end of the agenda.

- 2.1 R 865- 9I -2 Determination of Utah Resident Individual Status Pursuant to Utah Code Ann. Section 59-10-103
- 2.3 R 865- 9I -42 Order of Credits Applied Against Utah Individual Income Tax Due Pursuant to Utah Code Ann. Sections 59-6-102, 59-13-202, Title 59, Chapter 10, and 63M-1-413
- 2.4 R 865- 6 F -27 Order of Credits Applied Against Utah Corporate Franchise Tax Due Pursuant to Utah Code Ann. Sections 9-2-413, 59-6-102, 59-7-601 through 59-7-614, and 59-13-202
- 2.5 R 884- 24 P -24 Form for Notice of Property Valuation and Tax Changes Pursuant to Utah Code Ann. Sections 59-2-918 through 59-2-924
- 2.6 R 865- 20 T -13 Calculation of Tax on Moist Snuff Pursuant to Utah Code Ann. Section 59-14-

COMMISSION COMMENT: Commissioner B. Johnson inquired about the changes made to R884-24P-24 aside from the deletion of statutory references.

PUBLIC COMMENT: Lynn Solarczyk explained that in addition to the removal of the statutory references, other relevant statutes were added.

MOTION: Commissioner B. Johnson moved that all of the above amendments be adopted. The motion passed unanimously.

2.2 R 884- 24P -62 Valuation of State Assessed Unitary Properties to Utah Code Ann. Section 59-2-201

PUBLIC COMMENT: Randy Grimshaw of Parsons, Behle & Latimer, spoke on behalf of his client the Milford Wind Corridor Phase 1. Mr. Grimshaw expressed concern that repealing this rule may have a negative impact on his client if the validity of the rule at the time it was active is questioned in future adjudicative proceedings. Mr. Grimshaw requested that if repealed, the rule should have a clear effective date without any retroactive effect.

COMMISSION COMMENT: Commissioner Cragun assured Mr. Grimshaw that if the amendment is approved, the change becomes effective today with prospective application.

COMMISSION COMMENT: Commissioner M. Johnson asked if the reason for repealing this rule was due to a court order.

COMMISSION COMMENT: Commissioner Cragun stated the reason for this amendment was that when Senate Bill 125 was enacted in the 2010 Legislative General Session it superseded the rule.

COMMISSION COMMENT: Commissioner B. Johnson inquired about the years of the assessment being contested and confirmed with Mr. Maxwell Miller they were 2009 & 2010.

COMMISSION COMMENT: Commissioner Cragun verified with Lynn Solarczyk that the new statute became effective on May 11, 2010.

COMMISSION COMMENT: Commissioner B. Johnson stated that if the rule were passed it will only apply to assessments conducted for 2011 and later. He also stated the amendment would have no impact on the validity of the rule for prior years.

MOTION: Commissioner B. Johnson moved that the proposed amendment to R884-24P-62 be adopted with the clear indication that it does not apply to previous tax years, only 2011 and beyond. Commissioner M. Johnson added that the purpose of the rule change was solely because the statute made it redundant. The motion was approved unanimously.

3. Other Items

No other items were presented.

4. Adjourn

Commissioner Marc Johnson moved to adjourn. The motion passed unanimously.

Commissioner Michael Cragun adjourned the meeting at 8:30 a.m.

Approved:

Attested: Danielle Murphy
Executive Assistant
Utah State Tax Commission