

**UTAH STATE TAX COMMISSION
MEETING MINUTES**

9:00 a.m., Thursday, March 3, 2011

Commission Hearing Room 1025, 210 North 1950 West, Salt Lake City, Utah

Participating:

R. Bruce Johnson - Commission Chair
Marc B. Johnson - Commissioner
D'Arcy Dixon Pignanelli - Commissioner
Michael J. Cragun - Commissioner
Barry Conover - Interim Executive Director

Commission Staff Present:

Lynn Solarczyk, Legislative, and Government Affairs Director
Christa Johnson, Commission Executive Assistant
Charlie Roberts, Public Information Officer

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.

I. Call to Order

Commission Chair B. Johnson called the meeting to order at 9:02 a.m.

II. Public Comment (members of the public wishing to address the Commissioners for up to three minutes on matters not related to a pending or reasonably imminent appeal to the Tax Commission)

Commission Chair B. Johnson noted that no one wished to address the Tax Commissioners.

III. Commission Business

- a. Consider recommended Tax Commission positions on pending legislation
 - i. Tax Commission Bills (A): None
 - ii. Support (B):
 - 1. HB422—Tax Changes
 - 2. HB431—Tax, Fee, or Charge Electronic Filing and Remittance
 - 3. SB233—Tax Modifications

Ms. Lynn Solarczyk described the bills and responded to the Commissioners' questions.

MOTION: Commissioner Cragun moved to prioritize HB422 - Tax Changes as a (B) Support. The motion passed unanimously.

MOTION: Commissioner Cragun moved to prioritize HB431- Tax, Fee, or Charge Electronic Filing and Remittance as a (B) Support. The motion passed with Commissioners B. Johnson, Dixon and Cragun voting aye and with Commissioner M. Johnson nay.

Commissioner Dixon asked to explain her vote. She said while she understands the concerns raised by fellow Commissioner M. Johnson she believes HB 431 by Rep. Julie Fisher warrants being studied by an interim committee.

MOTION: Commissioner Cragun moved to support the quarterly filings and take no position on penalties in SB 233.

SUBSTITUTE MOTION: Commissioner M. Johnson moved to prioritize SB 233 Tax Modifications as a (B) Support for the quarterly filings portion, and (C) No Position on the penalties portion. The motion passed unanimously.

iii. Oppose (D): HB426—Taxes for Education Funding Amendments

MOTION: Commissioner B. Johnson moved to oppose (D) HB426—Taxes for Education Funding Amendments as its current form.

Commissioner Dixon asked if anyone had reached Rep. Pitcher, the sponsor of HB426, to inform him the bill was scheduled to be on the Tax Commission public agenda for discussion and a possible vote of (D) Oppose?

Staff responded No.

Commissioner Dixon stated she was opposed to taking a D position when Rep. Pitcher had not been notified the bill had been placed on the agenda for possible vote of opposition.

The motion passed with Commissioners B. Johnson, M. Johnson and Cragun voting aye and Commissioner Dixon nay.

iv. Appropriations Committee Bills (E): HB431—Tax, Fee, or Charge Electronic Filing and Remittance

MOTION: Commissioner M. Johnson moved to prioritize HB431—Tax, Fee, or Charge Electronic Filing and Remittance as both (E) Appropriation Committee Bill and (B) Support. The motion passed unanimously.

v. Other bills (C):

Commission Chair B. Johnson asked if any commissioner wanted to recommend a position on any other bill listed. Noting no motions Commission Chair Johnson stated the Commission would not take a formal position on the remaining pending legislation listed on the agenda.

IV. Interim Executive Director's Report

Mr. Barry Conover reported first on HB431—Tax, Fee, or Charge Electronic Filing and Remittance. He stated that the appropriation committee voted to restore to the agency budget the funding that this bill addressed.

Mr. Conover reported second on SB276— Personal Property Audits, sponsored by Senator Ralph Okerlund. He stated that the Counties are not in support of the bill.

Mr. Conover also reported that he has had the security guard do a walk through at 7:00 p.m. to write down the names of people who were still in the building afterhours. He also thanked the economist and staff who helped with the 2011 legislation.

Commissioner Cragun stated that SB188— Tax Commission Amendments that Exempts the Tax Commission from the Open and Public Meetings Act when considering or acting on confidential tax matters and conducting hearings has passed.

Commissioner B. Johnson expressed his gratitude to staff and Ms. Solarczyk for all the work they have done on the 2011 Legislative bills.

V. Adjourn to Closed Session

Commissioner Cragun reported that the Commission will meet in a closed session to discuss the Executive Director applicants pursuant to Utah Code § 59-4-206(6) which permits public bodies to meet in closed session to discuss the character, professional competence, or physical or mental health of an individual to protect applicants privacy. The Commission will refer to the applicants by the number associated by Division of Human Resource Management.

MOTION: Commissioner Cragun moved to meet in a closed session to discuss in room 4041 and return back at 11:45 a.m. The motion passed with the affirmative votes from Commissioners, R. Bruce Johnson, Marc B. Johnson, D'Arcy Dixon Pignanelli, and Michael J. Cragun

VI. Return to Open Session

Commission Chair B. Johnson called the meeting back to order at 11:45 a.m.

Commissioner B. Johnson signed the required affidavit by Utah Code § 52-4-206 (6)(b).

VII. Select candidates for interview from among the applicants for Executive Director, Tax Commission (job announcement 22653)

MOTION: Commissioner Dixon moved to interview Executive Director Applicants 8, 17, 23, 28, 29 and 31. The motion passed unanimously.

Commissioner Cragun suggested that the Commission have Linda Whitney, Human Resource Director send an acknowledgement letter to all other applicants.

VIII. Other Items

MOTION: Commissioner Cragun moved to reconsider opposing HB426—Taxes for Education Funding Amendments. The motion passed with Commissioners B. Johnson, Dixon and Cragun in favor and Commissioner M. Johnson opposed.

Mr. Conover reported that during the closed session he was able to speak with Representative Dixon Pitcher, Sponsor of HB426—Taxes for Education Funding Amendments and that the bill would not make it this session. He also stated that Representative Dixon Pitcher asked that the Tax Commission follow up with him next year.

IX. Adjourn

MOTION: Commissioner M. Johnson moved to adjourn. The motion passed unanimously.

Commission Chair B. Johnson adjourned the meeting at 12:00 p.m.

Approved on: March 10, 2011

Attested: Christa Johnson
Executive Assistant
Utah State Tax Commission