

**UTAH STATE TAX COMMISSION
MEETING MINUTES**

9:00 a.m., Thursday, December 22, 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

Excused:

Barry Conover - Executive Director

Commission Staff Present:

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 9:04 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 at this time.

I. Consider Approving Minutes Of Previous Meetings

MOTION: Commissioner Dixon moved approval of the Thursday, December 8, 2011 Open and Closed Commission Meeting minutes. The motion passed unanimously.

II. Approve submission of proposed rule amendments to Division of Administrative Rules for publication in the Utah Register

Commissioner Cragun presented rule R884-24P-66 Appeal to County Board of Equalization Pursuant to Utah Code Ann. Section 59-2-1004 proposed rule amendment for the Commission to consider and submit for publication to the Division of Administrative Rules.

Commissioner Cragun explained that the proposed rule amendment provides that issues of property classification and Farmland Assessment Act eligibility qualify only when both the taxpayer and the assessor agree.

Commissioner M. Johnson explained that he had concerns with the text language of the rule. He provided examples and reasons for his concerns.

Commissioner Dixon asked Commissioner Cragun if there was a need to have a rule change in effect by a certain time.

Commissioner Cragun replied that the rule should be in place no later than when the July 2012 valuation notices go out. He also noted that if the Commissioners make the rule effective before March 31, the rule would not apply to any of the appeals that would have gone before the 2011 board of equalizations.

Commission Chair B. Johnson said that he independently identified this rule as an issue based on appeals he reviewed. When Commissioner Cragun came to him and said that there was discussion concerning this rule in Assessors' School, Commissioner B. Johnson said he had prepared some language for discussion.

Commissioner Dixon recognized Commissioner Cragun's efforts to stay in contact with county elected officials and field issues to the Commission. She stated she would like more time to understand fellow Commissioner Marc Johnson's concerns with the proposed rule amendment and asked Commissioner Cragun if action taken at a future meeting would still meet objectives for the rule.

Commissioner Cragun indicated if the Commission took the action proposed today no later than the last meeting in April, it would.

MOTION: Commissioner Dixon made a motion to move on to the next agenda item. The motion passed unanimously.

III. Consider adoption of Amending Administrative Rules

Commissioner Cragun presented each of the rule amendments for the Commission to consider and stated that he was not aware of any comments submitted to the Commission.

The amendments to Rules R865-4D-24, and R865-13G-17 provide that motor fuels tax licenses are invalid if the licensee had ceased to do business or has changed the business address; Rule R865-6F-8 results from legislative changes in Senate Bill 136 of the 2008 Legislative Session; Rules R865-6F-28, and R865-9I-37 implement legislative changes made by 2011 House Bill 17; Rule R865-9I-2 implements legislative change made by 2011 Senate Bill 21; and Rule R865-9I-18 updates a statutory reference.

MOTION: Commissioner Cragun moved to approve the rule amendments as presented. The motion passed unanimously.

Commission Chair B. Johnson reported that Barry Conover, Executive Director, is excused.

IV. Adjourn to Closed Session

MOTION: Commissioner Cragun moved to meet in a closed session to discuss pending or reasonably imminent litigation. The motion passed with Commissioners B. Johnson, M. Johnson, Dixon and Cragun voting aye.

V. Return to Open Session

Commission Chair B. Johnson called the meeting back to order at 9:42 a.m.

VI. Consider Approval of a Settlement Offer for Oracle Corp and Subsidiaries v. Utah State Tax Commission, Third District Court, case no. 080926150

Commission Chair B. Johnson reported that during the closed session there was discussion on the settlement offer for Oracle Corp and Subsidiaries v. Utah State Tax Commission, Third District Court, case no. 080926150 and that there is no action needed.

VII. Adjourn

With all agenda items completed, Commission Chair B. Johnson adjourned the meeting at 9:43 a.m.

Approved on: Thursday, January 26, 2012

Attested: Christa Johnson
Executive Assistant
Utah State Tax Commission