

**UTAH STATE TAX COMMISSION
MEETING MINUTES**

9:00 a.m., Thursday, July 27, 2017

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

Participating:

John L. Valentine – Commission
Michael J. Cragun – Commissioner
Robert P. Pero – Commissioner
Rebecca L. Rockwell – Commissioner
Barry Conover – Executive Director

Commission Office:

Christa Johnson, Commission Executive Assistant

Note: A copy of related materials and an audio recording of the meeting can be found on the Tax Commission website: <http://tax.utah.gov/commission-office/meetings>.

I. Call to Order

Commission Chair Valentine called the meeting to order at 9:03 a.m.

II. Public Comment (individuals or groups 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 Valentine asked if anyone wished to address the Tax Commissioners. There were no comments.

III. Consider Approving Open and Closed Commission Meeting minutes of June 19, 2017

MOTION: Commissioner Pero moved to approve the Open and Closed Commission Meeting Minutes of June 19, 2017. The motion passed unanimously.

IV. Consider Amending Administrative Rules [action item]

1. Rule R861-1A-20. Time of Appeal
2. Rule R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause
3. Rule R865-9I-54. Renewable Energy Credit Amount
4. Rule R873-22M-2. Documentation Required and Procedures to Follow to Register or Title Certain Vehicles
5. Rule R873-22M-16. Authorization to Issue a Certificate of Title

Commissioner Rockwell introduced the following proposed rule amendments for the Commission to consider adopting:

The rules were published in the Utah Bulletin on June 15, 2017 and the public comment period ended on July 17, 2017. We have received no public comments.

Rule R861-1A-20. The proposed amendment deletes duplicative language and clarifies current Tax Commission practice that a petition for adjudicative action must be received in the Tax Commission offices no later than 30 days from the date of the action that creates the right to appeal.

MOTION: Commissioner Rockwell moved to adopt the amendment to Rule R861-1A-20. Time of Appeal. The motion passed unanimously.

Rule R861-1A-42. The proposed amendment clarifies that if a taxpayer first requests a waiver of unpaid penalties or interest in an appeal to the commission, the taxpayer is not required to provide certain information that would be required if the waiver request were for penalty and interest that the taxpayer had paid. This correlates with the current Tax Commission practice.

MOTION: Commissioner Rockwell moved to adopt the amendment to Rule R861-1A-42. Waiver of Penalty and Interest for Reasonable Cause. The motion passed unanimously.

Rule R865-9I-54. In the 2017 General Session, House Bill 23 repeals the discretionary rulemaking authority of the Tax Commission under Section 59-10-1014. Although the discretionary rulemaking authority of the Tax Commission remains under Section 59-10-1106, no rule is necessary under that section. R362-2, Renewable Energy Systems Tax Credits, provides guidance for the credits under Sections 59-10-1014 and 59-10-1106.

MOTION: Commissioner Rockwell moved to adopt the amendment to Rule R865-9I-54. Renewable Energy Credit Amount. The motion passed unanimously.

Rule R873-22M-2. The proposed amendment deletes references to affidavits where affidavits are no longer required; updates the proof of notice required to title or register a vehicle foreclosed by advertisement to match current statutes; clarifies long-standing agency practice to require an indemnification agreement in all cases when satisfactory documentary evidence of ownership is lacking and the applicant has exhausted all normal means of obtaining evidence of ownership; and makes technical changes.

MOTION: Commissioner Rockwell moved to adopt the amendment to Rule R873-22M-2. Documentation Required and Procedures to Follow to Register or Title Certain Vehicles. The motion passed unanimously.

Rule R873-22M-16. The proposed amendment deletes language that appears in Tax Commission rule R873-22M-2; deletes references to affidavits where affidavits are no longer required; clarifies Tax Commission practice with respect to issuance of title when there is an assignment of a lienholder; and makes technical changes.

MOTION: Commissioner Rockwell moved to adopt the amendment to Rule R873-22M-16. Authorization to Issue a Certificate of Title. The motion passed unanimously.

V. Publication Revisions

1. Pub 5. Sales Tax Information for Vehicle & Watercraft

There were no comments.

VI. Commissioners' Reports

Commission Chair Valentine reported that he will be attending the Multistate Tax Commission (MTC) annual meeting next week and that he will be nominated as the new MTC Executive Committee Chair.

VII. Executive Director's Report

Mr. Conover reported that he met with the Revenue and Tax Appropriations Sub Committee and that the legislators gave the Utah State Tax Commission positive feedback.

VIII. Adjourn

Commission Chair Valentine adjourned the meeting at 9:17 a.m.

Approved on: Thursday, August 24, 2017

Attested: Christa Johnson

Executive Assistant, Utah State Tax Commission