

**UTAH STATE TAX COMMISSION  
MEETING MINUTES**

9:00 a.m., Thursday, August 22, 2019

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

**Participating:**

John L. Valentine – Commission Chair  
Michael J. Cragun – Commissioner  
Rebecca L. Rockwell – Commissioner  
Lawrence C. Walters – Commissioner  
Scott W. Smith – Executive Director

**Commission Office:**

Jennifer Franklin, 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 9:00 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 Commission Meeting Minutes of July 11, 2019**

**MOTION:** Commissioner Walters moved to approve the Commission Meeting Minutes of July 11, 2019. The motion passed unanimously.

**IV. Discussion on distribution of tax revenues given by David Spatafore.**

Mr. Spatafore raised the issue of revenue distribution pertaining to the Homeless Shelter Cities Mitigation Restricted Account. A discussion was held among the Commissioners and Mr. Spatafore on §35A-8-606 and §59-12-205.

**V. Consider amending Administrative Rules**

1. R861-1A-9. State Board of Equalization Procedures Pursuant to Utah Code Ann. Sections 59-2-212, 59-2-1004, and 59-2-1006.
2. R865-9I-2. Determination of Utah Resident Individual Status Pursuant to Utah Code Ann. Section 59-10-136.
3. R873-22M-17. Standards for State Impound Lots Pursuant to Utah Code Ann. Section 41-1a-1101.

Commissioner Rockwell explained that the following proposed rule amendments are for the Commission to consider adopting. The rules were published in the Utah State Bulletin on July 15, 2019 and the public comment period ended on August 14, 2019. We did not receive any public comments on the rules.

1. R861-1A-9. State Board of Equalization Procedures. The proposed amendment clarifies language related to when the commission may remand an appeal to the county BOE. The change is consistent with current practice and interpretation.

**MOTION:** Commissioner Rockwell moved to adopt the amendment to Rule R861-1A-9. State Board of Equalization Procedures. The motion passed unanimously.

2. R865-9I-2. Determination of Utah Resident Individual Status. The proposed amendment eliminates reference to §59-10-103 because that section is no longer relevant to this rule as a result of 2019 General Session S.B. 13.

**MOTION:** Commissioner Rockwell moved to adopt the amendment to Rule R865-9I-2. Determination of Utah Resident Individual Status. The motion passed unanimously.

3. R873-22M-17. Standards for State Impound Lots. Pursuant to H.B. 228, includes a requirement that a state impound yard have opaque fencing, which may include chain link fencing, on any side that has frontage with a highway. Makes other technical changes.

**MOTION:** Commissioner Rockwell moved to adopt the amendment to Rule R873-22M-17. Standards for State Impound Lots. The motion passed unanimously.

**VI. Approve submission of proposed rule amendments to the Office of Administrative Rules for publication in Utah State Bulletin**

1. R873-22M-26. Interim Inspections and Repair Standards Pursuant to Utah Code Ann. Section 41-1a-1002.
2. R873-22M-24. Salvage Vehicle Definition Pursuant to Utah Code Ann. Sections 41-1a-1001 and 41-1a-1002.
3. R884-24P-27. Standards for Assessment Level and Uniformity of Performance Pursuant to Utah Code Ann. Sections 59-2-704 and 59-2-704.5.
4. R884-24P-33. 2020 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-107.

**MOTION:** Commissioner Rockwell presented each rule amendment for the Commission to consider and submit for publication to the Office of Administrative Rules. Publication of each rule will occur on September 15, 2019 in the *Utah State Bulletin* and the public comment period will end on October 15, 2019.

Commissioner Rockwell moved to submit each of the proposed rule amendments to the Office of Administrative Rules individually. Commission Chair Valentine placed debates on each motion for debate. There were no debates and each motion passed unanimously. All rule amendments will be referred to the Office of Administrative Rules for publication.

Commission Chair Valentine asked if there were any questions regarding Commissioner Rockwell's presentation of the proposed rule amendments. There were none.

Vote on the motion was placed by Commission Chair Valentine with Commission Chair Valentine, Commissioner Cragun, Commissioner Walters, and Commissioner Rockwell voting aye.

**VII. Consider Publication Revisions**

1. Publication 4: Voluntary Disclosure Program
2. Publication 9: How to Register and Title Your Vehicle in Utah
3. Publication 23: Vehicle Property Assessment Fees

Commission Chair Valentine called for public comment on the publications. There were none.

**VIII. Commissioners' Reports**

Commissioner Rockwell reported that the Revenue and Taxation Interim Committee considered several pieces of the legislative package presented by Commissioners Valentine and Rockwell at its meeting on Wednesday, August 21, 2019.

Commission Chair Valentine reported that he and Commissioner Rockwell made a well-received presentation at the Tax Restructuring and Equalization Task Force Meeting on Monday, August 19, 2019 outlining the history of legislative policy decisions regarding income and sales taxes over the last 30 years.

He stated that at the meeting on Wednesday, August 21, 2019, the Revenue and Taxation Interim Committee chose not to take up any further decoupling from the Internal Revenue Code following the Tax Cut and Jobs Act of 2017, leaving in place the decisions that were made in both the Special Session and General Session of the Legislature.

**IX. Executive Director's Report**

**X. Adjourn**

**MOTION:** Commissioner Cragun moved that the Commissioners adjourn. The motion passed unanimously.

Commission Chair Valentine adjourned the meeting at 9:47 a.m.

**Approved on: September 12, 2019**

**Attested:** Jennifer Franklin

Executive Assistant, Utah State Tax Commission