

**UTAH STATE TAX COMMISSION
MEETING MINUTES**

9:00 a.m., Thursday, February 13, 2020

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 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 9:01 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)

There were no public comments.

III. Consider approving Special Commission Meeting Minutes of January 9, 2020

MOTION: Commissioner Walters moved to approve the Commission Meeting Minutes of January 9, 2020. The motion passed unanimously.

IV. Consider amending Administrative Rules

Commissioner Rockwell explained that the following proposed rules amendments are for the Commission to consider adopting. The rules were published in the *Utah State Bulletin* on December 15, 2019 and the public comment period ended on January 14, 2020. We did not receive any public comments on the 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. The proposed amendment requires that if a taxpayer asserts a factual error before the commission and the county assessor fails to respond to an order to show cause within 15 days, the commission may treat the failure to respond as if the county assessor had acknowledged the existence of the factual error.

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

2. R865-9I-34. Property Tax Relief for Individuals Pursuant to Utah Code Ann. Sections 59-2-1201 through 59-2-1220. The proposed amendment includes references to Tit. 59, Chap. 2, Parts 18 and 19 that were created under HB 24 and were previously included in Tit. 59, Chap. 2, Part 11. Clarifies that persons claiming an abatement under Tit. 59, Chap. 2, Parts 11, 18, or 19 are not precluded from claiming a homeowner's or renter's credit.

MOTION: Commissioner Rockwell moved to adopt the amendment to R865-9I-34. Property Tax Relief for Individuals. The motion passed unanimously.

3. R865-19S-79. Tourist Home, Hotel, Motel, or Trailer Court Accommodations and Services Defined Pursuant to Utah Code Ann. Sections 59-12-103, 59-12-301, 59-12-352, 59-12-353, 59-12-603, and 59-28-103. The proposed amendment adds references to Sections 59-12-603 and 59-28-103 to clarify that the rule applies to the Tourism, Recreation, Cultural, Convention, and Airport Tax Act and the State Transient Room Tax Act. Additionally, clarifies the definitions of "tourist home," "hotel," "motel," and "trailer court" consistent with current application of statute.

MOTION: Commissioner Rockwell moved to adopt the amendment to R865-19S-79. Tourist Home, Hotel, Motel, or Trailer Court Accommodations and Services Defined. The motion passed unanimously.

4. R865-19S-96. Transient Room Tax Collection Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-301. The repeal of this rule would consolidate overlapping and duplicative language with rule R865-19S-79. With the proposed amendments to rule R865-19S-79 this rule is no longer necessary.

MOTION: Commissioner Rockwell moved to adopt the amendment to R865-19S-96. Transient Room Tax Collection. The motion passed unanimously.

5. R884-24P-66. County Board of Equalization Procedures and Appeals Pursuant to Utah Code Ann. Sections 59-2-1001 and 59-2-1004. The proposed amendment modifies the definition of "factual error" by amending the requirement that the taxpayer and assessor "agree" upon the error. The definition now requires that the taxpayer and assessor have "recognized" the existence of the error. Additionally, this proposed amendment includes references to Tit. 59, Chap. 2, Parts 18 and 19 that were created under HB 24 and were previously included in Tit. 59, Chap. 2, Part 11.

MOTION: Commissioner Rockwell moved to adopt the amendment to R884-24P-66. County Board of Equalization Procedures and Appeals. The motion passed unanimously.

It was discovered after the Commission Meeting that these five rules were submitted to the Office of Administrative Rules incorrectly and therefore were not published in the December 15, 2019 publication of the Utah State Bulletin. The error was rectified and the rules will be published in the March 1, 2020 publication. The last day for public comment will be March 31, 2020.

V. Consider Publication Revisions

Action on these publications is deferred until the underlying statute is adopted by the Legislature.

1. Publication 19: Business Personal Property Audits
2. Publication 20: Business Personal Property Taxes

VI. Commissioners' Reports

Commission Chair Valentine spoke of his recent discussion with members of the Idaho Tax Commission. They are looking to the Utah State Tax Commission for guidance as they are considering adopting the Executive Director role that we have here as a part of their commission model.

VII. Executive Director's Report

Executive Director Scott Smith talked about the project currently underway of converting from florescent lighting to LED lighting in the Tax Commission building; the main purpose being energy conservation.

VIII. Adjourn

Commission Chair Valentine adjourned the meeting at 9:12 a.m.

Approved on: 2/27/2020
Attested: Jennifer Franklin
Executive Assistant
Utah State Tax Commission