

**UTAH STATE TAX COMMISSION  
MEETING MINUTES**

11:00 a.m., Thursday, January 18<sup>th</sup>, 2024  
Via Zoom, 210 North 1950 West, Salt Lake City, Utah

John L. Valentine – Commission Chair – In person  
Michael J. Cragun – Commissioner – Via Zoom  
Rebecca L. Rockwell – Commissioner – In person  
Jennifer N. Fresques – Commissioner – Via Zoom  
Scott Smith – Executive Director – Via Zoom

**Commission Office:**

Chantay Asper, Commission Executive Assistant – In person  
Cristina Langberg, Paralegal – In person  
Deanna Herring, Deputy Executive Director – Via Zoom  
Jason Gardner, Director of Legislative Affairs – Via Zoom

**Tax Commission:**

Frank Hales, Senior Director – Via Zoom  
Josh Neilson, Property Tax Director – Via Zoom  
Jennifer Hansen, Property Tax Director – Via Zoom  
Monte Roberts, DMV Director – Via Zoom

**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. Join Zoom Meeting**

<https://utah-gov.zoom.us/j/7437193782?pwd=K0pJRTVzTGJrWm14LzlTdjY0QzJDUT09&omn=82472299910>

Meeting ID: 743 719 3782  
Passcode: 8fN54hj!

Dial in: +1 253 215 8782 or +1 346 248 7799  
Meeting ID: 743 719 3782  
Passcode: 07438057

**II. Call to Order**

Commission Chair Valentine called the meeting to order at 11:00 a.m.

**III. 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 was no public comment.

**IV. Consider approving Commission Meeting Minutes of December 22<sup>nd</sup>, 2023 [action item]**

MOTION: Commissioner Fresques moved to approve the Commission Meeting Minutes of December 22<sup>nd</sup>, 2023

The motion passed unanimously.

**V. Consider Tax Commission positions on 2024 General Session pending legislation [action item]**

**1. HB 17 Sales and Use Tax Revisions (Eliason)**

- Effective July 1, 2024, HB 17 repeals the requirement that a remote seller or marketplace must collect and remit sales and use tax if the remote seller or marketplace sells into the state in 200 or more separate transactions provided that the aggregate gross revenue from all sales into the state does not exceed \$100,000 in a calendar year. HB 17 also removes expired or outdated language.

MOTION: Commissioner Rockwell moved that the Commission support HB 17 Sales and Use Tax Revisions.

Commission Chair Valentine took a roll call vote and the motion passed unanimously.

**2. HB 18 Mineral Production Tax Withholding Amendments (Bolinder)**

- Effective January 1, 2025, HB 18 harmonizes the mineral production withholding rate with the effective income tax rate and clarifies the information and forms that a mineral producer must provide to the tax commission to report amounts withheld. HB 18 also provides for penalties if a mineral producer fails to timely file required forms with the tax commission and makes other technical changes.

MOTION: Commissioner Rockwell moved that the Commission support HB 18 Mineral Production Tax Withholding Amendments.

Commission Chair Valentine took a roll call vote and the motion passed unanimously.

**3. HB 32 Short-Term Rental Modifications (Barlow)**

- Effective July 1, 2024, HB 32 harmonizes the time period that qualifies as a short-term rental of a motor vehicle with the time period that qualifies as a short-term rental of real property and makes technical changes.

MOTION: Commissioner Rockwell moved that the Commission support HB 32 Short-Term Rental Modifications.

Commission Chair Valentine took a roll call vote and the motion passed unanimously.

4. HB 33 Cigarette and Tobacco Tax and Licensing Act Amendments (Elison)
  - Effective July 1, 2024, HB 33 requires the federal Prevent All Cigarette Trafficking Act (PACT) report to be filed electronically with the Tax Commission.

MOTION: Commissioner Rockwell moved that the Commission support HB 33 Cigarette and Tobacco Tax and Licensing Act Amendments.

Commission Chair Valentine took a roll call vote and the motion passed unanimously.

5. HB 34 Tax Refund Claim Amendments (Eliason)
  - Retrospective to January 1, 2024, authorizes a person to object to a penalty or interest by paying the penalty or interest and requesting a refund, even if the person did not timely challenge the assessment of the penalty or interest previously.

MOTION: Commissioner Rockwell moved that the Commission support HB 34 Tax Refund Claim Amendments.

Commission Chair Valentine took a roll call vote and the motion passed unanimously.

6. HB 66 Property Tax Relief Amendments (Lyman)
  - Retrospective to a tax year beginning on or after January 1, 2024, HB 66 modifies the definition of “household income” for purposes of qualifying for circuit breaker relief by excluding cash public assistance. HB 66 also defines “public assistance” and clarifies that “nontaxable income” does not include: federal tax refunds; federal child tax credits; federal earned income tax credits; payments from a reverse mortgage; payments to certain senior program volunteers; or gifts or bequests. Lastly, HB 66 authorizes the tax commission to make rules to establish the circumstances under which the commission or a county may, for good cause, extend the deadline for filing an application for circuit breaker relief.

MOTION: Commissioner Rockwell moved that the Commission support HB 66 Property Tax Relief Amendments.

Commission Chair Valentine took a roll call vote and the motion passed unanimously.

7. SB 16 Motor Vehicle Act Amendments (Harper)

- Effective November 1, 2024, SB 16 clarifies the Division of Motor Vehicles authority to title and register motorcycles, off-highway vehicles, and street-legal all-terrain vehicles regardless of the age of the vehicle. SB 16 also clarifies that a vintage vehicle is exempt from the prohibition against emitting visible contaminants during operation and makes other technical and conforming changes.

MOTION: Commissioner Rockwell moved that the Commission support SB 16 Motor Vehicle Act Amendments.

Commission Chair Valentine took a roll call vote and the motion passed unanimously.

8. SB 21 State Tax Commission Public Meeting Requirements (McCay)

- Effective May 1, 2024, SB 21 repeals the sunset on the Tax Commission's authority to hold a meeting of the commission that is not open to the public to provide guidance to the commission's employees on the interpretation and application of a law administered by the commission. SB 21 also makes permanent the requirement that a substantive change to a tax commission publication must be included on public meeting agenda of the tax commission for public comment.

MOTION: Commissioner Rockwell moved that the Commission support SB 21 State Tax Commission Public Meeting Requirements.

Commission Chair Valentine took a roll call vote and the motion passed unanimously.

9. SB 22 Tax Information Sharing Amendments (Wilson)

- Effective May 1, 2024, SB 22 authorizes the tax commission to disclose certain personally identifying taxpayer information to the Division of Finance for the purpose of issuing tax refunds.

MOTION: Commissioner Rockwell moved that the Commission support SB 22 Tax Information Sharing Amendments.

10. SB 33 Individual Income Tax Act Amendments (Bramble)

- Retrospective to a taxable year beginning on or after January 1, 2024, SB 33 establishes that an individual has Utah income tax domicile if the person or the person's spouse votes in Utah and has not registered to vote in another state or has not voted in another state that does not require registration. SB 33 also eliminates all rebuttable presumptions from the determination of whether an individual has Utah income tax domicile. Lastly, SB 33 establishes that receiving of the primary residential exemption on the primary residence of the individual or their spouse or asserting Utah residency on a Utah income tax

return are only factors to be weighed against other contacts with the state for purposes of determining Utah income tax domicile.

MOTION: Commissioner Rockwell moved that the Commission support SB 33 Individual Income Tax Act Amendments.

Commission Chair Valentine took a roll call vote and the motion passed unanimously.

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

1. R865-19S-33 Admissions and User Fees Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103.

*Commissioner Rockwell:* The following proposed rule amendments are for the Commission to consider and submit for publication to the Office of Administrative Rules. The amended rules will be published in the Utah State Bulletin on February 15, 2024 and the mandatory public comment period will end on March 18, 2024.

1. R865-19S-33 Admissions and User Fees Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103. Amends the sales and use tax definition of "annual membership dues paid to a private organization" to include dues paid by a member of the private organization who shares internal operational control of the organization or owns an equity interest in the organization.

MOTION: Commissioner Rockwell moved to submit the proposed amendments to R865-19S-33 Admissions and User Fees Pursuant to Utah Code Ann. Sections 59-12-102 and 59-12-103 to the Office of Administrative Rules for publication in the Utah State Bulletin.

Commission Chair Valentine took a roll call vote and the motion passed unanimously.

VII. Commissioners' Reports

Commissioner Valentine report that the Tax Commission presented the proposed budget to the appropriations committee.

VIII. Executive Director's Report

Scott Smith reported the official launch of TAP for filing tax returns and view the last 3 years of returns.

IX. Adjourn

**MOTION:** Commissioner Fresques moved that the meeting be adjourned. The motion passed unanimously. Commissioner Valentine adjourned the meeting at 11:27 a.m.

**Approved on: 1/25/24**

**Attested:** Chantay Asper  
Executive Assistant  
Utah State Tax Commission