

**APPOINTMENT AND QUALIFICATION OF MEMBERS OF
THE STATE TAX COMMISSION**

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Ryan D. Wilcox

LONG TITLE

Committee Note:

The Revenue and Taxation Interim Committee recommended this bill.

General Description:

This bill addresses the appointment and qualification of members of the State Tax Commission.

Highlighted Provisions:

This bill:

- ▶ repeals a provision from statute that remains in the Utah Constitution requiring that no more than two members of the State Tax Commission may be from the same political party;
- ▶ amends provisions related to the appointment and qualification of members of the State Tax Commission; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 59-1-201, as enacted by Laws of Utah 1987, Chapter 4

29 59-1-202, as last amended by Laws of Utah 2010, Chapter 356

30

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **59-1-201** is amended to read:

33 **59-1-201. Composition of commission -- Terms -- Removal from office --**

34 **Appointment.**

35 (1) The commission shall be composed of four members appointed by the governor
36 with the consent of the Senate. ~~[No more than two members may belong to the same political~~
37 ~~party. The]~~

38 (2) Subject to Subsection (3), the term of office of each commissioner shall be for four
39 years and expire on June 30 of the year the term ends. ~~[Terms shall be staggered]~~

40 (3) The governor shall stagger a term described in Subsection (2) so that the term of
41 one commissioner expires each year. ~~[Each]~~

42 (4) A commissioner shall hold office until a successor is appointed and qualified.~~[Any]~~

43 (5) (a) The governor may remove a commissioner ~~[may, after notice and a hearing, be~~
44 ~~removed by the governor]~~ from office for neglect of duty, inefficiency, or malfeasance, after
45 notice and a hearing. ~~[Any replacement]~~

46 (b) If the governor removes a commissioner from office and appoints another person to
47 replace the commissioner, the person the governor appoints to replace the commissioner:

48 (i) shall serve for the remainder of the unexpired term~~[- Any members otherwise~~
49 ~~qualified shall be eligible for reappointment.]; and~~

50 (ii) may be reappointed as the governor determines.

51 (6) (a) Before appointing a commissioner, the governor shall ~~H→~~ [request] consider ~~←H~~ a

51a list of names of

52 potential appointees from:

53 (i) the Utah State Bar;

54 (ii) one or more organizations that represent certified public accountants who are
55 licensed to practice in the state;

56 (iii) one or more organizations that represent persons who assess or appraise property
57 in the state; and

58 (iv) one or more national organizations that:

59 (A) offer a professional certification in the areas of property tax, sales and use tax, and
 60 state income tax;

61 (B) require experience, education, and testing to obtain the certification; and

62 (C) require additional education to maintain the certification.

63 (b) In appointing a commissioner, the governor shall consider the names of the
 64 potential appointees submitted in accordance with Subsection (6)(a).

65 Section 2. Section **59-1-202** is amended to read:

66 **59-1-202. Qualifications of members of commission.**

67 (1) [~~Members~~] ~~Ŝ~~→ [~~A~~] **Each** ←~~Ŝ~~ member of the commission [~~shall have~~]:

68 (a) shall have significant tax experience that is relevant to holding office as a
 69 commissioner;

70 (b) shall have knowledge of tax administration ~~Ŝ~~→ **or tax compliance** ←~~Ŝ~~ ; [~~and~~]

71 (c) shall have executive and administrative experience[-]; and

72 (d) except for one member who has substantial knowledge and expertise in the theory
 73 and practice of ad valorem taxation as described in Subsection (2)(a), shall have substantial
 74 knowledge and experience in one or more of the following:

75 (i) the theory and practice of excise taxation;

76 (ii) the theory and practice of income taxation;

77 (iii) the theory and practice of sales and use taxation; and

78 (iv) the theory and practice of corporate taxation.

79 (2) (a) At least one member of the commission shall have [~~expertise~~] substantial
 80 knowledge and experience in the theory and practice of ad valorem taxation.

81 [~~(b) At least one member of the commission shall have substantial knowledge in the~~
 82 ~~theory and practice of excise, income, sales, and corporate taxation.~~]

83 (b) At least one member of the commission shall have substantial knowledge and
 84 experience in the theory and practice of accounting.

85 (3) The membership of the commission shall represent composite skills in accounting,
 86 auditing, property assessment, management, law, and finance.

Legislative Review Note
as of 11-21-13 10:55 AM

Office of Legislative Research and General Counsel