

SB0019S01 compared with SB0019

~~{deleted text}~~ shows text that was in SB0019 but was deleted in SB0019S01.

inserted text shows text that was not in SB0019 but was inserted into SB0019S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Ryan D. Wilcox proposes the following substitute bill:

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;

SB0019S01 compared with SB0019

- ▶ 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:

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

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

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

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

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

Appointment.

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

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

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

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

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

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

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

SB0019S01 compared with SB0019

(ii) may be reappointed as the governor determines.

(6) (a) Before appointing a commissioner, the governor shall request a list of names of potential appointees from:

(i) the Utah State Bar;

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

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

(iv) one or more national organizations that:

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

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

(C) require additional education to maintain the certification.

(b) In appointing a commissioner, the governor shall consider:

(i) to the extent names of potential appointees are submitted, the names of ~~the~~ potential appointees submitted in accordance with Subsection (6)(a); and

(ii) any other potential appointee of the governor's own choosing.

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

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

(1) [~~Members~~] ~~{A}~~ Each member of the commission [~~shall have~~]:

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

(b) shall have knowledge of tax administration or tax compliance; [~~and~~]

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

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

(i) the theory and practice of excise taxation;

(ii) the theory and practice of income taxation;

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

(iv) the theory and practice of corporate taxation.

SB0019S01 compared with SB0019

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

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

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

(3) The membership of the commission shall represent composite skills in accounting, 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}~~