

**MINUTES OF THE  
ADMINISTRATIVE RULES REVIEW COMMITTEE**  
Tuesday, June 7, 2011 – 9:00 a.m. – Room C445 State Capitol

**Members Present:**

Sen. Howard A. Stephenson, Senate Chair  
Rep. Curtis Oda, House Chair  
Sen. Gene Davis  
Sen. Mark B. Madsen  
Sen. Benjamin M. McAdams  
Pres. Michael G. Waddoups  
Rep. Neal B. Hendrickson  
Speaker Rebecca D. Lockhart  
Rep. Carol Spackman Moss  
Rep. Merlynn T. Newbold

**Staff Present:**

Mr. Arthur L. Hunsaker, Policy Analyst  
Ms. Susan Creager Allred, Associate General Counsel  
Ms. Tracey Fredman, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Oda called the meeting to order at 9:11 a.m.

**MOTION:** Sen. Davis moved to approve the minutes of the May 24, 2011 meeting. The motion passed unanimously.

**2. Online Filing Requirements**

Mr. David Ure briefed committee members on the difficulty he recently experienced while attempting to file the required quarterly International Fuel Tax Agreement (IFTA) report with the Utah State Tax Commission. Mr. Ure reported unsuccessful attempts to file online, long periods of waiting when calling the Tax Commission for assistance, and having a paper report refused by a Tax Commission employee. Mr. Ure asked if there had been a change in policy to no longer accept paper reports even from those who are unable to file them online.

Mr. Barry Conover, Executive Director, Utah State Tax Commission, responded to Mr. Ure's comments, and stated that allowances are made to accommodate those who have need of filing a paper report.

Ms. Lynn Solarczyk, Director, Legislative and Government Affairs, Utah State Tax Commission, noted that Subsection 59-13-305(1), allows the Tax Commission to prescribe the forms that are used in filing the returns. Ms. Solarczyk also said there is a provision in the IFTA Agreement which authorizes states to allow electronic returns, and indicated that the Commission therefore has latitude to allow electronic returns, but not to disallow any paper returns.

There was committee discussion about whether Commission employees have been aware that paper returns are acceptable, and what means of help may be most useful to people trying to file their returns electronically.

Mr. Conover responded to committee members' questions, and said the document "Tax Commission Letter dated May 19, 2011," which was distributed in the mailing packet, would be updated to clearly indicate that paper returns are allowed.

No action was taken on this item.

### **3. Need for Rules Governing Veterans' Affairs**

Mr. Hunsaker briefed committee members on legislation passed in the 2008 General Session which requires that the Department of Veterans' Affairs make administrative rules to carry out the provisions of "Title 71 - Veterans." Mr. Hunsaker indicated that no rules are currently in place and that representatives of the Department of Veterans' Affairs would discuss plans to fulfill the rulemaking requirement.

Ms. Pauline Davies, Financial Analyst, Utah Department of Veterans' Affairs, said that the department will comply with the statutory requirement, and asked the Committee if it would be acceptable to refer to federal guidelines in the administrative rules. Chair Oda responded that the department should ensure that federal guidelines that are incorporated cover all matters that state law requires.

Ms. Sheila Page, Assistant Attorney General, speaking on behalf of Mr. William Loos, Assistant Attorney General, who is the attorney assigned to the Department of Veterans' Affairs, requested a minimum of sixty days to submit proposed rules to the Division of Administrative Rules.

Ms. Tonja Knight, Executive Assistant, Utah Department of Veterans' Affairs, commented on the importance of having the time needed to write the rules correctly.

Sen. Davis recommended that a report on the progress of the rules being drafted by the Department of Veterans' Affairs be made in a future meeting.

### **4. Committee Business**

Future meetings were scheduled for 9:00 a.m. on Tuesday, June 28, 2011 and Monday, July 18, 2011.

### **5. Adjourn**

**MOTION:** Rep. Newbold moved to adjourn the meeting. The motion passed unanimously. Sen. Madsen and Speaker Lockhart were absent for the vote.

Chair Oda adjourned the meeting at 10:10 a.m.