

DRAFT

R861. Tax Commission, Administration.

R861-1A. Administrative Procedures.

R861-1A-16. Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207.

(1) The executive director reports to the commission. The executive director shall meet with the commission periodically to report on the status and progress of this agreement, update the commission on the affairs of the agency and seek policy guidance. The chairman of the commission shall designate a liaison of the commission to coordinate with the executive director in the execution of this agreement.

(2) The structure of the agency is as follows:

(a) The Office of the Commission, including the commissioners and the following units that report to the commission:

(i) Internal Audit;

(ii) Appeals; and

(iii) Economic and Statistical.

(b) The Office of the Executive Director, including the executive director's staff and the following ~~divisions~~ functional areas that report to the executive director:

(i) Administration;

(ii) ~~Taxpayer~~ Customer Services;

(iii) ~~Motor Vehicle~~ Tax and Revenue;

(iv) ~~Auditing~~ Enforcement; and

(v) Property and Miscellaneous Tax[;].

~~(vi) Financial Operations; and~~

~~(vii) Motor Vehicle Enforcement.]~~

(3) The Executive Director shall oversee service agreements from other departments.

(4) The commission hereby delegates full authority for the following functions to the executive director:

(a) general supervision and management of the day to day management of the operations and business of the agency ~~[conducted through the Office of the Executive Director and through the divisions set out in Subsection (2)(b)]~~;

(b) management of the day to day relationships with the customers of the agency;

(c) all original assessments, including adjustments to audit, assessment, and collection actions, except as provided in Subsections (4)(d) and (5);

(d) in conformance with standards established by the commission, waivers of penalty and interest pursuant to Section 59-1-401 in amounts under \$10,000, or offers in compromise agreements in amounts under \$10,000;

(e) except as provided in Subsection (5)(g), voluntary disclosure agreements with companies, including multilevel marketers;

(f) determination of whether a county or taxing entity has satisfied its statutory obligations with respect to taxes and fees administered by the commission;

(g) human resource management functions, including employee relations, final agency action on employee grievances, and development of internal policies and procedures; and

(h) administration of Title 63G, Chapter 2, Government Records Access and Management Act.

(5) The executive director shall prepare and, upon approval by the commission, implement the following actions, agreements, and documents:

- (a) the agency budget;
- (b) the strategic plan of the agency;
- (c) administrative rules;
- (d) waivers of penalty and interest in amounts of \$10,000 or more pursuant to Section 59-1-401 as per the waiver of penalty and interest policy;
- (e) offer in compromise agreements that abate tax, penalty and interest over \$10,000 as per the offer in compromise policy;
- (f) the annual report;
- (g) stipulated or negotiated agreements that dispose of matters on appeal; and
- (h) voluntary disclosure agreements that meet the following criteria:
 - (i) the company participating in the agreement is not licensed in Utah and does not collect or remit Utah sales or corporate income tax; and
 - (ii) the agreement forgives a known past tax liability of \$10,000 or more.

(6) Subject to Subsections (5) and (7) through (10), the commission shall retain authority for the following functions:

- (a) rulemaking;
- (b) adjudicative proceedings;
- (c) private letter rulings issued in response to requests from individual taxpayers for guidance on specific facts and circumstances;
- (d) internal audit processes;
- (e) liaison with the governor's office:
 - (i) correspondence received from the governor's office relating to tax policy will be directed to the Office of the Commission for response, correspondence received from the governor's office that relates to operating issues of the agency will be directed to the Office of the Executive Director for research and appropriate action, the executive director shall prepare a timely response for the governor with notice to the commission as appropriate; and
 - (ii) the executive director and staff may have other contact with the governor's office upon appropriate notice to the commission;
- (f) liaison with the Legislature:
 - (i) The commission will set legislative priorities and communicate those priorities to the executive director.
 - (ii) Under the direction of the executive director, staff may be assigned to assist the commission and the executive director in monitoring legislative meetings and assisting legislators with policy issues relating to the agency;
- (g) litigation:
 - (i) The executive director shall advise the commission on matters under litigation.
 - (ii) If a settlement offer is received, the executive director shall inform the commission of the:
 - (A) terms of the offer; and
 - (B) the division's recommendations with regards to that offer, and
 - (h) public information.

(7) Correspondence that has been directed to the commission or individual commissioners that relates to matters delegated to the executive director shall be forwarded to a staff member of the Office of the

87 Executive Director for research and appropriate action. ~~[A log shall be maintained of all correspondence and~~
88 ~~periodically the executive director will review with the commission the volume, nature, and resolution of all~~
89 ~~correspondence from all sources.]~~

90 (8) The executive director's staff may occasionally act as support staff to the commission for
91 purposes of conducting research or making recommendations on tax issues.

92 (a) Official communications or assignments from the commission or individual commissioners to
93 the staff reporting to the executive director shall be made through the executive director.

94 (b) The commissioners and the Office of the Commission staff reserve the right to contact agency
95 staff directly to facilitate a collegial working environment and maintain communications within the agency.
96 These contacts will exclude direct commands, specific policy implementation guidance, or human resource
97 administration.

98 (9) The ~~[commission]~~executive director shall meet with the ~~[executive director]~~commission
99 periodically to exchange information and coordinate operations.

100 (a) The commission shall ~~[discuss with]~~inform the executive director of all policy decisions, appeal
101 decisions or other commission actions that affect the day to day operations of the agency.

102 (b) The executive director shall keep the commission apprised of significant actions or issues arising
103 in the course of the daily operation of the agency.

104 (c) When confronted with circumstances that are not covered by established policy or by instances
105 of real or potential conflicts of interest, the executive director shall refer the matter to the commission.

106 (10) Subject to supervision and input by the commission, the executive director shall oversee the
107 following:

108 (a) publications;

109 (b) bulletins; and

110 (c) formal responses to media and public inquiries.