

**Minutes of the  
Administrative Rules Meeting of the  
Utah State Tax Commission**

Friday, February 22, 2008 – 8:30 a.m. – Room 1025, Tax Commission Building

**Commissioners Participating:**

D'Arcy Dixon Pignanelli – Commissioner, Chair Administrative Rules  
Pam Hendrickson – Commission Chair  
R. Bruce Johnson - Commissioner  
Marc B. Johnson – Commissioner

**Staff Present:**

Cheryl Lee, Commission Executive Secretary

Note: A list of others present, a copy of related materials and an audio recording of the meeting can be obtained from the Office of the Commission at 297-3900.

**1. Commission Business**

Commissioner Dixon called the meeting to order at 8:31 a.m.

Commissioner Dixon asked for approval of the minutes of January 25, 2008.

**MOTION:** Commissioner B. Johnson moved approval of the minutes. The motion passed unanimously.

**2. Proposed Rules for Adoption by the Commission**

Commissioner Dixon noted there were six rules to approve and only one, R865-19S-121, had public comment.

**2.1 Rule R861-1A-40 – Waiver of Requirement to Post Security Prior to Judicial Review Pursuant to Utah Code Ann Section 59-1-611.**

**MOTION:** Commissioner Hendrickson moved the rule as posted be approved. The motion passed unanimously.

**2.2 Rule R861-1A-42 – Waiver of Penalty and Interest for Reasonable Cause Pursuant to Utah Code Ann. Section 59-1-401.**

**MOTION:** Commissioner M. Johnson moved the rule as posted be approved. The motion passed unanimously.

**2.3 Rule R865-6F-37 – Disclosure of Reportable Transactions and Material Advisor List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309.**

**MOTION:** Commissioner B. Johnson moved the rule as posted be approved. The motion passed unanimously.

**2.4 Rule R865-9I-53 – Disclosure of Reportable Transactions and Material Advisor List Pursuant to Utah Code Ann. Sections 59-1-1301 through 59-1-1309.**

**MOTION:** Commissioner B. Johnson moved the rule as posted be approved. The motion passed unanimously.

**2.5 Rule R865-19S-121 – Sales and Use Tax Exemption for Certain Purchases by a Mining Facility Pursuant to Utah Code Ann. Section 59-12-104.**

**COMMENTS:** Commissioner Dixon read comments received from Norman Ross, PacifiCorp, suggesting revisions to the proposed rule.

Commissioner B. Johnson said the suggested change to eliminate portions of the “establishment” definition was not consistent with the statutory intent. He also noted the proposed change to add a new definition of “qualifying activities” was redundant with the language in the statute.

Commissioner M. Johnson expressed a concern if “qualifying activities” included improvement to real property.

Steve Young, Holme, Roberts and Owens, said his client, Brush Resources, supports this rule and David Litvin, of the Utah Mining Association, authorized him to say they support the rule as well. He also stated in the mining industry there is specific equipment that helps hold up walls and ceilings. He asked for confirmation they are exempt even if though they are affixed to real property.

Commissioner B. Johnson suggested that Steve Young submit a private letter ruling request to help clarify this issue.

**MOTION:** Commissioner B. Johnson moved the rule as written be approved. The motion passed unanimously.

**2.6 Rule R873-22M-34 – Rule for Denial of Personalized License Plate Requests Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-411.**

**MOTION:** Commissioner Hendrickson moved the rule as posted be approved. The motion passed unanimously.

**3. Other Items/Adjourn**

Commissioner Hendrickson moved to adjourn. The motion passed unanimously.

Commissioner Dixon adjourned the meeting at 8:55 a.m.

Approved:

Attested: Cheryl Lee  
Commission Executive Secretary