

**UTAH STATE TAX COMMISSION
MEETING MINUTES**

9:00 a.m., Monday, January 28, 2013

Commission Room 1000, 210 North 1950 West, Salt Lake City, Utah

Participating:

R. Bruce Johnson - Commission Chair
D'Arcy Dixon Pignanelli - Commissioner
Michael J. Cragun - Commissioner
Barry Conover - Executive Director

Commission Office:

Christa Johnson, Commission Executive Assistant
Charlie Roberts, Public Information Officer

Executive Director's Office:

Scott Smith, Deputy Executive Director
Lynn Solarczyk, Director of Legislation

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 801-297-3901.

I. Call to Order

Commission Chair Johnson called the meeting to order at 9:08 a.m.

- II. Public Comment** (Individuals or groups wishing to address the Commissioners for up to three minutes on matters not related to a pending or reasonably imminent appeal to the Tax Commission)

Commission Chair Johnson noted that no one wished to address the Tax Commissioners at this time.

III. Adjourn to Closed Session

MOTION: Commissioner Cragun moved that the Commissioners meet in closed session to discuss pending or reasonably imminent litigation and the character, professional competence or mental or physical health of an individual. The motion passed with Commission Chair Johnson, Commissioner Dixon and Commissioner Cragun voting aye.

IV. Return to Open Session

Commission Chair Johnson called the meeting back to order at 11:11 a.m.

Commission Chair Johnson signed the affidavit required by Utah Code § 52-4-206(6)(a).

- V. Consider settlement request in Sprint v. Auditing Division, 3rd District Court no. 100908688**

MOTION: Commissioner Cragun moved to reject settlement offer of Sprint v. Auditing Division, 3rd District Court no. 100908688. The motion passed unanimously.

VI. Consider Tax Commission positions on pending legislation

a. Support (B):

1. HJR 4 -- Joint Resolution on Remote Sales (by Rep. Eliason)

Ms. Lynn Solarczyk, Legislative Director, explained that House Joint Resolution 4 urges the U.S. Congress to act to authorize states, subject to the enactment of any necessary state laws, to require all retailers whose sales to consumers in the state exceed a minimum threshold to collect applicable sales taxes on the sales in the state.

Commission Chair Johnson stated he recommends that the Commission support this bill. The bill will essentially validate the Streamlined Sales Tax project that has been in the process for the past several years. He noted that Governor Herbert has spoken in support of this bill.

Commissioner Dixon asked if anyone with the Commission had been contacted and asked not to support H.J.R. 4. She noted for the record that no one at the meeting indicated so.

Commission Chair Johnson stated that he recently met with representatives of eBay, and he believes that this bill is something that both the Tax Commission and eBay can support.

MOTION: Commission Chair Johnson moved to designate H.J.R 4 as (B) Tax Commission supports bill. The motion passed unanimously.

VII. Executive Director's Report

Mr. Conover reported that the legislative budget appropriations committee will meet this Thursday.

Mr. Conover reported that the IRS audit is scheduled at the Tax Commission on February 5, 2013, for three to five days. He noted that this IRS audit is conducted every three years.

VIII. Commissioners' Reports

Commission Chair Johnson stated that he appreciates the Tax Commission employees for the additional work during the Legislative session.

IX. Adjourn

Commission Chair Johnson adjourned the meeting at 11:21 a.m.

Approved on: Thursday, February 21, 2013

Attested: Christa Johnson
Executive Assistant
Utah State Tax Commission