

**MINUTES OF THE
SENATE REVENUE AND TAXATION STANDING COMMITTEE
JANUARY 25, 2005
Room W130, West Office Building, State Capitol Complex**

Members Present: Sen. Curtis Bramble, Chair
Sen. Ron Allen
Sen. Darin G. Peterson
Sen. Howard A. Stephenson
Sen. Lyle Hillyard

Members Excused: Sen. Greg Bell
Sen. John Valentine
Sen. Dmitrich

Staff Present: Bryant Howe, Policy Analyst
Jeanne Wride, Committee Secretary

Public Speakers Present: Jocelynn Straight, Citizen
Dave Gessell, Utah Hospital Association
Bruce Johnson, Utah State Tax Commission
John T. Nielsen, Legal Counsel, IHC
Lee Gardner, Salt Lake County Assessor
Kristi Hutchings, Citizen

A list of visitors and a copy of handouts are filed with the committee minutes.

Chairman Bramble called the meeting to order at 4:00 p.m.

APPROVAL OF MINUTES:

MOTION: Sen. Peterson moved to approve the minutes of January 18, 2005.

The motion passed unanimously with Sen. Bell and Sen. Hillyard absent for the vote.

1. H.B. 20 CALLING LOCAL SPECIAL ELECTIONS FOR SALES AND USE TAX PURPOSES (Rep. S. Clark)

Rep. Clark presented the bill to the committee.

MOTION: Sen. Allen moved to pass H.B. 20 out of committee with a favorable recommendation.

The motion passed unanimously. Absent for the vote were: Sen. G. Bell, Sen. M. Dmitrich, Sen. L. Hillyard, Sen. H. Stephenson and Sen. J. Valentine.

2. S.B. 45 CHARITABLE PURPOSE DETERMINATION (Sen. P. Hellewell)

Sen. Hellewell presented the bill to the committee

Sen. Stephenson assumed the Committee Chair.

Jocelynn Straight, Citizen; Dave Gessel, Utah Hospital Association; Bruce Johnson, Utah State Tax Commission; John T. Nielsen, Legal Counsel, IHC.; and Lee Gardner, Salt Lake County Assessor, spoke to the bill.

Sen. Bramble assumed the Committee Chair.

MOTION: Sen. Allen moved to table S.B. 45.

The motion passed unanimously. Absent for the vote were: Sen. G. Bell, Sen. M. Dmitrich, Sen. L. Hillyard and Sen. J. Valentine.

3. S.B. 125 AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS (Sen. P. Hellewell)

Sen. Hellewell presented the bill to the committee.

MOTION: Sen. Allen moved to amend the bill as follows:

1. Page 1, Lines 13 through 14:

- 13 ▶ amends the definition of "child who has a special need";
 ▶ requires that an adoption occur in this state for a taxpayer to be eligible for a tax credit;
- 14 ▶ provides that a taxpayer may not claim a tax credit if the taxpayer adopts a child of

2. Page 2, Lines 40 through 47:

- 40 (2) [~~For~~] Except as provided in Subsection (3), for taxable years beginning on or after
- 41 January 1, [~~2001~~] 2005, a taxpayer who adopts in this state a child who has a special need may claim on the

- 42 taxpayer's individual income tax return for the taxable year a refundable credit of \$1,000
43 against taxes otherwise due under this chapter for:
44 (a) adoptions for which a court issues an order granting the adoption on or after
45 January 1, [~~2004~~] 2005;
46 (b) the taxable year during which a court issues an order granting the adoption; and
47 (c) each child who has a special need whom the taxpayer adopts.

The motion passed unanimously with Sen. Hillyard absent for the vote.

Bruce Johnson, Utah Tax Commission and Kristi Hutchings spoke to the bill.

MOTION: Sen. Stephenson moved to pass S.B. 125, as amended, out of committee with a favorable recommendation.

The motion passed unanimously. Absent for the vote were: Sen. G. Bell, Sen. M. Dmitrich and Sen. J. Valentine.

4. S.B. 127 TAX, FEE, OR CHARGE AMENDMENTS (Sen. L. Hillyard)

Sen. Hillyard presented the bill to the committee.

Bruce Johnson, Utah State Tax Commission, spoke to the bill.

It was noted the bill does not have a fiscal note attached.

The bill was held without a vote.

5. S.B. 128 CALCULATION OF INTEREST ON TAX OVERPAYMENTS (Sen. H. Stephenson)

Sen. Stephenson presented the bill to the committee.

Bruce Johnson, Utah State Tax Commission, spoke to the bill.

MOTION: Sen. Allen moved to pass S.B. 128 out of committee with a favorable recommendation.

The motion passed unanimously. Absent for the vote were: Sen. G. Bell, Sen. M. Dmitrich, Sen. L. Hillyard and Sen. J. Valentine.

5. S.B. 133 INDIVIDUAL INCOME TAX - RETURN FILING REQUIREMENTS (Sen. H. Stephenson)

Sen. Stephenson presented the bill to the committee.

Bruce Johnson, Utah State Tax Commission, spoke to the bill.

MOTION: Sen. Peterson moved to pass S.B. 133 out of committee with a favorable recommendation.

The motion passed unanimously. Absent for the vote were: Sen. G. Bell, Sen. M. Dmitrich, Sen. L. Hillyard and Sen. J. Valentine.

6. S.B.121 PROPERTY TAX EXEMPTION AMENDMENTS (Sen. C. Bramble)

S.B. 121 was not heard as there was not a fiscal note attached.

MOTION: Sen. Allen moved to adjourn.

The motion passed unanimously.

Sen. Bramble adjourned the meeting at 5:15 p.m.

Minutes recorded by Jeanne Wride, Committee Secretary

Sen. Curtis Bramble, Committee Chair