

MINUTES OF THE HOUSE
PUBLIC UTILITIES & TECHNOLOGY STANDING COMMITTEE
Room 20, House Building
February 22, 2012

MEMBERS PRESENT: Rep. Michael Noel, Chair
Rep. Steve Handy, Vice Chair
Rep. Roger Barrus
Rep. Fred C. Cox
Rep. John Dougall
Rep. Neal Hendrickson
Rep. Chris Herrod
Rep. Ken Ivory
Rep. Lowry Snow
Rep. Ryan Wilcox

MEMBERS ABSENT: Rep. Lynn Hemingway

STAFF PRESENT: Mr. Richard North, Policy Analyst
Ms. Sylvia Newton, Committee Secretary

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

Chair Noel called the meeting to order at 4:37 p.m.

MOTION: Rep. Hendrickson moved to approve the minutes of the February 13, 2012 meeting. The motion passed unanimously with Rep. Dougall, Rep. Herrod, Rep. Ivory, and Rep. Wilcox absent for the vote.

H.B. 67S1 **Stormwater Capture Amendments** (*Rep. F. Cox*)

MOTION: Rep. Cox moved to 1st Substitute H.B. 67 with 3rd Substitute H.B. 67. The motion passed unanimously with Rep. Dougall, Rep. Ivory, and Rep. Wilcox absent for the vote.

Spoke to the bill: Kent Jones, State Engineer
Lynn Pace, Salt Lake City

MOTION: Rep. Herrod moved to pass 3rd Substitute H.B. 67 out favorably. The motion passed unanimously with Rep. Dougall, Rep. Ivory, and Rep. Wilcox absent for the vote.

H.B. 157 Currency Amendments (*Rep. B. Galvez*)

MOTION: Rep. Herrod moved to adopt 1st Substitute H.B. 157. The motion passed unanimously with Rep. Dougall, Rep. Ivory, and Rep. Wilcox absent for the vote.

Rep. Galvez explained the substitute bill to the committee.

Spoke in favor of the bill: Larry Hilton, Commission for Sound Money

MOTION: Rep. Herrod moved to pass the substitute bill out favorably. The motion passed unanimously with Rep. Barrus and Rep. Wilcox absent for the vote.

H.B. 462 Constitutional Defense Council Amendments (*Rep. J. Briscoe*)

Rep. Briscoe introduced the bill and provided handouts to committee members.

MOTION: Rep. Handy moved to pass the bill out favorably. The motion passed with Rep. Dougall, Rep. Herrod, and Rep. Wilcox absent for the vote. Rep. Barrus and Rep. Ivory voted in opposition to the motion.

S.B. 49 Military Installation Development Authority Amendments (*Sen. J. Stevenson*)

Sen. Stevenson introduced the bill to the committee, assisted by Paul Morris, Military Installation Development Authority.

MOTION: Rep. Hendrickson moved to pass the bill out favorably. The motion passed unanimously with Rep. Dougall, Rep. Herrod, and Rep. Wilcox absent for the vote.

Rep. Noel relinquished the chair to Vice Chair Handy.

S.B. 150S1 Local and Special Service District Amendments (*Sen. J. Stevenson*)

Sen. Stevenson introduced the bill to the committee, assisted by LeGrand Bitter, Utah Association of Special Districts.

MOTION: Rep. Snow moved to pass the bill out favorably. The motion passed unanimously with Rep. Dougall, Rep. Herrod, and Rep. Wilcox absent for the vote.

Rep. Noel resumed the chair.

H.B. 384 Sales and Use Tax Seller Nexus Amendments (Rep. W. Harper)

Rep. Harper introduced the bill to the committee.

Spoke to the bill: Bruce Johnson, State Tax Commission

Spoke in opposition to the bill: Jonathan Johnson, Overstock.com

Spoke in favor of the bill: Scott Hymas, R. C. Willey
Roger Tew, Utah League of Cities and Towns
Betsy Burton, owner of King's English Bookstore
Dave Davis, Utah Retail Merchants Association

MOTION: Rep. Handy moved to pass the bill out favorably.

SUBSTITUTE

MOTION: Rep. Ivory moved to amend the bill as follows:

1. Page 62, Lines 1909-1918: Delete lines 1909 thru 1918

The motion to amend the bill passed with Rep. Dougall and Rep. Snow voting in opposition to the motion and Rep. Herrod absent for the vote.

MOTION: Rep. Handy moved to pass the bill as amended out favorably. The motion passed with Rep. Cox and Rep. Dougall voting in opposition to the motion. Rep. Herrod was absent for the vote.

H.J.R. 14 Joint Resolution Urging Passage of the Market Equity Act of 2011 and the Marketplace Fairness Act (Rep. S. Eliason)

MOTION: Rep. Barrus moved to amend the resolution as follows:

1. Page 1, Lines 25 through 27:

25 *Be it resolved by the Legislature of the state of Utah:*

26 **WHEREAS, passage of H.R. 3179, the Marketplace Equity Act of 2011, currently before the United States House of Representatives, and S. 1832, the Marketplace Fairness Act, currently before the United States Senate, is a vital component to strengthening states rights, as states like Utah are currently unable to enforce the collection of certain sales taxes;**

WHEREAS, passage of H.B. 3179 and S. 1832 would, if the Legislature of the state of Utah chose, enable the state to broaden the base and lower the rate on sales tax collections;

WHEREAS, the Supreme Court of the United States established in its 1992, Quill v.

27 North Dakota decision that states cannot, of their own accord, require out-of-state retailers to

The motion to amend the resolution passed unanimously with Rep. Dougall and Rep. Herrod absent for the vote.

Sen. Eliason introduced the amended resolution to the committee.

Spoke against the resolution: Jonathan Johnson, Overstock.com
Gary Thorup, attorney, representing eBay

Spoke in favor of the resolution: Dave Davis, Utah Retail Merchants Association

MOTION: Rep. Snow moved to pass H.J.R. 14 out favorably. The motion passed with Rep. Hendrickson and Rep. Ivory voting in opposition to the motion. Rep. Cox, Rep. Dougall, and Rep. Herrod were absent for the vote.

MOTION: Rep. Handy moved to adjourn the meeting. The motion passed unanimously with Rep. Cox, Rep. Dougall, and Rep. Herrod absent for the vote.

Chair Noel adjourned the meeting at 6:55 p.m.

Rep. Michael Noel, Chair

