

MINUTES OF MEETING - COMMITTEE ON TAXATION - 56TH ASSEMBLY
SESSION
January 26, 1971

PRESENT: Kean, Lingenfelter, Swallow, Getto, Capurro, May,
Smalley

ABSENT: Ashworth, Glaser

GUEST: Mr. Ray Knisley

The meeting was convened by Chairman Kean at 8:20 a.m.

Committee Rules were read and discussed.

Mr. Getto moved the following six rules be temporarily adopted

1. Four members constitute a quorum of the committee.
2. Motions will be moved, seconded, and passed by a simple majority of those present, except that definite action ("Do Pass" or "Hold") on a bill will require a majority of the entire committee.
3. In order to reconsider previous actions taken, an affirmative vote of 5 members of the committee will be required.
4. Mason's Manual will be followed as to parliamentary procedure.
5. Any member of the committee may request an item on the agenda by contacting the committee chairman a day ahead of the committee meeting.
6. Committee bill introduction will be by affirmative vote of five members present. Committee introduction does not imply in any way a commitment on the part of any committee member to support the bill introduced.

Mr. Smalley seconded; motion carried unanimously.

Mr. Kean stated the Supreme court was likely to up-hold the lower court decision that the half-cent county optional sales tax is unconstitutional. The Supreme Court has scheduled this case to be heard on February 7. This is scheduled when the Legislature is in session so that action can be taken on a replacement tax. The cities need this tax or some replacement. Mr. Kean suggested the Committee Members should be thinking about alternative taxes to replace this half-cent tax should it be declared unconstitutional.

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Mr. Capurro suggested the Committee wait until the Supreme Court has made their decision. The tax may not be declared unconstitutional and in that event committee action would not be needed.

Mr. Knisley said if the committee acted now, before the Supreme Court decision, and a one-cent sales tax was passed, he believed it would be vetoed. Once having been introduced, passed and vetoed they may not be able to bring it back again for further action.

Mr. May concurred with Mr. Capurro and stated if the tax were declared unconstitutional, there probably would be suits for the refunding of the tax collected.

Mr. Kean stated the only refund would be those paid under protest and only one person had protested.

A vote was taken as to whether the Committee should, at this time, repeal the one-half cent tax and consider a replacement.

The majority was not in favor of repealing the one-half cent tax at this time.

Mr. Kean stated the purpose of the discussion at this time was to stimulate thinking.

The meeting was adjourned.