

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-1401

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105 and 63-3039, Idaho Code.

PUBLIC HEARING SCHEDULE: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 25, 2014.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Rule 560 is being amended consistent with the language from the MTC (Multistate Tax Commission). The current version of this rule is an enactment of the model regulation drafted by the MTC in 1973. In 2010, the MTC revised the model regulation language to remove the phrase about "unusual fact situations (which ordinarily will be unique and non-recurring)." This newer version of the rule follows the reasoning found in the Idaho Supreme Court's holding in the Union Pacific case, 139 Idaho 572 (2004). Enacting this revised version of the rule would provide an interpretation and application of Section 63-3027, Idaho Code, that is consistent with the Idaho Supreme Court's interpretation and application of the statute.

Rule 750 is being amended to give guidance regarding the carryover period for the broadband tax credit. As a result of taxpayer inquiry, this version of the rule clarifies the broadband equipment tax credit and its allowable 14 year carryover period.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Cynthia Adrian, (208) 334-7670. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Tax Commission web site at the following web address: www.tax.idaho.gov.

All written comments must be directed to the undersigned and must be delivered on or before June 25, 2014. Comments may be submitted electronically via email to sherry.briscoe@tax.idaho.gov.

DATED this 19th day of May, 2014.

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