

## IDAPA 35 – IDAHO STATE TAX COMMISSION

### 35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1703

#### NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), 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(2), 63-3624(a), 63-3612(2)(g), 67-4718, and 67-4917C, Idaho Code.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking will be held as follows:

**Tuesday, July 18, 2017 – 2:00 p.m. MDT**

**Idaho State Tax Commission  
Room 1CR5 – 1st Floor  
800 Park Boulevard, Plaza IV  
Boise, ID 8372-7742**

It is likely that this rule will require further discussion in follow up meetings that will also be open to the public. Notification of any additional meetings will be posted on the Tax Commission's website at <http://tax.idaho.gov/i-1141.cfm?com=s> at least one week prior to the date of the meeting. All meeting agendas are also posted on the website which will contain specific information on the rules that will be discussed at a particular meeting. There is no guarantee that a particular rule will be discussed beyond the meeting noted above, so please plan accordingly.

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following:

Attend the scheduled meeting and participate in the discussion for any of the rules on the agenda. You may join the meeting by phone if you wish; however, notice must be given in advance so accommodations can be arranged.

Submit a written comment addressing one or more of the rules to be negotiated. All written comments must be received by July 31, 2017, or they may not receive consideration in the negotiated rulemaking process.

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

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

Rule 028 – HOTELS, MOTELS AND CAMPGROUNDS, this rule is being reviewed to determine whether it is necessary to include the terms introduced by HB 216, the Short-Term or Vacation Rental Act.

Rule 103 – HAND TOOL, COMPONENT, AND UNIT PRICE, this rule is being reviewed to determine whether it has become obsolete with the passage of the various bills removing the hand tool exemption. Hand tool have been exempt from production exemptions in various industries, and therefore taxable, since the sales and use tax laws were originally passed. The \$100 amount has never been adjusted and became more of a nuisance than it was worth.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking contact Tom Shaner at (208) 334-7518. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts,

can be found on the agency's web site at the following web address: <http://tax.idaho.gov/i-1141.cfm?com=s>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 31, 2017. Comments may be submitted via e-mail to [sherry.briscoe@tax.idaho.gov](mailto:sherry.briscoe@tax.idaho.gov).

DATED this 7th day of June, 2017

Tom Shaner  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd, Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7518  
Fax: (208)334-7846