

MINUTES
HOUSE REVENUE & TAXATION COMMITTEE

DATE: Thursday, January 09, 2020

TIME: 9:00 A.M.

PLACE: Room EW42

MEMBERS: Chairman Collins, Vice Chairman Stevenson, Representatives Moyle, Anderst, Chaney, Gestrin, Addis, Dixon, Furniss, Giddings, Nichols, Ricks, Kiska, Ellis, Mason (Nash), Necochea

**ABSENT/
EXCUSED:** Representative(s) Giddings

GUESTS: Tom Shaner, Tax Policy Manager, Idaho State Tax Commission (ISTC); Cynthia Adrian, Income Tax Policy Specialist, ISTC; Brody Aston, Westerberg Associates; Jay Shaw, OAR/DEM; Jack Lyman, IMHA; and Colby Cameron, Department of Financial Management.

Chairman Collins called the meeting to order at 9:03 a.m.

DOCKET NO. 35-0000-1900: **Tom Shaner**, Tax Policy Manager, ISTC, stated the ISTC review of the **Pending Omnibus Rule 35-0000-1900** eliminated obsolete, outdated and unnecessary language. Four chapters were eliminated or combined, with the Estate Transfer Tax Chapter, repealed in 2001, and The Illegal Drug Tax Stamp rules being completely deleted. Paragraphs showing addresses, duplicative language, public record request language and language already in statute and on the ISTC website were removed from each chapter. In Chapter 35.01.01 only one rule remained, so it was moved into Chapter 35.01.02.

Chairman Collins put the committee at ease.

Chairman Collins resumed the meeting at 9:30 a.m.

Mr. Shaner continued presenting **Pending Omnibus Rule 35-0000-1900** by stating additions of statutory authority and clarifying or consistency-conforming language changes were made in Rules 35.01.01.014, .015, .016, .017, .019, .021, .024, .036, .038, .031, .039, .040 and .041.

In response to committee questions on why Rule 35.01.01.010 was deleted, **Mr. Shaner** indicated it was because it repeated information in the statutes already. There were no changes made in definitions existing in statute and other areas of the rules, but changes made in 2019 legislation were not included. He clarified the standard was not to make substantive changes in the omnibus process, and actual changes went through the negotiated rule making process.

Mr. Shaner said Rule 35.01.02.011 took out "retail sale subject to tax on the total price paid by the buyer" and replaced it with "taxable " Rule 35.01.02.012 added a sentence defining who is a contractor. Rule 35.01.02.013 substituted the word "taxable" for the phrase "subject to tax use." Rule 35.01.02.018 took language from Rule 35.01.01.010 to define "retailer" to avoid duplication. Rule 35.01.02.020 explained requirements to collect and remit sales tax. Rules 35.01.02.022 and 027 changed the word "purchaser" to "buyer." Rule 35.01.02.28 added "or community center" to "Auditorium District Sales Tax."

In response to committee questions, **Mr. Shaner** said the new sections of statute referenced corrected oversights and were not new promulgation. He responded to further committee questions stating Rule 35.01.02.033 does not capture additional, new types of transactions by adding the words "purchase or lease." The change made the rule consistent with statute and various parts of the rules, which were written at various times and lacked consistency.

Mr. Shaner informed the committee, Rule 35.01.02.34 dealt with trading stamps or green stamps and was deleted because they no longer exist, and examples were removed from Rule 35.01.02.35. Rule 35.01.02.037 added a definition of aircraft. Rule 35.01.02.044 converted the last sentence in the first paragraphs to a numbered list and struck "mobile homes" because it did not belong.

Chairman Collins informed the committee that because of time constraints, **Pending Omnibus Rule 35-0000-1900** at Rule 35.01.02.45 would be carried over to the meeting of January 10, 2015 at 9:00 a.m.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 10:25 a.m.

Representative Collins
Chair

Lorrie Byerly
Secretary