

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**

# A Bill

**HOUSE BILL**

4 **By: Representatives Flanagin and Pollan**

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## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 26-18-303 TO PROVIDE FOR  
9 THE DISCLOSURE OF CERTAIN SALES AND USE TAX INFORMATION TO  
10 ADVERTISING AND PROMOTION COMMISSIONS; AND FOR OTHER  
11 PURPOSES."

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## **Subtitle**

14 "AN ACT TO PROVIDE FOR THE DISCLOSURE OF CERTAIN SALES AND  
15 USE TAX INFORMATION TO ADVERTISING AND PROMOTION  
16 COMMISSIONS."

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code 26-18-303(b) is hereby amended to read as  
21 follows:

22 "(b) The provisions against disclosures shall not apply to the  
23 following:

24 (1) Publication of statistics by the director classified to  
25 prevent the identification of a particular taxpayer;

26 (2) Use of the information in records filed under any state tax  
27 law by the director when conducting any audit or investigation of any taxpayer  
28 in regard to any state tax;

29 (3) Disclosure of information to the Attorney General of this  
30 state, any prosecuting attorney, or any other individual who is empowered by  
31 law to prosecute criminal and civil violations of any state tax law, when the  
32 director initiates the investigation. If the prosecution is initiated by the  
33 Attorney General or a prosecuting attorney, the director shall not disclose  
34 any information unless required by subpoena issued by a circuit court.

35 Information may be introduced as evidence by the Attorney General, a

1 prosecuting attorney, or other individual so empowered when they are  
2 prosecuting any civil or criminal violation of state tax law;

3           (4) Disclosure compelled by any Arkansas circuit or chancery  
4 court or the Arkansas Supreme Court or any United States federal court of  
5 information involved in any case of controversy before that court;

6           (5) Disclosure by the taxpayer or his authorized agent or by the  
7 director, at the taxpayer's request, of any information which the director has  
8 concerning that taxpayer;

9           (6) Disclosure by the director, at his discretion, of information  
10 from the records of any state tax law to comparable officials of any other  
11 state or the United States who are charged with the administration of a  
12 similar tax;

13           (7) Disclosure of motor vehicle titling and registration  
14 information and all licenses and permits issued to owners and operators of  
15 coin-operated amusement machines pursuant to §§26-57-402, 26-57-408 -  
16 26-57-421, and 26-77-303, and 26-57-303 - 26-57-306, 26-57-311, and 26-57-313;

17           (8) Disclosure of information other than income tax information  
18 at an administrative hearing held regarding the issuance, cancellation,  
19 revocation, or suspension of licenses or permits issued by the director or any  
20 other state agency or department;

21           (9) Disclosure to the Arkansas Student Loan Authority or the  
22 Student Loan Guarantee Foundation of Arkansas, the last known address or  
23 whereabouts or the last known employer of any person from whom these agencies  
24 are charged with collecting a student loan indebtedness. In providing such  
25 information, the director shall not allow the Arkansas Student Loan Authority  
26 or the Student Loan Guarantee Foundation of Arkansas to examine the tax  
27 return;

28           (10) In order to insure proper payment to vendors by all agencies  
29 of state government, information about the receipt or nonreceipt of sales tax  
30 permits by vendors must be made available by the director upon request by  
31 these agencies of state government. Therefore, notwithstanding any provision  
32 of this chapter or any other law to the contrary, in instances where state  
33 agencies, boards, commissions, and other branches of state government identify  
34 to the director the identity of vendors receiving payments and ask the  
35 director whether these vendors have been issued sales tax permits, the

1 director shall answer these inquiries.

2 (11) Disclosure of the name of any taxpayer and the amount of any  
3 tax credit, tax rebate, tax discount, or commission for the collection of a  
4 tax received by such taxpayer from the following tax incentive provisions:

5 (A) Discount for prompt payment, §26-52-503;

6 (B) Manufacturer's Investment Sales and Use Tax Credit,  
7 §§26-52-701 - 26-52-706;

8 (C) Steel Mill Tax Incentives, §§26-52-901 - 26-52-903 and  
9 §§ 15-4-1101 - 15-4-1104;

10 (D) Motor fuel shrinkage allowance, §26-55-230(a)(1)(F);

11 (E) Arkansas Enterprise Zone Act of 1989 [Expires June 30,  
12 1995], §§15-4-801 - 15-4-814;

13 (F) Commission for sale of stamps for cigarettes and the  
14 collection of cigarette taxes, §26-57-236(g);

15 (G) Motion Picture Incentive Act of 1983, §26-4-201 -  
16 26-4-213;

17 (H) Credit on severance tax of oil producer, §26-58-204;

18 (I) Credit on severance tax of gas producer, §26-58-205;

19 (J) Refund of motor fuel tax for agricultural purposes,  
20 §§26-55-301 - 26-55-321;

21 (K) Refund of motor fuel tax by municipal buses,  
22 §§26-55-401 - 26-55-408;

23 (L) Refund of distillate special fuel tax to interstate  
24 users, §26-56-214, 26-56-215;

25 (M) Credit against severance tax, for discovery of  
26 commercial oil pool, §15-72-706;

27 (N) Native wines - Subsidies, §§3-5-1001 - 3-5-1007;

28 (O) Native wines - Incentive grants, §§3-5-901 - 3-5-908;

29 (P) Native wines export incentives, §3-5-607;

30 (Q) Any other tax incentive program enacted after January  
31 1, 1991, which provides a tax credit, tax rebate, tax discount, or commission  
32 for the collection of a tax, with the exception of any such benefits under the  
33 income tax laws of this state. Provided, however, information which is subject  
34 to disclosure under the provisions of subdivision (b)(11) shall not be  
35 disclosed if such information would give advantage to competitors or bidders,

1 or such information is exempt from disclosure under any other provision of law  
2 which exempts specified information from disclosure under any such law;

3           (12) Disclosure of sales and use tax information to the  
4 Advertising and Promotion Commission of any city levying a tax on the gross  
5 receipts of hotels, motels, or restaurants under Arkansas Code 26-75-601  
6 through Arkansas Code 26-75-613, provided that the disclosure shall be limited  
7 to those businesses required to pay the tax under Arkansas Code 26-75-603 and  
8 shall be for the sole purpose of determining the accuracy of tax liability to  
9 the commission."

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11           SECTION 2. All provisions of this act of a general and permanent nature  
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
13 Revision Commission shall incorporate the same in the Code.

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15           SECTION 3. If any provision of this act or the application thereof to  
16 any person or circumstance is held invalid, such invalidity shall not affect  
17 other provisions or applications of the act which can be given effect without  
18 the invalid provision or application, and to this end the provisions of this  
19 act are declared to be severable.

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21           SECTION 4. All laws and parts of laws in conflict with this act are  
22 hereby repealed.

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