

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/14/03

A Bill

HOUSE BILL 2198

5 By: Representative Jacobs
6 By: Senator T. Smith
7
8

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE §§ 26-26-1604 AND
11 26-26-1614; TO GIVE THE DIRECTOR OF THE
12 DEPARTMENT OF FINANCE AND ADMINISTRATION THE
13 POWER TO RECOVER AND COLLECT DELINQUENT TAXES;
14 AND FOR OTHER PURPOSES.
15

Subtitle

16 TO GIVE THE DIRECTOR OF THE DEPARTMENT
17 OF FINANCE AND ADMINISTRATION THE POWER
18 TO RECOVER AND COLLECT DELINQUENT TAXES.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 *SECTION 1. Arkansas Code § 26-18-102, listing exceptions to the*
25 *Arkansas Tax Procedure Act, is amended by adding an additional subsection to*
26 *read as follows:*

27 (8) Ad valorem taxes collected pursuant to § 26-26-1614.
28

29 *SECTION 2. Arkansas Code § 26-26-1604 is amended to read as follows:*
30 *26-26-1604. Delinquency in filing statement.*

31 (a) Should any company fail to file on or before March 1, the complete
32 statement required of it by §§ 26-26-1602 and 26-26-1603 unless for good
33 cause shown, the time for making the return shall be extended for not more
34 than sixty (60) days; the Tax Division of the Arkansas Public Service
35 Commission shall advise the company in writing of the delinquency, and,
36 thereafter, should the company fail to file the statement before May 1, the



1 division shall immediately report the delinquency to the appropriate
2 commission, and should delinquency exist on May 31 of the assessment year,
3 the commission shall certify the delinquency to the ~~Attorney General~~ Director
4 of the Department of Finance and Administration.

5 (b)(1) The ~~Attorney General~~ Director of the Department of Finance and
6 Administration shall ~~may~~ recover from any delinquent company, by proper
7 action in the name of the state, a penalty of not to exceed one hundred
8 dollars (\$100) for each day's delinquency, beginning as of March 1 of the
9 assessment year.

10 (2) In the alternative, the ~~Attorney General~~ Director of the
11 Department of Finance and Administration may petition the commission for
12 revocation of the certificate or permit of authority issued to the delinquent
13 company to operate in the State of Arkansas.

14
15 *SECTION 3.* Arkansas Code § 26-26-1614 is amended to read as follows:
16 26-26-1614. Levy and collection of taxes.

17 (a)(1) The Tax Division of the Arkansas Public Service Commission,
18 having ascertained and fixed the taxable value of the tangible and intangible
19 property used or held for use in the operation of each intercounty bus line,
20 intercounty motor freight, airline, or water transportation company, as
21 required by law, shall levy and extend against each valuation the average
22 rate of ad valorem levy prevailing throughout this state for the assessment
23 year, whereupon the division shall, ten (10) days before due date, certify
24 the tax to the Director of the Department of Finance and Administration for
25 collection.

26 (2) The ~~director~~ Director of the Department of Finance and
27 Administration shall immediately forward, by first-class mail, to each
28 company against which a tax has been extended and so certified a notice
29 showing the assessed valuation, applicable rate of levy, the amount of tax
30 charged, and the due date thereof.

31 (b)(1) If the taxes are not paid on or before the date on which taxes
32 ad valorem or any part thereof on personal property become delinquent, the
33 ~~director~~ Director of the Department of Finance and Administration shall add a
34 penalty of ten percent (10%) and mail to each person, company, or corporation
35 so delinquent a statement of the tax and penalty.

36 (2)(A) If the tax and penalty are not paid on or before the date

1 on which county collectors are authorized to collect taxes by distraint, the
 2 ~~director~~ Director of the Department of Finance and Administration, in lieu of
 3 the ten percent (10%) penalty, shall add to the tax a penalty of twenty-five
 4 percent (25%) ~~and certify the tax and penalty to the Attorney General for~~
 5 ~~collection.~~

6 (B) The ~~director's~~ statement of tax and ten percent (10%)
 7 penalty from the Director of the Department of Finance and Administration
 8 shall warn that if the tax and penalty are not paid within the time stated,
 9 in lieu of the ten percent (10%) penalty, a penalty of twenty-five percent
 10 (25%) will be added, ~~and the tax and penalty shall be certified to the~~
 11 ~~Attorney General for collection.~~

12 (c)(1) For the purpose of collecting the taxes and penalties, the
 13 ~~director or the Attorney General~~ Director of the Department of Finance and
 14 Administration, in addition to the powers ~~in them~~ vested in him or her for
 15 the collection of taxes, shall have all the powers vested in county
 16 collectors for the purpose of collecting delinquent personal property taxes.

17 (2) The ~~Attorney General~~ Director of the Department of Finance
 18 and Administration may petition the commission for revocation of the
 19 certificate or permit of authority issued to the delinquent company to
 20 operate in the State of Arkansas.

21
 22 *SECTION 4. Arkansas Code § 26-26-1616(a)(1), concerning the*
 23 *disposition of certain property taxes, is amended to read as follows:*

24 (a)(1) All Except as provided in subsection (c) of this section, all
 25 taxes and penalties collected under the provisions of § 26-26-1614 shall be
 26 deposited in the State Treasury, as trust fund income, to the credit of the
 27 Ad Valorem Tax Fund.

28
 29 *SECTION 5. Arkansas Code § 26-26-1616, concerning the disposition of*
 30 *certain property taxes, is amended by adding an additional subsection to read*
 31 *as follows:*

32 (c)(1) The first one hundred thousand dollars (\$100,000) collected in
 33 taxes and penalties under § 26-26-1614 during each fiscal year shall be
 34 deposited to the State Treasury as nonrevenue receipts credited to the State
 35 Central Services Fund for use by the Revenue Division of the Department of
 36 Finance and Administration.

1 (2) No funds collected pursuant to § 26-26-1614 shall be withheld
2 by the state if those funds were collected under the authority of Amendment
3 74(b)(1) of the Arkansas Constitution.

4 /s/ Jacobs

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36