

1 INTERIM STUDY PROPOSAL 2021-024

2 State of Arkansas

As Engrossed: H4/8/21

3 93rd General Assembly

A Bill

4 Regular Session, 2021

HOUSE BILL 1873

5
6 By: Representatives Beaty Jr., McClure, Milligan

7 Filed with: House Committee on City, County, and Local Affairs
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE LAW CONCERNING THE
11 CONFIDENTIALITY OF TAX RECORDS UNDER THE ARKANSAS TAX
12 PROCEDURE ACT; TO AMEND THE REQUIREMENTS CONCERNING
13 THE TAX INFORMATION THAT SHALL BE PROVIDED TO A CITY
14 OR COUNTY BY THE DEPARTMENT OF FINANCE AND
15 ADMINISTRATION; AND FOR OTHER PURPOSES.

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18 **Subtitle**

19 TO AMEND THE REQUIREMENTS CONCERNING THE
20 TAX INFORMATION THAT SHALL BE PROVIDED TO
21 A CITY OR COUNTY BY THE DEPARTMENT OF
22 FINANCE AND ADMINISTRATION.

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

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27 SECTION 1. Arkansas Code § 26-18-303(h), concerning allowable
28 disclosures of tax records maintained by the Department of Finance and
29 Administration, is amended to read as follows:

30 *(h)(1) Upon the request of a county government or a city government,*
31 *the Secretary of the Department of Finance and Administration shall provide a*
32 *report that includes a list of vendors within the requesting county or city*
33 *who hold permits issued ~~pursuant to~~ under the Arkansas Gross Receipts Act of*
34 *1941, § 26-52-101 et seq.*

35 *(2) Requests made ~~pursuant to~~ under this subsection ~~must~~ may be*
36 *made at any time and shall be made in writing submitted electronically by an*

1 ~~official of the county government or city government prior to August 1 of the~~
2 ~~calendar year for which the list is requested.~~

3 ~~(3)(A) Lists provided pursuant to the provisions of this~~
4 ~~subsection will be made available following October 1 of the year requested~~
5 ~~and will be compiled from the list of all valid sales tax permit holders~~
6 ~~within the requesting county or city as of September 1 of the year requested.~~
7 The Department of Finance and Administration shall prepare and deliver a
8 report under subdivision (h)(1) of this section that contains a list of
9 vendors, the tax identification number for each vendor, and the total amount
10 of taxes collected under the Arkansas Gross Receipts Act of 1941, § 26-52-101
11 et seq., by each vendor within the requesting county or city for the year.

12 (B) A report prepared under this subsection shall be
13 delivered electronically.

14 ~~(4)(A) A reasonable fee based upon the number of permit holders~~
15 ~~within the requesting city or county may be charged for the permit search~~
16 ~~made and reported to the requesting county or city government.~~

17 ~~(B) Fees collected under the provisions of this subsection~~
18 ~~shall be deposited into the State Central Services Fund to be treated as a~~
19 ~~refund of expenditures to reimburse the department for the costs of providing~~
20 ~~the requested information. In order to receive a report under this~~
21 subsection, the city government or county government making the request shall
22 register for an account with the Arkansas Taxpayer Access Point, or its
23 successor portal.

24 (5) The Department of Finance and Administration shall not
25 discuss any details of a report prepared under this subsection with the city
26 government or county government making the request under this subsection or
27 with a third party.

28 (6) Information received by a city government or a county
29 government under this subsection shall remain confidential and is not subject
30 to disclosure except in accordance with this section.

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32 SECTION 2. EFFECTIVE DATE. Section 1 of this act is effective on and
33 after January 1, 2022.

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36 /s/Beaty Jr.

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Referred requested by the Arkansas House of Representatives
Prepared by: MBM/KFW