

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4 By: Representative Young

# A Bill

ACT 1001 OF 1997  
HOUSE BILL 1967

## For An Act To Be Entitled

"AN ACT TO PROVIDE A TAX PENALTY AMNESTY PROGRAM; AND FOR  
OTHER PURPOSES."

### Subtitle

"TO PROVIDE A TAX PENALTY AMNESTY  
PROGRAM."

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

SECTION 1. This Act shall be known as and may be cited as the "Arkansas Tax Penalty Amnesty Act of 1997".

SECTION 2. For the purposes of this Act, the following terms shall have the meanings ascribed to them in this Section:

(a) "Commissioner" means the Commissioner of Revenues, Department of Finance and Administration, State of Arkansas or his authorized agent.

(b) "Taxpayer" means any natural person, corporation or other entity subject to or liable for any State tax.

(c) "State Tax" means any tax, including any local tax, or any fee for a license, permit, or registration which is payable to, collected by or administered by the Division of Revenues, Department of Finance and Administration, State of Arkansas, except those taxes or fees specifically excluded from Arkansas Code § 26-18-101 et seq.

(d) "Account Receivable" means an amount of State tax, penalty or interest which has been recorded as due and entered in the account records of the Commissioner, or which the taxpayer should reasonably expect to become due as a direct or indirect result of any pending or completed audit or investigation which the taxpayer knows is being conducted by any governmental taxing authority (federal, state or local).

1       (e) "Voluntary Payment" means payment of any State tax which was  
2 required to be reported prior to January 1, 1997, which was not reported  
3 prior to the effective date of this Act, and which is not an Account  
4 Receivable. Provided, however, that "Voluntary Payment" shall not include  
5 payment of any State tax with respect to which a taxpayer is under criminal  
6 investigation, charge or prosecution. Provided, further, that "Voluntary  
7 Payment" shall not include payment of any State tax with respect to which the  
8 Commissioner has sent notice of proposed assessment to the taxpayer pursuant  
9 to Arkansas Code § 26-18-101 et seq.

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11       SECTION 3. The Commissioner shall administer a tax penalty amnesty  
12 program for taxpayers who make voluntary payment of State taxes during the  
13 period September 1, 1997 through November 30, 1997. Amnesty tax forms shall  
14 be developed and prescribed by the Commissioner and shall provide for specifi-  
15 cation by the taxpayer of the voluntary payment for which amnesty is being  
16 sought.

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18       SECTION 4. Upon written application by any taxpayer and voluntary  
19 payment by such taxpayer of all State taxes due from such taxpayer to the  
20 State of Arkansas, plus the interest due, such taxpayer shall not be subject  
21 to criminal prosecution nor shall any penalties be assessed with respect to  
22 the voluntary payment. Amnesty shall be granted only to taxpayers who apply  
23 for amnesty during the period September 1, 1997 through November 30, 1997 and  
24 who make payment of the tax due and the amount of interest due, as computed by  
25 the Commissioner, in not less than 12 months from the filing of the amnesty  
26 tax form and all other applicable tax forms. Failure to pay all State tax and  
27 interest due shall invalidate any amnesty granted pursuant to this Act.

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29       SECTION 5. The Commissioner is authorized to publicize the tax  
30 penalty amnesty program by means of any medium available to further public  
31 awareness of and participation in the program.

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33       SECTION 6. All provisions of this act of a general and permanent nature  
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
35 Revision Commission shall incorporate the same in the Code.

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1 SECTION 7. If any provision of this act or the application thereof to  
2 any person or circumstance is held invalid, such invalidity shall not affect  
3 other provisions or applications of the act which can be given effect without  
4 the invalid provision or application, and to this end the provisions of this  
5 act are declared to be severable.

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7 SECTION 8. All laws and parts of laws in conflict with this act are  
8 hereby repealed.

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10 SECTION 9. EMERGENCY. It is hereby found and determined by the General  
11 Assembly that the State of Arkansas is in great need of additional general  
12 revenues and that providing a tax penalty amnesty program will result in a  
13 substantial addition to the generation of such much needed general revenues.  
14 Therefore, an emergency is hereby declared to exist and this Act being  
15 necessary for the preservation of the public peace, health and safety shall be  
16 in full force and effect from and after its passage and approval.

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APPROVED:4-01-97

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