Stricken language would be deleted from and underlined language would be added to present law. Act 1401 of the Regular Session

1	State of Arkansas	As Engrossed: S4/16/13 $ m A~Bill$		
2	89th General Assembly	A DIII	GENTATE DILL 200	
3	Regular Session, 2013		SENATE BILL 298	
4	Dry Constan I Diamona			
5 6	By: Senator J. Dismang			
7		For An Act To Be Entitled	I	
8	AN ACT COM	AN ACT CONCERNING THE TAX TREATMENT OF UTILITIES FOR		
9	CERTAIN FACILITIES; TO CREATE AN EXEMPTION FROM THE			
10		SALES AND USE TAX FOR UTILITIES USED BY A GRAIN		
11	DRYING AND STORAGE FACILITY; AND FOR OTHER PURPOSES.			
12		ŕ		
13				
14	Subtitle			
15	TO CREATE AN EXEMPTION FROM THE SALES AND			
16	USE TAX FOR UTILITIES USED BY A GRAIN			
17	DRYING AND STORAGE FACILITY.			
18				
19				
20	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:			
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22	SECTION 1. Arkansas Code Title 26, Chapter 52, Subchapter 4, is			
23	amended to add an additional section to read as follows:			
24	26-52-446. Grain drying and storage facilities.			
25	(a) As used in this section "utility" means electricity, liquefied			
26	petroleum gas, and natural gas.			
27	(b)(1) The gross receipts or gross proceeds derived from the sale of a			
28	utility used by a grain drying and storage facility are exempt from the gross			
29	receipts tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101			
30	et seq., and the compensating use tax levied by the Arkansas Compensating Tax			
31	Act of 1949, § 26-53-101 et seq.			
32	(2) A utility sold for a purpose other than the purposes stated			
33	in subdivision (b)(l) of this section is subject to the full gross receipts			
34	•	tax levied by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.,		
35		ting use tax levied by the Arka	insas Compensating Tax Act	
36	of 1949, § 26-53-101 e	et seg.		

As Engrossed: S4/16/13 SB298

1	(c)(1) A utility subject to the exemption provided under this section		
2	shall be separately metered from a utility used for any other purpose by the		
3	taxpayer.		
4	(2) However, the rules promulgated under subsection (e) of this		
5	section may establish additional or alternate requirements for the metering		
6	of utilities under this section.		
7	(d) Before allowing the exemption of a utility under this section, the		
8	Director of the Department of Finance and Administration may require a seller		
9	of a utility to obtain a certificate from the taxpayer, in the form		
10	prescribed by the director, certifying that the taxpayer is eligible for the		
11	exemption.		
12	(e) The director shall promulgate rules for the proper administration		
13	of this section.		
14			
15	SECTION 2. <u>EFFECTIVE DATE</u> . Section 1 of this act is effective on and		
16	<u>after July 1, 2014.</u>		
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18	/s/J. Dismang		
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21	APPROVED: 04/22/2013		
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