For An Act To Be Entitled

AN ACT TO KEEP ARKANSAS COMPETITIVE BY PROMOTING FUNDING FOR ECONOMIC DEVELOPMENT PROJECTS; TO AUTHORIZE THE LEVY OF LOCAL SALES AND USE TAXES TO FUND ECONOMIC DEVELOPMENT PROJECTS; AND FOR OTHER PURPOSES.

Subtitle

TO KEEP ARKANSAS COMPETITIVE BY PROMOTING FUNDING FOR ECONOMIC DEVELOPMENT PROJECTS AND TO AUTHORIZE THE LEVY OF LOCAL SALES AND USE TAXES TO FUND ECONOMIC DEVELOPMENT PROJECTS.

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

SECTION 1. Arkansas Code Title 26 is amended to add an additional chapter to read as follows:

Chapter 82 – Local Sales and Use Tax Economic Development Project Funding Act

26-82-101. Title.

This chapter shall be known as the “Local Sales and Use Tax Economic Development Project Funding Act”.

26-82-102. Definitions.

As used in this chapter:

(1) “Calendar quarter” means a three-month period that begins on
January 1, April 1, July 1, or October 1;

(2) “City” means any city of the first class, city of the second class, or incorporated town of the state;

(3) “Develop” means to plan, design, construct, acquire by purchase, acquire by eminent domain, own, operate, rehabilitate, lease as lessor or lessee, enter into lease-purchase agreements with respect to, lend, make grants in respect of, or install or equip any lands, buildings, improvements, machinery, equipment, or other properties of whatever nature, whether real property, personal property, or mixed property;

(4) “Economic development project” means infrastructure, land, buildings, and other improvements on the land and all other machinery, apparatus, equipment, office facilities, and furnishings that are necessary, suitable, or useful by a sponsor that meets at least three (3) of the following criteria:

(A) The sponsor makes an investment of at least ten million dollars ($10,000,000) in the project;

(B) The economic development project creates at least fifty (50) new jobs;

(C) The sponsor pays wages to new full-time permanent employees in excess of one hundred and ten percent (110%) of the lesser of the state average wage or county average wage for the preceding calendar year;

(D) The economic development project is related to a targeted industry as identified in a local, regional, or state strategic plan for economic development;

(E) The economic development project has a benefit-to-cost ratio greater than two (2) as determined by the Arkansas Economic Development Commission;

(F) The economic development project receives at least a three-fourths (3/4) vote of support from the city council or quorum court; or

(G) The sponsor signs a financial incentive agreement with the Arkansas Economic Development Commission;

(5) “Infrastructure” means:

(A) Land acquisition;

(B) Site preparation;

(C) Road and highway improvements;
(D) Rail spur construction;
(E) Water service;
(F) Wastewater treatment;
(G) Employee training, including without limitation equipment used for the training;
(H) Environmental mitigation;
(I) Training and research facilities and the necessary equipment for the training and research facilities; and
(J) Sponsor-owned electric equipment, including without limitation redundant transformers, redundant service lines, backup generation devices, substation equipment, and similar electric equipment that is owned by a sponsor.

(6)(A) “Investment” means money expended by a sponsor on project costs directly related to an economic development project.

(B) “Investment” does not include amounts expended in aid of an economic development project by the state or by a local entity;

(7) “Levying entity” means a city or a county levying a local sales and use tax under this chapter;

(8) “Local entity” means a nonprofit corporation, county, city, improvement district, or school district in the state or an agency or instrumentality of a nonprofit corporation, county, city, improvement district, or school district;

(9) “Local sales and use tax” means a tax levied under this chapter on the gross proceeds or gross receipts derived from sales within a city or county of all items that are subject to taxation under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., or the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.;

(10) “New full-time permanent employee” means a position or job expected to be held by the employee or employees for at least twenty-six (26) consecutive weeks with an average of at least thirty (30) hours of work per week;

(11) “New job” means a position for a new full-time permanent employee created at an economic development project;

(12)(A) “Project costs” means costs associated with the:

(i) Construction of a new plant or facility, including without limitation land, building, production equipment, or support
infrastructure;

(ii) Expansion of an established plant or facility by adding to the building, production equipment, or support infrastructure; or

(iii) Modernization of an established plant or facility through the replacement of production or processing equipment or support infrastructure that improves efficiency or productivity.

(B) “Project costs” does not include:

(i) Expenditures for routine repair and maintenance that do not result in new construction or expansion;

(ii) Routine operating expenditures;

(iii) Expenditures incurred at multiple facilities; or

(iv) The purchase or acquisition of an existing business unless:

(a) There is sufficient documentation that the existing business was closed; and

(b) The purchase of the existing business will result in the retention of the jobs that would have been lost due to the closure; and

(13) “Sponsor” means a sole proprietor, partnership, corporation, limited liability company, or association taxable as a business entity, a non-profit corporation, or a combination of these entities.

26-82-103. Authority to levy tax.

(a)(1) The governing body of a city or county may adopt an ordinance levying a local sales and use tax in the amount of one-eighth of one percent (0.125%), one-fourth of one percent (0.25%), one-half of one percent (0.5%), three-fourths of one percent (0.75%), one percent (1%), or any combination of these amounts to pay project costs of an economic development project located within the levying entity or near the levying entity if still located within the state.

(2)(A) The ordinance may levy multiple local sales and use taxes.

(B) However, there shall not be in effect at any one (1) time local sales and use taxes levied under this chapter at an aggregate rate
greater than one percent (1%).

(b) A certified copy of the ordinance authorizing the levy of a local sales and use tax shall be provided to the Director of the Department of Finance and Administration as soon as practicable after the adoption of the ordinance.

(c) The local entity shall:

(A) Determine the maximum amount of revenue to be generated by each local sales and use tax levied under this chapter; and

(B) State in the levying ordinance the maximum amount of revenue to be generated by each local sales and use tax levied under this chapter.

(d)(1) The local sales and use tax levied under this chapter shall expire when the maximum amount of revenue determined under subdivision (c)(1) of this section has been collected as determined under this subsection (d).

(2)(A) Except as other provided in § 26-82-106, to provide for the accomplishment of the administrative duties of the director, the local sales and use tax shall terminate on the first day of the calendar quarter after the expiration of ninety (90) days from the date there is filed with the director a written statement signed by the chief executive officer of the city or county levying the local sales and use tax and identifying the local sales and use tax to be terminated.

(B) In the statement described in subdivision (d)(2)(A) of this section, the city or county levying the local sales and use tax shall certify that it has received the maximum amount of revenue stated in the levying ordinance.

(3) The chief executive officer of the city or county shall file the certification required under this subsection (d) not later than thirty (30) days after the receipt of the maximum amount of revenue stated in the levying ordinance.

(4) Upon the termination of a local sales and use tax under this subsection (d), any surplus tax collections that may have accumulated from the local sales and use tax shall be transferred to the general fund of the city or county.

26-82-104. Election.

(a)(1) Within thirty (30) days following the adoption of an ordinance
levying a local sales and use tax under this chapter, the levying entity by
ordinance shall provide for the calling of a special election on the question
of whether to levy the local sales and use tax under §§ 7-11-201–7-11-205.

(2) The date for the special election may be the same as the
date for the next regular municipal election or county election.

(3) The governing body of the levying entity shall:
(A) Notify the county board of election commissioners that
the question has been referred to the vote of the people; and
(B) Submit a copy of the ballot title to the county board
of election commissioners.

(4) The election shall be conducted in the manner provided by
law for all other municipal and county elections unless otherwise provided in
this chapter.

(b)(1) Except as otherwise provided in this subsection, the ballot
title to be used at the election shall be in substantially the following
form:

“[ ] FOR adoption of a . . . percent (. . . %) local sales and
use tax within . . . . . . . . . . . . (name of local entity) for economic
development projects not to exceed $ . . . (maximum amount of revenue to be
generated) to be terminated on the first day of the calendar quarter
following the expiration of ninety (90) days after . . . . . . . . . . . .
(name of local entity) certifies it has received $ . . . (maximum amount of
revenue to be generated).”

“[ ] AGAINST adoption of a . . . percent (. . . %) local sales
and use tax within . . . . . . . . . . . . (name of local entity) for
economic development projects not to exceed $ . . . (maximum amount of
revenue to be generated) to be terminated on the first day of the calendar
quarter following the expiration of ninety (90) days after . . . . . . . .
. . . (name of local entity) certifies it has received $ . . . (maximum
amount of revenue to be generated).”

(2)(A) The ordinance levying the local sales and use tax may
contain an expiration date.

(B) If the ordinance contains an expiration date under
subdivision (b)(2)(A) of this section, the ballot title shall include the
expiration date for the levy of the tax.

(C) If the ordinance is adopted in the form described in
this subsection, the local sales and use tax shall cease to be levied on the
date stated on the ballot.

(D) The expiration date shall be the last day of a
calendar quarter.

(E) An expiration date included under this subsection does
not extend the effective period of the local sales and use tax beyond the
expiration date provided under § 26-82-103.

(3)(A)(i) Except as provided in § 26-82-103, the governing body
of the levying entity may refer to the voters a change in the expiration date
for the local sales and use tax approved by the voters to extend the levy of
the local sales and use tax beyond the expiration date previously approved.

(ii) The proposed expiration date shall be the last
day of a calendar quarter.

(B) If the governing body of the levying entity refers to the
voters a change in the expiration date for a local existing sales and use tax
levied under this chapter, the governing body shall:

(i) Notify the county board of election
commissioners that the measure has been referred to the voters; and

(ii) Submit a copy of the ballot title to the county
board of election commissioners.

(C)(i) An election to change the expiration date for a
sales and use tax levied under this chapter shall be conducted in the manner
provided by law for all other municipal and county elections.

(ii) The results of the election under this
subsection shall be certified, proclaimed, and subject to challenge under §
26-82-105.

(D)(i) To extend the local sales and use tax levied under
this chapter to a new expiration date, the levying entity shall notify the
Director of the Department of Finance and Administration of the new
expiration date approved by the voters:

(a) After publication of the proclamation has
occurred; and

(b) At least ninety (90) days before the
current expiration date of the local sales and use tax.

(ii) The local sales and use tax extended under this
subdivision (b)(3) shall continue to be levied until the new expiration date.
(E)(i) If the voters do not approve a change in the expiration date for the local sales and use tax levied under this chapter, the local sales and use tax shall continue to be collected until the expiration date previously approved by the voters.

(ii) However, the expiration date shall not be extended beyond the expiration date provided under § 26-82-103.

(F) An election to change the expiration date for a local sales and use tax levied under this chapter is not an election on the levy of the sales and use tax.

26-82-105. Requirements — Effective dates.
To provide time to prepare for an election required under this chapter and to provide time for the Director of the Department of Finance and Administration to accomplish his or her duties, the following requirements apply to an ordinance levying a local sales and use tax under this chapter:

(1)(A) The ordinance levying the local sales and use tax under this chapter is not effective until after the election under § 26-82-104 has been held.

(B)(i) Following the election, the mayor or the county judge of the levying entity shall issue his or her proclamation of the results of the election with reference to the local sales and use tax.

(ii) The proclamation described in subdivision (1)(B)(i) of this section shall be published one (1) time in a newspaper having general circulation within the levying entity.

(C) A person desiring to challenge the results of an election as published in the proclamation shall file the challenge in the circuit court of the county in which the levying entity is located within thirty (30) days of the date of publication of the proclamation;

(2) The local sales and use tax shall not go into effect until the governing body of the levying entity has adopted a written plan stating the following:

(A) A description of the economic development project to be financed by the revenues from the local sales and use tax;

(B) A description of the economic impact and the cost-benefit analysis of the proposed economic development project;

(C) An estimate of the amount of revenue from the local
sales and use tax necessary to defray costs for the economic development project and a budget of the costs;

(D)(i) A certification by the mayor or county judge of the levying entity that each economic development project to benefit from the expenditure of the revenues from the local sales and use tax consists of an investment in the region that satisfies at least three (3) of the criteria in § 26-82-102(4).

(ii) The certification described in subdivision (2)(D)(i) of this section shall state with specificity which criteria under § 26-82-102(4) the economic development project satisfies; and

(E) A tentative time schedule stating the period of time during which the sum requested is to be expended;

(3)(A) As directed by the governing body of the levying entity and after the written plan has been approved by the governing body of the levying entity under subdivision (2) of this section, the mayor or county judge of the levying entity shall notify the director of the rate change:

(i) After publication of the proclamation has occurred; and

(ii)(a) Ninety (90) days before the effective date of the local sales and use tax.

(b) The effective date of the local sales and use tax shall be the first day of a calendar quarter.

(B) The ordinance shall become effective no earlier than the first day of the calendar quarter after the:

(i) Director gives to sellers a minimum notice period of sixty (60) days; and

(ii) Expiration of the full thirty-day period of challenge under subdivision (1) of this section.

(C) The rate change on a purchase from a printed catalog in which the purchaser computed the tax based upon local tax rates published in the catalog are effective on the first day of a calendar quarter after a minimum of one hundred twenty (120) days’ notice by the director to the sellers; and

(4) If an election contest occurs under subdivision (1) of this section, the local sales and use tax shall be collected under this chapter unless enjoined by a court order.
26-82-106. Abolition of tax.

(a)(1) Except under subsection (b) of this section, the levying entity may abolish all or a portion of the local sales and use tax authorized under this chapter by:

   (A) A roll call vote of two-thirds (2/3) of all members elected to the governing body of the levying entity, excluding the mayor and county judge, if the governing body of the levying entity has determined that the purposes of the local sales and use tax cannot be fulfilled or cannot continue to be fulfilled; or

   (B) An election called by:

      (i) Action of the governing body of the levying entity; or

      (ii) A petition of the qualified voters in the levying entity.

(2) A petition of the qualified voters and the calling and holding of an election concerning the abolition of the local sales and use tax under this subsection are governed by the initiative procedures in Arkansas Constitution, Article 5, § 1, and any ordinances of the levying entity governing initiative procedures.

(3) The governing body of the levying entity may call for an election under this subsection subject to the same procedures stated in this chapter for the calling of the initial election.

(4)(A) The ballot title for use in an election under this subsection shall be in substantially the following form:

      "[ ] FOR abolition of the . . . percent (. . . %) local sales and use tax within . . . . . . . . . . . . (name of local entity) for economic development projects."

      "[ ] AGAINST abolition of the . . . percent (. . . %) local sales and use tax within . . . . . . . . . . . . (name of local entity) for economic development projects."

(B) However, a ballot title that contains a question for qualified voters on whether to continue the levy of a local sales and use tax complies with this subdivision (a)(4).

(b)(1) In a levying entity in which a local sales and use tax has been adopted under this chapter and all or a portion is pledged to secure the
payment of bonds, the portion of the local sales and use tax pledged to the payment of bonds shall not be repealed, abolished, or reduced while the bonds are outstanding.

(2) The bonds are not outstanding to the extent that sufficient tax revenues have been set aside to pay the bonds when due.

(c) The effective date of an affirmative vote of the qualified voters to abolish the local sales and use tax under subsection (a) of this section shall be the first day of the calendar quarter after the expiration of ninety (90) days from the date of publication of the election proclamation.

(d)(1) The effective date of an affirmative vote by the governing body of the levying entity to abolish the local sales and use tax under subsection (a) of this section shall be on the first day of the calendar quarter after the expiration of ninety (90) days from the date a written statement signed by the mayor or county judge of the levying entity abolishing the tax is filed with the Director of the Department of Finance and Administration certifying that the governing body of the levying entity has adopted an ordinance abolishing the local sales and use tax.

(2) A copy of the ordinance abolishing the local sales and use tax shall be attached to the certificate.

26-82-107. Notice of adoption or abolition of tax.

No later than ten (10) days following each of the events stated in the ordinance with reference to the procedure for the adoption or abolition of the local sales and use tax and the effective dates of the action under this chapter, the clerk of the levying entity shall notify the Director of the Department of Finance and Administration of the event.


(a)(1)(A) In each levying entity in which a local sales and use tax has been levied under this chapter, each seller shall add the tax imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and the tax imposed under this chapter to the sale price of the product or service, and when added, the combined tax shall:

(i) Constitute a part of the price;

(ii) Be a debt of the purchaser to the seller until
paid; and

(iii) Be recoverable at law in the same manner as the purchase price.

(B) When the sale price in the levying entity involves a fraction of a dollar, the two (2) combined taxes shall be added to the sale price.

(C) A seller is entitled to the same discount with respect to tax remitted under this chapter as is authorized for the collection and remission of gross receipts taxes to the state under § 26-52-503.

(2) If the General Assembly or the electors of the state increase or decrease the rate of the state gross receipts tax, the combined rate of the state gross receipts tax and the sales and use tax by the levying entity shall be the sum of the two (2) rates.

(b) The local sales and use tax levied under this chapter on new and used motor vehicles shall be collected by the Director of the Department of Finance and Administration directly from the purchaser under § 26-52-510.

26-82-109. Administration of tax.

(a) On and after the effective date of a local sales and use tax imposed under this chapter, the Director of the Department of Finance and Administration shall perform all functions incidental to the administration, collection, enforcement, and operation of the tax.

(b) In addition to the state gross receipts tax and compensating tax, the director shall collect the additional tax under this chapter on the receipts from the sale at retail or on the sale price or lease or rental price on the storage, use, distribution, or other consumption of all taxable items and services subject to the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., and the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.

(c) (1) The local sales and use tax imposed under this chapter and the tax imposed under the gross receipts tax and compensating tax shall be collected together and reported upon the forms and under the administrative rules that are prescribed by the director and that are not inconsistent with this chapter.

(2) Each vendor who is liable for one (1) or more sales or use taxes levied under this chapter, the Arkansas Gross Receipts Act of 1941, §
26-52-101 et seq., and the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., shall report a combined city and county sales tax and a combined city and county use tax on his or her sales and use tax report.

(3) The combined city sales tax or county sales tax is equal to the sum of all sales taxes levied by a city or county under this chapter and the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.

(4) The combined city or county use tax is equal to the sum of all use taxes levied by a city or county under this chapter and the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.

(5) This subsection applies only to a tax collected by the director.

(d) On and after the effective date of an ordinance to abolish a local sales and use tax in any levying entity, the director shall comply with the ordinance under this chapter.

26-82-110. Applicability of tax.

(a) A local sales and use tax levied under this chapter applies to sales of items and services sold by a business and shall be administered under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., and the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.

(b) When a direct pay permit holder purchases tangible personal property or taxable services either from an Arkansas vendor or an out-of-state vendor for use, storage, consumption, or distribution in Arkansas, the permit holder shall accrue and remit the local sales and use tax, if any, under the sourcing rules in §§ 26-52-521 and 26-52-522.

26-82-111. Disposition of funds.

(a)(1)(A) The Treasurer of State shall transmit to the treasurer or financial officer of each levying entity the levying entity’s share of local sales and use taxes collected under this chapter.

(B) Transmittals required under this chapter shall be made at least monthly in each state fiscal year.

(C) Funds transmitted under this chapter may be used by the levying entity for any purpose authorized under this chapter.

(2) Before transmitting the funds, the Treasurer of State shall deduct three percent (3%) of the sum collected from each levying entity
during the period as a charge by the state for its services specified in this
chapter, and the amount deducted shall be deposited by the Treasurer of State
to the credit of the account of the Constitutional Officers Fund and the
State Central Services Fund.

(b)(1)(A) The Treasurer of State may retain in the suspense account of
any levying entity a portion of the levying entity’s share of the local sales
and use tax collected under this chapter.

(B) A balance retained in the suspense account shall not
exceed five percent (5%) of the amount remitted to the levying entity.

(2) The Treasurer of State may make refunds from the suspense
account of any levying entity:

(A) For overpayments made to the account after the refunds
have been approved by the Director of the Department of Finance and
Administration; and

(B) To redeem dishonored checks and drafts deposited to
the credit of the suspense account of the levying entity.

(c)(1) When any city or county adopts a local sales and use tax and
then abolishes the tax, the Treasurer of State shall retain in the suspense
account of the levying entity for a period of one (1) year five percent (5%)
of the final remittance to the levying entity at the time of termination of
collection of the tax within the levying entity to cover possible refunds for
overpayment of the tax and to redeem dishonored checks and drafts deposited
to the credit of the account.

(2)(A) After one (1) year has elapsed after the effective date
of abolishment of the local sales and use tax, the Treasurer of State shall:

(i) Remit the balance of the account to the levying
entity; and

(ii) Close the account.

(B) A refund shall not be allowed after the one-year
period under subdivision (c)(2)(A) has lapsed and the account is closed.

26-82-112. Enforcement and penalties.

(a) The procedures and penalties used by the Director of the
Department of Finance and Administration in enforcing a local sales and use
tax imposed under this chapter shall be the same as for the state gross
receipts tax and compensating tax unless otherwise provided in this chapter.
(b)(1) When property is seized by the director under any statute authorizing seizure of property of a taxpayer who is delinquent in payment of the taxes imposed by the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., or the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq., and when the taxpayer is also delinquent in payment of any tax imposed under this chapter, the director shall sell sufficient property to pay the delinquent taxes and penalties due to any levying entity under this chapter in addition to the amount required to pay any taxes due to the state under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., or the Arkansas Compensating Tax Act of 1949, § 26-53-101 et seq.

(2) The proceeds of a sale under subdivision (b)(1) of this section shall be applied first to all sums due to the state, and the remainder, if any, shall be applied to all sums due to the levying entity.

26-82-113. Trust funds—Administration.
(a)(1)(A) Money reported as local sales and use taxes that was collected in local taxing jurisdictions that is not immediately identifiable and money collected in local jurisdictions that have no tax shall be deposited into the Identification Pending Trust Fund for Local Sales and Use Taxes.

(B) When a local tax jurisdiction is identified for money that has been deposited into the Identification Pending Trust Fund for Local Sales and Use Taxes, the money shall be transferred to the Local Sales and Use Tax Trust Fund.

(C) If the total amount in the Identification Pending Trust Fund for Local Sales and Use Taxes exceeds fifty thousand dollars ($50,000), the Treasurer of State shall transfer any amount in excess of fifty thousand dollars ($50,000) to general revenues.

(2)(A)(i) Money reported as local sales and use taxes that was collected by an out-of-state vendor and that is not identifiable shall be deposited into the Identification Pending Trust Fund for Local Sales and Use Taxes.

(ii) Any funds deposited under subdivision (a)(2)(A) of this section shall not be included for computation of transfer to general revenue in subdivision (a)(1) of this section.

(B) The Treasurer of State shall distribute unidentified
local sales and use taxes collected by out-of-state vendors to the county
treasurers and city treasurers as determined by their proportionate share of
distribution from the Local Sales and Use Tax Trust Fund on a monthly basis.

(b)(1) The Treasurer of State shall review the flow of moneys through
the Local Sales and Use Tax Trust Fund in the state treasury for the purpose
of estimating the amount of the moneys that may be surplus to the immediate
requirements of the Local Sales and Use Tax Trust Fund.

(2)(A) After making an estimate under subdivision (b)(1) of this
section, the Treasurer of State shall invest the estimated surplus amount in
certificates of deposit issued by any financial institution located in the
state.

(B) All interest income derived from the certificates of
deposit shall be credited as trust fund income to the Local Sales and Use Tax
Trust Fund.

(3) The Treasurer of State shall transmit monthly to the county
treasurers and city treasurers their proportionate share of the interest
derived from the investment of the Local Sales and Use Tax Trust Fund under
this subsection.

26-82-114. Effect of change in city boundaries.
If a city in which a local sales and use tax has been imposed under
this chapter changes or alters its boundaries, a tax imposed under this
chapter shall be effective in the added territory or abolished in the
detached territory on the first day of the first calendar month following the
expiration of thirty (30) days from the date that the annexation or
detachment becomes effective.

(a) A sales and use tax levied under this chapter shall be levied and
collected only on the first two thousand five hundred dollars ($2,500) of
gross receipts, gross proceeds, or sales price on the sale of:

(1) Motor vehicles;
(2) Aircraft;
(3) Watercraft;
(4) Modular homes;
(5) Manufactured homes; or
(6) Mobile homes.

(b)(1)(A) For a taxpayer not subject to the levy of a use tax on taxable services or tangible personal property brought into the state for storage until the property is subsequently initially used in the state, the use tax portion of the local sales and use tax authorized under this chapter shall be computed on each purchase of the property by the taxpayer as if all the property was subject upon purchase to the use tax.

(B) However, the use tax portion of the local sales and use tax authorized under this chapter shall be computed only on the first two thousand five hundred dollars ($2,500) of gross receipts, gross proceeds, or sales price on the sale of:

(i) Motor vehicles;
(ii) Aircraft;
(iii) Watercraft;
(iv) Modular homes;
(v) Manufactured homes; or
(vi) Mobile homes.

(2) The taxes computed under subdivision (b)(1) shall be aggregated on a monthly basis, and the aggregate monthly amount shall be divided by the sum of the total purchases of the property on which the taxes are computed, and the quotient shall be multiplied by the amount of the taxpayer's property subsequently initially used and subject to levy of the use tax within the city or county during the month for which the monthly aggregate tax figure was computed, and the product shall be the amount of the use tax liability for the taxpayer for the month computed.


Vendors collecting, reporting, and remitting sales and use taxes levied under this chapter shall collect, report, and pay the sales and use taxes in the same manner and at the same time as is prescribed by law for the collection, reporting, and payment of other local sales and use taxes.

26-82-117. Capital improvement bonds.

(a) All or a specific portion of the local sales and use tax under this chapter may be pledged to bonds issued under §§ 14-164-301-14-164-340.

(b) If pledged under §§ 14-164-301-14-164-340, §§ 14-164-337 and 14-
164-339 apply to the disposition of the revenues from local sales and use tax
so pledged.

(c) The local sales and use tax may not be repealed, abolished, or
reduced while any bonds secured by a pledge of the local sales and use tax
are outstanding.

26-82-118. No effect on existing taxes.

The imposition of a local sales and use tax under this subchapter does
not affect any existing local sales and use taxes levied by a city or county
for economic development purposes.

26-82-119. Rules.

The Director of the Department of Finance and Administration may
promulgate reasonable rules to implement the enforcement, administration, and
collection of the taxes authorized in this chapter.

SECTION 2. Arkansas Code § 14-164-336(c), concerning the Local Sales
and Use Tax Trust Fund, is amended to read as follows:

(c) The Treasurer of State shall transmit monthly to the treasurer of
the municipality or county, as the case may be, or in the alternative, to a
bank or other depository designated by the municipality or county, the moneys
of the municipality or county held in the Local Sales and Use Tax Trust Fund
established by this subchapter, subject to the charges payable and retainage
authorized by §§ 26-74-201 – 26-74-219, § 26-74-221, §§ 26-74-315 – 26-74-
317, §§ 26-75-201 – 26-75-221, § 26-75-223, § 26-75-317, and § 26-75-318, and
the Local Sales and Use Tax Economic Development Project Funding Act, § 26-
82-101 et seq.

SECTION 3. Arkansas Code § 14-164-337(f)(3), concerning the pledge of
preexisting sales and use tax to the retirement of bonds, is amended to read
as follows:

(3) The Treasurer of State shall transmit monthly to the
treasurer of the municipality or county, as the case may be, or, in the
alternative, to a bank or other depository designated by the municipality or
county, the moneys of the municipality or county held in the Local Sales and
Use Tax Trust Fund established by this subchapter, subject to the charges

SECTION 4. Arkansas Code § 14-164-338(c) and (d), concerning an alternative to the issuance of capital improvement bonds, is amended to read as follows:

(c) The provisions of this section shall not preclude or affect the ability of a municipality or county to levy a sales and use tax beyond the twenty-four-month period, unless so restricted on the ballot, or for less than the twenty-four-month period, if stated on the ballot, under §§ 26-74-201 – 26-74-223, §§ 26-74-301 – 26-74-319, §§ 26-75-201 – 26-75-223, and §§ 26-75-301 – 26-75-318, and the Local Sales and Use Tax Economic Development Project Funding Act, § 26-82-101 et seq. and use all or a portion of the proceeds thereof to finance capital improvements of a public nature, with or without issuing bonds and with or without an election approving the use of the tax collections for capital improvements.

(d) The purpose of this subsection is to clarify that this section does not preclude or affect the ability of a municipality or county to levy taxes for twenty-four (24) months only under §§ 26-74-201 – 26-74-223, §§ 26-74-301 – 26-74-319, §§ 26-75-201 – 26-75-223, and §§ 26-75-301 – 26-75-318, and the Local Sales and Use Tax Economic Development Project Funding Act, § 26-82-101 et seq. and use the proceeds thereof to finance capital improvements, and the General Assembly hereby finds and determines that §§ 26-74-201 – 26-74-223, §§ 26-74-301 – 26-74-319, §§ 26-75-201 – 26-75-223, and §§ 26-75-301 – 26-75-318, and the Local Sales and Use Tax Economic Development Project Funding Act, § 26-82-101 et seq., each provide for the levy of up to a one percent (1%) sales and use tax and the use thereof for any purpose for which the general funds of the municipality or county may be used unless restricted on the ballot to a specified purpose.

SECTION 5. Arkansas Code § 14-164-339(e)(3), concerning the pledge of preexisting sales and use tax to the retirement of bonds, is amended to read
as follows:

(3) The Treasurer of State shall transmit monthly to the treasurer of the municipality or county, as the case may be, or in the alternative, to a bank or other depository designated by the municipality or county, the moneys of the municipality or county held in the Local Sales and Use Tax Trust Fund established by this subchapter, subject to the charges payable and retainage authorized by §§ 26-74-201 – 26-74-219, § 26-74-221, §§ 26-74-315 – 26-74-317, § 26-74-409, § 26-74-413, §§ 26-75-201 – 26-75-221, § 26-75-223, § 26-75-317, and §§ 26-75-318, and the Local Sales and Use Tax Economic Development Project Funding Act, § 26-82-101 et seq.

SECTION 6. Arkansas Code § 14-164-340(d) and (e)(1), concerning an alternative to the issuance of capital improvement bonds for criminal justice purposes, is amended to read as follows:

(d) The provisions of this section shall not preclude or affect the ability of a municipality or county to levy a sales and use tax beyond the thirty-six-month period, unless so restricted on the ballot, or for less than the thirty-six-month period, if stated on the ballot, under §§ 26-74-201 – 26-74-223, §§ 26-74-301 – 26-74-319, §§ 26-75-201 – 26-75-223, and §§ 26-75-301 – 26-75-318, and the Local Sales and Use Tax Economic Development Project Funding Act, § 26-82-101 et seq., and use all or a portion of the proceeds thereof to finance capital improvements for criminal justice purposes, with or without issuing bonds and with or without an election approving the use of the tax collections for capital improvements.

(e)(1) This section shall not limit the authority of municipalities and counties to levy taxes for thirty-six (36) months or less only under §§ 26-74-201 – 26-74-223, §§ 26-74-301 – 26-74-319, §§ 26-75-201 – 26-75-223, and §§ 26-75-301 – 26-75-318, and the Local Sales and Use Tax Economic Development Project Funding Act, § 26-82-101 et seq., and use the proceeds thereof to finance capital improvements, and the General Assembly hereby finds and determines that §§ 26-74-201 – 26-74-223, §§ 26-74-301 – 26-74-319, §§ 26-75-201 – 26-75-223, and §§ 26-75-301 – 26-75-318, and the Local Sales and Use Tax Economic Development Project Funding Act, § 26-82-101 et seq., each provide for the levy of up to a one percent (1%) sales and use tax and the use thereof for any purpose for which the general funds of the municipality or county may be used unless restricted on the ballot to a
specified purpose.

SECTION 7. Arkansas Code § 19-5-957(b), concerning the Identification Pending Trust Fund for Local Sales and Use Taxes, is amended to read as follows:

(b) The fund shall consist of money reported as local sales and use taxes collected in local taxing jurisdictions which are not immediately identifiable and money collected in local jurisdictions that have no tax, there and the money in the fund is to be used for transfers to the Local Sales and Use Tax Trust Fund when a local tax jurisdiction is identified for money and for transfers to general revenues when the total amount in this fund exceeds fifty thousand dollars ($50,000) as stated in §§ 26-74-221, and 26-74-317, and 26-82-113, and shall also consist of vending devices sales taxes, § 26-57-1002(d)(2), and that portion of vending devices decal fees and penalties, §§ 26-57-1206 and 26-57-1208(b)(2), there to be distributed to cities and counties as provided in under §§ 26-74-221(a)(2)(C)(ii), and 26-75-223(a)(2)(C)(ii), and 26-82-113(a)(2)(A)(ii).

SECTION 8. Arkansas Code § 19-6-301(124), concerning an enumeration of special revenues, is amended to read as follows:

(124) Three percent (3%) of local sales and use taxes, which are further identified as the three percent (3%) collection cost of the local sales and use taxes, imposed by cities, as enacted by Acts 1981 (1st Ex. Sess.), No. 25, a city under § 26-75-217, and all laws amendatory thereto, and imposed by counties, as enacted by Acts 1981, (1st Ex. Sess.), No. 26, a county under § 26-74-214, and all laws amendatory thereto a city or county under § 26-82-111;

SECTION 9. Arkansas Code § 26-57-1005(b), concerning the disposition of revenues from the vending devices sales tax, is amended to read as follows:

(b) All revenues derived from § 26-57-1002(d)(2) shall be deposited by the Treasurer of State into the Identification Pending Trust Fund for Local Sales and Use Taxes in accordance with the provisions of under §§ 26-74-221, and 26-75-223, and 26-82-113, and all revenues deposited into that fund shall be distributed to the cities and counties of this state in accordance with
the provisions of under §§ 26-74-221(a)(2)(C)(ii), and 26-75-223(a)(2)(C)(ii), and 26-82-113(a)(2)(A)(ii).

SECTION 10. Arkansas Code § 26-57-1208(b)(2), concerning the disposition of revenues from the Vending Devices Decal Act of 1997, is amended to read as follows:

(2) Twenty percent (20%) of the fees collected under § 26-57-1206(a)(1)(B)-(E) and fifteen percent (15%) of the fees collected under § 26-57-1206(a)(1)(A) shall be deposited by the Treasurer of State into the Identification Pending Trust Fund for Local Sales and Use Taxes in accordance with the provisions of under §§ 26-74-221, and 26-75-223, and 26-82-113, and all revenues deposited into that fund shall be distributed to the cities and counties of this state in accordance with the provisions of under §§ 26-74-221(a)(2)(C)(ii), and 26-75-223(a)(2)(C)(ii), and 26-82-113(a)(2)(A)(ii); and

SECTION 11. EFFECTIVE DATE. Sections 1 through 10 of this act are effective on the first day of the calendar quarter following the effective date of this act.

/s/Ingram