1	INTERIM STUDY PROPOSAL 2021-054				
2	State of Arkansas As Engrossed: H4/13/21				
3	93rd General Assembly A B1II				
4	Regular Session, 2021 HOUSE BILL 1864				
5					
6	By: Representative Ray				
7	By: Senator T. Garner				
8	Filed with: Arkansas Legislative Council				
9	pursuant to A.C.A. §10-3-217				
10	For An Act To Be Entitled				
11	AN ACT TO CREATE THE AUTOMATIC TAXPAYER REFUND TRUST				
12	FUND AND PROVIDE FOR ITS FUNDING; TO SET THE				
13	CONDITIONS UNDER WHICH TAXPAYERS SHALL RECEIVE				
14	AUTOMATIC REFUNDS; AND FOR OTHER PURPOSES.				
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17	Subtitle				
18	TO CREATE THE AUTOMATIC TAXPAYER REFUND				
19	TRUST FUND AND PROVIDE FOR ITS FUNDING;				
20	AND TO SET THE CONDITIONS UNDER WHICH				
21	TAXPAYERS SHALL RECEIVE AUTOMATIC				
22	REFUNDS.				
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25	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:				
26					
27	SECTION 1. Arkansas Code § 19-5-406 is amended to read as follows:				
28	19-5-406. Transfer of remaining revenues.				
29	(a) After making the maximum annual allocation as provided for in § 19-				
30	5-402:				
31	(1) Seventy-five percent (75%) of the remaining general revenues				
32	available for distribution during each fiscal year shall be transferred on				
33	the last day of business in each calendar month to the General Revenue				
34	Allotment Reserve Fund, after meeting the requirements of subsection (b) of				
35	this section, there to be used for the respective purposes as provided by				
36	law; and				

1	(2) Twenty-five percent (25%) of the remaining general revenues				
2	available for distribution during each fiscal year shall be transferred on				
3	the last day of business in each calendar month to the Arkansas Highway				
4	Transfer Fund.				
5	(b) As of June 30, 2023, and continuing each subsequent fiscal				
6	year, any amount in excess of one hundred million dollars (\$100,000,000) of				
7	the total amount transferred in a fiscal year under subdivision (a)(1) of				
8	this section shall be transferred to the Automatic Taxpayer Refund Trust Fund				
9	as soon as is practicable to be distributed as provided under § 19-5-1155(c).				
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11	SECTION 2. Arkansas Code Title 19, Chapter 5, Subchapter 11, is				
12	amended to add an additional section to read as follows:				
13	19-5-1155. Automatic Taxpayer Refund Trust Fund.				
14	(a) There is created on the books of the Treasurer of State, the				
15	Auditor of State, and the Chief Fiscal Officer of the State a trust fund to				
16	be known as the "Automatic Taxpayer Refund Trust Fund".				
17	(b) The fund shall consist of:				
18	(1) Revenues as stated in § 19-5-406(b); and				
19	(2) Any other moneys authorized or provided by law.				
20	(c) The moneys in the fund shall be used to distribute refunds as				
21	calculated under subsection (d) of this section to taxpayers who:				
22	(1) Have filed a resident individual income tax return for the				
23	most recent two (2) tax years; and				
24	(2) Have paid tax to the state during the previous taxable year.				
25	(d) If the Chief Fiscal Officer of the State determines that the				
26	balance in the fund exceeds one hundred million dollars (\$100,000,000), then				
27	a refund of all the moneys in the fund shall be made to taxpayers who meet				
28	the qualifications stated under subsection (c) of this section in an amount				
29	equal to each taxpayer's proportionate share of the total income tax				
30	liability paid by all qualifying taxpayers in the preceding year as				
31	determined by the Department of Finance and Administration.				
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33	/s/Ray				
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36	Referred requested by the Arkansas House of Representatives				

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