

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

A Bill

SENATE BILL 352

4
5 By: Senator Gordon
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7

For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE 26-18-303 AND 26-54-
10 105, TO PROVIDE THAT CERTAIN NON-TAX INFORMATION
11 CONTAINED IN CORPORATE FRANCHISE TAX REPORTS IS NOT
12 CONFIDENTIAL; AND FOR OTHER PURPOSES."

Subtitle

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15 "TO AMEND ARKANSAS CODE 26-18-303 AND 26-
16 54-105 TO PROVIDE THAT CERTAIN NON-TAX
17 INFORMATION CONTAINED IN CORPORATE
18 FRANCHISE TAX REPORTS IS NOT
19 CONFIDENTIAL."

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code 26-18-303(b) is amended to read as follows:

25 "(b) The provisions against disclosures shall not apply to the
26 following:

27 (1) Publication of statistics by the director classified to
28 prevent the identification of a particular taxpayer;

29 (2) Use of the information in records filed under any state tax
30 law by the director when conducting any audit or investigation of any taxpayer
31 in regard to any state tax;

32 (3) Disclosure of information to the Attorney General of this
33 state, any prosecuting attorney, or any other individual who is empowered by
34 law to prosecute criminal and civil violations of any state tax law, when the
35 director initiates the investigation. If the prosecution is initiated by the
36 Attorney General or a prosecuting attorney, the director shall not disclose

1 any information unless required by subpoena issued by a circuit court.
 2 Information may be introduced as evidence by the Attorney General, a
 3 prosecuting attorney, or other individual so empowered when they are
 4 prosecuting any civil or criminal violation of state tax law;

5 (4) Disclosure compelled by any Arkansas circuit or chancery
 6 court or the Arkansas Supreme Court or any United States federal court of
 7 information involved in any case or controversy before that court;

8 (5) Disclosure by the taxpayer or his authorized agent or by the
 9 director, at the taxpayer's request, of any information which the director has
 10 concerning that taxpayer;

11 (6) Disclosure by the director, at his discretion, of information
 12 from the records of any state tax law to comparable officials of any other
 13 state or the United States who are charged with the administration of a
 14 similar tax;

15 (7) Disclosure of motor vehicle titling and registration
 16 information, all licenses and permits issued to owners and operators of coin-
 17 operated amusement machines pursuant to §§ 26-57-402, 26-57-408 - 26-57-421,
 18 ~~and 26-77-303, 26-57-303 - 26-57-306 [repealed], 26-57-311 [repealed], and 26-~~
 19 ~~57-313 [repealed],~~ and tax records, files, and other information relating to
 20 sales of aviation fuel at airports and other aviation fuel outlets;

21 (8) Disclosure of information other than income tax information
 22 at an administrative hearing held regarding the issuance, cancellation,
 23 revocation, or suspension of licenses or permits issued by the director or any
 24 other state agency or department;

25 (9) Disclosure to the Student Loan Authority, the Department of
 26 Higher Education, the Student Loan Guarantee Foundation of Arkansas, or any
 27 Arkansas public institution of higher education of the last known address or
 28 whereabouts or the last known employer of any person from whom these agencies
 29 are charged with collecting a student loan or other student indebtedness. In
 30 providing such information, the director shall not allow the Arkansas Student
 31 Loan Authority, the Student Loan Guarantee Foundation of Arkansas, the
 32 Department of Higher Education, or any Arkansas public institution of higher
 33 education to examine the tax return;

34 (10) In order to ensure proper payment to vendors by all agencies
 35 of state government or by county governments or city governments, information
 36 about the receipt or nonreceipt of sales tax permits by vendors must be made

1 available by the director upon request by these agencies of state government
 2 or by county governments or city governments. Therefore, notwithstanding any
 3 provision of this chapter or any other law to the contrary, in instances where
 4 state agencies, boards, commissions, and other branches of state government or
 5 county governments or city governments identify to the director the identity
 6 of vendors receiving payments and ask the director whether these vendors have
 7 been issued sales tax permits, the director shall answer these inquiries;

8 (11) Disclosure of the name of any taxpayer and the amount of any
 9 tax credit, tax rebate, tax discount, or commission for the collection of a
 10 tax received by such taxpayer from the following tax incentive provisions:

11 (A) Discount for prompt payment, § 26-52-503;

12 (B) Manufacturer's Investment Sales and Use Tax Credit,
 13 §§26-52-701 - 26-52-706;

14 (C) Steel Mill Tax Incentives, §§ 26-52-901 - 26-52-903 and
 15 §§ 15-4-1101 - 15-4-1104;

16 (D) Motor fuel shrinkage allowance, § 26-55-230(a)(1)(F);

17 ~~(E) Arkansas Enterprise Zone Act of 1989, §§ 15-4-801 - 15-~~
 18 ~~4-814 [expired];~~

19 ~~(F)~~(E) Commission for sale of stamps for cigarettes and the
 20 collection of cigarette taxes, § 26-57-236(g);

21 ~~(G)~~(F) Motion Picture Incentive Act of 1983, §§ 26-4-201 -
 22 26-4-213;

23 ~~(H)~~(G) Credit on severance tax of oil producer, § 26-58-
 24 204;

25 ~~(I)~~(H) Credit on severance tax of gas producer, § 26-58-
 26 205;

27 ~~(J) Refund of motor fuel tax for agricultural purposes, §§~~
 28 ~~26-55-301 - 26-55-321 [repealed];~~

29 ~~(K)~~(I) Refund of motor fuel tax by municipal buses, §§ 26-
 30 55-401 - 26-55-408;

31 ~~(L)~~(J) Refund of distillate special fuel tax to interstate
 32 users, §§ 26-56-214, 26-56-215;

33 ~~(M)~~(K) Credit against severance tax, for discovery of
 34 commercial oil pool, § 15-72-706;

35 ~~(N)~~(L) Native wines - Subsidies, §§ 3-5-1001 - 3-5-1007;

36 ~~(O)~~(M) Native wines - Incentive grants, §§ 3-5-901 - 3-5-

1 908;

2 ~~(P)~~(N) Native wines export incentives, § 3-5-607;

3 ~~(Q)~~(O) Any other tax incentive program enacted after
 4 January 1, 1991, which provides a tax credit, tax rebate, tax discount, or
 5 commission for the collection of a tax, with the exception of any such
 6 benefits under the income tax laws of this state. Provided, however,
 7 information which is subject to disclosure under the provisions of subdivision
 8 (b)(11) shall not be disclosed if such information would give advantage to
 9 competitors or bidders, or such information is exempt from disclosure under
 10 any other provision of law which exempts specified information from disclosure
 11 under any such law;

12 (12) Disclosure of the list required by § 3-2-205(e)(4) reporting
 13 to the Alcoholic Beverage Control Division and the Alcoholic Beverage Control
 14 Board those taxpayers who hold a permit to sell alcoholic beverages and who
 15 are delinquent in state taxes-;

16 (13) Disclosure to the Tax Division of the Arkansas Public
 17 Service Commission information contained in motor fuel tax records necessary
 18 to assess motor carrier companies for ad valorem taxation-; and

19 (14) Disclosure of the following information from corporate
 20 franchise tax reports: the name and address of the corporation; the name of
 21 the corporation's president, vice president, secretary, treasurer, and
 22 controller; the total authorized capital stock with par value; the total
 23 issued and outstanding capital stock with par value; and the state of
 24 incorporation."

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 26 SECTION 2. Arkansas Code 26-54-105 is amended by inserting an
 27 additional subsection at the end thereof to read as follows:

28 "(h) All information contained in a franchise tax report shall be
 29 confidential and not available for public inspection, except for the
 30 following: the name and address of the corporation; the name of the
 31 corporation's president, vice president, secretary, treasurer, and controller;
 32 the total authorized capital stock with par value; the total issued and
 33 outstanding capital stock with par value; and the state of incorporation."

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 35 SECTION 3. All provisions of this act of a general and permanent nature
 36 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.