1	State of Arkansas	As Engrossed: S4/16/13	
2	89th General Assembly	A Bill	
3	Regular Session, 2013		SENATE BILL 298
4			
5	By: Senator J. Dismang		
6			
7	For An Act To Be Entitled		
8	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 A	ND STORAGE FACILITY; AND FOR OTHER I	PURPOSES.
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14		Subtitle	
15	ТО	CREATE AN EXEMPTION FROM THE SALES	AND
16	USE TAX FOR UTILITIES USED BY A GRAIN		
17	DRY	YING AND STORAGE FACILITY.	
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19			
20	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF AF	RKANSAS:
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22	SECTION 1. Ar	kansas Code Title 26, Chapter 52, Su	ıbchapter 4, is
23	amended to add an additional section to read as follows:		
24	26-52-446. Gra	ain drying and storage facilities.	
25	(a) As used in	n this section "utility" means elect	cricity, liquefied
26	petroleum gas, and na	atural gas.	
27	<u>(b)(1) The gro</u>	oss receipts or gross proceeds deriv	ved from the sale of a
28	utility used by a gra	ain drying and storage facility are	exempt from the gross
29	receipts tax levied	by the Arkansas Gross Receipts Act o	of 1941, § 26-52-101
30	et seq., and the com	pensating use tax levied by the Arka	ansas Compensating Tax
31	Act of 1949, § 26-53	<u>-101 et seq.</u>	
32	<u>(2) A u</u>	tility sold for a purpose other thar	n the purposes stated
33	in subdivision (b)(1) 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	and the full compense	ating use tax levied by the Arkansas	s Compensating Tax Act
36	of 1949, § 26-53-101	et seq.	

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1	(c)(l) 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.		
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15	SECTION 2. EFFECTIVE DATE. 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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