

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 916

By: Senators B. Sample, K. Ingram

By: Representative Hickerson

For An Act To Be Entitled

AN ACT CONCERNING THE DISPOSITION OF SALES AND USE TAXES COLLECTED FROM SELLERS THAT DO NOT HAVE A PHYSICAL PRESENCE IN THE STATE; TO DEDICATE A PORTION OF THE SALES AND USE TAX REVENUE GENERATED FROM SELLERS THAT DO NOT HAVE A PHYSICAL PRESENCE IN THE STATE TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT WHEN CERTAIN CONDITIONS ARE MET; AND FOR OTHER PURPOSES.

Subtitle

TO DEDICATE THE SALES AND USE TAX REVENUE GENERATED FROM SELLERS THAT DO NOT HAVE A PHYSICAL PRESENCE IN THE STATE TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT WHEN CERTAIN CONDITIONS ARE MET.

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

SECTION 1. Arkansas Code § 26-52-107 is amended to read as follows:
26-52-107. Disposition of taxes, interest, and penalties.

(a)(1) All Except as provided under subsection (b) of this section,
the taxes, interest, penalties, and costs received by the Director of the Department of Finance and Administration under ~~the provisions of~~ this chapter shall be general revenues and shall be deposited into the State Treasury to the credit of the State Apportionment Fund.



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(2) The Treasurer of State shall allocate and transfer the same general revenues deposited under this subsection to the various State Treasury funds participating in general revenues in the respective proportions to each as provided by, and to be used for the respective purposes set forth stated in, the Revenue Stabilization Law, § 19-5-101 et seq.

(b)(1) The director shall determine the following conditions:

(A) That federal law authorizes the state to collect sales and use tax from sellers that do not have a physical presence in the state; and

(B) That some or all of the sellers that do not have a physical presence in the state make sales of taxable goods and services to purchasers in the state.

(2) When the director determines that the conditions in subdivision (b)(1) of this section have been met, then:

(A) Each month thereafter, the Chief Fiscal Officer of the State shall certify to the Treasurer of State the amount of net general revenues enumerated in § 19-6-201(1) and (2) attributable to the collection of sales and use taxes from sellers that do not have a physical presence in the state; and

(B) If food and food ingredients are taxed at a rate:

(i) Of zero percent (0%) under §§ 26-52-317 and 26-53-145 at the time the director determines that the conditions in subdivision (b)(1) of this section have been met, then after making the deductions required under 19-5-202(b)(2)(B)(i), the Treasurer of State shall deposit into the State Highway and Transportation Department Fund the amount of net general revenues determined under subdivision (b)(2)(A) of this section; or

(ii) Higher than zero percent (0%) under §§ 26-52-317 and 26-53-145 at the time the director determines that the conditions in subdivision (b)(1) of this section have been met, then after making the deductions required under 19-5-202(b)(2)(B)(i) and depositing seventy million dollars (\$70,000,000) of net general revenues determined under subdivision (b)(2)(A) of this section each fiscal year as general revenues, the Treasurer of State shall deposit the remainder into the State Highway and Transportation Department Fund.