

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1491

By: Representatives Cavanaugh, Barker, Richmond, Milligan, Wardlaw, Eubanks, Ray, Beaty Jr., G. Hodges, Hollowell, Cozart, M. Berry, Fortner, J. Moore, Lundstrum, J. Mayberry, Gonzales, Schulz, Lynch

By: Senators B. Johnson, J. Dotson, J. Boyd, Gilmore

For An Act To Be Entitled

AN ACT CONCERNING THE ASSESSMENT AND COLLECTION OF TAXES IN CERTAIN CIRCUMSTANCES; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ADOPT RULES BEFORE ASSESSING OR COLLECTING CERTAIN TAXES; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ADOPT RULES BEFORE ASSESSING OR COLLECTING CERTAIN TAXES.

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

SECTION 1. Arkansas Code Title 26, Chapter 18, Subchapter 8, is amended to add an additional section to read as follows:

26-18-813. Legislative approval of certain assessments and collections.

(a) Except as provided in subsection (b) of this section, the Department of Finance and Administration shall not assess or collect a tax on an item or a service that the department has not previously assessed or collected on the item or service unless there has been a change in the statutory law that requires the assessment and collection of the tax on the item or service.

(b)(1) If the department determines that it has failed to assess or



collect a tax on an item or a service that, based on the department's interpretation, is authorized by law, the department shall promulgate a rule under the Administrative Procedure Act, § 25-15-201 et seq., to clarify the application of the tax to the item or service, subject to the approval of the Legislative Council or, if the General Assembly is in session, the Joint Budget Committee, under § 10-3-309.

(2) The department shall not assess or collect a tax on an item or service that is the subject of a rule promulgated under subdivision (b)(1) of this section unless the rule has been approved under § 10-3-309.