

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H3/18/21

A Bill

HOUSE BILL 1034

5 *By: Representatives Beaty Jr., Jett*
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING RECORDS MAINTAINED
9 BY THE SECRETARY OF THE DEPARTMENT OF FINANCE AND
10 ADMINISTRATION; TO AMEND THE ARKANSAS TAX PROCEDURE
11 ACT CONCERNING EXCEPTIONS TO THE PROHIBITION AGAINST
12 THE DISCLOSURE OF TAXPAYER INFORMATION; TO DESIGNATE
13 THE SECRETARY OF THE DEPARTMENT OF FINANCE AND
14 ADMINISTRATION AS THE OFFICIAL CUSTODIAN OF RECORDS
15 FOR THE OFFICE OF MOTOR VEHICLE AND THE OFFICE OF
16 DRIVER SERVICES; AND FOR OTHER PURPOSES.

Subtitle

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19 TO AMEND THE EXCEPTIONS TO THE
20 PROHIBITION AGAINST THE DISCLOSURE OF
21 TAXPAYER INFORMATION; AND TO DESIGNATE
22 THE SECRETARY OF THE DEPARTMENT OF
23 FINANCE AND ADMINISTRATION AS THE
24 OFFICIAL CUSTODIAN OF CERTAIN RECORDS.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. Arkansas Code § 26-18-303(b)(3), concerning exceptions to
31 the prohibition against disclosure of tax records of the Secretary of the
32 Department of Finance and Administration, is amended to read as follows:

33 (3)(A) Disclosure of information to the Attorney General of this
34 state, any prosecuting attorney, or any other individual who is empowered by
35 law to prosecute criminal and civil violations of any state tax law ~~when the~~
36 ~~Secretary of the Department of Finance and Administration initiates the~~



1 investigation.

2 (B) ~~If the prosecution is initiated by the Attorney~~
3 ~~General or a prosecuting attorney, the Secretary of the Department of Finance~~
4 ~~and Administration shall not disclose any information unless required by~~
5 ~~subpoena issued by a circuit court.~~

6 ~~(C)~~ Information disclosed under subdivision (b)(3)(A) of
7 this section may be introduced as evidence by the Attorney General, a
8 prosecuting attorney, or other individual so empowered when the individual is
9 prosecuting any civil or criminal violation of state tax law;

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11 SECTION 2. Arkansas Code § 26-18-303(b)(4), concerning exceptions to
12 the prohibition against disclosure of tax records of the Secretary of the
13 Department of Finance and Administration, is amended to read as follows:

14 (4)(A) Disclosure of information compelled by ~~any a judge in an~~
15 Arkansas circuit court, the Supreme Court, or the Court of Appeals, or by any
16 federal court. ~~of information involved in any case or controversy before that~~
17 ~~court~~

18 (B) Disclosure of information under subdivision (b)(4)(A)
19 of this section is limited to the disclosure of information in a case or
20 controversy before the judge compelling the disclosure of the information;

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22 SECTION 3. Arkansas Code § 26-18-303(b)(8), concerning exceptions to
23 the prohibition against disclosure of tax records of the Secretary of the
24 Department of Finance and Administration, is amended to read as follows:

25 (8) Disclosure of information ~~other than income tax information~~
26 at an administrative hearing held ~~regarding the issuance, cancellation,~~
27 ~~revocation, or suspension of licenses or permits issued by the Secretary of~~
28 ~~the Department of Finance and Administration or any other state agency or~~
29 ~~department~~ under the Arkansas Tax Procedure Act, § 26-18-101 et seq., or in a
30 judicial proceeding in which the Secretary of the Department of Finance and
31 Administration is a party;

32
33 SECTION 4. Arkansas Code § 26-18-303(b)(20)(A), concerning exceptions
34 to the prohibition against disclosure of tax records of the Secretary of the
35 Department of Finance and Administration, is amended to read as follows:

36 (20)(A) To perform audit and compliance duties, disclosure to

1 the Division of Workforce Services of: ~~withholding~~

2 (i) Withholding tax information reported by
3 companies doing business in Arkansas, including without limitation taxpayer
4 names, taxpayer addresses, tax identification numbers, and tax withholding
5 information; or

6 (ii) Information for the purpose of providing
7 pandemic unemployment assistance to a worker who:

8 (a) Is self-employed;

9 (b) Is seeking part-time employment;

10 (c) Does not have sufficient work history; or

11 (d) Is otherwise unable to qualify for regular
12 unemployment or extended benefits under state or federal law.

13
14 SECTION 5. Arkansas Code § 26-18-303(b), concerning exceptions to the
15 prohibition against disclosure of tax records of the Secretary of the
16 Department of Finance and Administration, is amended to add an additional
17 subdivision to read as follows:

18 (26) Disclosure of information for the purpose of tax collection
19 in state and federal insolvency, reorganization, corporate dissolution, and
20 other similar proceedings in which the secretary is an interested party.

21
22 SECTION 6. Arkansas Code § 27-14-412, concerning records of the Office
23 of Motor Vehicle under the Motor Vehicle Administration, Certificate of
24 Title, and Antitheft Act, is amended to add an additional subsection to read
25 as follows:

26 (e) The secretary is the official custodian of records of the office.

27
28 SECTION 7. Arkansas Code § 27-16-402 is amended to read as follows:
29 27-16-402. Creation.

30 (a) There is established within the Department of Finance and
31 Administration a separate office to be known as the "Office of Driver
32 Services" which shall, acting under the direction and supervision of the
33 ~~Commissioner of Motor Vehicles~~ Secretary of the Department of Finance and
34 Administration, administer the provisions of this chapter and the other laws
35 of this state regarding the licensing of motor vehicle drivers and the laws
36 relating to the suspension and revocation of their licenses.

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(b) The ~~commissioner~~ secretary shall, upon approval of the Governor, appoint a director of the office, and the director shall, acting under the supervision of the ~~commissioner~~ secretary, serve as the principal administrative officer of the office.

(c) The secretary is the official custodian of records of the office.

/s/Jett