

ARKANSAS REGISTER



Proposed Rule Cover Sheet

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Name of Department Department of Finance and Administration

Agency or Division Name Revenue Services

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule Sales and Use Tax Exemption for Water Used for Commercial Production of Poultry

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Location and Time of Public Meeting 1816 West 7th Street, Joel Y Ledbetter Building, Room 2330, 1:00 pm

Sales and Use Tax Exemption for Water Used for Commercial Production of Poultry

GR-44 EXEMPTIONS FROM TAX – WATER USED FOR COMMERCIAL PRODUCTION OF POULTRY

I. Definitions

As used in this Rule:

A. “Commercial Poultry Water Sales Tax Exemption Certificate” or “exemption certificate” means the certificate provided by the purchaser of water for exclusive use in the operation of a Poultry farm attesting to the purchaser’s entitlement to the exemption;

B. “Poultry” means chickens, turkeys, ducks, geese, and any other domesticated birds that are edible by humans; and

C. “Poultry farm” means a facility used for the commercial production of poultry, including a broiler or turkey grow-out house, laying house, hatching unit, nursery unit, and breeding house.

II. Exemption from Tax

A. The sale of water for exclusive use in the operation of a Poultry farm is exempt from the gross receipts tax levied by the Arkansas Gross Receipts Tax Act of 1941, Ark. Code Ann. § 26-52-101 *et seq.* and the compensating use tax levied by the Arkansas Compensating Tax Act of 1949, Ark. Code Ann. § 26-53-101 *et seq.* when the conditions of this Rule are met.

B. The water must be separately metered by the water utility or provider for the exclusive use of the Poultry farm to qualify for the exemption in II.A.

III. Water Provider Requirements

A. At or before the installation of the separate meter to comply with II.B, the water utility or provider must obtain a Commercial Poultry Water Sales Tax Exemption Certificate from the purchaser certifying that the poultry farm is eligible for the exemption.

B.1. The water utility or provider must retain the exemption certificates provided at the time of the separate metering that certifies each meter is for exclusive use in the commercial production of poultry.

2. A direct pay permit holder must retain a copy of the exemption certificate required by III.A to claim the exemption for water that is used exclusively in the commercial production of poultry.

Source: Ark. Code Ann. § 26-52-453.

Sales and Use Tax Exemption for Water Used for Commercial Production of Poultry
Clean Version of Proposed Rule

Commercial Poultry Water Sales Tax Exemption Certification

I, _____ am engaged in the production of
(purchaser's name - please print)
Poultry as a commercial farming business. The water I am purchasing through the separate meter
No. _____ will be used exclusively in the commercial production of
poultry on a poultry farm. I am aware that this claim for exemption will be reviewed by the
Department of Finance and Administration. I am also aware that any false representation made by
me in an attempt to purchase water free from Arkansas sales tax will result in the assessment of
tax, penalty, and interest against me and is punishable as a misdemeanor under Arkansas law.

_____ Signature of Purchaser	_____ Date	_____ Telephone Number	
_____ Address		_____ City	_____ State Zip