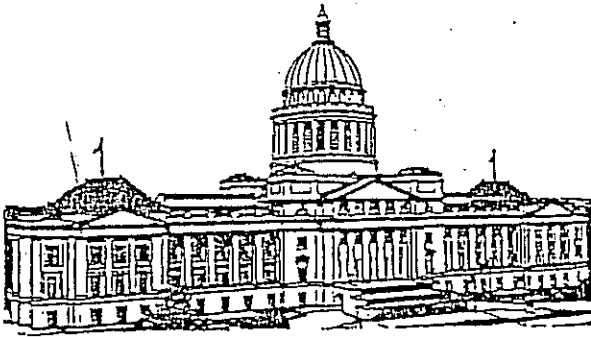


ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 10/21/99 Code Number 006.05.99-002

Name of Agency Department of Finance & Administration

Department Revenue Division

Contact Person DON ZERN Phone 682-7751

Statutory Authority for Promulgating Rules ACA 26-18-301

Intended Effective Date

Legal Notice Published : 8/1/99

☐ Emergency

Final Date for Public Comment 10/8/99

☒ 10 Days After Filing

Filed With Legislative Council YES

☐ Other

Reviewed by Legislative Council YES

Adopted by State Agency 10/1/99

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended

Don Zern
Signature

682-7751
Phone Number

Taxpayer Information
Title

10/8/99
Date

FILED
REGISTER DIV.
99 OCT 11 AM 11:32

NONRESIDENTIAL CONSTRUCTION SURCHARGE
REGULATION 1999-2

FILED
REGISTER DIV.
99 OCT 11 AM 11:32
BY [illegible]

Pursuant to the authority granted by Act 474 of 1999, the Director of the Department of Finance and Administration, in compliance with Ark. Code Ann. § 25-15-204, does hereby promulgate the following rules and regulations for the enforcement and administration of Arkansas law.

A. DEFINITIONS. For purposes of this regulation, unless otherwise required by their context, the following definitions apply:

- (1) **SURCHARGE.** The term "surcharge" means a fee to be collected at the rate of fifty cents (\$.50) per each one thousand dollars (\$1,000) of construction authorized on non-residential construction permits issued by a political subdivision.
- (2) **NON-RESIDENTIAL CONSTRUCTION PERMIT.** The term "non-residential construction permit" means any construction permit issued by a political subdivision of this state for a non-residential construction project.
- (3) **NON-RESIDENTIAL CONSTRUCTION PROJECT.** The term "non-residential construction project" means construction of a building or structure for any use other than a residential construction project.
- (4) **RESIDENTIAL CONSTRUCTION PROJECT.** The term "residential construction project" means any project consisting of one (1) but not more than four (4) units of new construction for residential occupancy. (The term "unit" includes any building or structure intended for use as a residence or living quarters for an individual or their family, and shall include any storage buildings, utility buildings, garages or fences appurtenant thereto.)

B. EFFECTIVE DATE.

Effective August 1, 1999, every political subdivision of this state shall collect a surcharge in the amount of fifty cents (\$.50) per each one thousand dollars (\$1,000) of construction authorized on any non-residential construction permit issued by any political subdivision of this state. Each subdivision of this state shall be limited to collecting a maximum surcharge of one thousand dollars (\$1,000) on each non-residential construction project receiving a permit.

C. ADMINISTRATION.

- (1) The office of the political subdivision issuing the permit is responsible for remitting the surcharge to the Department of Finance and Administration,

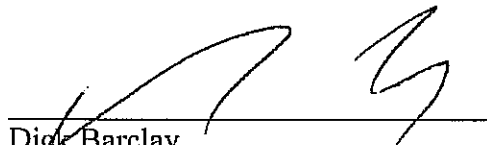
Miscellaneous Tax Section. This remittance must be made by the fifteenth (15th) day of the month following the month in which the fee was collected. The remittance shall be made on reports prescribed by the Director.

- (2) The political subdivision shall retain five percent (5%) of each permit surcharge to cover the cost of administration.

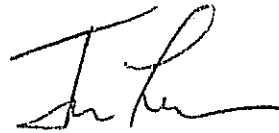
D. AUDIT AND RECORDS

- (1) Each political subdivision shall submit a report with remittance of the surcharge to the Department on the fifteenth (15th) day of the month following collection of the surcharge. The report shall detail the total dollar amount of non-residential construction permits issued by the political subdivision for the month, the total dollar amount of surcharge remitted to the Department for the month, the total dollar amount retained by the political subdivision for administrative cost and any other information requested by the Department related to the collection of the surcharge.
- (2) The Department of Finance and Administration shall audit and administer the surcharge in accordance with the Arkansas Tax Procedure Act, Ark. Code Ann. § 26-18-101 et seq.
- (3) Each political subdivision of the state is required to maintain records relating to the issuance of non-residential construction permits and the collection of the surcharge from such issuances in accordance with the record keeping requirements of the Arkansas Tax Procedure Act.

Adopted this 1 day of October, 1999.



Dick Barclay
Director, Department of
Finance and Administration



Tim Leathers
Commissioner of Revenue

DEPARTMENT: Department of Finance and Administration
DIVISION Revenue Division:
PERSON COMPLETING
THIS STATEMENT: John Theis, Assistant Commissioner of Revenue, Policy and Legal
TELEPHONE NO.: (501) 682-70200
FAX NO.: (501) 682-7900

FILED
RECEIVED
OCT 11 2011
REVENUE DIV.

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: **Revenue Regulation 1999-2 — (Non-Residential Construction Surcharge)**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes: No: **XX**
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. **Does Not Apply.**

1998-1999 Fiscal Year

1999-2000 Fiscal Year

General Revenue: _____
Federal Funds: _____
Cash Funds: _____
Special Revenue: _____
Other: _____
Total: \$ 0

General Revenue: _____
Federal Funds: _____
Cash Funds: _____
Special Revenue: _____
Other: _____
Total: \$ 0

None

None

4. What is the total estimated cost by fiscal year to any party subject to the, proposed, amended, or repealed rule or regulation? **None.**

1998-1999 Fiscal Year

1999-2000 Fiscal Year

None

None

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

1998-1999 Fiscal Year

1999-2000 Fiscal Year

No additional cost

No additional cost