

**Hall of the House of Representatives**  
94th General Assembly - Regular Session, 2023  
**Amendment Form**

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**Subtitle of Senate Bill No. 185**

TO AMEND THE APPOINTMENT PROCEDURE FOR THE TAX APPEALS COMMISSION TO PROVIDE  
FOR THE FILLING OF VACANCIES ON THE COMMISSION; AND TO DECLARE AN EMERGENCY.

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**Amendment No. 1 to Senate Bill 185**

Amend Senate Bill No. 185 as originally introduced:

Delete SECTION 1 and SECTION 2 of the bill in their entirety, and substitute the following:

"SECTION 1. Arkansas Code § 26-18-1106(a) and (b), concerning the appointment of commissioners to the Tax Appeals Commission, are amended to read as follows:

(a)(1) The Tax Appeals Commission shall consist of three (3) commissioners who are subject to the requirements of § 26-18-1107.

(2) Commissioners ~~shall~~ may be selected from a pool of candidates recommended as follows:

(A) The Arkansas Bar Association shall nominate three (3) individuals who are licensed to practice law in this state;

(B) The majority of the Supreme Court shall nominate three (3) individuals who are:

(i) Licensed to practice law in this state; ~~and~~  
(ii) Certified as a certified public accountant in this state; ~~and~~ or

(iii) Both licensed to practice law in this state and certified as a certified public accountant in this state; and

(C) The Arkansas Society of Certified Public Accountants shall nominate three (3) individuals who are certified as a certified public accountant in this state.

(3) The Governor ~~shall~~:

(A) May appoint one (1) commissioner from each pool of candidates nominated under this subsection;

(B) May appoint an individual who is not nominated under this subsection who meets the applicable licensure requirements of a particular pool and who otherwise meets the qualification requirements stated in § 26-18-1107; and

(C)(i) With the advice of the Secretary of the Department of Inspector General, shall designate one (1) of the commissioners of the Tax



Appeals Commission to serve as Chief Commissioner of the Tax Appeals Commission.

(ii) The Governor may change the designation of Chief Commissioner of the Tax Appeals Commission at any time.

(iii) A commissioner's designation as Chief Commissioner of the Tax Appeals Commission does not affect the commissioner's term of appointment.

(b) The Chief Commissioner of the Tax Appeals Commission shall:

~~(1) Be appointed from the pool of candidates nominated by the Supreme Court;~~

~~(2)~~ Meet the requirements stated in § 26-18-1107 for the position of chief commissioner;

~~(3)~~(2) Act as the executive officer of the commission;

~~(4)~~(3) Be subject to the same provisions of law as commissioners;

~~(5)~~(4) Be charged with the administration of the commission;

~~(6)~~(5) Apportion among the commission all causes, matters, and hearings coming before the commission;

~~(7)~~(6) Take any action necessary to enable the commission to properly exercise the duties, functions, and powers of the commission under this subchapter; and

~~(8)~~(7) Submit an annual report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Chair of the House Committee on Judiciary, the Chair of the Senate Committee on Judiciary, the cochairs of the Legislative Council, the Governor, and the Secretary of the Department of Inspector General that contains the following information for the year that is the subject of the report:

(A) The case load of the commission;

(B) The number of petitions filed;

(C) The number of claims settled;

(D) The number of decisions the commission rendered;

(E) The number of decisions rendered:

(i) In favor of the Department of Finance and Administration;

(ii) In favor of the taxpayer; and

(iii) Partially in favor of the department and partially in favor of the taxpayer;

(F) The number of matters heard:

(i) In person;

(ii) By teleconference or videoconference;

(iii) Using a combination of in-person and either teleconference or videoconference means; and

(iv) Solely on the documents filed with the commission; and

(G) The average time for a claim to be processed from the petition's being filed to a decision's being rendered, calculated for each type of hearing conducted by the commission.

SECTION 2. Arkansas Code § 26-18-1106(f), concerning the appointment of commissioners to the Tax Appeals Commission, is amended to read as follows:

(f)(1) If a vacancy occurs on the commission, the Governor shall appoint a commissioner to fill the vacancy.

(2) If the vacant position is one (1) that was filled by a candidate nominated by:

(A) The Arkansas Bar Association or otherwise appointed by the Governor in lieu of Arkansas Bar Association nominees, the Arkansas Bar Association shall nominate three (3) individuals who are licensed to practice law in this state;

(B) The majority of the Supreme Court or otherwise appointed by the Governor in lieu of Supreme Court nominees, the majority of the Supreme Court shall nominate three (3) individuals who are:

(i) Licensed to practice law in this state; ~~and~~

(ii) Certified as a certified public accountant in this state; ~~and~~ or

(iii) Both licensed to practice law in this state and certified as a certified public accountant in this state; and

(C) The Arkansas Society of Certified Public Accountants or otherwise appointed by the Governor in lieu of Arkansas Society of Certified Public Accountants nominees, the Arkansas Society of Certified Public Accountants shall nominate three (3) individuals who are certified as a certified public accountant in this state.

(3)(A) The Governor may appoint:

(i) A commissioner to fill a vacancy from the relevant pool of candidates nominated under this subsection; or

(ii) An individual not nominated under this subsection who meets the applicable licensure requirements of a particular pool and who otherwise meets the qualification requirements stated in § 26-18-1107.

(B) If a vacancy occurs in the position of Chief Commissioner of the Tax Appeals Commission, the Governor shall designate one (1) of the commissioners to act as the interim Chief Commissioner of the Tax Appeals Commission until the vacancy is filled.

SECTION 3. Arkansas Code § 26-18-1107 is amended to read as follows:  
26-18-1107. Qualifications of commissioners.

(a) Each commissioner of the Tax Appeals Commission shall:

(1) Be a qualified elector of the State of Arkansas;

(2) Be ~~either~~ licensed to practice law in the state or certified as a certified public accountant in the state, or both; and

(3) Possess substantial knowledge of Arkansas tax law.

(b) In addition to meeting the requirements of subsection (a) of this section, the Chief Commissioner of the Tax Appeals Commission shall:

~~(1) Be licensed to practice law in the state;~~

~~(2) Have~~ have been engaged in the private practice of law or accounting, or employed in the private sector, or both engaged in any combination of the private practice of law, the private practice of accounting, and employment in the private sector, for at least five (5) of the immediately preceding ten (10) years before ~~the chief commissioner's his~~ his or her first appointment to the commission; ~~and~~

~~(3) Be licensed as a certified public accountant in the state."~~

AND

Page 2, line 32, delete "SECTION 3" and substitute "SECTION 4"

The Amendment was read \_\_\_\_\_

By: Representative Eaves

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Chief Clerk