

House Engrossed Senate Bill

tax laws; interpretation; application; hearing

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1221

AN ACT

AMENDING SECTION 42-2078, ARIZONA REVISED STATUTES; RELATING TO TAXPAYER PROTECTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 42-2078, Arizona Revised Statutes, is amended to
3 read:

4 42-2078. New interpretation or application of law; notice;
5 hearing; affirmative defense; definition

6 A. Unless expressly authorized by law, the department shall not
7 apply any newly enacted law retroactively or in a manner that will
8 penalize a taxpayer for complying with prior law.

9 B. IF A PROPOSED NEW INTERPRETATION OR APPLICATION OF ANY PROVISION
10 OF THIS TITLE OR TITLE 43 WILL ADVERSELY AFFECT TAXPAYERS PROSPECTIVELY,
11 THE DEPARTMENT SHALL, OR AN AFFECTED TAXPAYER MAY, NOTIFY THE CHAIRPERSONS
12 OF THE SENATE FINANCE COMMITTEE AND THE HOUSE OF REPRESENTATIVES WAYS AND
13 MEANS COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, BEFORE THE NEW
14 INTERPRETATION OR APPLICATION IS ADOPTED. IF THE CHAIRPERSONS OF THE
15 SENATE FINANCE COMMITTEE AND THE HOUSE OF REPRESENTATIVES WAYS AND MEANS
16 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, HOLD A HEARING ON THE PROPOSED
17 NEW INTERPRETATION'S OR APPLICATION'S IMPACT ON TAXPAYERS, THE DEPARTMENT
18 SHALL PROVIDE TESTIMONY REGARDING THE REASONS THAT THE INTERPRETATION OR
19 APPLICATION IS NECESSARY.

20 ~~B.~~ C. If the department adopts a new interpretation or application
21 of any provision of this title or title 43 or determines that any of those
22 provisions applies to a new or additional category or type of taxpayer,
23 and the change in interpretation or application is not due to a change in
24 the law:

25 1. The change in interpretation or application applies
26 prospectively unless it is favorable to taxpayers.

27 2. The department shall not assess any tax, penalty or interest
28 retroactively based on the change in interpretation or application.

29 3. The change is an affirmative defense in any administrative or
30 judicial action for retroactive assessment of tax, interest and penalties
31 to taxable periods before the new interpretation or application was
32 adopted.

33 ~~C.~~ D. Tax liabilities, penalties and interest paid before a new
34 interpretation or application of chapter 5 of this title by the department
35 shall not be refunded unless the taxpayer requesting the refund provides
36 evidence satisfactory to the department that the amounts will be refunded
37 to the person who paid an added charge to cover the tax.

38 ~~D.~~ E. For the purposes of this section, "new interpretation or
39 application" includes policies and procedures adopted by administrative
40 rule, A tax ruling, A tax procedure or instructions to a tax return.

41 Sec. 2. Legislative intent

42 The legislature intends that a hearing held pursuant to section
43 42-2078, subsection B, Arizona Revised Statutes, as added by this act:

- 1 1. Educate the public and policymakers of a new interpretation or
2 application of title 42 or 43, Arizona Revised Statutes, before the new
3 interpretation or application is implemented.
- 4 2. Provide an opportunity for public input before a new
5 interpretation or application of title 42 or 43, Arizona Revised Statutes,
6 takes effect.
- 7 3. Increase transparency with regard to the interpretation and
8 application of title 42 or 43, Arizona Revised Statutes.
- 9 4. Not politicize the administration of this state's tax code and
10 not interfere with the responsibilities outlined in the Constitution of
11 Arizona.