

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representative Jodie Mahony**

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For An Act To Be Entitled

8 "AN ACT TO STRIKE THE CANCER RESEARCH, WAR MEMORIAL
9 STADIUM, AND EDUCATIONAL EXCELLENCE CHECK-OFF PROGRAMS
10 FROM ARKANSAS INCOME TAX RETURNS; TO PROVIDE FOR THE
11 CREATION OF A LITERACY EDUCATION CHECK-OFF PROGRAM; AND
12 FOR OTHER PURPOSES."

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14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. (a) Beginning with returns for the 1991 tax year, the
17 Director of the Department of Finance and Administration shall strike the War
18 Memorial Stadium check-off, the Cancer Research check-off, and the Educational
19 Excellence Fund check-off from the Arkansas individual and corporate income
20 tax forms.

21 (b) Effective tax year 1991, taxpayers shall no longer be allowed to
22 designate refund amounts or to contribute additional amounts to the funds
23 listed in subsection (a) of this section.

24 (c) For tax years beginning with tax year 1991, any provisions of
25 Arkansas Code Sections 19-5-955, 22-3-1012, 22-3-1013, 26-51-433, and 26-51-
26 438 in conflict with this act are hereby repealed.

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28 SECTION 2. (a) The Revenue Division of the Department of Finance and
29 Administration shall include on the Arkansas individual income tax forms,
30 including those forms on which a husband and wife file separately on the same
31 form and on all corporate income tax forms, a designation as follows:

32 (1) If you are entitled to a refund, check if you wish to
33 designate [] \$1, [] \$5, [] \$10, [] \$.....(write in amount), or [] all
34 refund due, of your tax refund for the Literacy Education Program. Your
35 refund will be reduced by this amount.

1 (2) If you owe an additional amount, check if you wish to
2 contribute an additional [] \$1, [] \$5, [] \$10, [] \$.....(write in amount)
3 for the Literacy Education Program. If you wish to make a contribution to
4 the program you must enclose a separate check for the amount of your
5 contribution, payable to the Literacy Education Program.

6 (b) The Director of the Department of Finance and Administration shall
7 have the authority to promulgate all the rules and regulations and all income
8 tax forms, returns, and schedules necessary to carry out this program.

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10 SECTION 3. The Director of the Department of Finance and Administration
11 is authorized to accept any gifts, grants, bequests, devises, and donations
12 made to the State of Arkansas for the purposes of funding the Literacy
13 Education Program. He shall deposit any of these gifts, grants, bequests,
14 devises, and donations so received in to the Literacy Education Program Fund.
15 These gifts, grants, bequests, devises, and donations shall be used together
16 with any other funds appropriated for the program provided for in this act.
17 All gifts, grants, bequests, devises, and donations shall be deposited,
18 disbursed, budgeted, and regulated under the procedures prescribed by the
19 Chief Fiscal Officer of the State under Arkansas Code 19-4-806.

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21 SECTION 4. (a) There is hereby created on the books of the State
22 Treasurer, the State Auditor, and the Chief Fiscal Officer of the State a
23 Literacy Education Program Fund.

24 (b) The moneys credited to this fund shall be held as trust funds in
25 interest-bearing accounts only. All interest earned shall be credited to the
26 program fund and shall be used only for the purposes of that fund. Any
27 balance in the fund shall be carried forward each year so that no part thereof
28 shall revert to the General Fund of the State.

29 (c) All funds deposited into the fund and all interest earned on
30 deposits and the fund balance may be disbursed as appropriated in each fiscal
31 year of the biennium for the program created by this act.

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33 SECTION 5. (a) The Literacy Education Program shall consist of
34 projects aimed at increasing the educational levels of Arkansans who are
35 beyond the traditional school-age years and who need further educational

1 efforts to achieve functional literacy. The funds deposited into the Literacy
2 Education Program Fund shall be allocated to community-based literacy
3 councils. Each community-based literacy council shall be eligible for funding
4 based upon the advice of the Governor's Commission on Adult Literacy and the
5 final approval of the State Board of Education.

6 (b) In order to qualify for the moneys allocated to community-based
7 literacy councils in subsection (a)(1) of this section, each community-based
8 literacy council shall be a qualified nonprofit organization exempt from
9 taxation under Section 501(c)(3) of the federal Internal Revenue Code.

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11 SECTION 6. (a) The Literacy Education Check-Off Program on state income
12 tax returns shall be effective beginning with the returns for the 1991 tax
13 year and each tax year thereafter. The Revenue Division of the Department of
14 Finance and Administration shall be authorized to establish any regulation to
15 effectively carry out the revenue producing provisions of this act.

16 (b) The provisions of this act allowing the Director of the Department
17 of Finance and Administration to accept gifts, grants, bequests, devises, and
18 donations shall be effective on the effective date of this act. The director
19 is authorized to promulgate rules and regulations to carry out those
20 provisions of this act.

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22 SECTION 7. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 8. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or application of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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32 SECTION 9. All laws and parts of laws in conflict with this act are
33 hereby repealed.

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35 SECTION 10. EMERGENCY. It is hereby found and determined by the

1 General Assembly that adult literacy is necessary to economic development;
2 that a national effort to reach illiterate citizens over the age of seventeen
3 is underway; that it is estimated that up to six hundred thousand Arkansans
4 are functionally illiterate; that a consolidation of funds is necessary to
5 enhance adult literacy programs in Arkansas; that the state should provide its
6 citizens with a program whereby its citizens can voluntarily allocate funds to
7 literacy programs; and that this act should be given effect immediately to
8 increase funding for literacy education. Therefore, an emergency is hereby
9 declared to exist and this act being necessary for the preservation of the
10 public peace, health, and safety shall be in full force and effect from and
11 after its passage and approval.

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