

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Keet**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AUTHORIZE CERTAIN INDIVIDUALS EARNING LESS THAN
9 TWENTY THOUSAND DOLLARS (\$20,000) ANNUALLY TO CLAIM A TAX
10 REBATE FOR SALES AND GROSS RECEIPTS TAXES ON PAID FOOD AND
11 GROCERIES; TO ESTABLISH A PROCEDURE FOR INDIVIDUALS TO
12 FILE CLAIMS FOR THE TAX REBATE; TO CREATE THE FOOD AND
13 GROCERY SALES TAX REBATE TRUST FUND; AND FOR OTHER
14 PURPOSES."

Subtitle

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17 "AN ACT TO AUTHORIZE CERTAIN INDIVIDUALS TO CLAIM A TAX
18 REBATE FOR SALES AND GROSS RECEIPTS TAXES PAID ON FOOD AND
19 GROCERIES."

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. As used in this act, unless the context other wise requires:

24 (1) "Income" means gross income as defined in the Arkansas Income Tax
25 Act, as amended, Arkansas Code §§ 26-51-101 et seq., and shall also include
26 the following: alimony, support money, cash public assistance and relief, the
27 gross amount of any pension or annuity, including all monetary retirement
28 benefits from whatever source derived, including, but not limited to, railroad
29 retirement benefits, all payments received under the federal Social Security
30 Act, veterans' disability pensions, all dividends and interest from whatever
31 source derived not included in gross income, workers' compensation, and the
32 gross amount of "loss of time insurance" but does not include the value of any
33 surplus food or other relief in kind supplied by a governmental agency.

34 (2) "Department" means the Department of Finance and Administration and
35 its Revenue Division.

1 (3) "Dependent" means "dependent" as defined by Section 152 of the
 2 Internal Revenue Code, as that section may be amended or renumbered, but also
 3 includes any minor child or stepchild of the resident who would be a dependent
 4 for federal income tax purposes if the public assistance contributing to the
 5 support of the child or stepchild was considered to have been contributed by
 6 the resident.

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8 SECTION 2. (a) Except as provided otherwise in this section, any
 9 resident who is not a dependent of another individual may file a claim for a
 10 tax rebate for a portion of sales and gross receipts taxes on food and grocery
 11 purchases to which the resident has been subject during the calendar year for
 12 which the claim is filed. The tax rebate provided in this section may be
 13 claimed in the amount shown in the appropriate tables in subsection (b) of
 14 this section.

15 (b) The tax rebate shall be at the following amounts based upon the
 16 family size and income of the taxpayer from the applicable table for the
 17 calendar year for which the particular claim is being filed:

18 (1) For calendar year 1993:

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INCOME RANGE		FAMILY SIZE/DOLLAR AMOUNT					
		1	2	3	4	5	over 5
LESS THAN	\$10,000	\$17	\$20	\$22	\$23	\$24	\$25
AT LEAST	BUT LESS THAN						
\$10,000	\$15,000	13	16	18	19	20	21
\$15,000	\$20,000	10	12	13	14	15	16

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27 (2) For calendar year 1994:

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INCOME RANGE		FAMILY SIZE/DOLLAR AMOUNT					
		1	2	3	4	5	over 5
LESS THAN	\$10,000	\$34	\$40	\$44	\$46	\$48	\$50
AT LEAST	BUT LESS THAN						
\$10,000	\$15,000	26	32	36	38	40	42
\$15,000	\$20,000	20	24	26	28	30	32

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1 (3) For calendar year 1995 and each year thereafter:

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3 INCOME RANGE		4 FAMILY SIZE/DOLLAR AMOUNT					
		1	2	3	4	5	over 5
5 LESS THAN	\$10,000	\$50	\$60	\$66	\$69	\$72	\$75
6 AT LEAST	BUT LESS THAN						
7 \$10,000	\$15,000	40	48	53	56	59	62
8 \$15,000	\$20,000	30	36	40	42	44	46

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10 (c) No claim for the tax rebate provided for in this act shall be filed
11 by a resident who was an inmate of a public institution for more than six (6)
12 months during the calendar year for which the tax rebate could be claimed or
13 who was not physically present in Arkansas for at least six (6) months during
14 the calendar year for which the tax rebate could be claimed.

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16 SECTION 3. (a) Any person desiring to file a claim for a cash rebate
17 under the provisions of this act shall file the claim with the Department of
18 Finance and Administration on forms prescribed by the Department and shall
19 furnish such information to substantiate the claim as is provided in this act,
20 or as may be prescribed by regulation of the Department.

21 (b) Claims under this act shall be filed beginning on January 1 and
22 through May 15 of the year next following the calendar year used as a basis
23 for the claim.

24 (c) All claims filed under the provisions of this act shall be made
25 upon forms prescribed and furnished by the Department, and all forms shall
26 include appropriate instructions to persons for filing a claim under this act.

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28 SECTION 4. (a) The Department shall either approve or deny every claim
29 filed under this act, either in the amount claimed or in an amount determined
30 by the Department, within ninety (90) days after the date the claims are
31 filed.

32 (b)(1) If the Department denies the claim of any claimant or reduces
33 the amount claimed, it shall so notify the claimant and the claimant may
34 request a reconsideration of the claim by the Department by filing a written
35 request for reconsideration at any time within thirty (30) days after receipt

1 of the notice of the decision of the Department.

2 (2) Upon receipt of the request for reconsideration of a claim,
3 the Department shall reconsider the claim and notify the claimant of its final
4 decision within thirty (30) days after the receipt of the request.

5 (c) If the claimant is dissatisfied with the final ruling of the
6 department regarding his claim, he or she may appeal the decision to the
7 Pulaski County Chancery Court or the chancery court of the county in which he
8 or she resides in the manner and within the time prescribed for appeals from
9 other administrative decisions of the Director of the Department of Finance
10 and Administration.

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12 SECTION 5. (a) There is established on the books of the State
13 Treasurer, State Auditor, and the Chief Fiscal Officer of the State a trust
14 fund to be known as the Food and Grocery Sales Tax Rebate Trust Fund. This
15 fund shall consist of those general revenues transferred to it as hereafter
16 provided under the provisions of this section and any funds received from the
17 State Budget Revolving Fund as may be hereafter provided for in this section.
18 It shall be used to make tax rebates for a portion of the gross receipts taxes
19 on food purchases to residents in such amounts as may be determined by the
20 Chief Fiscal Officer of the State or the courts and for repaying temporary
21 loans made during each month from the State Budget Revolving Fund, as may be
22 required.

23 (b) The Food and Grocery Sales Tax Rebate Trust Fund shall be used for
24 the payment of cash rebates to claimants under the provisions of this act.

25 (c) Of the net general revenues available for distribution each month,
26 the State Treasurer shall, before deducting therefrom the three percent (3%)
27 as provided by law for credit to the Constitutional & Fiscal Agencies Fund or
28 Fund Account and before making the percentage distributions of general
29 revenues as provided by law, deduct therefrom an amount certified by the
30 Director of the Department of Finance and Administration, acting as the Chief
31 Fiscal Officer of the State, as being required to pay all cash rebates which
32 have been paid or approved for payment during the preceding month upon
33 applications filed as authorized in this act and shall credit the same to the
34 Food and Grocery Sales Tax Rebate Trust Fund to be used in paying the cash
35 rebates which have been approved for payment, or for repaying moneys

1 temporarily loaned to the fund from the State Budget Revolving Fund or Fund
2 Account for payment of such rebates.

3 (d) (1) Temporary loans may be made from the State Budget Revolving Fund
4 or Fund Account to the Food and Grocery Sales Tax Rebate Trust Fund upon
5 certification of the amount by the Chief Fiscal Officer of the State, for the
6 purpose of making moneys available to pay cash rebates to claimants under this
7 act as the rebates are filed and approved for payment, but any amounts so
8 loaned shall be repaid to the State Budget Revolving Fund or Fund Account from
9 the moneys first credited to the Food and Grocery Sales Tax Rebate Trust Fund
10 during the month next following the month in which the loan was made.

11 (2) All loans and repayment thereof shall be by transfers upon
12 the books of the State Treasurer upon certification of the amounts by the
13 Chief Fiscal Officer of the State.

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15 SECTION 6. This act shall be effective for calendar years beginning on
16 and after January 1, 1993.

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18 SECTION 7. All provisions of this act of general and permanent nature
19 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
20 Revision Commission shall incorporate the same in the Code.

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22 SECTION 8. If any provisions of this act or the application thereof to
23 any person or circumstance is held invalid, the invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provisions or application, and to this end the provisions of this
26 act are declared to be severable.

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

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