Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

| 1        | State of Arkansas   | As Engrossed: H3/13/03 H4/4/03 S4/10/03                                 |                           |  |
|----------|---|---|---------------------------|--|
| 2        | 84th General Assembly   | A Bill  |                           |  |
| 3        | Regular Session, 2003   |   | HOUSE BILL 2453           |  |
| 4        |   |   |                           |  |
| 5        | By: Representatives Dangeau, Stovall  |   |                           |  |
| 6        |   |   |                           |  |
| 7        |   |   |                           |  |
| 8        | For An Act To Be Entitled   |   |                           |  |
| 9        | AN ACT TO AMEND ARKANSAS CODE § 4-75-709(b) AND   |   |                           |  |
| 10       | (c) AS ADDED BY ACT 627 OF 2003; AND FOR OTHER  |   |                           |  |
| 11       | PURPOSES.   |   |                           |  |
| 12       |   |   |                           |  |
| 13       |   | Subtitle  |                           |  |
| 14       | AN ACT TO AMEND ARKANSAS CODE § 4-75-709  |   |                           |  |
| 15       | (b) AND (c) AS ADDED BY ACT 627 OF 2003;  |   |                           |  |
| 16       | AND   | FOR OTHER PURPOSES.   |                           |  |
| 17       |   |   |                           |  |
| 18       |   |   |                           |  |
| 19       | BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:   |   |                           |  |
| 20       |   |   |                           |  |
| 21       | SECTION 1. Arkansas Code § 4-75-709(b) and (c), as added by Act 627 of  |   |                           |  |
| 22       | 2003, are amended to read as follows:   |   |                           |  |
| 23       | (b) The redemption by a retailer of coupons supplied to consumers by  |   |                           |  |
| 24<br>25 | manufacturers and redeemable from the retailer by the manufacturers is not a  |   |                           |  |
| 25       | violation of this subchapter, if the sum of the coupon and other<br>consideration paid by the consumer is not below the cost to the retailer.     |   |                           |  |
| 26       |   |   |                           |  |
| 27<br>20 |   | accepting a manufacturer's coupon<br>eipts tax on the full selling pric | -                         |  |
| 28       |   |   | e perore acquetion for    |  |
| 29<br>20 | the manufacturer's co   | •   | ridad to a rehalazalar ar |  |
| 30<br>21 | -   | acturer promotional allowance prov                                      |                           |  |
| 31<br>32 | retailer may be passed on to the purchaser by the wholesaler or retailer  |   |                           |  |
| 32<br>33 | without violating this subchapter, if the sum of the manufacturer promotional   |   |                           |  |
|          | allowance and other consideration paid by the purchaser is not below the cost   |   |                           |  |
| 34<br>35 | to the wholesaler or retailer, as the case may be. However, a retailer passing a manufacturer promotional allowance on to the retailer's customer |   |                           |  |
| 35<br>36 |   | er promotional allowance on to the<br>licable gross receipts tax on the |                           |  |
| 50       | must compute the app.   | ricavie gross receipts tax on the                                       | iuii seiiing price        |  |



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| 1        | before deduction for the manufacturer promotional allowance.                  |  |  |
|----------|---|--|--|
| 2        |   |  |  |
| 3        | SECTION 2. EMERGENCY CLAUSE. It is found and determined by the                |  |  |
| 4        | General Assembly of the State of Arkansas that the provisions of Arkansas     |  |  |
| 5        | Code § 4-75-709(b) and (c) were added by Act 627 of 2003; that that act is    |  |  |
| 6        | now in effect; that certain provisions of those two subsections are incapable |  |  |
| 7        | of being properly administered; that this act removes those provisions; and   |  |  |
| 8        | that until this act goes into effect, the law will contain an impossible      |  |  |
| 9        | mandate. Therefore, an emergency is declared to exist and this act being      |  |  |
| 10       | immediately necessary for the preservation of the public peace, health, and   |  |  |
| 11       | safety shall become effective on:   |  |  |
| 12       | (1) The date of its approval by the Governor;                                 |  |  |
| 13       | (2) If the bill is neither approved nor vetoed by the Governor,               |  |  |
| 14       | the expiration of the period of time during which the Governor may veto the   |  |  |
| 15       | bill; or  |  |  |
| 16       | (3) If the bill is vetoed by the Governor and the veto is                     |  |  |
| 17       | overridden, the date the last house overrides the veto.                       |  |  |
| 18       |   |  |  |
| 19       | /s/ Dangeau   |  |  |
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