

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1294

5 By: Representatives Gazaway, M. Shepherd
6 By: Senators C. Tucker, J. Bryant
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 26 OF
10 THE ARKANSAS CODE CONCERNING TAXATION; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 TO MAKE TECHNICAL CORRECTIONS TO TITLE 26
16 OF THE ARKANSAS CODE CONCERNING TAXATION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Uncodified Acts 2007, No. 613, § 2, is repealed as obsolete
22 because the Chief Fiscal Officer of the State made the certification
23 described in Acts 2007, No. 613, § 2, on August 10, 2007, making this version
24 of Arkansas Code § 26-51-428 effective, but Acts 2009, No. 372, § 18, amended
25 the expired version of Arkansas Code § 26-51-428, thus reviving the expired
26 version, which was subsequently amended to produce a correct result.

27 ~~The provisions of this act shall not be effective until the Chief~~
28 ~~Fiscal Officer of the State certifies that additional funding has been~~
29 ~~provided to state general revenues from other funding sources and is~~
30 ~~available for use during fiscal year 2008 and fiscal year 2009 in an amount~~
31 ~~sufficient to replace the general revenue reduction for each of the fiscal~~
32 ~~years 2008 and 2009 that would result from the adoption of the provisions of~~
33 ~~section 179 of the Internal Revenue Code, as in effect on January 1, 2007, as~~
34 ~~provided by this act.~~
35

36 SECTION 2. Arkansas Code § 26-51-428, as in effect only if the



1 contingency in Acts 2007, No. 613, § 2, is met, is repealed as obsolete.

2 ~~26-51-428. Depreciation Deductions Expensing of property.~~

3 ~~(a) Title 26 U.S.C. §§ 167, 168, and 179A, as in effect on January 1,~~
 4 ~~1999, and 26 U.S.C. § 179 as in effect on January 1, 2007, regarding~~
 5 ~~depreciation and expensing of property, are adopted for the purpose of~~
 6 ~~computing Arkansas income tax liability.~~

7 ~~(b) The basis on which exhaustion, wear and tear, and obsolescence are~~
 8 ~~to be allowed in respect to any property shall be the adjusted basis provided~~
 9 ~~in § 26-51-411 for the purpose of determining the gain on the sale or other~~
 10 ~~disposition of the property.~~

11 ~~(c) Title 26 U.S.C. § 197, as in effect on January 1, 2007, regarding~~
 12 ~~the amortization of goodwill and certain other intangibles, is adopted for~~
 13 ~~the purpose of computing Arkansas income tax liability.~~

14
 15 SECTION 3. Arkansas Code § 26-51-506(b)(17)(A), concerning the
 16 definition of "qualified growth projects" for purposes of the tax credit for
 17 waste reduction, reuse, or recycling equipment, is amended to read as follows
 18 to add a necessary article:

19 (A) Has a common controlling ownership interest with a
 20 qualified manufacturer of steel as defined in § 26-51-1211, § 26-52-911, Acts
 21 2013, No. 1084, or Acts 2013, No. 1476, at the time the facility commenced
 22 operation;
 23

24 SECTION 4. Arkansas Code § 26-57-203(27), concerning the definition of
 25 "retailer" under the Arkansas Tobacco Products Tax Act of 1977, is amended to
 26 read as follows to correct a grammatical error:

27 (27) "Retailer" means a person that:

28 (A) Purchases tobacco products, vapor products,
 29 alternative nicotine products, or e-liquid products from permitted
 30 wholesalers for the purpose of selling the tobacco products, vapor products,
 31 alternative nicotine products, or e-liquid products in person and over the
 32 counter at retail to consumers; or

33 (B) Has a physical presence in Arkansas and ~~that~~ purchases
 34 cigars from permitted wholesalers for the purpose of the online retail sale
 35 of the cigars to buyers inside and outside the state;
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1 SECTION 5. Arkansas Code § 26-57-610(b)(3), concerning the disposition
 2 of insurance premium taxes, is amended to read as follows to remove an
 3 internal reference to a repealed subdivision:

4 (3) ~~Except as provided in subdivision (b)(4) of this section~~
 5 ~~{repealed}, all other~~ The taxes collected under §§ 26-57-604 and 26-57-605
 6 shall be classified as general revenues, and the net amount of taxes
 7 collected under §§ 26-57-604 and 26-57-605 shall be credited to the various
 8 State Treasury funds participating in general revenues in the respective
 9 proportions to each as provided by and to be used for the respective purposes
 10 set forth in the Revenue Stabilization Law, § 19-5-101 et seq.; and

11
 12 SECTION 6. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

13 It is the intent of the General Assembly that:

14 (1) The enactment and adoption of this act shall not expressly
 15 or impliedly repeal an act passed during the regular session of the Ninety-
 16 Fourth General Assembly;

17 (2) To the extent that a conflict exists between an act of the
 18 regular session of the Ninety-Fourth General Assembly and this act:

19 (A) The act of the regular session of the Ninety-Fourth
 20 General Assembly shall be treated as a subsequent act passed by the General
 21 Assembly for the purposes of:

22 (i) Giving the act of the regular session of the
 23 Ninety-Fourth General Assembly its full force and effect; and

24 (ii) Amending or repealing the appropriate parts of
 25 the Arkansas Code of 1987; and

26 (B) Section 1-2-107 shall not apply; and

27 (3) This act shall make only technical, not substantive, changes
 28 to the Arkansas Code of 1987.

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 31 **APPROVED: 3/2/23**