

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/28/97

A Bill

ACT 1187 OF 1997
HOUSE BILL 2251

5 By: Representatives Mullenix, Bryant, Northcutt, Baker, Terry Smith, Hale, Purdom, Pollan, Hall, Simon, and Johnson
6 By: Senators Walters, Canada, Hill, Harriman, Fitch, and Beebe
7

For An Act To Be Entitled

9 "AN ACT TO CREATE A FINANCIAL INCENTIVE PROGRAM FOR
10 MOTORCOACH CARRIERS TO PROMOTE TOURISM; TO AMEND ARKANSAS
11 CODE 23-11-202 TO EXEMPT SCENIC OR EXCURSION RAIL SERVICE
12 FROM THE RAILROAD INCORPORATION ACT OF 1959 AND FOR OTHER
13 PURPOSES."

Subtitle

15 "TO CREATE A FINANCIAL INCENTIVE PROGRAM
16 FOR MOTORCOACH CARRIERS."
17
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Short Title.

22 This act may be referred and cited as the "Motorcoach Carrier Incentive
23 Act of 1997".
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25 SECTION 2. Legislative determination.

26 It is hereby found and determined that: Arkansas natural beauty
27 attracts tourism from across the nation. That tourism brings with it a much
28 needed infusion of capital into this state. To attract tourism and to compete
29 with other states who are also attempting to attract tourism, it is necessary
30 to provide financial incentives to motorcoach carriers who provide
31 transportation for tourists.
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33 SECTION 3. Definitions.

34 (1) "Director" means the Director of the Arkansas Department of Parks
35 and Tourism.

36 (2) "Revenue Division" means the Revenue Division of the Department of

1 Finance and Administration.

2 (3) "Eligible Motorcoach Carriers" means tour or motorcoach charter
3 operators who transport tourists in Arkansas. This term shall not include
4 motorcoaches engaged in the business of transporting ticketed fare passengers.

5 (4) "Overnight stay" means lodging in Arkansas for one (1) or more
6 nights at a hotel, motel, inn or other facility providing overnight
7 accommodations.

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9 SECTION 4. Eligible motorcoach carriers are entitled to an incentive
10 payment equal to one cent (1¢) per mile for each mile driven in Arkansas
11 while transporting tourists on trips which involve an overnight stay for the
12 tourists in the state. To qualify for the credit, a motorcoach carrier must
13 provide documentation to the director necessary to establish the mileage
14 driven in Arkansas on trips involving an overnight stay. Such documentation
15 shall include International Fuel Tax Agreement reports if the eligible
16 motorcoach carrier is required to file such reports and copies of overnight
17 lodging receipts which provide the date and location of the overnight stay,
18 and any other information which the director requires to adequately determine
19 the entitlement to the incentive payment provided by this act.

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21 SECTION 5. Eligible motorcoach carriers may apply for the incentive
22 payment on a calendar year basis. Application for the incentive payment with
23 all necessary documentation must be made to the director on or before the
24 first day of April of the year following the calendar year in which the
25 incentive was earned. On receipt of the necessary documentation from the
26 motorcoach carrier, the director shall certify the eligibility of the
27 motorcoach carrier for the incentive payment and the amount of the incentive
28 payment due. The director shall provide the certification to the Revenue
29 Division. The Revenue Division shall be responsible for making the incentive
30 payment to the eligible motorcoach carrier from the Motorcoach Carrier
31 Incentive Program Fund.

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33 SECTION 6. There is established on the books of the State Treasurer,
34 the State Auditor and the Chief Fiscal Officer the Motorcoach Carrier
35 Incentive Program Fund. Incentive payments to motorcoach carriers shall be
36 made from this fund.

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SECTION 7. The Director of the Department of Parks and Tourism and the Director of the Department of Finance and Administration are authorized to promulgate rules and regulations necessary for the proper administration of this act.

SECTION 8. Arkansas Code 23-11-202 is amended by adding a new subdivision at the end thereof to read as follows:

'(3) The provisions of this act shall not apply to the transportation of passengers by rail in scenic or excursion type service. Any individual, corporation, limited liability company, partnership or association providing such service shall be exempt from the jurisdiction of the Commission (now the Arkansas State Highway Commission), provided the operations are subject to the safety regulations and jurisdiction of the Federal Railroad Administration.'

SECTION 9. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 10. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 11. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 12. EMERGENCY. It is found and determined by the General Assembly of the State of Arkansas that the state is losing tourism business due to increasing competition from other states; that a healthy tourism industry is essential to the economic well being of the state; that the incentive afforded by this act to motorcoach carriers can serve to attract tourism and provide a valuable economic stimulus to the economy of the state. Therefore an emergency is declared to exist and this act being immediately

1 necessary for the preservation of the public peace, health and safety shall
2 become effective on the date of its approval by the Governor. If the bill is
3 neither approved nor vetoed by the Governor, it shall become effective on the
4 expiration of the period of time during which the Governor may veto the bill.
5 If the bill is vetoed by the Governor and the veto is overridden, it shall
6 become effective on the date the last house overrides the veto.

7 */s/Mullenix et al*

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11 APPROVED: 4-09-97
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