

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

# A Bill

ACT 1266 OF 1997  
HOUSE BILL 2142

4  
5 By: Representative Malone  
6  
7

## For An Act To Be Entitled

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9 "AN ACT TO EXCLUDE CERTAIN ITEMS DONATED AFTER A STATE  
10 DISASTER FROM SALES AND USE TAX; AND FOR OTHER PURPOSES."

### Subtitle

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13 "TO EXCLUDE CERTAIN ITEMS DONATED AFTER  
14 A STATE DISASTER FROM SALES AND USE  
15 TAX."  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 26-52-103(a)(4) regarding definitions  
20 applicable to the Arkansas Gross Receipts Tax is amended to read as follows:

21 "(4) Gross receipts or gross proceeds means the total amount of  
22 consideration for the sale of tangible personal property and such services as  
23 are herein specifically provided for, whether the consideration is in money or  
24 otherwise, without any deduction on account of the cost of the properties  
25 sold, labor service performed, interest paid, losses, or any expenses  
26 whatsoever. However, the term gross receipts or gross proceeds shall not  
27 include the manufacturer's federal excise taxes levied upon articles if the  
28 manufacturer's federal excise taxes are separately stated or separately  
29 billed. The term gross proceeds or gross receipts shall include the value of  
30 any goods, wares, merchandise, or property withdrawn or used from the  
31 established business or from the stock in trade of the established reserves  
32 for consumption or use in such business or by any other person. However, the  
33 term gross receipts or gross proceeds shall not include the value of any  
34 goods, wares, merchandise, or property withdrawn or used from the established  
35 business or from the stock in trade of the established reserves for  
36 consumption or use in such business or by any other person if the goods,

1 wares, merchandise, or property withdrawn or used is donated to National Guard  
 2 members, emergency service workers or volunteers providing services to a  
 3 county which has been declared a disaster area by the Governor;"

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 5 SECTION 2. All provisions of this act of a general and permanent nature  
 6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 7 Revision Commission shall incorporate the same in the Code.

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 9 SECTION 3. If any provision of this act or the application thereof to  
 10 any person or circumstance is held invalid, such invalidity shall not affect  
 11 other provisions or applications of the act which can be given effect without  
 12 the invalid provision or application, and to this end the provisions of this  
 13 act are declared to be severable.

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 15 SECTION 4. All laws and parts of laws in conflict with this act are  
 16 hereby repealed.

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 18 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
 19 Assembly that businesses which are donating merchandise to certain state and  
 20 national personnel and emergency service workers and volunteers are being  
 21 charged sales tax on their donations; that these donations are vital to the  
 22 health and welfare of the citizens of this state; that taxation of these items  
 23 will reduce the donations and assistance provided by businesses in this state  
 24 to state disaster area workers and volunteers; and that this act will  
 25 eliminate the tax on these donations thereby encouraging continued donations  
 26 during times of state disaster. Therefore, an emergency is declared to exist  
 27 and this act being immediately necessary for the preservation of the public  
 28 peace, health and safety shall become effective on the date of its approval by  
 29 the Governor. If the bill is neither approved nor vetoed by the Governor, it  
 30 shall become effective on the expiration of the period of time during which  
 31 the Governor may veto the bill. If the bill is vetoed by the Governor and the  
 32 veto is overridden, it shall become effective on the date the last house  
 33 overrides the veto.

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 36 APPROVED:4-09-97