

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
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/5/09 H3/26/09 S4/2/09

A Bill

HOUSE BILL 1172

5 By: Representatives R. Green, J. Roebuck
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For An Act To Be Entitled

9 *AN ACT TO HELP REDUCE CIGARETTE LITTER IN*
10 *ARKANSAS BY PROVIDING AN INCOME TAX CREDIT FOR A*
11 *BUSINESS THAT PURCHASES A CIGARETTE RECEPTACLE;*
12 *AND FOR OTHER PURPOSES.*
13

Subtitle

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15 TO PROVIDE AN INCOME TAX CREDIT FOR A
16 BUSINESS THAT PURCHASES A CIGARETTE
17 RECEPTACLE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 26, Chapter 51, Subchapter 5 is amended
23 to add an additional section to read as follows:

24 26-51-513. Cigarette receptacle.

25 (a) As used in this section, "cigarette receptacle" means a receptacle
26 or urn specifically designed for the disposal of cigarette litter such as
27 cigarette butts and ash.

28 (b)(1) A business or commercial enterprise with fifty (50) or fewer
29 employees is allowed an income tax credit against the income tax imposed by
30 the Income Tax Act of 1929, § 26-51-101 et seq., for the purchase of a
31 cigarette receptacle that is placed in service during the taxable year.

32 (2) The amount of the income tax credit under this section is
33 twenty percent (20%) of the purchase price of the cigarette receptacle.

34 (3) A taxpayer may claim the income tax credit under this
35 section only one (1) time and only for one (1) cigarette receptacle.

36 (c) Any unused income tax credit under this section may be carried



1 forward for three (3) consecutive tax years following the tax year the income
2 tax credit was earned.

3 (d) The amount of the income tax credit under this section that may be
4 claimed by the taxpayer in a tax year shall not exceed the amount of income
5 tax due by the taxpayer.

6 (e) The Department of Finance and Administration shall promulgate
7 rules to implement this section.

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9 SECTION 2. Contingent Effectiveness. This act is effective if the
10 Chief Fiscal Officer of the State certifies that additional funding has been
11 provided to state general revenues from other funding sources and is
12 available for use during fiscal year 2010 in an amount sufficient to replace
13 the general revenue reduction for the fiscal year 2010 that would result from
14 the allowance of the income tax credit provided in this act. The Chief Fiscal
15 Office of the State will make the same determination for fiscal year 2011 and
16 each fiscal year thereafter. At any time that the Chief Fiscal officer of the
17 State determines that additional funding from sources other than state
18 general revenues does not exist in an amount sufficient to replace the
19 general revenue reduction for that fiscal year from the allowance of the
20 income tax credit provided in this act, the income tax credit provided by
21 this act will expire. The Chief Fiscal Officer of the State shall provide
22 notice to the Director of the Bureau of Legislative Research when the
23 contingencies in this section have been met.

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25 /s/ R. Green
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