

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **First Extraordinary Session, 1992**  
4 **By: Senators Wilson, Bradford, and Bearden**

**Call Item 7**

# **A Bill**

**SENATE BILL 33**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §15-4-807 TO  
9 QUALIFY BUSINESSES WHICH MANUFACTURE, REPAIR, CONVERT,  
10 MODIFY, OR MAINTAIN COMMERCIAL JET AIRCRAFT OR COMMERCIAL  
11 JET AIRCRAFT COMPONENTS OR SUBCOMPONENTS FOR ENTERPRISE  
12 ZONE SALES AND USE TAX REFUNDS AND INCOME TAX CREDITS; TO  
13 PROVIDE A SALES TAX EXEMPTION FOR THE SERVICE OF  
14 REPAIRING, MODIFYING, CONVERTING OR MAINTAINING  
15 COMMERCIAL JET AIRCRAFT; TO PROVIDE A SALES AND USE TAX  
16 EXEMPTION FOR TANGIBLE PERSONAL PROPERTY WHICH BECOMES A  
17 PART OF COMMERCIAL JET AIRCRAFT; AND FOR OTHER PURPOSES."

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 SECTION 1. Arkansas Code Annotated §15-4-807 is hereby amended to add  
22 subsection (f) to read as follows:

23 "(f) (1) The sales and use tax refund provided for in subsection (a) of  
24 this section, and the income tax credit provided for in subsection (c) of this  
25 section, may be claimed by qualified aircraft businesses. A qualified  
26 aircraft business shall mean any business which manufactures, assembles,  
27 repairs, rebuilds, converts, modifies, or maintains commercial jet aircraft,  
28 commercial jet aircraft components or commercial jet aircraft subcomponents.  
29 The sales and use tax refund shall also be available to any other entity which  
30 constructs or expands a facility solely for use by a qualified aircraft  
31 business. The term commercial jet aircraft shall mean any commercial,  
32 military, private or other turbine or turbo jet aircraft having a maximum  
33 take-off weight of more than 12,500 pounds.

34 (A) To qualify for the sales and use tax refund provided for in  
35 subsection (a) of this section, the qualified aircraft business or other

1 qualified entity must obtain certification from the Department of Industrial  
2 Development that:

3 (i) The business or entity is qualified as provided in  
4 paragraph (1) of this subsection; and

5 (ii) The business or entity has an approved project which  
6 will result in the investment of not less than five million dollars  
7 (\$5,000,000), after the effective date of this act, in the construction of a  
8 new facility or the expansion of an existing facility for housing a business  
9 engaged in the manufacturing, assembling, repairing, rebuilding, converting,  
10 modification, or maintenance of commercial jet aircraft, commercial jet  
11 aircraft components or commercial jet aircraft subcomponents. The investment  
12 shall include the cost of land, buildings, and equipment used in the  
13 construction or expansion.

14 (B) To qualify for the income tax credit provided for in  
15 subsection (c) of this section the qualified aircraft business must obtain  
16 certification from the Department of Industrial Development of the following:

17 (i) That the business is a qualified aircraft business as  
18 provided in paragraph (1) of this subsection;

19 (ii) A statement of the average annual employment of the  
20 business for the tax year prior to the year of certification under this  
21 subsection; and

22 (iii) That the business has an approved project which will  
23 result in the employment of at least fifty (50) net new employees within sixty  
24 (60) months of receiving certification.

25 (C) No income tax credit under this subsection shall be allowed  
26 until the business has employed at least fifty (50) net new employees within  
27 sixty (60) months of receiving certification. In the year that the business  
28 first employs at least fifty (50) net new employees, the business shall file a  
29 claim with the Revenue Division to establish the amount of the income tax  
30 credit allowed for that year under this subsection.

31 (D) An income tax credit shall be allowed for any net new  
32 employees hired in any year after the taxpayer first establishes that it has  
33 hired at least fifty (50) net new employees. No income tax credit shall be  
34 allowed for any net new employees hired more than five (5) years from the date  
35 the business first receives certification by the Department of Industrial

1 Development for the project.

2 (E) A qualified aircraft business or other entity may request and  
3 qualify for subsequent certification for new projects to receive sales and use  
4 tax refunds and income tax credits provided that the qualified aircraft  
5 business or other entity meets all requirements for qualification as provided  
6 in subsection (f) (1) (A) for sales and use tax refunds or subsection (f) (1) (B)  
7 for income tax credits.

8 (F) Any business or other entity which receives tax incentives,  
9 credits or refunds under either the Manufacturer's Investment Sales and Use  
10 Tax Credit Act of 1985, Arkansas Code Annotated §26-52-701 et seq., or any  
11 other subdivision of the Arkansas Enterprise Zone Act of 1989, Arkansas Code  
12 Annotated §15-4-801 et seq. shall not receive the sales and use tax refund or  
13 income tax credit provided for in this subdivision. Any business or entity  
14 which receives a tax refund or credit under this subdivision shall not receive  
15 any tax credit, refund or incentive under the Manufacturer's Investment Sales  
16 and Use Tax Credit Act of 1985 or any other subdivision of the Arkansas  
17 Enterprise Zone Act of 1989.

18 (2) A business or entity qualifying for the state sales and use tax  
19 refund under this subsection shall also be entitled to a refund of any city or  
20 county sales and use tax applicable to the transactions for which the state  
21 refund is claimed without obtaining the approval of the governing body of the  
22 city or county. The qualified business or entity shall make its application  
23 for this refund of city or county sales and use tax with the city or county  
24 levying the tax.

25 (3) The prerequisites for obtaining a sales and use tax refund provided  
26 in subsection (b) (1) of this section, and the prerequisites for obtaining an  
27 income tax credit provided in subsection (d) (1) of this section, shall not  
28 apply to qualified aircraft businesses or other entities which construct or  
29 expand a facility solely for use by a qualified aircraft business."

30

31 SECTION 2. Arkansas Code Annotated §26-52-301(3) (C), is hereby amended  
32 to add a new subparagraph to read as follows:

33 "(vi) The gross receipts tax levied in this section shall not apply to  
34 the service of alteration, addition, cleaning, refinishing, replacement or  
35 repair of commercial jet aircraft, commercial jet aircraft components or

1 commercial jet aircraft subcomponents. The term commercial jet aircraft  
2 shall mean any commercial, military, private or other turbine or turbo jet  
3 aircraft having a certified maximum take-off weight of more than 12,500  
4 pounds."

5

6 SECTION 3. Arkansas Code Annotated §26-52-401, is hereby amended to add  
7 a new subsection (28) to read as follows:

8 "(28) Parts or other tangible personal property incorporated into or  
9 which become a part of commercial jet aircraft components or commercial jet  
10 aircraft subcomponents. The term commercial jet aircraft shall mean any  
11 commercial, military, private or other turbine or turbo jet aircraft having a  
12 certified maximum take-off weight of more than 12,500 pounds."

13

14 SECTION 4. The provisions contained in Section 2 and Section 3 of this  
15 act shall be effective on and after *July 1, 1993*.

16

17 SECTION 5. All provisions of this act of a general and permanent nature  
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
19 Revision Commission shall incorporate the same in the code.

20

21 SECTION 6. If any provision of this act or the application thereof to  
22 any person or circumstance is held invalid, such invalidity shall not affect  
23 other provisions or applications of the act which can be given effect without  
24 the invalid provision or application, and to this end the provisions of this  
25 act are declared to be severable.

26

27 SECTION 7. All laws and parts of laws in conflict with this act are  
28 hereby repealed.

29

30 SECTION 8. EMERGENCY. It has been found and is hereby declared by the  
31 General Assembly that unemployment in Arkansas has reached emergency  
32 proportions, and that this situation can only be remedied by attracting new  
33 industry. Offering tax incentives is an effective method of attracting  
34 business to Arkansas. This act offers incentives which will reduce  
35 unemployment levels. Therefore, an emergency is declared to exist, and this

1 act, being necessary for the immediate preservation of the public peace,  
2 health and safety, shall be in full force and effect from and after its  
3 passage and approval.

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*/s/Sen. Wilson et. al.*