

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

HOUSE BILL 2142

4
5 By: Representative Malone

For An Act To Be Entitled

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

Subtitle

13 "TO EXCLUDE CERTAIN ITEMS DONATED AFTER
14 A STATE DISASTER FROM SALES AND USE
15 TAX."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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30 any goods, wares, merchandise, or property withdrawn or used from the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34 goods, wares, merchandise, or property withdrawn or used from the established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1 wares, merchandise, or property withdrawn or used is donated to National Guard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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