

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/23/07

A Bill

HOUSE BILL 2564

5 By: Representative Bond
6
7

For An Act To Be Entitled

9 AN ACT TO SUPPORT ECONOMIC DEVELOPMENT FOR
10 CERTAIN SMALL MANUFACTURERS; AN ACT TO PROVIDE A
11 TAX *REBATE* FOR CERTAIN MANUFACTURERS OF BEER AND
12 MALT BEVERAGES; AND FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO SUPPORT ECONOMIC DEVELOPMENT
16 FOR SMALL MANUFACTURERS OF BEER AND MALT
17 BEVERAGES.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 3, Chapter 7, Subchapter 1 is amended
23 to add a new section to read as follows:

24 3-7-116. Tax rebate for qualified manufacturers.

25 (a) For purposes of this section:

26 (1) "Barrel" means thirty-one gallons (31 gals.) of liquid;

27 (2) "Beer" means any fermented liquor made from malt or any
28 substitute and having an alcoholic content of not more than five percent (5%)
29 by weight;

30 (3) "Malt beverage" means any liquor brewed from the fermented
31 juices of grain and having an alcoholic content of not less than five percent
32 (5%) or more than twenty-one percent (21%) by weight;

33 (4)(A)(i) "Qualified manufacturer" means a person that
34 manufactures a combined total of less than twenty five thousand (25,000)
35 barrels of beer and malt beverage during the twelve-month period immediately
36 preceding the twelve-month period for which the rebate under this section is



1 claimed.

2 (ii) "Qualified manufacturer" includes a person
3 licensed under § 3-5-1201 et seq. or § 3-5-1401 et seq.

4 (B)(i) The maximum quantity of less than twenty-five
5 thousand (25,000) barrels of beer and malt beverage shall be computed by
6 combining all brands and labels of beer and malt beverage manufactured at all
7 manufacturing facilities owned or controlled by the qualified manufacturer.

8 (ii)(a) The person shall validate its eligibility by
9 furnishing copies of the following forms:

10 (1) Brewers Report of Operations
11 (monthly or quarterly) TTB Form (OMB Number 1512-0052); or

12 (2) Its equivalent form, as submitted to
13 the United States Department of Treasury.

14 (b) The forms shall demonstrate that the
15 combined manufactured barrels of beer and malt beverage are less than twenty
16 five thousand (25,000) barrels of beer; and

17 (5) "Wholesaler" means a person licensed by the Alcoholic
18 Beverage Control Division as a wholesaler that purchases beer or malt
19 beverage from a qualified manufacturer.

20 (b)(1)(A) A qualified manufacturer is entitled to a tax rebate equal
21 to seven dollars and fifty cents (\$7.50) per barrel of beer or malt beverage
22 sold or offered for sale in Arkansas each calendar year by the qualified
23 manufacturer or sold through its appointed "wholesalers", if the qualified
24 manufacturer or its "wholesaler" is required to report and pay tax under § 3-
25 7-104(6), § 3-5-1408(3), or § 3-7-104, on the beer or malt beverage first
26 sold or offered for sale in this state.

27 (B) The tax rebate claimed each year by the qualified
28 manufacturer under this section shall not exceed the annual tax liability of
29 the qualified manufacturer and its wholesalers under § 3-5-1408(3) or § 3-7-
30 104 during the year requested.

31 (2) The first twelve-month period for which a qualified
32 manufacturer may claim a rebate under this section begins January 1, 2007,
33 for the year ending 2006.

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35 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
36 General Assembly of the State of Arkansas that beer and malt beverage

1 manufacturers and wholesalers are an important component of the state
2 economy; that in order to be competitive, beer and malt beverage
3 manufacturers are in urgent need of immediate tax relief; that failure to
4 provide immediate tax relief to beer and malt beverage manufacturers could
5 cause irreparable harm to these manufacturers and the state economy; and that
6 this act is immediately necessary to enable the manufacturers to continue
7 operations and contribute to the state economy. Therefore, an emergency is
8 declared to exist and this act being immediately necessary for the
9 preservation of the public peace, health, and safety shall become effective
10 on the first day of the calendar month after:

11 (1) The date of its approval by the Governor;

12 (2) If the bill is neither approved nor vetoed by the Governor,
13 the expiration of the period of time during which the Governor may veto the
14 bill; or

15 (3) If the bill is vetoed by the Governor and the veto is
16 overridden, the date the last house overrides the veto.

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18 */s/ Bond*
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