

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Representative Lea

A Bill

HOUSE BILL 1285

For An Act To Be Entitled

8 AN ACT TO ENCOURAGE DISASTER PREPAREDNESS BY CREATING
9 A SALES AND USE TAX EXEMPTION FOR DISASTER-
10 PREPAREDNESS SUPPLIES FOR A LIMITED PERIOD OF TIME;
11 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

15 TO ENCOURAGE DISASTER PREPAREDNESS BY
16 CREATING A SALES AND USE TAX EXEMPTION
17 FOR DISASTER-PREPAREDNESS SUPPLIES FOR A
18 LIMITED PERIOD OF TIME AND TO DECLARE AN
19 EMERGENCY.

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

24 SECTION 1. Arkansas Code Title 26, Chapter 52, Subchapter 4, is
25 amended to add an additional section to read as follows:

26 26-52-446. Sales tax holiday for disaster-preparedness items.

27 (a) As used in this section:

28 (1)(A) "Battery" means:

29 (i) An A, AA, AAA, C, D, 6-volt, or 9-volt battery;

30 and

31 (ii) A cellular telephone battery.

32 (B) "Battery" does not include an automobile battery or
33 marine battery;

34 (2) "Disaster-preparedness fastening supply" means an item
35 listed in this subdivision (a)(2) that may be used for fastening or for
36 securing or covering property in preparation for or response to a disaster:



- 1 (A) Bungee cord;
- 2 (B) Rope;
- 3 (C) Ratchet strap;
- 4 (D) Duct tape;
- 5 (E) Boat anchor;
- 6 (F) Fender, anchor chain, dock line, or similar device;
- 7 (G) Tarpaulin and other flexible waterproof sheeting; and
- 8 (H) Ground anchor or tie-down kit;

9 (3) "Disaster-preparedness food-related supply" means a food or
 10 food-related item listed in this subdivision (a)(3) that may be used in
 11 preparation for or response to a disaster:

- 12 (A) Artificial ice;
- 13 (B) Water storage container;
- 14 (C) Manual can opener; and
- 15 (D) Bottled water;

16 (4) "Disaster-preparedness general supply" means a general-
 17 purpose item listed in this subdivision (a)(4) that may be used in
 18 preparation for or response to a disaster:

- 19 (A) Battery;
- 20 (B) Cellular telephone charger;
- 21 (C) Satellite phone;
- 22 (D) Self-powered light source;
- 23 (E) Portable self-powered radio, two-way radio, weather-
 24 band radio, and National Oceanic and Atmospheric Administration weather
 25 radio;
- 26 (F) Gas container or diesel fuel container;
- 27 (G) Nonelectric food storage cooler;
- 28 (H) Portable generator; and
- 29 (I) Storm shutter device;

30 (5) "Disaster-preparedness safety supply" means a safety item
 31 listed in this subdivision (a)(5) that may be used in preparation for or
 32 response to a disaster:

- 33 (A) Carbon monoxide detector;
- 34 (B) Smoke detector;
- 35 (C) Fire extinguisher; and
- 36 (D) First-aid kit; and

1 (6)(A) "Disaster-preparedness supply" means an item purchased in
2 preparation for or response to a disaster, including any fire, flood, storm,
3 tornado, earthquake, or similar public calamity, whether manmade, resulting
4 from war, or resulting from natural causes.

5 (B) "Disaster-preparedness supply" includes only the
6 following categories of items:

7 (1) Disaster-preparedness fastening supply;

8 (2) Disaster-preparedness food-related supply;

9 (3) Disaster-preparedness general supply; and

10 (4) Disaster-preparedness safety supply.

11 (b) The gross receipts or gross proceeds derived from the sale of a
12 disaster-preparedness supply are exempt from the gross receipts tax levied by
13 the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., and the
14 compensating use tax levied by the Arkansas Compensating Tax Act of 1949, §
15 26-53-101 et seq., each year from 12:01 a.m. on the first Saturday in August
16 and ending at 11:59 p.m. the following Sunday.

17 (c) The Department of Finance and Administration shall promulgate
18 rules to implement this section.

19
20 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
21 General Assembly of the State of Arkansas that natural disasters occur in
22 Arkansas throughout the year; that residents should be encouraged to purchase
23 disaster-preparedness items to prepare for natural disasters; and that this
24 act is necessary to encourage disaster preparedness and allow the required
25 time to give notice under the Streamlined Sales and Use Tax Agreement.
26 Therefore, an emergency is declared to exist and this act being necessary for
27 the preservation of the public peace, health, and safety shall become
28 effective on July 1, 2013.