

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1294

By: Representatives Gazaway, M. Shepherd

By: Senators C. Tucker, J. Bryant

## For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 26 OF  
THE ARKANSAS CODE CONCERNING TAXATION; AND FOR OTHER  
PURPOSES.

## Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 26  
OF THE ARKANSAS CODE CONCERNING TAXATION.

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

SECTION 1. Uncodified Acts 2007, No. 613, § 2, is repealed as obsolete because the Chief Fiscal Officer of the State made the certification described in Acts 2007, No. 613, § 2, on August 10, 2007, making this version of Arkansas Code § 26-51-428 effective, but Acts 2009, No. 372, § 18, amended the expired version of Arkansas Code § 26-51-428, thus reviving the expired version, which was subsequently amended to produce a correct result.

~~The provisions of this act shall not be effective until the Chief Fiscal Officer of the State certifies that additional funding has been provided to state general revenues from other funding sources and is available for use during fiscal year 2008 and fiscal year 2009 in an amount sufficient to replace the general revenue reduction for each of the fiscal years 2008 and 2009 that would result from the adoption of the provisions of section 179 of the Internal Revenue Code, as in effect on January 1, 2007, as provided by this act.~~

SECTION 2. Arkansas Code § 26-51-428, as in effect only if the



contingency in Acts 2007, No. 613, § 2, is met, is repealed as obsolete.

~~26-51-428. Depreciation Deductions Expensing of property.~~

~~(a) Title 26 U.S.C. §§ 167, 168, and 179A, as in effect on January 1, 1999, and 26 U.S.C. § 179 as in effect on January 1, 2007, regarding depreciation and expensing of property, are adopted for the purpose of computing Arkansas income tax liability.~~

~~(b) The basis on which exhaustion, wear and tear, and obsolescence are to be allowed in respect to any property shall be the adjusted basis provided in § 26-51-411 for the purpose of determining the gain on the sale or other disposition of the property.~~

~~(c) Title 26 U.S.C. § 197, as in effect on January 1, 2007, regarding the amortization of goodwill and certain other intangibles, is adopted for the purpose of computing Arkansas income tax liability.~~

SECTION 3. Arkansas Code § 26-51-506(b)(17)(A), concerning the definition of "qualified growth projects" for purposes of the tax credit for waste reduction, reuse, or recycling equipment, is amended to read as follows to add a necessary article:

(A) Has a common controlling ownership interest with a qualified manufacturer of steel as defined in § 26-51-1211, § 26-52-911, Acts 2013, No. 1084, or Acts 2013, No. 1476, at the time the facility commenced operation;

SECTION 4. Arkansas Code § 26-57-203(27), concerning the definition of "retailer" under the Arkansas Tobacco Products Tax Act of 1977, is amended to read as follows to correct a grammatical error:

(27) "Retailer" means a person that:

(A) Purchases tobacco products, vapor products, alternative nicotine products, or e-liquid products from permitted wholesalers for the purpose of selling the tobacco products, vapor products, alternative nicotine products, or e-liquid products in person and over the counter at retail to consumers; or

(B) Has a physical presence in Arkansas and ~~that~~ purchases cigars from permitted wholesalers for the purpose of the online retail sale of the cigars to buyers inside and outside the state;

SECTION 5. Arkansas Code § 26-57-610(b)(3), concerning the disposition of insurance premium taxes, is amended to read as follows to remove an internal reference to a repealed subdivision:

(3) ~~Except as provided in subdivision (b)(4) of this section [repealed], all other~~ The taxes collected under §§ 26-57-604 and 26-57-605 shall be classified as general revenues, and the net amount of taxes collected under §§ 26-57-604 and 26-57-605 shall be credited to the various State Treasury funds participating in general revenues in the respective proportions to each as provided by and to be used for the respective purposes set forth in the Revenue Stabilization Law, § 19-5-101 et seq.; and

SECTION 6. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Fourth General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Fourth General Assembly and this act:

(A) The act of the regular session of the Ninety-Fourth General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Fourth General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

**APPROVED: 3/2/23**