

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1285

By: Representative Lea

For An Act To Be Entitled

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

Subtitle

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

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

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

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

(a) As used in this section:

(1)(A) "Battery" means:

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

and

(ii) A cellular telephone battery.

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

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



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

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

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

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

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

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

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

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

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

- (1) Disaster-preparedness fastening supply;
- (2) Disaster-preparedness food-related supply;
- (3) Disaster-preparedness general supply; and
- (4) Disaster-preparedness safety supply.

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

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

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