

**ARKANSAS SENATE**  
94th General Assembly - Regular Session, 2023  
**Amendment Form**

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**Subtitle of Senate Bill No. 352**

TO CREATE INCOME TAX INCENTIVES FOR EMPLOYER-BASED DEPENDENT CARE ASSISTANCE;  
AND TO CREATE AN INCOME TAX CREDIT FOR EMPLOYER PAYMENTS RELATED TO DEPENDENT  
CARE ASSISTANCE.

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**Amendment No. 1 to Senate Bill 352**

Amend Senate Bill No. 352 as originally introduced:

Page 1, delete line 29, and substitute the following:

"(a) As used in this section, "eligible taxpayer" means an employer that has at least fifty percent (50%) of its employees receive an annual wage that is less than fifty-five thousand dollars (\$55,000).

(b) Subject to the limitations stated in subsection (c) of this section, there is allowed an income tax credit against the income tax"

AND

Page 1, line 31, delete "taxpayer's" and substitute "eligible taxpayer's"

AND

Page 1, line 32, delete "taxpayer" and substitute "eligible taxpayer"

AND

Page 1, delete lines 33 and 34, and substitute the following:

"for dependent care assistance provided to an employee of the eligible taxpayer.

(c)(1) An eligible taxpayer that wants to claim the income tax credit allowed under this section shall obtain an exemption certificate from the Arkansas Economic Development Commission that states the amount of the income tax credit to which the eligible taxpayer is entitled.

(2) The commission shall:

(A) Not issue exemption certificates for an aggregate amount that exceeds three million dollars (\$3,000,000) for a tax year; and

(B) Issue exemption certificates on a first-come, first-served basis to eligible taxpayers.

(d)(1)(A) Except as provided in subdivision (d)(2) of this section,"



AND

Page 1, line 36, delete "taxpayer" and substitute "eligible taxpayer"

AND

Page 2, line 1, delete "taxpayer" and substitute "eligible taxpayer"

AND

Page 2, delete line 6, and substitute the following:  
"section exceeds the eligible taxpayer's income tax liability and the eligible taxpayer is a"

AND

Page 2, delete line 9, and substitute the following:  
"refunded to the eligible taxpayer.

(e)(1) The commission shall prescribe annually an amount that shall apply in lieu of the annual wage amount stated in subsection (a) of this section for the succeeding tax year based on the cost-of-living adjustment described in subdivision (e)(2) of this section, rounded to the nearest one hundred dollars (\$100).

(2) The cost-of-living adjustment is the percentage, if any, by which the average of the Consumer Price Index for All Urban Consumers published by the United States Department of Labor as of the close of the twelve-month period ending on August 31 of the current calendar year exceeds the average of the Consumer Price Index for All Urban Consumers published by the United States Department of Labor as of the close of the twelve-month period ending on August 31 of the preceding calendar year, not to exceed three percent (3%).

(f)(1)(A) An eligible taxpayer may sell some or all of the amount of the income tax credit for which an exemption certificate has been issued under subsection (c) of this section by applying to the commission for authorization to sell the income tax credit under this section.

(B) An eligible taxpayer applying to the commission for authorization under this subsection to sell an income tax credit under this section shall submit to the commission the information required by the commission to facilitate the sale.

(2) If a purchaser of an income tax credit under this section seeks to use the income tax credit, the purchaser shall provide the information required by the Department of Finance and Administration.

(3)(A) A person who purchases an income tax credit under this section from an eligible taxpayer under this subsection may use the income tax credit under this section only to the extent the income tax credit under this section is still available to and has not previously been used by the eligible taxpayer.

(B) The amount of the income tax credit under this section received by a purchaser under this subsection may be carried forward in part or in whole as provided in subdivision (d)(1)(B) of this section, beginning

from the taxable year in which the income tax credit under this section originated, to apply against the purchaser's income taxes due.

(4) If a subsequent audit or adjustment is made to an income tax credit issued under this section that reduces the amount of the income tax credit under this section, then the eligible taxpayer that originally received the income tax credit under this section shall refund the difference between the original amount and the reduced amount to the Department of Finance and Administration.

(g) The commission and the Department of Finance and Administration may adopt rules to implement this section."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Irvin

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Secretary