

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Bradford**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 26-53-106 FOR THE PURPOSE
9 OF CLARIFYING THAT THERE IS NO LEVY OR IMPOSITION OF
10 COMPENSATING (_USE TAX_) ON CERTAIN AIRCRAFT AND RAILROAD
11 CARS, PARTS AND EQUIPMENT; AND FOR OTHER PURPOSES."

Subtitle

14 "TO CLARIFY THAT THERE IS NO LEVY OR IMPOSITION OF _USE
15 TAX_ ON CERTAIN AIRCRAFT AND RAILROAD CARS, PARTS AND
16 EQUIPMENT."

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

20 SECTION 1: Arkansas Code 26-53-106 is amended to add subsection (e) to
21 read as follows:

22 "(e) Provided, however, that the tax levied in this act shall not apply
23 to aircraft, aircraft equipment, and railroad parts, cars, and equipment, or
24 to tangible personal property owned or leased by aircraft, airmotive or
25 railroad companies brought into the state of Arkansas solely and exclusively
26 for (i) refurbishing, conversion or modification within this state and is not
27 used or intended for use in this state, and the presence of such tangible
28 personal property within this state shall not be construed as storage, use, or
29 consumption in this state for the purpose of this act, if such aircraft,
30 aircraft equipment, and railroad parts, cars, and equipment, or tangible
31 personal property is removed from this state within sixty (60) days from the
32 date of the completion of such refurbishing, conversion, or modification, or
33 (ii) storage for use outside or inside the state of Arkansas regardless of the
34 length of time any such property is so stored in the state of Arkansas. If
35 any such property is subsequently initially used in the state of Arkansas, the

1 tax levied by this act shall be and become applicable to the property so used
2 in Arkansas. Provided, further, that nothing in this subsection is intended
3 to exempt from taxation any materials used or services furnished in the
4 refurbishing, conversion, or modification of such property in this state which
5 is subject to the Arkansas Gross Receipts Tax."

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7 SECTION 2. It is the intent of the General Assembly that for purposes
8 of any burden of proof issues this act not be interpreted by courts as an
9 exemption from taxation and to incorporate the legislative intent of Section 2
10 of Act No. 1237 of 1975 (Extended Sess., 1976).

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12 SECTION 3. All provisions of this act of a general and permanent nature
13 are amendatory of the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 4. If any provision of this act or the application thereof to
17 any person or circumstances held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severally.

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22 SECTION 5. All laws and parties of laws in conflict with this act are
23 hereby repealed.

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25 SECTION 6. EMERGENCY. It is hereby found and determined by the General
26 Assembly that the immediate passage of this act is necessary to protect jobs
27 and industry currently located in this state or those contemplating locating
28 here. Therefore an emergency is declared to exist and this act shall be in
29 full force and effect from and after its passage and approval.

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