

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2007-204

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

LMG/KSW
HOUSE BILL

By: Representative Ragland

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO CLARIFY THE DISABILITY REQUIRED TO
QUALIFY FOR AN INCOME TAX CREDIT UNDER § 26-51-
503; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO CLARIFY THE DISABILITY
REQUIRED TO QUALIFY FOR AN INCOME TAX
CREDIT UNDER § 26-51-503.

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

SECTION 1. Arkansas Code § 26-51-503 is amended to read as follows:
26-51-503. Support of a child with a ~~developmental~~ permanent total
disability.

(a) In addition to the state income tax credit permitted by § 26-51-
501(a) and (b), any taxpayer in this state who is maintaining, supporting,
and caring for an individual in the taxpayer's home with a diagnosis of
~~developmental~~ a permanent total disability ~~in the taxpayer's home shall be~~ is
permitted, in addition to all other income tax credits, a credit of five
hundred dollars (\$500) for each income year for that individual.

(b)(1) Any ~~person~~ taxpayer wishing to take advantage of this tax
credit ~~must~~ shall have certification by a licensed physician, licensed
psychologist, or licensed psychological examiner that the individual has a
diagnosis of ~~developmental~~ a permanent total disability.

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1 (2) The certification ~~shall be~~ is valid for five (5) years for
2 income tax purposes.

3 (3) If any ~~person~~ taxpayer wishes to take advantage of this tax
4 credit after using the certification for five (5) income years, the ~~person~~
5 ~~must~~ taxpayer shall have the individual reevaluated by a licensed physician,
6 licensed psychologist, or licensed psychological examiner for
7 recertification.

8 (4) The recertification process ~~shall be~~ is valid for another
9 five (5) years for income tax purposes.

10 (c) As used in this section:

11 (1) “Diagnosis of ~~developmental~~ a permanent total disability”
12 means that the individual meets the criteria for a diagnosis of a disability
13 that is:

14 (A) A developmental disability as provided in §§ 20-48-202
15 and 20-48-101 respectively; or

16 (B) In the absence of clear and convincing proof to the
17 contrary, a physical disability that includes one (1) or more of the
18 following:

19 (i) The loss or the loss of use of both hands;

20 (ii) The loss or the loss of use of both arms;

21 (iii) The loss or the loss of use of both legs; or

22 (iv) The loss or the loss of use of both eyes; and

23 (2) “Individual” means a child of the taxpayer’s blood, an
24 adopted child of the taxpayer, or a dependent of the taxpayer within the
25 meaning of § 26-51-501(a)(3)(B).

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27 SECTION 2. Effective Date. Section 1 of this act is effective for tax
28 years beginning on or after January 1, 2009.

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36 Filed Date: 10/17/2007 By: LMG\KSW