

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/6/01

A Bill

HOUSE BILL 2054

5 By: Representatives Lewellen, Clemons, Duggar, Eason, J. Elliott, Goss, Hutchinson, Ormond, Shoffner,
6 C. Taylor
7

For An Act To Be Entitled

10 AN ACT PROVIDING FOR A PRIMARY FAMILY CAREGIVER
11 INCOME TAX CREDIT; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT PROVIDING A PRIMARY FAMILY
15 CAREGIVER TAX CREDIT.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 26, Chapter 51, Subchapter 4 is amended
21 by adding an additional section to read as follows:

22 26-51-449. Primary Family Caregiver.

23 (a) The purpose of this section is:

24 (1) Public recognition of the great physical, emotional and
25 financial sacrifices required of primary family caregivers of totally and
26 permanently disabled senior adults; and

27 (2) To lighten this burden by reduction of state income tax
28 liability of the primary family caregiver.

29 (b) For the purposes of this section:

30 (1) "Physical or mental impairment" means impairment resulting
31 from anatomical, physiological, or psychological abnormalities demonstrable
32 by medically acceptable clinical or laboratory diagnostic techniques;

33 (2) "Primary family caregiver" means a relative of a totally and
34 permanently disabled senior adult who is:

35 (A) Primarily responsible for the care and supervision of
36 the totally and permanently disabled senior adult; and

1 (B) Not a professional health care provider paid to care
2 for the totally and permanently disabled senior adult;

3 (3) "Relative" means:

4 (A) An adult related to the taxpayer by consanguinity
5 within the third degree, as computed under § 28-9-212;

6 (B) A spouse;

7 (C) An adult related to a spouse within the third degree
8 of consanguinity; or

9 (D) An adult in an adoptive relationship with the taxpayer
10 within the third degree of consanguinity;

11 (4) "Senior adult" means a person fifty-seven (57) years of age
12 or older;

13 (5) "Totally and permanently disabled" means the inability to
14 engage in any substantial gainful activity by reason of any medically
15 determinable physical or mental impairment which:

16 (A) Can be expected to result in death; or

17 (B) Has lasted, or can be expected to last, for a
18 continuous period of not less than twelve (12) months.

19 (c) In addition to any other state income tax liability deductions or
20 credits permitted by law, a taxpayer in this state who is maintaining,
21 supporting, and caring for a totally and permanently disabled senior adult
22 relative in the taxpayer's home and whose income does not exceed fifty
23 thousand dollars (\$50,000), shall be permitted a tax credit of five hundred
24 dollars (\$500) applied to the taxpayer's Arkansas income tax liability for
25 each income year that the taxpayer maintains, supports, and cares for a
26 totally and permanently disabled senior adult relative.

27 (d) This section shall be effective for the tax years beginning after
28 December 31, 2000.

29 (e)(1) The Director of the Department of Finance and Administration
30 shall promulgate rules and regulations to carry out the purpose and intent of
31 this section and to prevent abuse of the credit provided for in this section.

32 (2) The Director of the Department of Finance and Administration
33 shall promulgate rules and regulations that specifically set guidelines as to
34 who is eligible for the tax credit.

35 (3) The Director of the Department of Finance and Administration
36 may promulgate rules and regulations requiring certification of eligibility

1 to be provided by taxpayers claiming the tax credit.

2 /s/ Lewellen, et al.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36