A BILL FOR AN ACT

RELATING TO TAXATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. Chapter 235, Hawaii Revised Statutes, is
2	amended by adding a new section to be appropriately designated
3	and to read as follows:
4	"§235- Caregiver tax credit. (a) There shall be
5	allowed a caregiver tax credit to each eligible taxpayer who is
6	not claimed and is not otherwise eligible to be claimed as a
7	dependent by another taxpayer for federal or Hawaii state
8	individual income tax purposes, and who files an individual net
9	income tax return for a taxable year.
10	(b) The caregiver tax credit shall be a percentage of
11	\$, based on adjusted gross income of the caregiver, as
12	defined in the Internal Revenue Code, according to the following
13	schedule:
14	TAX CREDIT SCHEDULE
15	Adjusted Gross Income Tax Credit
16	<u>Under \$30,000</u> <u>100%</u>
17	\$30,000 to under \$50,000 70%

H.B. NO. 824

1	$\frac{$50,000 \text{ to under } $75,000}{40}$	
2	\$75,000 and over <u>10%</u>	
3	(c) An eligible taxpayer may claim the tax credit for	
4	every taxable year that the eligible taxpayer provides care to	a
5	care recipient. Only one caregiver per household may claim a	
6	tax credit for any care recipient cared for in a taxable year.	
7	An eligible taxpayer may not claim multiple tax credits under	
8	this section in a taxable year, regardless of the number of car	<u>:e</u>
9	recipients receiving care from the eligible taxpayer.	
10	(d) An eligible taxpayer shall certify to the department	
11	that the taxpayer is in compliance with all applicable federal,	<u>'</u> _
12	state, and county statutes, rules, and regulations.	
13	(e) If the tax credit claimed by the taxpayer under this	
14	section exceeds the amount of income tax payments due from the	
15	taxpayer, the excess of credit over payments due shall be	
16	refunded to the taxpayer; provided that the tax credit properly	<u>/</u>
17	claimed by a taxpayer who has no income tax liability shall be	
18	paid to the taxpayer; and provided that no refunds or payments	
19	on account of the tax credit allowed by this section shall be	
20	made for amounts less than \$1.	
21	(f) Every claim, including amended claims, for the tax	
22	credit under this section shall be filed on or before the end of	o f
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H.B. NO. 821

- 1 the twelfth month following the close of the taxable year for
- 2 which the tax credit may be claimed. Failure to meet the filing
- 3 requirements of this subsection shall constitute a waiver of the
- 4 right to claim the tax credit.
- 5 (g) The director of taxation shall prepare any forms that
- 6 may be necessary to claim a tax credit under this section, may
- 7 require proof of the claim for the tax credit, and may adopt
- 8 rules pursuant to chapter 91 to effectuate the purposes of this
- 9 section.
- 10 (h) The department shall report to the legislature
- 11 annually, no later than twenty days prior to the convening of
- 12 each regular session, on the number of taxpayers claiming the
- 13 tax credit and the total cost of the tax credit to the State
- 14 during the past year.
- 15 (i) The department shall assist the executive office on
- 16 aging in providing information on caregiver services to each
- 17 taxpayer who claims the tax credit.
- 18 (j) As used in this section:
- 19 "Eligible taxpayer" means a caregiver who cares for a
- 20 qualified care recipient.

1	"Qua	lified care recipient" means a person who is sixty
2	years of	age or older, a citizen or resident alien of the United
3	States, a	nd a relative of the caregiver who:
4	(1)	Has co-resided with the caregiver at least six months
5		of the taxable year for which the credit is claimed;
6		<u>or</u>
7	(2)	Has received more than fifty per cent of the qualified
8		care recipient's financial support during the taxable
9		year from the caregiver; and
10	(3)	Is certified by a licensed physician or advanced
11		practice registered nurse as requiring one of the
12		following:
13		(A) Substantial supervision to protect the qualified
14		care recipient from threat to health or safety
15		due to cognitive impairment; or
16		(B) Substantial assistance to perform at least two of
17		the following activities of daily living:
18		(i) Bathing;
19		(ii) Eating;
20		(iii) Using the toilet;
21		(iv) Dressing; or

11

H.B. NO. 821

1	(v) Transferring, such as from bed to
2	wheelchair.
3	"Relative" means a spouse, child, parent, sibling, legal
4	guardian, a reciprocal beneficiary as that term is defined in
5	section 572C-3, or any other person who is related by blood,
6	marriage, or adoption."
7	SECTION 2. New statutory material is underscored.
8	SECTION 3. This Act, upon its approval, shall apply to
9	taxable years beginning after December 31, 2006, and shall be
10	repealed on December 31, 2009.

INTRODUCED BY:

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Report Title:

Caregivers; Tax Credit

Description:

Provides a tax credit to taxpayer caregivers who care for qualified care recipients.