# An Act

(1ST EXTRAORDINARY SESSION)
ENROLLED HOUSE
BILL NO. 1029

By: Wallace, Martinez, Wolfley, and West (Tammy) of the House

and

Thompson (Roger) and Hall of the Senate

An Act relating to revenue and taxation; creating the Caring for Caregivers Act; defining terms; creating family caregiver tax credit; providing for maximum allowable credit; providing for multiple caregivers; providing for application of credit; creating annual credit caps; authorizing Oklahoma Tax Commission to promulgate rules; providing for noncodification; providing for codification; and providing an effective date.

SUBJECT: Revenue and taxation

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Caring for Caregivers Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2357.801 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Activities of daily living (ADL)" shall include:

a. ambulating, which is the extent of an individual's ability to move from one position to another and walk independently,

b. feeding, which is the ability of an individual to feed oneself,

c. dressing, which is the ability to select appropriate clothes and to put the clothes on without aid,

d. personal hygiene, which is the ability to bathe and groom oneself and maintain dental hygiene and nail and hair care,

e. continence, which is the ability to control bladder and bowel function, and

f. toileting, which is the ability to get to and from the toilet without aid, using it appropriately, and cleaning oneself;

2. "Eligible expenditure" shall include:

a. the improvement or alteration to the family caregiver's or eligible family member's primary residence to permit the eligible family member to live in the residence and to remain mobile, safe, and independent,

b. the family caregiver's purchase or lease of equipment, including but not limited to durable medical equipment, that is necessary to assist an eligible family member in carrying out one or more activities of daily living (ADL), and

c. other paid or incurred expenses by the family caregiver that assist the family caregiver in providing care to an eligible family member, such as expenditures related to:

(1) hiring a home care aide,

(2) respite care,

(3) adult day care,

(4) personal care attendants,

(5) health care equipment, and

(6) technology.

The eligible expenditure must be directly related to assisting the family caregiver in providing care to an eligible family member. Eligible expenditure shall not include the carrying out of general household maintenance activities such as painting, plumbing, electrical repairs, or exterior maintenance;

3. "Eligible family member" shall mean an individual who:

a. is sixty-two (62) years of age or older,

b. requires assistance with at least two activities of daily living (ADL) as certified by a licensed health care provider, as defined in paragraph 1 of Section 3090.2 of Title 63 of the Oklahoma Statutes,

c. qualifies as a dependent, spouse, parent, or other relation by blood or marriage to the family caregiver, and

d. lives in a private residential home and not in an assisted living center, nursing facility, or residential care home; and

4. "Family caregiver" shall mean an individual:

a. providing care and support for an eligible family member,

b. who has a federal adjusted gross income of less than Fifty Thousand Dollars ($50,000.00) for an individual and less than One Hundred Thousand Dollars ($100,000.00) for a couple filing jointly, and

c. who has personally incurred uncompensated expenses directly related to the care of an eligible family member.

B. For taxable years beginning after December 31, 2023, there shall be allowed a credit against the tax imposed pursuant to Section 2355 of Title 68 of the Oklahoma Statutes in the amount of fifty percent (50%) for eligible expenditures incurred by a family caregiver for the care and support of an eligible family member.

C. The maximum allowable credit authorized by this section shall be Two Thousand Dollars ($2,000.00) unless the eligible family member is a veteran or has a diagnosis of dementia in which case the maximum allowable credit shall be Three Thousand Dollars ($3,000.00). If two or more family caregivers claim the tax credit authorized by this section for the same eligible family member, the maximum allowable credit shall be allocated in equal amounts between each of the family caregivers.

D. The credit authorized by this section may not be used to reduce the tax liability of the taxpayer to less than zero (0). The credit shall not be carried over.

E. The total credits authorized pursuant to this section for all taxpayers shall not exceed One Million Five Hundred Thousand Dollars ($1,500,000.00) annually. In the event the total tax credits authorized by this section exceed One Million Five Hundred Thousand Dollars ($1,500,000.00) annually in any calendar year, the Oklahoma Tax Commission shall permit any excess over One Million Five Hundred Thousand Dollars ($1,500,000.00) annually, but shall factor such excess into the percentage adjustment formula for subsequent years. The Oklahoma Tax Commission shall annually calculate and publish by the first day of the affected year a percentage by which the credits authorized by this section shall be reduced so the total amount of credits used to offset tax does not exceed One Million Five Hundred Thousand Dollars ($1,500,000.00) annually per year. The formula to be used for the percentage adjustment shall be One Million Five Hundred Thousand Dollars ($1,500,000.00) annually divided by the credits claimed in the second preceding year.

F. The Oklahoma Tax Commission shall promulgate rules necessary to implement and administer the credit authorized by this section.

SECTION 3. This act shall become effective January 1, 2024.

Passed the House of Representatives the 24th day of May, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of May, 20 23, at 4:14 o'clock p. M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 2nd

day of June, 20 23, at 9:48 o'clock A M.

By: _____

OFFICE OF

**THE GOVERNOR**
STATE OF OKLAHOMA

No. HB 1029x

OKLAHOMA CITY, OKLA. June 2, 2023

TIME SIGNED: _____

TO THE HONORABLE SPEAKER OF THE HOUSE
AND MEMBERS OF THE OKLAHOMA HOUSE OF REPRESENTATIVES
FIRST ***EXTRAORDINARY*** SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED HOUSE BILL NO. 1029x:

Both because I support fiscal discipline and strongly oppose an increase in recurring expenditures, and because I am disheartened by other aspects of the budget package, I have not signed House Bill 1029x.

Subject to objections to the unique process by which the Bill made its way to my desk, the Bill will become law without signature.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

_____

Delivered to HOUSE by: Jenner Curry

Date/Time: 6/2/23; 11:39 am

HOUSE:

By Kris Mathison

Date/Time 6/2/23 11:41 am

RECEIVED
JUN 02 2023
OKLAHOMA SECRETARY
OF STATE