A BILL FOR AN ACT

RELATING TO TAXATION.

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

- 1 SECTION 1. Hawaii's resurging economy and the positive
- 2 economic trend forecast for both Hawaii and the nation has
- 3 resulted in a substantial budget surplus, providing lawmakers
- 4 the chance to offer tax relief after years of budget
- 5 constraints.
- 6 In its most recent report, the tax review commission stated
- 7 that the state income tax brackets are so compressed that people
- 8 on public assistance pay income taxes, while the highest rate
- 9 for married taxpayers filing jointly begins when their taxable
- 10 income reaches just over \$80,000. Today, the median income of a
- 11 family of four in Hawaii, with both parents working, is
- 12 approximately \$70,000. This means that if this hypothetical
- 13 middle class family earned only \$900 more each month, they would
- 14 be taxed in the same bracket as a family with an annual income
- 15 of \$900,000.
- 16 The legislature finds that the current Hawaii income
- 17 taxation tables actually impose a financial penalty on most
- 18 middle class families in Hawaii. Comparisons with the average



- 1 income in other states are meaningless when the cost of housing,
- 2 food and clothing, education, and transportation are factored
- 3 in. In reality, a \$70,000 family income in Hawaii buys much
- 4 less than a \$70,000 family income in most other cities in the
- 5 United States. Hawaii's income tax brackets need to reflect
- 6 this reality.
- 7 The purpose of this Act is to provide tax relief for
- 8 Hawaii's residents by:
- 9 (1) Increasing the standard income tax deduction for
- 10 individuals filing single or joint returns or as a
- 11 surviving spouse or head of household;
- 12 (2) Expanding the state income tax brackets; and
- 13 (3) Creating a tax credit for those affected by the
- 14 flooding of the Manoa Stream in 2004 on Oahu, and the
- flooding in all counties in 2006 caused by the record
- rainstorms between February 20 and April 9.
- 17 These amendments will bring residents more in line with the
- 18 economic realities of the high cost of living in Hawaii, bring
- 19 long-term tax relief to low- and middle-income families, and
- 20 provide a measure of relief to those facing losses due to
- 21 unforeseen natural forces.

1	SECTION 2. Section 235-2.4, Hawaii Revised Statutes, is
2	amended by amending subsection (a) to read as follows:
3	"(a) Section 63 (with respect to taxable income defined)
4	of the Internal Revenue Code shall be operative for the purposes
5	of this chapter, except that the standard deduction amount in
6	section 63(c) of the Internal Revenue Code shall instead mean:
7	(1) $[\$1,900]$ $\$4,000$ in the case of:
8	(A) A joint return as provided by section 235-93; or
9	(B) A surviving spouse (as defined in section 2(a) of
10	the Internal Revenue Code);
11	(2) $\left[\frac{\$1,650}{\$2,920}\right]$ in the case of a head of household (as
12	defined in section 2(b) of the Internal Revenue Code);
13	(3) $[\$1,500]$ $\$2,000$ in the case of an individual who is
14	not married and who is not a surviving spouse or head
15	of household; or
16	(4) $[\$950]$ $2,000$ in the case of a married individual
17	filing a separate return.
18	Section 63(c)(4) shall not be operative in this State.
19	Section 63(c)(5) shall be operative, except that the limitation
20	on basic standard deduction in the case of certain dependents
21	shall be the greater of \$500 or such individual's earned income.
22	Section 63(f) shall not be operative in this State.

1	The standard deduction amount for	nonresidents shall be
2	calculated pursuant to section 235-5.	
3	SECTION 3. Section 235-51, Hawai	ii Revised Statutes, is
4	amended by amending subsections (a),	(b), (c), and (d) to read
5	as follows:	
6	"(a) There is hereby imposed on	the taxable income of (1)
7	every taxpayer who files a joint retur	n under section 235-93;
8	and (2) every surviving spouse a tax of	determined in accordance
9	with the following table:	
10	[In the case of any taxable year	beginning after
11	December 31, 1998:	
12	If the taxable income is:	The tax shall be:
13	Not over \$4,000	1.60% of taxable income
14	Over \$4,000 but	\$64.00 plus 3.90% of
15	not over \$8,000	excess over \$4,000
16	Over \$8,000 but	\$220.00 plus 6.80% of
17	not over \$16,000	excess over \$8,000
18	Over \$16,000 but	\$764.00 plus 7.20% of
19	not over \$24,000	excess over \$16,000
20	Over \$24,000 but	\$1,340.00 plus 7.50% of
21	not over \$32,000	excess over \$24,000
22	Over \$32,000 but	\$1,940.00 plus 7.80% of

1	not over \$40,000	excess over \$32,000
2	Over \$40,000 but	\$2,564.00 plus 8.20% of
3	not over \$60,000	excess over \$40,000
4	Over \$60,000 but	\$4,204.00 plus 8.50% of
5	not over \$80,000	excess over \$60,000
6	Over \$80,000	\$5,904.00 plus 8.75% of
7		excess over \$80,000
8	In the case of any taxable year b	eginning after
9	December 31, 2000:	
10	If the taxable income is:	The tax shall be:
11	Not over \$4,000	1.50% of taxable income
12	Over \$4,000 but	\$60.00 plus 3.70% of
13	not over \$8,000	excess over \$4,000
14	Over \$8,000 but	\$208.00 plus 6.40% of
15	not over \$16,000	excess over \$8,000
16	Over \$16,000 but	\$720.00 plus 6.90% of
17	not over \$24,000	excess over \$16,000
18	Over \$24,000 but	\$1,272.00 plus 7.30% of
19	not over \$32,000	excess over \$24,000
20	Over \$32,000 but	\$1,856.00 plus 7.60% of
21	not over \$40,000	excess over \$32,000
22	Over \$40,000 but	\$2,464.00 plus 7.90% of

1	not over \$60,000	excess over \$40,000
2	Over \$60,000 but	\$4,044.00 plus 8.20% of
3	not over \$80,000	excess over \$60,000
4	Over \$80,000	\$5,684.00 plus 8.50% of
5		excess over \$80,000]
6	In the case of any taxable year b	eginning after
7	December 31, 2001:	
8	If the taxable income is:	The tax shall be:
9	Not over \$4,000	1.40% of taxable income
10	Over \$4,000 but	\$56.00 plus 3.20% of
11	not over \$8,000	excess over \$4,000
12	Over \$8,000 but	\$184.00 plus 5.50% of
13	not over \$16,000	excess over \$8,000
14	Over \$16,000 but	\$624.00 plus 6.40% of
15	not over \$24,000	excess over \$16,000
16	Over \$24,000 but	\$1,136.00 plus 6.80% of
17	not over \$32,000	excess over \$24,000
18	Over \$32,000 but	\$1,680.00 plus 7.20% of
19	not over \$40,000	excess over \$32,000
20	Over \$40,000 but	\$2,256.00 plus 7.60% of
21	not over \$60,000	excess over \$40,000
22	Over \$60,000 but	\$3,776.00 plus 7.90% of

, 1	not over \$80,000	excess over \$60,000
2	Over \$80,000	\$5,356.00 plus 8.25% of
3		excess over \$80,000.
4	In the case of any taxable year	beginning after December
5	31, 2006:	
6	If the taxable income is:	The tax shall be:
7	Not over \$4,800	1.40% of taxable income
8	Over \$4,800 but	\$67.00 plus 3.20% of
9	not over \$9,600	excess over \$4,800
10	Over \$9,600 but	\$221.00 plus 5.50% of
11	not over \$19,200	excess over \$9,600
12	Over \$19,200 but	\$749.00 plus 6.40% of
13	not over \$28,800	excess over \$19,200
14	Over \$28,800 but	\$1,363.00 plus 6.80% of
15	not over \$38,400	excess over \$28,800
16	Over \$38,400 but	\$2,016.00 plus 7.20% of
17	not over \$48,000	excess over \$38,400

1	Over \$48,000 but	\$2,707.00 plus 7.60% of
2	not over \$72,000	excess over \$48,000
3	Over \$72,000 but	\$4,531.00 plus 7.90% of
4	not over \$96,000	excess over \$72,000
5	Over \$96,000	\$6,427.00 plus 8.25% of
6		excess over \$96,000
7	(b) There is hereby imposed on t	the taxable income of every
8	head of a household a tax determined i	n accordance with the
9	following table:	
10	[In the case of any taxable year	beginning after
11	December 31, 1998:	
11 12	December 31, 1998: If the taxable income is:	The tax shall be:
		The tax shall be: 1.60% of taxable income
12	If the taxable income is:	
12 13	If the taxable income is:	1.60% of taxable income
12 13 14	If the taxable income is: Not over \$3,000 Over \$3,000 but	1.60% of taxable income \$48.00 plus 3.90% of
12 13 14 15	If the taxable income is: Not over \$3,000 Over \$3,000 but not over \$6,000	1.60% of taxable income \$48.00 plus 3.90% of excess over \$3,000
12 13 14 15 16	If the taxable income is: Not over \$3,000 Over \$3,000 but not over \$6,000 Over \$6,000 but	1.60% of taxable income \$48.00 plus 3.90% of excess over \$3,000 \$165.00 plus 6.80% of
12 13 14 15 16 17	<pre>If the taxable income is: Not over \$3,000 Over \$3,000 but not over \$6,000 Over \$6,000 but not over \$12,000</pre>	1.60% of taxable income \$48.00 plus 3.90% of excess over \$3,000 \$165.00 plus 6.80% of excess over \$6,000

1	not over \$24,000	excess over \$18,000
2	Over \$24,000 but	\$1,455.00 plus 7.80% of
3	not over \$30,000	excess over \$24,000
4	Over \$30,000 but	\$1,923.00 plus 8.20% of
5	not over \$45,000	excess over \$30,000
6	Over \$45,000 but	\$3,153.00 plus 8.50% of
7	not over \$60,000	excess over \$45,000
8	Over \$60,000	\$4,428.00 plus 8.75% of
9		excess over \$60,000
10	In the case of any taxable year	beginning after
11	December 31, 2000:	
12	If the taxable income is:	The tax shall be:
13	Not over \$3,000	1.50% of taxable income
14	Over \$3,000 but	\$45.00 plus 3.70% of
15	not over \$6,000	excess over \$3,000
16	Over \$6,000 but	\$156.00 plus 6.40% of
17	not over \$12,000	excess over \$6,000
18	Over \$12,000 but	\$540.00 plus 6.90% of
19	not over \$18,000	excess over \$12,000
20	Over \$18,000 but	\$954.00 plus 7.30% of
21	not over \$24,000	excess over \$18,000
22	Over \$24,000 but	\$1,392.00 plus 7.60% of

1	not over \$30,000	excess over \$24,000
2	Over \$30,000 but	\$1,848.00 plus 7.90% of
3	not over \$45,000	excess over \$30,000
4	Over \$45,000 but	\$3,033.00 plus 8.20% of
5	not over \$60,000	excess over \$45,000
6	Over \$60,000	\$4,263.00 plus 8.50% of
7		excess over \$60,000]
8	In the case of any taxable year k	peginning after
9	December 31, 2001:	
10	If the taxable income is:	The tax shall be:
11	Not over \$3,000	1.40% of taxable income
12	Over \$3,000 but	\$42.00 plus 3.20% of
13	not over \$6,000	excess over \$3,000
14	Over \$6,000 but	\$138.00 plus 5.50% of
15	not over \$12,000	excess over \$6,000
16	Over \$12,000 but	\$468.00 plus 6.40% of
17	not over \$18,000	excess over \$12,000
18	Over \$21,600 but	\$852.00 plus 6.80% of
19	not over \$24,000	excess over \$18,000
20	Over \$24,000 but	\$1,260.00 plus 7.20% of
21	not over \$30,000	excess over \$24,000
22	Over \$30,000 but	\$1,692.00 plus 7.60% of

1	not over \$45,000	excess over \$30,000
2		
2	Over \$45,000 but	\$2,832.00 plus 7.90% of
3	not over \$60,000	excess over \$45,000
4	Over \$60,000	\$4,017.00 plus 8.25% of
5		excess over \$60,000.
6	In the case of any taxable ye	ear beginning after
7	December 31, 2006:	
8	If the taxable income is:	The tax shall be:
9	Not over \$3,600	1.40% of taxable income
10	Over \$3,600 but	\$50.00 plus 3.20% of
11	not over \$7,200	excess over \$3,600
12	Over \$7,200 but	\$166.00 plus 5.50% of
13	not over \$14,400	excess over \$7,200
14	Over \$14,400 but	\$562.00 plus 6.40% of
15	not over \$21,600	excess over \$14,400
16	Over \$21,600 but	\$1,022.00 plus 6.80% of
17	not over \$28,800	excess over \$21,600
18	Over \$28,800 but	\$1,512.00 plus 7.20% of

1	not over \$36,000	excess over \$28,000
2	Over \$36,000 but	\$2,030.00 plus 7.60% of
3	not over \$54,000	excess over \$36,000
4	Over \$54,000 but	\$3,398.00 plus 7.90% of
5	not over \$72,000	excess over \$54,000
6	Over \$72,000	\$4,820.00 plus 8.25% of
7		excess over \$72,000.
8	(c) There is hereby imposed on th	ne taxable income of (1)
9	every unmarried individual (other than	a surviving spouse, or
10	the head of a household) and (2) on the	taxable income of every
11	married individual who does not make a	single return jointly
12	with the individual's spouse under sect	ion 235-93 a tax
13	determined in accordance with the follow	wing table:
14	[In the case of any taxable year k	eginning after
15	December 31, 1998:	
16	If the taxable income is:	The tax shall be:
17	Not over \$2,000	1.60% of taxable income
18	Over \$2,000 but	\$32.00 plus 3.90% of
19	not over \$4,000	excess over \$2,000

1	Over \$4,000 but	\$110.00 plus 6.80% of
2	not over \$8,000	excess over \$4,000
3	Over \$8,000 but	\$382.00 plus 7.20% of
4	not over \$12,000	excess over \$8,000
5	Over \$12,000 but	\$670.00 plus 7.50% of
6	not over \$16,000	excess over \$12,000
7	Over \$16,000 but	\$970.00 plus 7.80% of
8	not over \$20,000	excess over \$16,000
9	Over \$20,000 but	\$1,282.00 plus 8.20% of
10	not over \$30,000	excess over \$20,000
11	Over \$30,000 but	\$2,102.00 plus 8.50% of
12	not over \$40,000	excess over \$30,000
13	Over \$40,000	\$2,952.00 plus 8.75% of
14		excess over \$40,000
15	In the case of any taxable year	oeginning after
16	December 31, 2000:	
17	If the taxable income is:	The tax shall be:
18	Not over \$2,000	1.50% of taxable income
19	Over \$2,000 but	\$30.00 plus 3.70% of
20	not over \$4,000	excess over \$2,000
21	Over \$4,000 but	\$104.00 plus 6.40% of
22	not over \$8,000	excess over \$4,000

1	Over \$8,000 but	\$360.00 plus 6.90% of
2	not over \$12,000	excess over \$8,000
3	Over \$12,000 but	\$636.00 plus 7.30% of
4	not over \$16,000	excess over \$12,000
5	Over \$16,000 but	\$928.00 plus 7.60% of
6	not over \$20,000	excess over \$16,000
7	Over \$20,000 but	\$1,232.00 plus 7.90% of
8	not over \$30,000	excess over \$20,000
9	Over \$30,000 but	\$2,022.00 plus 8.20% of
10	not over \$40,000	excess over \$30,000
11	Over \$40,000	\$2,842.00 plus 8.50% of
12		excess over \$40,000]
12 13	In the case of any taxable year be	
	In the case of any taxable year becember 31, 2001:	
13		eginning after
13 14	December 31, 2001:	eginning after
131415	December 31, 2001: If the taxable income is:	eginning after The tax shall be:
13 14 15 16	December 31, 2001: If the taxable income is: Not over \$2,000	The tax shall be: 1.40% of taxable income
13 14 15 16 17	December 31, 2001: If the taxable income is: Not over \$2,000 Over \$2,000 but	The tax shall be: 1.40% of taxable income \$28.00 plus 3.20% of
13 14 15 16 17	December 31, 2001: If the taxable income is: Not over \$2,000 Over \$2,000 but not over \$4,000	The tax shall be: 1.40% of taxable income \$28.00 plus 3.20% of excess over \$2,000
13 14 15 16 17 18	December 31, 2001: If the taxable income is: Not over \$2,000 Over \$2,000 but not over \$4,000 Over \$4,000 but	The tax shall be: 1.40% of taxable income \$28.00 plus 3.20% of excess over \$2,000 \$92.00 plus 5.50% of

1	Over \$12,000 but	\$568.00 plus 6.80% of
2	not over \$16,000	excess over \$12,000
3	Over \$16,000 but	\$840.00 plus 7.20% of
4	not over \$20,000	excess over \$16,000
5	Over \$20,000 but	\$1,128.00 plus 7.60% of
6	not over \$30,000	excess over \$20,000
7	Over \$30,000 but	\$1,888.00 plus 7.90% of
8	not over \$40,000	excess over \$30,000
9	Over \$40,000	\$2,678.00 plus 8.25% of
10		excess over \$40,000.
11	In the case of any taxable	year beginning after
12	December 31, 2006:	
13	If the taxable income is:	
		The tax shall be:
14	Not over \$2,400	The tax shall be: 1.40% of taxable income
14 15		
	Not over \$2,400	1.40% of taxable income
15	Not over \$2,400 Over \$2,400 but	1.40% of taxable income \$34.00 plus 3.20% of
15 16	Not over \$2,400 Over \$2,400 but not over \$4,800	1.40% of taxable income \$34.00 plus 3.20% of excess over \$2,400

1	not over \$14,400	excess over \$9,600	
2	Over \$14,400 but	\$682.00 plus 6.80% of	
3	not over \$19,200	excess over \$14,400	
4	Over \$19,200 but	\$1,008.00 plus 7.20% of	
5	not over \$24,000	excess over \$19,200	
6	Over \$24,000 but	\$1,354.00 plus 7.60% of	
7	not over \$36,000	excess over \$24,000	
8	Over \$36,000 but	\$2,266.00 plus 7.90% of	
9	not over \$48,000	excess over \$36,000	
10	Over \$48,000	\$3,214.00 plus 8.25% of	
11		excess over \$48,000	
12	(d) The tax imposed by section 23	35-2.45 on estates and	
13	trusts shall be determined in accordance with the following		
14	table:		
15	[In the case of any taxable year k	eginning after	
16	December 31, 1998:		
17	If the taxable income is:	The tax shall be:	
18	Not over \$2,000	1.60% of taxable income	

1	Over \$2,000 but	\$32.00 plus 3.90% of
2	not over \$4,000	excess over \$2,000
3	Over \$4,000 but	\$110.00 plus 6.80% of
4	not over \$8,000	excess over \$4,000
5	Over \$8,000 but	\$382.00 plus 7.20% of
6	not over \$12,000	excess over \$8,000
7	Over \$12,000 but	\$670.00 plus 7.50% of
8	not over \$16,000	excess over \$12,000
9	Over \$16,000 but	\$970.00 plus 7.80% of
10	not over \$20,000	excess over \$16,000
11	Over \$20,000 but	\$1,282.00 plus 8.20% of
12	not over \$30,000	excess over \$20,000
13	Over \$30,000 but	\$2,102.00 plus 8.50% of
14	not over \$40,000	excess over \$30,000
15	Over \$40,000	\$2,952.00 plus 8.75% of
16		excess over \$40,000
17	In the case of any taxable year	beginning after
18	December 31, 2000:	
19	If the taxable income is:	The tax shall be:
20	Not over \$2,000	1.50% of taxable income
21	Over \$2,000 but	\$30.00 plus 3.70% of
22	not over \$4,000	excess over \$2,000

1	Over \$4,000 but	\$104.00 plus 6.40% of
2	not over \$8,000	excess over \$4,000
3	Over \$8,000 but	\$360.00 plus 6.90% of
4	not over \$12,000	excess over \$8,000
5	Over \$12,000 but	\$636.00 plus 7.30% of
6	not over \$16,000	excess over \$12,000
7	Over \$16,000 but	\$928.00 plus 7.60% of
8	not over \$20,000	excess over \$16,000
9	Over \$20,000 but	\$1,232.00 plus 7.90% of
10	not over \$30,000	excess over \$20,000
11	Over \$30,000 but	\$2,022.00 plus 8.20% of
12	not over \$40,000	excess over \$30,000
13	Over \$40,000	\$2,842.00 plus 8.50% of
14		excess over \$40,000]
15	In the case of any taxable	year beginning after
16	December 31, 2001:	
17	If the taxable income	is: The tax shall be:
18	Not over \$2,000	1.40% of taxable income
19	Over \$2,000 but	\$28.00 plus 3.20% of
20	not over \$4,000	excess over \$2,000
21	Over \$4,000 but	\$92.00 plus 5.50% of
22	not over \$8,000	excess over \$4,000

1.	Over \$8,000 but \$312.00 plus 6.40% of				
2	not over \$12,000 excess over \$8,000				
3	Over \$12,000 but \$568.00 plus 6.80% of				
4	not over \$16,000 excess over \$12,000				
5	Over \$16,000 but \$840.00 plus 7.20% of				
6	not over \$20,000 excess over \$16,000				
7	Over \$20,000 but \$1,128.00 plus 7.60% of				
8	not over \$30,000 excess over \$20,000				
9	Over \$30,000 but \$1,888.00 plus 7.90% of				
10	not over \$40,000 excess over \$30,000				
11	Over \$40,000 \$2,678.00 plus 8.25% of				
12	excess over \$40,000."				
13	SECTION 4. (a) There shall be allowed to each taxpayer				
14	who is not claimed or is not otherwise eligible to be claimed as				
15	a dependent by another taxpayer for federal or Hawaii state				
16	individual income tax purposes, who files a net income tax				
17	return for a taxable year, a one-time nonrefundable flood victim				
18	tax credit, except as otherwise provided in this Act. The tax				
19	credit shall be deductible from the taxpayer's net income tax				
20	liability imposed by chapter 235.				
21	(b) The amount of the tax credit shall be ten per cent of				
22	the amount expended by the taxpayer for costs directly related				

- 1 to the damage directly caused by heavy rain and flooding
- 2 occurring on the dates specified in subsection (c) to the
- 3 taxpayer's real or personal property; provided that:
- 4 (1) The expenses or costs are not reimbursable by insurance
 5 proceeds or disaster relief payments from government
 6 agencies or non-profit organizations;
- 7 (2) The tax credit shall not exceed \$10,000 per taxpayer;
 8 and
- 9 (3) No refund as provided in subsection (f) or payment on
 10 account of the tax credit allowed by this Act shall be
 11 made for amounts less than \$1.
- 12 (c) The tax credit shall apply to a taxpayer who suffered
 13 damage to the taxpayer's real or personal property that is
 14 situated in the State, having occurred:
- 15 (1) On October 30 of 2004 in Manoa, Oahu; or
- 16 (2) During February 20 to April 9 of 2006 in Kauai,17 Hawaii, Maui and Honolulu counties.
- 18 (d) To qualify for the income tax credit, the taxpayer
 19 shall certify to the department of taxation that the taxpayer is
 20 in compliance with all applicable federal, state, and county
 21 statutes, rules, and regulations.

- 1 (e) To qualify for the income tax credit, the taxpayer
- 2 shall sign a statement and provide information determined by the
- 3 department of taxation as necessary to claim the credit under
- 4 penalties of perjury.
- 5 (f) If the tax credit under this section exceeds the
- 6 taxpayer's net income tax liability, any excess of the tax
- 7 credit may be used as a credit against the taxpayer's income tax
- 8 liability for the taxable year the credit is claimed; provided
- 9 that tax credits properly claimed by a taxpayer shall be
- 10 refunded to the taxpayer after being credited against the
- 11 taxpayer's income tax liability for the taxable year, if the
- 12 taxpayer qualifies under one of the following tests:
- 13 (1) All of the taxpayer's income is exempt from taxation
- 14 under section 235-7(a)(2) or section 235-7(a)(3); or
- 15 (2) The taxpayer's adjusted gross income is \$20,000 or
- less.
- 17 (g) In the case of a partnership, S corporation, estate,
- 18 trust, or association of apartment owners, the tax credit
- 19 allowable is for expenses incurred and paid for by the entity
- 20 for the taxable year. The cost upon which the tax credit is
- 21 computed shall be determined at the entity level.

- 1 (h) If a deduction is taken under section 179 (with
- 2 respect to election to expense certain depreciable business
- 3 assets) of the Internal Revenue Code of 1986, as amended, no tax
- 4 credit shall be allowed for that portion of the expenses for
- 5 which the deduction is taken.
- 6 The basis of property shall not be increased by any amount
- 7 for which the credit is allowable and claimed. In the
- 8 alternative, the taxpayer shall treat the amount of the credit
- 9 allowable and claimed as a taxable income item for the taxable
- 10 year in which it is properly recognized under the method of
- 11 accounting used to compute taxable income.
- 12 (i) No taxpayer who claims the tax credit under this
- 13 section shall claim any other credit or deduction for the same
- 14 losses or other expenses or costs.
- 15 (j) Every claim, including amended claims, for the tax
- 16 credit under this section shall be filed on or before
- 17 December 31, 2007. Failure to meet the filing requirements of
- 18 this subsection shall constitute a waiver of the right to claim
- 19 the tax credit.
- 20 (k) If at any time after claiming the tax credit, the
- 21 taxpayer no longer qualifies for the credit because of
- 22 subsequent recovery for expenses utilized to calculate the

- 1 credit, the credits claimed shall be recaptured. The recapture
- 2 shall be equal to one hundred per cent of the tax credits that
- 3 were subsequently ineligible as a result of later recovery. The
- 4 amount of the recaptured tax credits shall be added to the
- 5 taxpayer's tax liability for the taxable year in which the
- 6 recapture occurs.
- 7 (1) In the case of fraud, making of a false statement, or
- 8 willful disregard for the facts, associated with making a return
- 9 or otherwise claiming the tax credit, there shall be added to
- 10 the amount wrongfully claimed on a return a penalty of 50 per
- 11 cent of the amount of such credit claimed.
- 12 (m) The director of taxation shall prepare any forms as
- 13 may be necessary to claim a tax credit under this section, may
- 14 require proof of the claim for the tax credit, and may adopt
- 15 rules without regard to chapter 91 to effectuate the purposes of
- 16 this section.
- 17 SECTION 5. Statutory material to be repealed is bracketed
- 18 and stricken. New statutory material is underscored.
- 19 SECTION 6. This Act, upon its approval, shall apply to
- 20 taxable years beginning after December 31, 2006; provided that
- 21 section 4 shall apply to taxable years beginning after December
- 22 31, 2003, and ending before January 1, 2007.

HB NO. 957 HDI SDI CDI

Report Title:

Income Tax Relief

Description:

Provides income tax relief. (HB957 CD1)