
A BILL FOR AN ACT

RELATING TO INCOME TAX CREDIT.

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

1 SECTION 1. The legislature finds that article VII, section
2 6, of the Hawaii Constitution requires the legislature to
3 provide a tax refund or tax credit when certain factors are met.
4 The legislature finds that these factors have been met for the
5 second year in a row and that the legislature is
6 constitutionally required to provide a tax credit or tax refund
7 to taxpayers.

8 The purpose of this Act is to provide for an income tax
9 credit of \$1 multiplied by the number of the taxpayer's
10 qualified exemptions to every resident individual taxpayer of
11 the state to satisfy constitutionally mandated requirements.

12 SECTION 2. (a) There shall be allowed to each resident
13 individual taxpayer, who files an individual income tax return
14 for the taxable year 2009, and who is not claimed or is not
15 otherwise eligible to be claimed as a dependent by another
16 taxpayer for federal or Hawaii state individual income tax
17 purposes, a general income tax credit of \$1 that shall be
18 deducted from income tax liability computed under chapter 235,



1 Hawaii Revised Statutes; provided that a resident individual who
2 has no income or no income taxable under chapter 235, Hawaii
3 Revised Statutes, and who is not claimed or is not otherwise
4 eligible to be claimed as a dependent by a taxpayer for federal
5 or Hawaii state individual income tax purposes, may claim this
6 credit.

7 Each resident individual taxpayer may claim the general
8 income tax credit multiplied by the number of qualified
9 exemptions to which the taxpayer is entitled.

10 Each person for whom the general income tax credit is
11 claimed shall have been a resident of the state, as defined in
12 section 235-1, Hawaii Revised Statutes, for at least nine months
13 regardless of whether the qualified resident was physically in
14 the state for nine months. Multiple exemptions shall not be
15 granted for the general income tax credit because of age or
16 deficiencies in vision, hearing, or other disability.

17 The general income tax credit shall not be available to:

18 (1) Any person who has been convicted of a felony and who
19 has been committed to prison and has been physically
20 confined for the full taxable year;

21 (2) Any person who would otherwise be eligible to be
22 claimed as a dependent but who has been committed to a



1 youth correctional facility and has resided at the
2 facility for the full taxable year; or

3 (3) Any misdemeanor who has been committed to jail and
4 has been physically confined for the full taxable
5 year.

6 The tax credit claimed by a resident taxpayer pursuant to
7 this Act shall be deductible from the resident taxpayer's
8 individual income tax liability for the taxable year 2009. If
9 the tax credit claimed by a resident taxpayer exceeds the amount
10 of income tax payment due from the resident taxpayer, the excess
11 of credits over payments due shall be refunded to the resident
12 taxpayer; provided that a tax credit properly claimed by a
13 resident individual who has no income tax liability shall be
14 paid to the resident individual.

15 All claims for tax credits under this Act, including any
16 amended claims, shall be filed on or before the end of the
17 twelfth month following the close of the taxable year for which
18 the credits may be claimed. Failure to comply with this filing
19 requirement shall constitute a waiver of the right to claim the
20 credit.

21 (b) This section implements the provisions of article VII,
22 section 6, of the Hawaii Constitution, proposed by the 1978



1 constitutional convention, and enacted by the voters on November
2 7, 1978, which reads as follows:

3 **"DISPOSITION OF EXCESS REVENUES**

4 **Section 6.** Whenever the state general fund balance at the
5 close of each of two successive fiscal years exceeds five
6 percent of general fund revenues for each of the two fiscal
7 years, the legislature in the next regular session shall provide
8 for a tax refund or tax credit to the taxpayers of the State, as
9 provided by law."

10 SECTION 3. This Act shall take effect upon its approval.



H.B. NO. 35
H.D. 1
S.D. 1
C.D. 1

Report Title:

Mandatory Tax Credit; Constitution

Description:

Provides a mandatory tax credit to taxpayers pursuant to Article VII, section 6, of the Hawaii Constitution. (HB35 CD1)

HB35 CD1 HMS 2009-3939

