



GOV. MSG. NO. 982

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 26, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 26, 2007, the following bill was signed into law:

SB1882 SD2 HD1 CD1

A BILL FOR AN ACT RELATING TO TAXATION.
(ACT 211)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO TAXATION.

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

1 SECTION 1. Section 235-55.85, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " [+]§235-55.85[+] [~~Low-income refundable~~] Refundable
4 food/excise tax credit. (a) Each resident individual taxpayer,
5 who files an individual income tax return for a taxable year,
6 and who is not claimed or is not otherwise eligible to be
7 claimed as a dependent by another taxpayer for federal or Hawaii
8 state individual income tax purposes, may claim a refundable
9 [~~low-income~~] food/excise tax credit against the resident
10 taxpayer's individual income tax liability for the taxable year
11 for which the individual income tax return is being filed;
12 provided that a resident individual who has no income or no
13 income taxable under this chapter and who is not claimed or is
14 not otherwise eligible to be claimed as a dependent by a
15 taxpayer for federal or Hawaii state individual income tax
16 purposes may claim this credit.



1 (b) Each resident individual taxpayer may claim a
 2 refundable [~~low-income~~] food/excise tax credit multiplied by the
 3 number of qualified exemptions to which the taxpayer is entitled
 4 in accordance with the table below; provided that a husband and
 5 wife filing separate tax returns for a taxable year for which a
 6 joint return could have been filed by them shall claim only the
 7 tax credit to which they would have been entitled had a joint
 8 return been filed.

Adjusted gross income	Credit per exemption
<u>Under \$5,000</u>	<u>\$85</u>
[Under] <u>\$5,000 under \$10,000</u>	[\$35] <u>75</u>
\$10,000 under \$15,000	[25] <u>65</u>
\$15,000 under \$20,000	[10] <u>55</u>
<u>\$20,000 under \$30,000</u>	<u>45</u>
<u>\$30,000 under \$40,000</u>	<u>35</u>
<u>\$40,000 under \$50,000</u>	<u>25</u>
[Over \$20,000] <u>\$50,000 and over</u>	<u>0</u>

18 (c) For the purposes of this section, a qualified
 19 exemption is defined to include those exemptions permitted under
 20 this chapter; provided that no additional exemption may be
 21 claimed by a taxpayer who is sixty-five years of age or older;



1 provided that a person for whom exemption is claimed has
2 physically resided in the State for more than nine months during
3 the taxable year; and provided further that multiple exemptions
4 shall not be granted because of deficiencies in vision or
5 hearing, or other disability. For purposes of claiming this
6 credit only, a minor child receiving support from the department
7 of human services of the State, social security survivor's
8 benefits, and the like, may be considered a dependent and a
9 qualified exemption of the parent or guardian.

10 (d) The tax credit under this section shall not be
11 available to:

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

15 (2) Any person who would otherwise be eligible to be
16 claimed as a dependent but who has been committed to a
17 youth correctional facility and has resided at the
18 facility for the full taxable year; or

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



1 (e) The tax credits claimed by a resident taxpayer
2 pursuant to this section shall be deductible from the resident
3 taxpayer's individual income tax liability, if any, for the tax
4 year in which they are properly claimed. If the tax credits
5 claimed by a resident taxpayer exceed the amount of income tax
6 payment due from the resident taxpayer, the excess of credits
7 over payments due shall be refunded to the resident taxpayer;
8 provided that tax credits properly claimed by a resident
9 individual who has no income tax liability shall be paid to the
10 resident individual; and provided further that no refunds or
11 payment on account of the tax credits allowed by this section
12 shall be made for amounts less than \$1.

13 (f) All claims for tax credits under this section,
14 including any amended claims, shall be filed on or before the
15 end of the twelfth month following the close of the taxable year
16 for which the credits may be claimed. Failure to comply with
17 the foregoing provision shall constitute a waiver of the right
18 to claim the credit.


19 (g) For the purposes of this section, "adjusted gross
20 income" means adjusted gross income as defined by the Internal
21 Revenue Code."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act, upon its approval, shall apply to
4 taxable years beginning after December 31, 2007.

5



GOVERNOR OF THE STATE OF HAWAII

Approved this day: JUN 26 2007

