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# A BILL FOR AN ACT

RELATING TO TAXATION.

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

1           SECTION 1. Section 236D-2, Hawaii Revised Statutes, is  
2 amended by adding a new definition to be appropriately inserted  
3 and to read as follows:

4           "Internal Revenue Code" means the federal Internal Revenue  
5 Code of 1986, as amended and renumbered, except that Sections  
6 2011 and 2604 of the Internal Revenue Code shall mean those  
7 Sections as they existed on December 31, 2009."

8           SECTION 2. Section 236D-2, Hawaii Revised Statutes, is  
9 amended by amending the definitions of "federal credit",  
10 "generation-skipping transfer", "gross estate", "personal  
11 representative", "section 2011", "taxable estate", and  
12 "transfer" to read:

13           "Federal credit" means:

14           (1) For a transfer, the maximum amount of the credit for  
15 state death taxes allowed by section 2011 for the  
16 decedent's adjusted taxable estate; and

17           (2) For a generation-skipping transfer, the maximum amount  
18 of the credit for state taxes allowed by section 2604



1 of the [~~federal~~] Internal Revenue Code [~~of 1986, as~~  
2 amended or renumbered.] as it existed on December 31,  
3 2000.

4 "Generation-skipping transfer" means a generation-skipping  
5 transfer as defined and used in [~~section~~] Section 2611 of the  
6 [~~federal~~] Internal Revenue Code [~~of 1986, as amended or~~  
7 renumbered].

8 "Gross estate" means gross estate as defined and used in  
9 [~~sections~~] Sections 2031 to [~~2045~~] 2046 of the [~~federal~~]  
10 Internal Revenue Code [~~of 1986, as amended or renumbered~~].

11 "Personal representative" means the personal representative  
12 of a decedent appointed under chapter 560, and includes an  
13 executor (as defined under section 2203 of the [~~federal~~]  
14 Internal Revenue Code [~~of 1986, as amended or renumbered~~]),  
15 administrator, successor personal representative, special  
16 administrator, and persons who perform substantially the same  
17 function under the law governing their status.

18 "Section 2011" means [~~section~~] Section 2011 of the  
19 [~~federal~~] Internal Revenue Code [~~of 1986, as amended or~~  
20 renumbered.] as it existed on December 31, 2000.

21 "Taxable estate" means taxable estate as defined in  
22 [~~sections~~] Sections 2051 to 2056 of the [~~federal~~] Internal



1 Revenue Code [~~of 1986, as amended or renumbered.~~] and Section  
2 2058 of the Internal Revenue Code, with respect to estates of  
3 decedents dying and generation-skipping transfers, after  
4 December 31, 2004.

5 "Transfer" means transfer as defined and used in [~~section~~]  
6 Section 2001 of the [~~federal~~] Internal Revenue Code [~~of 1986, as~~  
7 ~~amended or renumbered~~]."

8 SECTION 3. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval;  
11 provided that this Act shall apply to property or interests that  
12 pass from any individual who dies after December 31, 2009, and  
13 to generation-skipping transfers after December 31, 2009.



**Report Title:**

Taxation; Income Tax Rates

**Description:**

Retains the State's ability to "pick-up" the state death tax credit as it existed in the Internal Revenue Code on December 31, 2009. (HB2866 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

