
A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

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

1 SECTION 1. The purpose of this Act is to require, under
2 certain conditions, the reimbursement to the general fund from a
3 non-general fund of the renewable energy technologies income tax
4 credit claimed by a taxpayer.

5 SECTION 2. Chapter 36, Hawaii Revised Statutes, is amended
6 by adding a new section to part II to be appropriately
7 designated and to read as follows:

8 "§36- Transfer from a non-general fund for renewable
9 energy technologies income tax credit. (a) For the purpose of
10 this section:

11 "Dwelling unit" means a room or rooms connected together,
12 constituting an independent housekeeping unit for a family and
13 containing a single kitchen. Two or more essentially separate
14 structures, except for a token connection such as a covered
15 walkway or trellis, shall not constitute a single dwelling unit.

16 "Renewable energy technologies income tax credit" or "tax
17 credit" means the income tax credit pursuant to section 235-
18 12.5.



1 (b) The director of finance shall transfer to the general
2 fund, from a non-general fund, a cash amount equivalent to the
3 renewable energy technologies income tax credit claimed by a
4 taxpayer when all of the following conditions exist:

5 (1) The taxpayer has claimed the credit:

6 (A) Based on a renewable energy technology system
7 installed on real property leased from, owned by,
8 or under the control of a state agency; and

9 (B) After June 30, 2009;

10 (2) The state agency receives revenues from the lease of
11 the real property, the energy generated by the system,
12 or other arrangement with the taxpayer who has claimed
13 the credit; and

14 (3) The revenues received under paragraph (2) have been
15 deposited into a non-general fund.

16 The transfer shall be made from the non-general fund into
17 which the revenues were deposited and deemed a reimbursement of
18 the general fund for a project that benefits the state agency.

19 (c) Except as otherwise provided under subsection (d):

20 (1) If a taxpayer claimed a nonrefundable or refundable
21 tax credit between July 1, 2009, and June 30, 2011,
22 the director of finance shall make the transfer to the



1 general fund from the non-general fund on June 30,
2 2011;

3 (2) If a taxpayer claims a nonrefundable tax credit after
4 June 30, 2011, the director of finance shall make the
5 transfer to the general fund from the non-general fund
6 within ten days of the end of the calendar year in
7 which the claim is filed with the director of
8 taxation. Between the end of the calendar year and
9 the transfer deadline, the director of taxation shall
10 notify the director of finance of the dollar amount
11 required to be transferred; and

12 (3) If a taxpayer claims a refundable tax credit after
13 June 30, 2011, the director of finance shall make the
14 transfer to the general fund from the non-general fund
15 within five days of the date the comptroller transmits
16 the refunded credit to the taxpayer. The comptroller
17 shall notify the director of finance when the
18 comptroller makes the transmittal.

19 (d) The director of finance shall not make a transfer of a
20 tax credit amount from a non-general fund to the general fund if
21 the director of taxation disallows the claim for the tax credit;
22 provided that if the director of taxation disallows a claim



1 after the transfer of the tax credit amount from a non-general
2 fund to the general fund, the director of finance shall
3 reimburse that non-general fund from the general fund.

4 (e) This section shall not apply when:

5 (1) The taxpayer who claims the tax credit is an
6 individual occupant of a dwelling unit leased by a
7 state agency; and

8 (2) The renewable energy technology system for which the
9 tax credit is claimed serves only that dwelling unit.

10 (f) This section shall also not apply if the non-general
11 fund is a federal fund and federal law prohibits transferring
12 moneys from the non-general fund to the general fund in
13 accordance with this section.

14 (g) If a federal or state law is construed by the attorney
15 general as prohibiting a transfer from a state non-general fund
16 to the general fund in accordance with this section, the state
17 agency shall not enter into any agreement, after the effective
18 date of Act , Session Laws of Hawaii 2011, under which a
19 taxpayer may claim a renewable energy technologies income tax
20 credit based on a system installed and placed in use on real
21 property owned or controlled by a state agency."



1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect on June 30, 2011,
3 and shall apply to income tax credits claimed pursuant to
4 section 235-12.5, Hawaii Revised Statutes, after June 30, 2009.



Report Title:

Renewable Energy Technologies Income Tax Credit; Reimbursement

Description:

Requires, under certain conditions, the reimbursement to the general fund from a non-general fund of the Renewable Energy Technologies Income Tax Credit claimed by a taxpayer. Effective June 30, 2011. (SB199 HD1)

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