
A BILL FOR AN ACT

RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE.

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

1 SECTION 1. The purpose of this Act is to conform Hawaii
2 income and estate and generation-skipping transfer tax laws to
3 the Internal Revenue Code.

4 SECTION 2. Section 235-2.3, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) For all taxable years beginning after December 31,
7 [~~2022~~] 2023, as used in this chapter, except as provided in
8 this section and sections 235-2.35, 235-2.4, and 235-2.45,
9 "Internal Revenue Code" means subtitle A, chapter 1, of the
10 federal Internal Revenue Code of 1986, as amended as of December
11 31, [~~2022~~] 2023, as it applies to the determination of gross
12 income, adjusted gross income, ordinary income and loss, and
13 taxable income, except those provisions of the Internal Revenue
14 Code which, pursuant to this chapter, do not apply or are
15 otherwise limited in application.

16 Sections 9672(1) (relating to tax treatment of targeted
17 EIDL advances) and 9673(1) (relating to tax treatment of



1 restaurant revitalization grants) of Public Law 117-2 shall be
2 operative for purposes of this chapter. No amount received
3 under section 9601 (relating to 2021 recovery rebates to
4 individuals) of Public Law 117-2 shall be included in gross
5 income for purposes of this chapter.

6 Sections 276(b)(1) (relating to subsequent paycheck
7 protection program loans), 277 (relating to emergency financial
8 aid grants), 278(b)(1) (relating to emergency EIDL grants and
9 targeted EIDL advances), 278(c)(1) (relating to subsidy for
10 certain loan payments), and 278(d)(1) (relating to grants for
11 shuttered venue operators) of Division N of Public Law 116-260
12 shall be operative for purposes of this chapter. Sections 213
13 (relating to modification of limitations on charitable
14 contributions) and 214 (relating to temporary special rules for
15 health and dependent care flexible spending arrangements) of
16 Division EE of Public Law 116-260 shall be operative for
17 purposes of this chapter. Sections 301, 302, and 304 (relating
18 to disaster tax relief) of Division EE of Public Law 116-260
19 shall be operative for purposes of this chapter. No amount
20 received under section 272 (relating to additional 2020 recovery



1 rebates for individuals) of Division N of Public Law 116-260
2 shall be included in gross income for purposes of this chapter.

3 Sections 1106(i) (relating to exclusion of loan forgiveness
4 from gross income), 2202(b) (relating to loans from retirement
5 plans), and 2205 (relating to charitable contributions) of
6 Public Law 116-136 shall be operative for purposes of this
7 chapter. No amount received under section 2201 (relating to
8 recovery rebates) of Public Law 116-136 shall be included in
9 gross income for purposes of this chapter.

10 Section 2202(a) (relating to tax-favored withdrawals from
11 retirement plans) of Public Law 116-136 shall be operative for
12 purposes of this chapter and shall apply to taxable years
13 beginning after December 31, 2019.

14 Prior law shall continue to be used to determine:

15 (1) The basis of property, if a taxpayer first determined
16 the basis of property in a taxable year to which prior
17 law applies; and

18 (2) Gross income, adjusted gross income, ordinary income
19 and loss, and taxable income for a taxable year to
20 which prior law applies."



1 SECTION 3. Section 236E-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§236E-3 Conformance to the Internal Revenue Code; general**
4 **application.** For all decedents dying, or transfers occurring,
5 after December 31, [~~2022~~] 2023, as used in this chapter,
6 "Internal Revenue Code" means subtitle B of the federal Internal
7 Revenue Code of 1986, as amended as of December 31, [~~2022~~]
8 2023, as it applies to the determination of gross estate,
9 adjusted gross estate, federal taxable estate, and generation-
10 skipping transfers, except those provisions of the Internal
11 Revenue Code and federal public laws that, pursuant to this
12 chapter, do not apply or are otherwise limited in application."

13 SECTION 4. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 3000;
16 provided that:

17 (1) Section 2 shall apply to taxable years beginning after
18 December 31, 2023; and

19 (2) Section 3 shall apply to decedents dying or taxable
20 transfers occurring after December 31, 2023.



Report Title:

Conformity to the Internal Revenue Code for 2023; Income Tax;
Estate and Generation-Skipping Transfer Tax

Description:

Conforms Hawaii income and estate and generation-skipping
transfer tax laws to the Internal Revenue Code of 1986, as
amended as of December 31, 2023. Effective 7/1/3000. (HD1)

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

